



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)
)
Albemarle Corporation)
220 South Fourth Street)
Richmond, Virginia)
17901,)
)
Respondent.)
)
Albemarle Corporation)
2 Adams Avenue)
Tyrone, Pennsylvania)
16686,)
)
Facility.)
)
)

EPA Docket No.: EPCRA-03-2008-0161

**Proceedings Pursuant to Sections 311, 312, and
 325 of the Emergency Planning and Community
 Right-to-Know Act of 1986, 42 U.S.C. §§ 11021,
 11022, 11045**

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement ("CA") is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, and under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

FINDINGS OF FACT

1. Respondent is a Virginia corporation with its principal place of business located at 334 South Fourth Street in Richmond, Virginia.
2. As a corporation, Respondent is a "person" as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and 40 C.F.R. § 370.2.
3. Beginning in or about 1993, continuing through the date of filing this CA/FO, and at all times relevant to this CA/FO, Respondent has owned and operated the Albemarle facility located at 2 Adams Avenue, in Tyrone, Pennsylvania ("Tyrone facility" or "Facility"), within the meaning of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022.
4. The Tyrone facility is a "facility" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.2.
5. On August 23, 2006, EPA conducted an inspection of the Tyrone facility to determine its compliance with the requirements of Sections 302-312 of EPCRA, 42 U.S.C. §§ 11002-11022.
6. The state emergency response commission ("SERC") for the Tyrone facility is, and has been at all times relevant to this CA/FO, the Pennsylvania Emergency Management Agency. The SERC has designated the Bureau of PENNSAFE, Pennsylvania Department of Labor and Industry, as the recipient of submissions pursuant to Sections 311 and 312 of EPCRA in the Commonwealth of Pennsylvania. The Bureau is located at 155-E Labor and Industry Building, Seventh and Forster Streets in Harrisburg, Pennsylvania.
7. The local emergency planning committee ("LEPC") for the Tyrone facility is, and has been at all times relevant to this CA/FO, the Blair County Local Emergency Planning Committee, located at 615 Fourth Street, in Altoona, Pennsylvania.

8. The local fire departments for the Tyrone facility are, and have been at all times relevant to this CA/FO, the Blazing Arrow Hook and Ladder Fire Company, located at 1216 Blair Avenue, in Tyrone, Pennsylvania, and the Neptune Volunteer Fire Company No. 1, located at 1701 Lincoln Avenue, in Tyrone, Pennsylvania.

9. Section 311 of EPCRA, 42 U.S.C. § 11021, as implemented by 40 C.F.R. Part 370, requires an owner or operator of a facility required to prepare or have available a Material Safety Data Sheet ("MSDS") for a hazardous chemical in accordance with the Occupational Safety and Health Administration ("OSHA") Hazard Communication Standard, 29 U.S.C. § 651 et seq., and 29 C.F.R. § 1910.1200, and at which facility is present at any one time a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an extremely hazardous chemical ("EHS")) in a quantity equal to or greater than its applicable minimum threshold for reporting ("MTL") or threshold planning quantity ("TPQ") established by 40 C.F.R. § 370.20(b), to submit, either MSDSs for, or a list identifying, those hazardous chemicals to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility, on or before October 17, 1990, or within 90 days after meeting the MTL or TPQ.

10. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available an MSDS for a hazardous chemical in accordance with the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 et seq., and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an EHS) is present at any one time during a calendar year in a quantity equal to or greater than its applicable MTL or TPQ, to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

11. Aldehyde, Chemical Abstracts Service ("CAS") No. 24623-65-2; antiblaze; diethoxyacetophenone, CAS No. 6175-45-7; ethynyl-1-cyclohexanol, CAS No. 78-27-3; 3-mercaptopropionic acid, CAS No. 107-96-0; and, tert butyl alcohol, CAS No. 76-65-0, are "hazardous chemicals" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), 40 C.F.R. § 370.2, and 29 C.F.R. § 1910.1200(c).

12. Pursuant to 40 C.F.R. § 370.20(b)(4), the MTLs for aldehyde, antiblaze, diethoxyacetophenone, ethynyl-1-cyclohexanol, 3-mercaptopropionic acid, and, tert butyl alcohol, are 10,000 pounds respectively.

13. At all times relevant to this CA/FO, Respondent was a person engaged in a business where chemicals were used, distributed, or produced for use or distribution.

14. At all times relevant to this CA/FO, Respondent was an “employer” as that term is defined at 29 U.S.C. § 1910.1200(c).

15. At all times relevant to this CA/FO, Respondent was required to have MSDSs at its Tyrone facility for each hazardous chemical it uses, pursuant to 29 C.F.R. § 1910.1200(g).

16. At all times relevant to this CA/FO, Respondent was the owner or operator of a facility that is required to prepare or have available MSDSs for hazardous chemicals under the OSHA Hazard Communication Standard, 29 U.S.C. § 651 *et seq.*, and 29 C.F.R. § 1910.1200.

**EPA’S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – SERC**

17. The findings of fact contained in paragraphs 1 through 16 of this CA/FO are incorporated by reference herein as though fully set forth at length.

