

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(7) and (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.

FACTUAL ALLEGATIONS

5. Amuneal Manufacturing Corporation ("Respondent" or "Amuneal") is a Pennsylvania corporation, with its principal place of business located in Philadelphia, Pennsylvania.
6. As a corporation, Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
7. At all times relevant to this CA/FO Respondent has been in charge of the sheet metalwork facility located at 4737 Darrah Street, Philadelphia, Pennsylvania ("Facility"), within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
8. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); Section 329(4) of EPCRA, 42 U.S.C. § 11049(4); and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
9. Respondent is an "owner or operator" of the Facility within the meaning of Section 304 of EPCRA, 42 U.S.C. § 11004, and 40 C.F.R. § 355.2.
10. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

11. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances (“EHSs”) and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), (“Reportable Quantity” or “RQ”). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

12. At all times relevant to this CA/FO, the Facility was a facility at which a hazardous chemical was produced, used or stored.

13. On July 28, 2015, EPA conducted an inspection of the Facility to determine Respondent’s compliance with Section 103 of CERCLA, 42 U.S.C. § 9603, and Sections 302-312 of EPCRA, 42 U.S.C. §§ 11002-11022 (“the Inspection”).

14. During the EPA’s investigation, Respondent provided documentation to EPA regarding events that occurred at the Facility on January 28, 2015, when an estimated 144 pounds of anhydrous ammonia, Chemical Abstracts Service (“CAS”) Registry No. 7664-41-7, was released from the Facility (the “Release”) as a result of faulty heating loop controllers.

15. Subsequent to the release Amuneal has represented to EPA that it has undertaken a number of steps to improve its operational practices with respect to ammonia, including, the following:

- a. Entering into a service contract with its ammonia supplier to provide bi-annual inspections of its ammonia tank (including its components) to identify and avoid potential failures;
- b. Replacing the analog tank gauge with a digital gauge;
- c. Installing flow meters to provide for precise measurement of how much ammonia is used each day in each furnace; and
- d. Implementing a leak detection and mitigation system that will monitor the atmosphere around the tank, monitor the tank pressure and de-energize the ammonia heater loop if a certain pressure is exceeded, and provide for a water fogging system to mitigate any release that could occur.

COUNT 1

FACTUAL ALLEGATIONS RELATED TO THE VIOLATION OF SECTION 103(a) OF CERCLA

16. The factual allegations contained in Paragraphs 5 through 14 of this CA/FO are incorporated by reference herein as though fully set forth at length.

17. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility to immediately notify the National Response Center (“NRC”) established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ.

18. The chemical ammonia is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 100 pounds, as listed in 40 C.F.R. § 302.4.

19. The Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

20. The Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

21. Respondent first became aware that the Release was occurring at approximately 4:45 a.m. on January 28, 2015. The Release was terminated at approximately 5:15 a.m. on January 28, 2015.

22. Respondent did not notify the NRC of the Release until approximately 4:05 p.m. on January 28, 2015. Respondent knew or should have known that the Release from the Facility was in a quantity equal to or exceeding its RQ at or about 10:00 a.m. on January 28, 2015.

23. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 103 OF CERCLA

24. Respondent’s failure to immediately notify the NRC of the Release is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Respondent is, therefore, subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT 2
FACTUAL ALLEGATIONS RELATED TO THE VIOLATIONS OF SECTION 304(a) AND (b) OF EPCRA – SERC

25. The factual allegations contained in Paragraphs 5 through 24 of this CA/FO are incorporated by reference herein as though fully set forth at length.

26. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to immediately notify the State Emergency Response Commission (“SERC”) following a release of a hazardous substance or an EHS in a quantity equal to or exceeding the RQ for the hazardous substance or EHS.

27. The SERC for providing notice pursuant to the emergency response requirements of Section 304 of EPCRA, 42 U.S.C. § 11004, at the Facility is, and at all times relevant to this CAFO has been, the Pennsylvania Emergency Management Agency (“PEMA”), located at 2605 Interstate Drive, Harrisburg, PA 17110.

28. The chemical ammonia is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, and an EHS as defined under Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), and 40 C.F.R. § 355.61, with an RQ of 100 pounds, as listed in 40 C.F.R. Part 355, Appendices A and B, and 40 C.F.R. § 302.4.

29. The Release required immediate notification to the SERC, pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

30. Respondent did not notify the SERC of the Release.

31. Respondent failed to immediately notify the SERC of the Release of ammonia as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(a) AND (b) OF EPCRA – SERC**

32. Respondent’s failure to immediately notify the SERC of the Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**COUNT 3
FACTUAL ALLEGATIONS RELATED TO THE VIOLATION
OF SECTION 304(c) OF EPCRA – SERC**

33. The factual allegations contained in Paragraphs 5 through 32 of this CA/FO are incorporated by reference herein as though fully set forth at length.

34. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, after a release that is reportable under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide a written follow-up report regarding the release to the SERC as soon as practicable.

35. The Release constitutes a release of a hazardous substance, which is also an EHS, in a quantity equal to or exceeding its RQ requiring immediate notification to the SERC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and, consequently, requiring submission of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

36. Respondent did not provide a written follow-up report regarding the Release to the SERC, as required by Section 304(c) of EPCRA, as implemented by 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(c) OF EPCRA – SERC**

37. Respondent's failure to submit a follow-up report to the SERC for the Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT 4
**FINDINGS OF FACT RELATING TO THE
VIOLATION OF SECTION 312 OF EPCRA – 2012**

38. The factual allegations contained in Paragraphs 5 through 37 of this CA/FO are incorporated by reference herein as though fully set forth at length.

39. 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 a material safety data sheet, or a safety data sheet,¹ 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(g), 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 minimum threshold limit ("MTL") or threshold planning quantity 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, local emergency planning committee ("LEPC"), and local fire department with jurisdiction over the facility.

40. The SERC for the Facility for purposes of the emergency planning and community right-to-know requirements of Section 312 of EPCRA, 42 U.S.C. § 11022, at the Facility is the Department of Labor & Industry, Bureau of Occupational & Industrial Safety, Pennsafe Program ("Pennsafe"), located at 651 Boas Street, Harrisburg, PA 17121.

¹ Pursuant to 29 C.F.R. § 1900.1200(g), which was amended in 2012, the term "material safety data sheet" has been changed to "safety data sheet." The definition of "material safety data sheet" in Section 329(6) of EPCRA, 42 U.S.C. § 11049(6), indicates that it is the "sheet" required to be developed pursuant to 29 C.F.R. § 1900.1200(g), and recognizes that the Department of Labor implementing regulation "may be amended from time to time."

41. Anhydrous ammonia is a “hazardous chemical” 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).

42. Pursuant to 40 C.F.R. § 370.10, the MTL for anhydrous ammonia is 500 pounds.

43. According to information submitted to EPA by Respondent, Respondent had anhydrous ammonia present at the Facility during calendar years 2012 and 2013, in amounts exceeding its MTL, as set forth below:

	2012	2013
Anhydrous Ammonia	3,375 lbs	3,300 lbs

44. According to information submitted to EPA by Respondent and the SERC, Respondent submitted a Chemical Inventory Form for calendar year 2012 on March 27, 2013, twenty-six (26) days after the due date.

45. Respondent failed to timely submit a Chemical Inventory Form to the SERC, LEPC, and fire department with jurisdiction over the Facility for calendar year 2012, identifying the total quantity of anhydrous ammonia present at the Facility during the calendar year.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – 2012**

46. Respondent’s failure to timely submit a Chemical Inventory Form to the SERC, LEPC, and fire department with jurisdiction over 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(c) of EPCRA, 42 U.S.C. § 11045(c).

**COUNT 5
FINDINGS OF FACT RELATING TO THE
VIOLATION OF SECTION 312 OF EPCRA – 2013**

47. The factual allegations contained in Paragraphs 5 through 46 of this CA/FO are incorporated by reference herein as though fully set forth at length.

48. According to information submitted to EPA by Respondent and the SERC, Respondent submitted a Chemical Inventory Form for calendar year 2013 on April 24, 2014, fifty-four (54) days after the due date.

49. Respondent failed to timely submit a Chemical Inventory Form to the SERC, LEPC, and fire department with jurisdiction over the Facility for the calendar year of 2013, identifying the total quantity of anhydrous ammonia present at the Facility during the calendar year.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – 2013**

50. Respondent's failure to timely submit a Chemical Inventory Form to the SERC, LEPC, and fire department with jurisdiction over the Facility for calendar year 2013 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(c) of EPCRA, 42 U.S.C. § 11045(c).

SETTLEMENT

51. In full and final settlement and resolution of all allegations referenced in the foregoing findings of fact and 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 violation of Section 103 of CERCLA, 42 U.S.C. § 9603, in the amount of **\$7,427.00** ("CERCLA civil penalty"), and Section 304(a), (b), and (c) of EPCRA, 42 U.S.C. § 11004(a), (b), (c), and Section 312 of EPCRA, 42 U.S.C. § 11022, set forth above, in the amount of **\$17,404.00** ("EPCRA civil penalty"), for a total penalty of **\$24,831.00**.

PAYMENT TERMS

52. 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.

