



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

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 REGION III, PHILA. PA

In the Matter of:)	
)	EPA Docket No.: EPCRA-03-2015-0113
PAPCO, Inc.)	
213 3rd Avenue, Suite 304)	
Warren, Pennsylvania 16365,)	Proceeding Under Section 311, 312 and
)	325 of the Emergency Planning and
Respondent.)	Community Right-to-Know Act, 42 U.S.C.
)	§§ 11021, 11022, 11045, and 40 C.F.R.
)	§ 22.13(b), 22.18(b)
Warren Fractionation Plant)	
14888 Route 6)	
Warren, Pennsylvania 16313,)	
)	
Facility.)	
)	

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States 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/Termination 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 22.18(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(8).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. § 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA’s jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order and the enforcement of this CA/FO.
4. With the exception of Paragraph 3, above, for the purpose of this proceeding, Respondent neither admits nor denies the factual allegations or conclusions of law set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

EPA’S FINDINGS OF FACT

5. Respondent, PAPCO, Inc. is a corporation organized in the Commonwealth of Pennsylvania, with its principal place of business located at 213 3rd Avenue, Suite 304, in Warren, Pennsylvania.
6. As a corporation, Respondent is a “person” under Section 329 of EPCRA, 42 U.S.C. § 11049(7), and an “operator” within the meaning of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022, and its regulations at 40 C.F.R. Part 370.
7. At all times relevant to this CA/FO, Respondent has been the owner or operator of the natural gas processing plant known as the Warren Fractionation Plant located at 14888 Route 6 in Warren, Pennsylvania (“Facility”), within the meaning of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021 and 11022.
8. The Facility is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and its regulations, 40 C.F.R. § 370.66.
9. On December 11, 2012, EPA conducted an inspection pursuant to EPA’s authority under Section 114 of the Clean Air Act (“CAA”), 42 U.S.C. § 7414, and Section 104(e) Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e). During the inspection, EPA gathered information relevant to Respondent’s compliance with the hazardous chemical reporting requirements of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022. During the inspection and in the aftermath of the inspection, Respondent submitted information to EPA regarding its compliance with CERCLA and EPCRA.

10. 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 substance (“EHS”)) in a quantity equal to or greater than its applicable minimum threshold level for reporting (“MTL”) or threshold planning quantity (“TPQ”) established by 40 C.F.R. § 370.10, to submit either MSDSs for, or a list identifying, those hazardous chemicals to the appropriate state emergency response commission (“SERC”), local emergency planning committee (“LEPC”), and local fire department with jurisdiction over the facility, on or before October 17, 1986, or within three months after meeting the MTL or TPQ.

11. Respondent is an “employer,” as that term is defined at 29 C.F.R. § 1910.1200(c), because Respondent is engaged in a business where chemicals are either used, distributed, or are produced for use or distribution.

12. Respondent is required to have an MSDS at its Facility for each hazardous chemical it uses, pursuant to 29 C.F.R. § 1910.1200(g).

13. 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 OSHA’s 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”) for the previous calendar year identifying the hazardous chemical and providing the information described in Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

14. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$10,000 per day for each violation of Section 311 of EPCRA that occurs before January 30, 1997. Section 325, as amended by the Debt Collection Improvement Act of 1996 and the subsequent Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § Part 19, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$16,000 for each violation of Section 311 of EPCRA that occurs after January 12, 2009.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 312 of EPCRA that occurs before January 30, 1997. Section 325, as

amended by the Debt Collection Improvement Act of 1996 and the subsequent Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § Part 19, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$37,500 for each violation of Section 312 of EPCRA that occurs after January 12, 2009.

COUNT 1
EPA’S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA

16. EPA’s factual allegations contained in Paragraphs 5 through 15 of this CA/FO are incorporated by reference herein as though fully set forth at length.

17. According to information submitted to EPA by Respondent, Respondent had present at the Facility during calendar years 2009, 2010, 2011 and 2012, three chemicals – butane, pentane and propane – in amounts exceeding 10,000 pounds, as set forth below:

	2009	2010	2011	2012
Butane	109,350 lbs	150,174 lbs	116,640 lbs	82,620 lbs
Pentane	57,987 lbs	61,270 lbs	60,176 lbs	78,150 lbs
Propane	136,728 lbs	132,930 lbs	126,600 lbs	118,160 lbs

18. Butane, pentane and propane are “hazardous chemicals” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66.

19. Respondent is the owner or operator of a facility that is required to prepare or have available MSDSs for the hazardous chemicals listed above under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651, et seq., and 29 C.F.R. § 1910.1200.

