



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

FILED

Sep 11, 2023

10:15 am

U.S. EPA REGION 1  
HEARING CLERK

## EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-01-2023-0066

This ESA is issued to: Solenis LLC, 1111 Grattan Street, Chicopee, MA 01013 for violating Section 112(r)(7) of the Clean Air Act.

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This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region 1, by its duly delegated official, James Chow, Acting Director, Enforcement and Compliance Assurance Division, and by Respondent Solenis LLC (“Respondent”), pursuant to Sections 113(a)(3) and (d) of the Clean Air Act (“Act”), 42 U.S.C. §§ 7413(a)(3) and (d), and 40 C.F.R. § 22.13(b). It has been determined that this action is an appropriate administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

### ALLEGED VIOLATIONS

On January 22, 2020, authorized EPA representatives conducted a compliance inspection of Solenis LLC, 1111 Grattan Street, Chicopee, MA 01013 (“Facility”) to determine its compliance with the Risk Management Program (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached “Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Form” (“Form”), which is hereby incorporated by reference.

### SETTLEMENT

In consideration of Respondent’s size of business, compliance history, good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the attached Form, for the total penalty amount of \$3,000.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and, in the Form, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the attached Form. Respondent agrees to submit payment of the \$3,000 penalty within 20 days of receiving a fully executed copy of this ESA. Respondent may pay the penalty by cashier’s check, certified check,

or wire transfer. If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2023-0066, and send to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, MO 63197-9000

If payment is made by wire transfer, include the Docket Number CAA-01-2023-0066 in Field Tag 6000 and "D 68010727 Environmental Protection Agency" in Field Tag 4200. The wire transfer account is:

Federal Reserve Bank of New York  
33 Liberty Street  
New York NY 10045  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33

Respondent must also email a copy of the check or wire transfer receipt to:

Tyler Diercks, EPA Inspector  
[diercks.tyler@epa.gov](mailto:diercks.tyler@epa.gov) and

Mary Jane O'Donnell, Chief, Waste and Chemical Compliance Section,  
Enforcement and Compliance Assurance Division  
[Odonnell.maryjane@epa.gov](mailto:Odonnell.maryjane@epa.gov)

and

Wanda I. Santiago, Regional Hearing Clerk  
[santiago.wanda@epa.gov](mailto:santiago.wanda@epa.gov) and [R1\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R1_Hearing_Clerk_Filings@epa.gov)

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above and in the Form. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed ESA is not returned to the EPA Region 1 office at the address above by Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign and return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties of up to \$55,808 per day for each violation. This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

The Parties each consent to the use of digital signatures on this document, and Respondent further consents to receipt of service of the ESA, once filed, by electronic mail.

FOR RESPONDENT:



Date: 9/1/2023

Name (print): TODD D PADENICH

Title (print): Plant Manager - Chicopee

FOR COMPLAINANT:



Date: 9/7/23

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James Chow, Acting Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region I

I hereby ratify the ESA resolving *In re Solenis LLC* Docket No. CAA-01-2023-0066 and incorporate it herein by reference. It is so ORDERED.

\_\_\_\_\_  
LeAnn Jensen  
Regional Judicial Officer  
U.S. EPA Region I

Date: \_\_\_\_\_



U.S. ENVIRONMENTAL PROTECTION AGENCY

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS,  
ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. sec. 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. The scope of this inspection may include but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

FACILITY NAME:  
Solenis, LLC

PRIVATE  GOVERNMENTAL/MUNICIPAL  
# of EMPLOYEES: Approximately 24

FACILITY ADDRESS:  
111 Grattan Street, Chicopee, MA 01013

INSPECTION START DATE AND TIME: January 20, 2020  
INSPECTION END DATE AND TIME: January 20, 2020

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER:  
Paul Nelson, Plant Manager  
pnelson@solenis.com

EPA FACILITY ID#:  
1000030793

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S):  
Paul Nelson, Plant Manager  
pnelson@solenis.com

INSPECTOR NAME(S), TITLE(S):  
Tyler Diercks, EPA Region 1  
Drew Meyer, EPA Region 1  
Leonard B. Wallace IV, EPA Region 1

INSPECTION FINDINGS

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)?  YES  NO

DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195?  YES  NO

DATE RMP INITIALLY FILED WITH EPA: 06/17/1999 DATE OF RMP UPDATE: 06/04/2019

1) PROCESS/NAICS CODE: 325211 PROGRAM LEVEL: 1  2  3

REGULATED SUBSTANCE: Epichlorohydrin MAX. QUANTITY IN PROCESS: 586,000 pounds

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?  YES  NO

ATTACHED CHECKLIST(S):

PROGRAM LEVEL 1 PROCESS CHECKLIST  PROGRAM LEVEL 2 PROCESS CHECKLIST  PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER

ATTACHMENTS: \_\_\_\_\_

U. S. ENVIRONMENTAL PROTECTION AGENCY  
 REGION I  
 5 POST OFFICE SQUARE  
 BOSTON, MA 02109-3912

**Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form:**

**1. Program Level 3 Alleged Violations and Unadjusted Penalties**

<b>Section C – Prevention Program – Safety information [68.65]</b>	
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>– At the time of the inspection, entrances to the facility and entrances to the facility’s chemical warehouse building and manufacturing building did not have proper NFPA diamond labelling. The NFPA hazard diamond ratings on the epichlorohydrin storage tank and scale were labelled 3-3-2, the SDS provided by the facility indicated that the NFPA hazard ratings for epichlorohydrin should be 4-3-2. Additionally, EPA’s CAMEO Chemicals indicates the NFPA hazard ratings should be 4-3-2. <i>See, e.g.,</i> NFPA 704-2017 § 4.3; NFPA 704-2012 Chapter 9; NFPA 400-2016 § 6.1.8.2.1</p>	\$ 1500.00

<b>Section C – Prevention Program – Safety information [68.65]</b>	
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, documented that it is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>– At the time of the inspection the facility had detection for epichlorohydrin outside and around the storage vessel. However, there were no audible or visual alarms to warn of a release in this area. <i>See, e.g.,</i> NFPA 400-2016 § 6.2.1.9.3.10</p>	\$ 1500.00

**Total unadjusted penalty: \$3,000**

**2. Size-Threshold Quantity Multiplier**

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

**Expedited Settlement Penalty Matrix: Private Industries**

# of Employees	Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site		
	1 – 5	>5 – 10	> 10
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	<b>1.0</b>
> 100	1.0	1.0	1.0

Size/Threshold Quantity multiplier from Expedited Settlement Penalty Matrix: **1.0**

### **3. Proposed Penalty**

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

$$\begin{array}{rcl} \text{Proposed Penalty} & = & \mathbf{\$3,000} \text{ (Unadjusted Penalty)} \\ & \times & \mathbf{1.0} \text{ (Size/Threshold Quantity Multiplier)} \\ & = & \mathbf{\underline{\$3,000}} \end{array}$$