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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

INDSPEC Chemical Corporation

133 Main Street
Petrolia, PA 16050

Respondent.

)
) U.S. EPA Docket No.: CERCLA-03-2012-0227
) U.S. EPA Docket No.: EPCRA-03-2012-0227
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)
)
) Proceedings Pursuant to Sections
) 103 and 109 of the Comprehensive
) Environmental Response,
) Compensation and Liability Act, as
) amended, 42 U.S.C. §§ 9603
) and 9609, and Sections 304
) and 325 of the Emergency
) Planning and Community
) Right-to-Know Act, 42 U.S.C.
) §§ 11004 and 11045

CONSENT AGREEMENT AND FINAL ORDER

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, as well as 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.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(7) and 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 INDSPEC Chemical Corporation ("Respondent" or "INDSPEC") admits to the jurisdictional allegations in the CA/FO and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Agreement.

FINDINGS OF FACT

EPA makes the following findings of fact, which Respondent neither admits nor denies:

4. Respondent is a Delaware corporation with its principal place of business located at 133 Main Street, Petrolia, PA 16050.
5. As a corporation, INDSPEC is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
6. At all times relevant to this CA/FO, Respondent was the owner or operator of a Facility located at 133 Main Street, Petrolia, Pennsylvania (hereinafter the "Facility"), within the meaning of Section 304 of EPCRA, 42 U.S.C. §§ 11004, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
7. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
8. 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 a 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), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) (“Reportable Quantity” or “RQ”). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

9. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances (“EHS”) 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.

10. The State Emergency Response Commission (“SERC”) for the Facility is, and has been at all times relevant to this CA/FO, the Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110.

11. The Local Emergency Planning Committee (“LEPC”) for the Facility is, and has been at all times relevant to this CA/FO, the Butler County Emergency Management Agency, 120 McCune Drive, Butler, Pennsylvania 16001.

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

13. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, 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, 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), of such release.

14. 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, that when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used or stored, the owner or operator of that facility must immediately notify the SERC and the LEPC of the release.

15. Beginning on or about October 11, 2008, an estimated three thousand three hundred (3,300) pounds of Sulfuric Acid, Chemical Abstracts Service (“CAS”) Registry No. 7664-93-9 was released from the Facility.

16. The release of sulfuric acid from Respondent's Facility ("the Release") constitutes a release of a hazardous substance in a quantity equal to, or greater than, the RQ of 1000 pounds as listed in 40 C.F.R. Part 302, Table 302.4.

17. Respondent knew or should have known that the Release of sulfuric acid from the Facility was in a quantity equal to or exceeding its RQ, at or about 5:20 p.m. on October 11, 2008.

18. On or about October 11, 2008, at or about 6:08 p.m., Eastern Standard Time, Respondent notified the NRC of the Release.

19. Respondent did not notify the SERC and the LEPC of the Release.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

20. The October 11, 2008 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 did not immediately notify the NRC of the Release as required by Section 103 of CERCLA, 42 U.S.C. § 9603 and 40 C.F.R. § 302.6, which requires immediate notification as soon as the Respondent knew or should have known of the Release.

22. Respondent did not immediately notify the SERC and the LEPC of the Release as required by Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), and 40 C.F.R. § 355.

23. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the Release from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

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

CIVIL PENALTY

25. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violation of CERCLA Section 103(a), 42 U.S.C. § 9603(a), in the amount of \$6,441.28 and for violations of EPCRA Section 304(a) and (b), 42 U.S.C. § 11004(a) and (b), in

the amount of \$12,901.92, for a total assessed civil penalty of \$19,343.20, plus any applicable interest, as described below, in satisfaction of all claims for civil penalties for the violations alleged in this CA/FO. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. Respondent agrees to pay the above civil penalty in full, plus accrued interest, in accordance with Paragraph 26, below.

PAYMENT TERMS

26. In order to avoid the assessment of late payment penalties in connection with the civil penalty described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the effective date of the Final Order (the "final due date").