20. Pursuant to 40 C.F.R. § 370.10, the MTL for butane, pentane and propane is 10,000 pounds.

21. According to information submitted to EPA by Respondent, during calendar year 2009, butane and propane were present at the Facility in quantities exceeding 100,000 pounds, and pentane was present at the Facility in 2009 in quantities exceeding 50,000 pounds.

22. Respondent had present at the Facility during calendar year 2009, butane, pentane and propane in quantities equal to or exceeding their respective MTLs.

23. The SERC for the Facility for purposes of emergency planning and community right-to-know is the Pennsylvania Department of Labor & Industry, Bureau of PENNSAFE, located at 7th and Forster Streets, Room 155-E L&I Building, in Harrisburg, Pennsylvania.

24. The LEPC for the Facility is the Warren County Local Emergency Planning Committee, at 100 Dillon Drive, in Youngsville, Pennsylvania.

25. The local fire department for the Facility is the Clarendon Fire Department, located at 17 North Main Street in Clarendon, Pennsylvania.

26. Respondent was required to submit to the SERC, LEPC and local fire department either the MSDSs for butane, pentane and propane, or a list of hazardous chemicals identifying butane, pentane and propane as being present at the Facility, no later than three (3) months after butane, pentane and propane were present at the Facility in an amount equal to or greater than their respective MTLs.

27. According to information provided to EPA by Respondent, Respondent provided a Chemical Inventory Form to the appropriate SERC, LEPC, and local fire department with jurisdiction over the Facility for calendar year 2009 on November 16, 2012, which included butane, pentane and propane in the list of hazardous chemicals present at the Facility. Although PAPCO had provided an Emergency Response Plan identifying these three chemicals to the LEPC and nearby local fire departments in August 2010, EPA determined that this notification did not satisfy applicable legal requirements of Section 311 of EPCRA, 42 U.S.C. § 11021.

28. Respondent failed to submit to the SERC, LEPC, and local fire department either MSDSs for butane, pentane and propane, or a list of hazardous chemicals identifying butane, pentane and propane as present at the Facility in quantities equal to or exceeding their respective MTLs, no later than three (3) months after the chemicals were present at the Facility in an amount equal to or greater than their respective MTLs.

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

29. Respondent's failure to submit to the SERC, LEPC, and local fire department either MSDSs for butane, pentane and propane, or a list of hazardous chemicals identifying butane, pentane and propane as present at the Facility in quantities equal to or exceeding their respective MTLs, no later than three (3) months after the chemicals were present at the Facility in an amount equal to or greater than their respective MTLs 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.

COUNT 2
EPA'S FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - 2009

30. EPA's findings of fact and conclusions of law contained in paragraphs 5 through

29 of this CA/FO are incorporated by reference herein as though fully set forth at length.

31. Butane, propane and pentane are “hazardous chemicals” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and is subject to Section 312 of EPCRA, 42 U.S.C. § 11022, pursuant to Section 312(c) of EPCRA, 42 U.S.C. § 11022(c).

32. On or about November 16, 2012, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2009 identifying butane, pentane and propane as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

33. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2009 identifying the total quantity of butane, pentane and propane present at the Facility during the calendar years.

**EPA’S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - 2009**

34. Respondent’s failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2009 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.

COUNT 3

**EPA’S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - 2010**

35. EPA’s findings of fact and conclusions of law contained in paragraphs 5 through 34 of this CA/FO are incorporated by reference herein as though fully set forth at length.

36. On or about November 16, 2012, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2010 identifying butane, pentane and propane as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

37. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2010 identifying the total quantity of butane, pentane and propane present at the Facility during the calendar years.

EPA'S CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - 2010

38. Respondent's failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2010 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.

COUNT 4

EPA'S FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - 2011

39. EPA's findings of fact and conclusions of law contained in paragraphs 5 through 38 of this CA/FO are incorporated by reference herein as though fully set forth at length.

40. On or about November 16, 2012, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2011 identifying butane, pentane and propane as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

41. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2011 identifying the total quantity of butane, pentane and propane present at the Facility during the calendar years.

EPA'S CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - 2011

42. Respondent's failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2011 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.

COUNT 5

EPA'S FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - 2012

43. EPA's findings of fact and conclusions of law contained in paragraphs 5 through 42 of this CA/FO are incorporated by reference herein as though fully set forth at length.

44. On or about March 12, 2015, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2012 identifying butane, pentane and propane as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

45. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2012 identifying the total quantity of butane, pentane and propane present at the Facility during the calendar years.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - 2012**

46. Respondent's failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2012 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.

SETTLEMENT

47. 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 and 11022, set forth above, in the amount of \$52,839.00 ("EPCRA Penalty").

48. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph, as set forth below.