18. During calendar year 2005, Respondent had present at its Tyrone facility aldehyde at a maximum quantity of 10,075 pounds, which exceeds its MTL of 10,000 pounds.

19. Respondent was required to submit to the SERC either an MSDS for aldehyde, or list of hazardous chemicals identifying aldehyde as being present at the Tyrone facility in a quantity exceeding its MTL, no later than 90 days after Respondent had aldehyde present at the Tyrone facility in an amount equal to or greater than its MTL.

20. Respondent did not submit to the SERC an MSDS for aldehyde, or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL.

**EPA’S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – SERC**

21. Respondent’s failure to submit to the SERC either an MSDS for aldehyde or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – LEPC**

22. The findings of fact contained in paragraphs 1 through 21 of this CA/FO are incorporated by reference herein as though fully set forth at length.

23. Respondent was required to submit to the LEPC either an MSDS for aldehyde, or list of hazardous chemicals identifying aldehyde as being present at the Tyrone facility in a quantity exceeding its MTL, no later than 90 days after Respondent had aldehyde present at the Tyrone facility in an amount equal to or greater than its MTL.

24. Respondent did not submit to the LEPC an MSDS for aldehyde, or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – LEPC**

25. Respondent's failure to submit to the LEPC either an MSDS for aldehyde or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – FIRE DEPARTMENTS**

26. The findings of fact contained in paragraphs 1 through 25 of this CA/FO are incorporated by reference herein as though fully set forth at length.

27. Respondent was required to submit to the local fire departments either an MSDS for aldehyde, or list of hazardous chemicals identifying aldehyde as being present at the Tyrone facility in a quantity exceeding its MTL, no later than 90 days after Respondent had aldehyde present at the Tyrone facility in an amount equal to or greater than its MTL.

28. Respondent did not submit to the local fire departments an MSDS for aldehyde, or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – FIRE DEPARTMENTS**

29. Respondent's failure to submit to the local fire departments either an MSDS for aldehyde or a list of hazardous chemicals identifying aldehyde as present at the Tyrone facility in a quantity exceeding its MTL, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – SERC**

30. The findings of fact contained in paragraphs 1 through 29 of this CA/FO are incorporated by reference herein as though fully set forth at length.

31. During calendar year 2005, Respondent had present at its Tyrone facility aldehyde, ethynyl-1-cyclohexanol, and 3-mercaptopropionic acid in quantities greater than their respective MTLs.

32. By March 1, 2006, Respondent was required to submit to the SERC, LEPC, and local fire department Chemical Inventory Forms identifying aldehyde, ethynyl-1-cyclohexanol, and 3-mercaptopropionic acid as present at the Tyrone facility during calendar year 2005 in quantities greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

33. On or about February 28, 2006, Respondent submitted a Chemical Inventory Form to the SERC that failed to list aldehyde, ethynyl-1-cyclohexanol, and 3-mercaptopropionic acid as present at the Tyrone facility in quantities greater than their respective MTLs during calendar year 2005.

34. Respondent failed to submit to the SERC by March 1, 2006, a complete and accurate Chemical Inventory Form for the Tyrone facility for calendar year 2005.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – SERC**

35. Respondent's failure to submit a complete and accurate Chemical Inventory Form for the Tyrone facility to the SERC by March 1, 2006, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – LEPC**

36. The findings of fact contained in paragraphs 1 through 35 of this CA/FO are incorporated by reference herein as though fully set forth at length.

37. On or about February 28, 2006, Respondent submitted a Chemical Inventory Form to the LEPC, which failed to list aldehyde, ethynyl-1-cyclohexanol, and 3-mercaptopropionic acid as present at the Tyrone facility in quantities greater than their respective MTLs during calendar year 2005.

38. Respondent failed to submit to the LEPC by March 1, 2006, a complete and accurate Chemical Inventory Form for the Tyrone facility for calendar year 2005.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – LEPC**

39. Respondent's failure to submit a complete and accurate Chemical Inventory Form for the Tyrone facility to the LEPC by March 1, 2006, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 –
FIRE DEPARTMENTS**

40. The findings of fact contained in paragraphs 1 through 39 of this CA/FO are incorporated by reference herein as though fully set forth at length.

41. On or about February 28, 2006, Respondent submitted Chemical Inventory Forms to the local fire departments, which failed to list aldehyde, ethynyl-1-cyclohexanol, and 3-mercaptopropionic acid as present at the Tyrone facility in quantities greater than their respective MTLs during calendar year 2005.

42. Respondent failed to submit to the local fire departments by March 1, 2006, complete and accurate Chemical Inventory Forms for the Tyrone facility for calendar year 2005.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 –
FIRE DEPARTMENTS**

43. Respondent's failure to submit complete and accurate Chemical Inventory Forms for the Tyrone facility to the local fire departments by March 1, 2006, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2004**

44. The findings of fact contained in paragraphs 1 through 43 of this CA/FO are incorporated by reference herein as though fully set forth at length.

45. During calendar year 2004, Respondent had present at its Tyrone facility ethynyl-1-cyclohexanol and tert butyl alcohol in quantities greater than their respective MTLs.