53. The Civil Penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the CERCLA civil penalty of \$7,427.00 and the EPCRA civil penalty of \$17,404.00 no later than thirty (30) days after the date on which a copy of the CAFO is mailed or hand-delivered to Respondent by either cashier's checks, certified checks, or electronic wire transfer, as set forth in the following paragraphs.

54. Payment of the CERCLA civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, **CERC/EPCRA-03-2017-0085**;
- b. All checks shall be made payable to **EPA-Hazardous Substances Superfund**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Elizabeth McGuffey (513-487-2885)

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA
Government Lockbox 979076
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028

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

U.S. EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive, MS-002
Cincinnati, OH 45268-0001

- f. 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

- g. 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: Randolph Maxwell 202-874-3720
or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

55. Payment of the EPCRA civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, **CERC/EPCRA-03-2017-0085**;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

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

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

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

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

U.S. EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive, MS-002
Cincinnati, OH 45268-0001

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

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D 68010727 Environmental Protection Agency

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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: Randolph Maxwell 202-874-3720
or REX, 1-866-234-5681

- g. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- h. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

56. Respondent shall submit copies of the checks, or verification of wire transfers or ACH, to the following persons:

Lydia Guy (3RC00) Regional Hearing Clerk U.S. EPA, Region III 1650 Arch Street Philadelphia, PA 19103-2029	and	Charles Howland (3RC42) Senior Assistant Regional Counsel U.S. EPA, Region III 1650 Arch Street Philadelphia, PA 19103-2029
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57. The CERCLA civil penalty and EPCRA civil penalty stated herein are based upon Complainant's consideration of a number of factors, including, but not limited to, the following:

the nature, circumstances, extent and gravity of the violation, and with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit (if any) resulting from the violation, and such matters as justice may require. The penalty 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).

58. 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 in accordance with this CA/FO 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.

59. In accordance with 40 C.F.R. § 13.11(a), interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this fully executed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).

60. 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 penalty becomes due and payable and an additional \$15.00 for each subsequent thirty (30) day period the penalties remain unpaid.

61. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalties which remain 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).

62. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in full in accordance with this CA/FO may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and 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

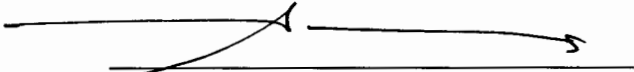
63. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

64. 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.

65. This CA/FO resolves only those civil claims which are alleged herein and is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). 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.

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

FOR AMUNEAL MANUFACTURING CORPORATION



3.02.17
DATE

ADAM KALLEN
[Print name]

CEO
[Print title]

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Karen Melvin, Director
Hazardous Site Cleanup Division

MAR 16 2017

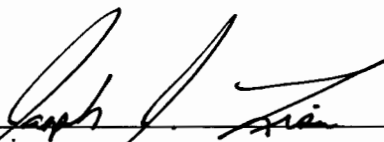
DATE

NOW, THEREFORE, PURSUANT TO Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$24,831.00**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

March 30, 2017

Date



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

RECEIVED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

2017 MAR 30 PM 5:42

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

In the Matter of

) U.S. EPA Docket No.:
) CERC/EPCRA-03-2017-0085
)
)
)

AMUNEAL MANUFACTURING
CORPORATION
4737 Darrah Street
Philadelphia, Pennsylvania 19124,

) Proceedings Pursuant to Sections 103 and
) 109 of the Comprehensive Environmental
) Act, 42 U.S.C. §§ 9603 and 9609, and
) Sections 304, 312 and 325 of the
) Emergency Planning and Community
) Right-to-Know Act, 42 U.S.C. §§ 11004,
) 11022, and 11045
)
)
)
)

Respondent.

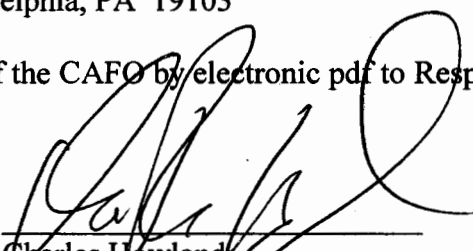
CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Consent Agreement and Final Order ("CAFO") in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that a copy of the CAFO was sent by UPS overnight mail to:

Robert B. Bodzin, Esq.
Kleinbard LLC
One Liberty Place, 46th Floor
1650 Market Street
Philadelphia, PA 19103

I further certify that I have sent a pdf copy of the CAFO by electronic pdf to Respondent's counsel, Robert B. Bodzin, Esq., on this day.

3/30/17
Date



Charles Howland
Senior Regional Counsel
U.S. Environmental Protection Agency, Region III