ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION SGENC WASHINGTON, D.C.



In re: BruggemannChemical; BruggemannChemical U.S., Inc. 18 Campus Blvd., Suite 100 Newtown Square, PA 19073

Respondent

Docket No. TSCA-HQ-2016-5014

FINAL ORDER

On August 18, 2016, the U.S. Environmental Protection Agency's ("EPA's") Office of Civil Enforcement, Waste and Chemical Enforcement Division, filed a complaint against BruggemannChemical; BruggemannChemical U.S., Inc. ("Bruggemann") alleging that Bruggemann had violated the chemical data reporting regulations promulgated pursuant to section 8(a) of Toxic Substances Control Act, 15 U.S.C. § 2607(a). Specifically, the Waste and Chemical Enforcement Division claimed that Bruggeman had failed to accurately report the weight of seven different chemical substances it imported. *See* 40 C.F.R. § 711.15(b)(3)(iii). The Complaint sought a penalty of \$109,599.

EPA's Consolidated Rules of Practice, codified at 40 C.F.R. part 22, govern this administrative enforcement proceeding. Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. *See* 40 C.F.R. §§ 22.18(a)(1) and (2). The rules further provide that upon

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payment in full of the penalty, in cases initiated at EPA Headquarters, the Environmental Appeals Board ("Board") must issue a final order. 40 C.F.R. § 22.18(a)(3).

On September 15, 2016, EPA's Office of Enforcement and Compliance Assurance notified the Board that EPA has received full payment of the penalty (\$109,599) from Bruggemann to resolve the above-captioned matter. Payment by Bruggemann constituted a waiver of Bruggeman's right to contest the allegations in the Complaint and to appeal this Final Order. *See* 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.18(a)(3), the abovecaptioned matter is hereby **RESOLVED**.

So ordered.1

Date: 09/27/16

MENTAL APPEALS BOARD ENVIRO ron P. Avila

Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Kathie A. Stein, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing FINAL ORDER in the matter of BruggemannChemical; BruggemanChemical U.S., Inc., Docket No. TSCA-HQ-2016-5014, were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Mr. Edward McDade III President BruggemannChemical BruggemanChemical, U.S., Inc. 18 Campus Blvd., Suite 100 Newtown Square, PA 19073

By Inter-office Mail:

Geraldine Gardner Mail Code: 2249A Waste and Chemical Enforcement Division Office of Enforcement and Compliance Assurance U.S. Environmental Protection Agency 1200 Pennsylvania Ave., NW Washington, DC 20460

Dated:

SEP 27 2016

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Annette Duncan Secretary