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

a. If payment is to be made by cashier's check, separate CERCLA and EPCRA payment cashier checks shall be made as follows.

i. The CERCLA portion of the penalty shall be payable to "EPA-Hazardous Substances Superfund," in care of:

U.S. Environmental Protection Agency
ATTN: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Richard Rice, (513) 487-2057

If the cashier's check is sent overnight mail, it should be sent 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

The Respondent shall note on the CERCLA penalty-payment cashier's check the title and docket number of this case.

ii. The EPCRA portion of the penalty shall be payable to "United States Treasury" in care of:

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

If check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

The Respondent shall note on the EPCRA penalty-payment cashier's check the title and docket number of this case.

b. Payment may be made via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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"

c. Payment may be made via Automated Clearinghouse (ACH), also known as Remittance Express (REX), to:

US Treasury REX/Cashlink - ACH Receiver
ABA = 051036706
Account No.: 310006, EPA
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

d. On-Line Payment Option:

www.pay.gov/paygov

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

28. The Respondent shall submit copies of the checks, or verification of wire transfer or ACH, to the following persons:

Lydia Guy (3RC00)		Jefferie E. Garcia (3RC42)
U.S. EPA, Region III	and	U.S. EPA Region III
1650 Arch Street		1650 Arch Street
Philadelphia, PA 19103-2029		Philadelphia, PA 19103-2029

29. 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 owned 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 or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling delinquent debts.

30. 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 ("Interest Accrual Date"). 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).

31. 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 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.

32. 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).

33. The CERCLA 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 109 of

CERCLA, 42 U.S.C. § 9609, 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)*.

34. 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 are 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)*.

35. Failure by the Respondent to pay the total \$19,343.20 penalty, and any accrued interest in full, in accordance with the Final Order by the final due date 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

36. For the purpose of this proceeding and with the exception of paragraph 3 above, Respondent neither admits nor denies factual allegations and conclusions of law set forth in this CA/FO, but expressly waives its rights to contest said allegations in this proceeding.

37. 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.

38. The provisions of this 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 Respondent represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

39. This CA/FO resolves only those civil claims that 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 that 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.

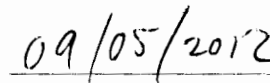
40. Each party to this action shall bear its own costs and attorney's fees.

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

FOR INDSPEC CHEMICAL CORPORATION



SIGNATURE



DATE

Title: Plant Manager

Print Name: Thomas K. Volek

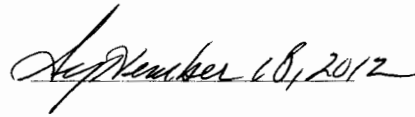
In the Matter of: INDSPEC Chemical Corporation

U.S. EPA Docket Nos. CERCLA-03-2012-0227
EPCRA-03-2012-0227

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

A handwritten signature in black ink, appearing to read "Ronald J. Borsellino", written over a horizontal line.

Ronald J. Borsellino, Director
Hazardous Site Cleanup Division

A handwritten date in black ink, "September 18, 2012", written over a horizontal line.

DATE



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

In the Matter of:)	
)	U.S. EPA Docket No.: CERCLA-03-2012-0227
INDSPEC Chemical Corporation)	U.S. EPA Docket No.: EPCRA-03-2012-0227
)	
133 Main Street)	
Petrolia, PA 16050)	
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Respondent.)	Proceedings Pursuant to Sections
)	103 and 109 of the Comprehensive
)	Environmental Response,
)	Compensation and Liability Act, as
)	amended, 42 U.S.C. §§ 9603
)	and 9609, and Sections 304,
)	and 325 of the Emergency
)	Planning and Community
)	Right-to-Know Act, 42 U.S.C.
)	§§ 11004 and 11045

FINAL ORDER

Pursuant to Sections 103 and 109 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9603 and 9609, and Sections 304 and 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. §§ 11004 and 11045, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, 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.

Date: 9/24/12

Renée Sarajian
 Renée Sarajian
 Regional Judicial Officer
 EPA, Region III