46. By March 1, 2005, Respondent was required to submit to the SERC, LEPC, and local fire departments, Chemical Inventory Forms identifying ethynyl-1-cyclohexanol and tert butyl alcohol as present at the Tyrone facility during calendar year 2004 in quantities greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

47. On or about February 24, 2005, Respondent submitted Chemical Inventory Forms to the SERC, LEPC, and local fire departments, which failed to list ethynyl-1-cyclohexanol and tert butyl alcohol as present at the Tyrone facility in quantities greater than their respective MTLs during calendar year 2004.

48. Respondent failed to submit to the SERC, LEPC, and local fire departments by March 1, 2005, complete and accurate Chemical Inventory Forms for the Tyrone facility for calendar year 2004.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2004**

49. Respondent's failure to submit to the SERC, LEPC, and local fire departments by March 1, 2005, complete and accurate Chemical Inventory Forms for the Tyrone facility for calendar year 2004, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2003**

50. The findings of fact contained in paragraphs 1 through 49 of this CA/FO are incorporated by reference herein as though fully set forth at length.

51. During calendar year 2003, Respondent had present at its Tyrone facility antiblaze and diethoxyacetophenone in quantities greater than their respective MTLs.

52. By March 1, 2004, Respondent was required to submit to the SERC, LEPC, and local fire departments, Chemical Inventory Forms identifying antiblaze and diethoxyacetophenone as present at the Tyrone facility during calendar year 2003 in quantities greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

53. On or about February 12, 2004, Respondent submitted Chemical Inventory Forms to the SERC, LEPC, and local fire departments, which failed to list antiblaze and diethoxyacetophenone as present at the Tyrone facility in quantities greater than their respective MTLs during calendar year 2003.

54. Respondent failed to submit to the SERC, LEPC, and local fire departments by March 1, 2004, complete and accurate Chemical Inventory Forms for the Tyrone facility for calendar year 2003.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2003**

55. Respondent's failure to submit to the SERC, LEPC, and local fire departments by March 1, 2004, complete and accurate Chemical Inventory Forms for the Tyrone facility for calendar year 2003, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

56. In full and final settlement and resolution of all allegations referenced in the foregoing EPA's Findings of Fact and EPA's Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022 set forth above, in the amount of \$27,643.50.

PAYMENT TERMS

57. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CA/FO, the Respondent must pay the civil penalty, totaling \$27,643.50, no later than thirty (30) days after the effective date of the Final Order (the "final due date") by submitting a cashier's check, for the penalty payable to "United States Treasury," in the amount of \$27,643.50 to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

58. The Respondent shall note on the penalty-payment check the title and docket number of this case. The Respondent shall submit a copy of the check to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Allison F. Gardner (3RC42)
Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

59. The EPCRA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

60. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

61. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

62. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

63. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

64. Failure by the Respondent to pay the \$27,643.50 penalty assessed by the Final Order ("FO") in full by the final due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

65. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

66. Respondent agrees not to contest the Environmental Protection Agency's jurisdiction with respect to the execution or enforcement of the CA/FO.

67. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations set forth in this CA, but expressly waives its rights to contest said allegations.

68. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the FO under Section 325 of EPCRA, 42 U.S.C. § 11045.

69. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this CA on behalf of the Respondent is acknowledging that he or she is fully

authorized by the party represented to execute this CA and to legally bind Respondent to the terms and conditions of the CA and accompanying FO.

70. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

71. Each party to this action shall bear its own costs and attorney's fees.

72. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

FOR ALBEMARLE CORPORATION


SIGNATURE

4/30/08
DATE

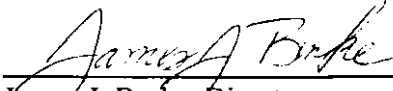
Name: *RANDALL S ANDREWS*

Title: *PLANT MANAGER*

In re: Albemarle Corporation

U.S. EPA Docket No. EPCRA-03-2008-0161

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY


James J. Burke, Director
Hazardous Site Cleanup Division


DATE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

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EPA Docket No.: EPCRA-03-2008-0161

**Proceedings Pursuant to Sections 311, 312, and
325 of the Emergency Planning and Community
Right-to-Know Act of 1986, 42 U.S.C. §§ 11021,
11022, 11045**

FINAL ORDER

Pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, the delegated authority of the undersigned, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Renée Sarajian

Renée Sarajian
Regional Judicial Officer
EPA, Region III

5/22/08

DATE



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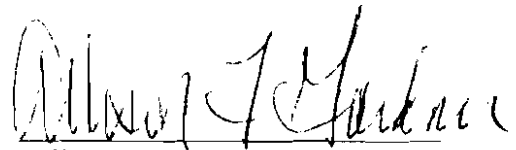
Consent Agreement and Final Order

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Bart E. Cassidy, Esquire
Manko, Gold, Katcher & Fox, LLP
401 City Avenue, Suite 500
Bala Cynwyd, Pennsylvania 19004

6/2/08
DATE


Allison F. Gardner (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2631