PAYMENT TERMS

49. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent agrees to:

a. pay the civil penalty of \$52,839 ("EPCRA Penalty") for the EPCRA violations, in six (6) installments with interest on the outstanding principal balance in accordance with the following schedule, with each and every payment identified with "EPA Docket No. 03-EPCRA-2015-0113," and using one of the methods identified in Subparagraphs 49.b-e, below:

- (i) 1st Payment: The first payment in the amount of \$8,806.50, consisting of a principal payment of \$8,806.50 and an interest payment of \$0, shall be paid within thirty (30) days of the Effective Date of this Agreement;
- (ii) 2nd Payment: The second payment in the amount of \$8,864.53, consisting of a principal payment of \$8,791.15 and an interest payment of \$73.38, shall be paid within sixty (60) days of the Effective Date of this Agreement;
- (iii) 3rd Payment: The third payment in the amount of \$8,829.07, consisting of a principal payment of \$8,799.70 and an interest payment of \$29.37, shall be paid within ninety (90) days of the Effective Date of this Agreement;
- (iv) 4th Payment: The fourth payment in the amount of \$8,829.07, consisting of a principal payment of \$8,806.30 and an interest payment of \$22.77, shall be paid within one hundred twenty (120) days of the Effective Date of this Agreement;
- (v) 5th Payment: The fifth payment in the amount of \$8,829.07, consisting of a principal payment of \$8,814.37 and an interest payment of \$14.70, shall be paid within one hundred fifty (150) days of the Effective Date of this Agreement; and
- (vi) 6th Payment: The sixth payment in the amount of \$8,829.07, consisting of a principal payment of \$8,820.98 and an interest payment of \$8.09, shall be paid within one hundred (180) days of the Effective Date of this Agreement.

b. *Check.*

- (i) All checks shall be made payable to United States Treasury;
- (ii) All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell, 513-487-2044

- (iii) All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028

- (iv) All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 . M.L. King Drive
Cincinnati, OH 45268-0001

- c. *Electronic Wire Transfer.* All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- d. *ACH.* All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:
5700 Rivertech Court

Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

e. *On-Line Payment Option.*

WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.

f. Additional payment guidance is available at:
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>

g. Within 24 hours of payment of the EPCRA Penalty, Respondent shall send proof of payment to:

Cynthia T. Weiss
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
1650 Arch Street (3RC42)
Philadelphia, PA 19103-2029
weiss.cynthia@epa.gov

and

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street (3RC42)
Philadelphia, PA 19103-2029

The term “proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with “EPA Docket No. EPCRA-03-2015-0113.”

50. The EPCRA Penalty stated herein is consistent with 40 C.F.R. Part 19, and is based upon Complainant’s consideration of a number of factors, including, but not limited to, those set forth in EPA’s *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).

51. 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.

52. 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 waive interest on any amount of the civil penalty that is paid by the final due date. 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).

53. 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.

54. 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).

GENERAL PROVISIONS

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

56. 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 Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

57. 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.

58. By signing this Consent Agreement, Respondent acknowledges that this CA/FO will be available to the public and agrees that this Consent Agreement does not contain any confidential business information or personally identifiable information.

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

60. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

61. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of EPCRA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

62. Nothing herein shall be construed to limit the power of the EPA to undertake any action against either Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

In re: PAPCO, Inc.

EPCRA-03-2015-0113

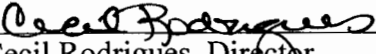
FOR PAPCO, INC.



Jon Peterson
President

6-24-15
Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Cecil Rodrigues, Director
Hazardous Site Cleanup Division

7/1/2015

Date

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Warren Fractionation Plant)
14888 Route 6)
Warren, Pennsylvania 16313,)
)
Facility.)
_____)

FINAL ORDER

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, PAPCO, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, with specific references to Sections 22.1(a)(8), 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

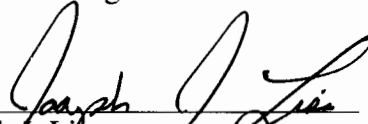
Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to herein is based upon consideration of, *inter alia*, EPA's Enforcement Response Policy for Sections 311 and 312 of the Emergency Planning and Community Right-to Know Act.

NOW, THEREFORE, PURSUANT TO Section 325 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045, and the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty of FIFTY-TWO THOUSAND EIGHT HUNDRED THIRTY-NINE DOLLARS (\$52,839.00), plus any applicable interest, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order, signed by

the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: July 9, 2015



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III



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Facility.)	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent to:

Via overnight mail

Matthew L. Wolford, Esquire
638 West 6th Street
Erie, Pennsylvania 16507

JUL 09 2015

Date

Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel