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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In The Matter of: :
: :
Land & Sea Forest Products : Docket No. EPCRA-03-2015-0076
of Pennsylvania Corporation, : :
: :
Respondent. : :
: : Proceeding Under Sections 313 and
Land & Sea Forest Products : 325(c) of EPCRA, 42 U.S.C. §§ 11023
of Pennsylvania Corporation : and 11045(c)
400 Rock Run Road : :
Fairless Hills, Pennsylvania 19030, : :
: :
Facility. : :

CONSENT AGREEMENT

I. Preliminary Statement

This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Land & Sea Forest Products of Pennsylvania Corporation ("Respondent"), pursuant to Sections 313 and 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. §§ 11023 and 11045(c), the regulations implementing EPCRA Section 313, as set forth at 40 C.F.R. Part 372, and 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.

Pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3), this Consent Agreement and the accompanying Final Order (collectively, "CAFO") simultaneously commences and concludes this proceeding against Respondent to resolve violations of EPCRA Section 313, 42 U.S.C. § 11023, and regulations promulgated thereunder, as alleged herein, by Respondent at its facility located in Fairless Hills, Pennsylvania.

II. General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Except as provided in Paragraph 1, immediately above, Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this CAFO.
3. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

4. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

III. Findings of Fact and Conclusions of Law

7. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), Complainant adopts the following findings of fact and conclusions of law.
8. EPCRA Section 329(4), 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define "facility" to mean, in relevant part, all buildings, equipment, structures, and other stationary items that are located on a single site and that are owned or operated by the same person.
9. EPCRA Section 313(a), 42 U.S.C. § 11023(a), requires subject owners or operators of any facility that, in any calendar year, manufactures, processes or otherwise uses a toxic chemical listed under EPCRA Section 313(c), 42 U.S.C. § 11023(c), in quantities exceeding a regulatory threshold established under EPCRA Section 313(f), 42 U.S.C. § 11023(f), to complete and submit a toxic chemical release inventory report (*i.e.*, "Form R" or "Form A") for each such listed toxic chemical. Pursuant to EPCRA Section 313(a), 42 U.S.C. § 11023(a), each required Form R or Form A must include the information required under Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), and must be submitted to EPA and to the designated State agency by July 1 of the year following the year for which such toxic inventory report is required.
10. EPCRA Section 313(b), 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.22 provide, in relevant and applicable part, that a facility which meets the following criteria for a calendar year is a "covered facility" for that calendar year and must report under 40 C.F.R. § 372.30: [a] the facility has 10 or more full-time employees; [b] the facility is in a Standard Industrial Classification ("SIC") (as in effect on January 1, 1987) major group or industrial code listed in 40 C.F.R. § 372.23(a), for which the corresponding North American Industrial Classification System ("NAICS") (as in effect on January 1, 2007, for reporting year 2008 and thereafter) subsector and industry codes are listed in 40 C.F.R. § 372.23(b) and (c) by virtue of the fact that the facility is an establishment with a primary SIC major group or industry code listed in 40 C.F.R. § 372.23(a), or a primary NAICS subsector or industry code listed in 40 C.F.R. § 372.23(b) or 40 C.F.R. § 372.23(c); and [c] the facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. § 372.25, 372.27, or 375.28.

11. 40 C.F.R. § 372.30(a) provides, in relevant part, that for each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in 40 C.F.R. § 372.25, § 372.27, or § 372.28 at its covered facility for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350-1) in accordance with the instructions referred to in 40 C.F.R. Part 372, Subpart E.
12. 40 C.F.R. § 372.30(d) provides, in relevant part, that: “[e]ach report under this section for activities involving a toxic chemical that occurred during a calendar year at a covered facility must be submitted on or before July 1 of the next year.”
13. EPCRA Section 329(7), 42 U.S.C. § 11049(7), defines “person” to include any corporation.
14. Respondent is a New Jersey corporation registered to do business in Pennsylvania, with a registered office located at Rock Run Road, Falls Township, Pennsylvania, 19030.
15. Respondent is a “person” as defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
16. Respondent owns and operates and, at the time of the violations alleged herein, owned and operated a wood treatment and preservation facility located at 400 Rock Run Road, Fairless Hills, Pennsylvania 19030 (the “Facility”).
17. Respondent’s Facility is a “facility,” as defined in Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.
18. During calendar years 2011 and 2012, at the time of the alleged violations and at all other times herein relevant, Respondent employed 10 or more full-time employees at the Facility.
19. During calendar years 2011 and 2012, the Facility had a primary SIC major group and industry code listed in 40 C.F.R. § 372.23(a) (*i.e.*, SIC Code 2491 -Wood Preserving Major Group 24; NAICS Code 321 – Wood Product Manufacturing).
20. The Facility processed 57,097 pounds of the chemical category “*Copper Compounds*” in calendar year 2011 and 42,645 pounds of the chemical category “*Copper Compounds*” in calendar year 2012.
21. For purposes of toxic chemical release reporting, the Facility was a “covered facility,” within the meaning of 40 C.F.R. §§ 372.22 and 372.30(c), in each of calendar years 2011 and 2012.

Count I
Calendar Year 2011
Toxic Chemical Reporting Failure for *Copper Compounds*

22. The allegations of Paragraphs 1 through 21 of this Consent Agreement are incorporated herein by reference.
23. "*Copper Compounds*" are a "toxic chemical" as defined in EPCRA §§ 313(c) and 329(10), 42 U.S.C. §§ 11023(c) and 11049(10), and 40 C.F.R. § 372.3, and are listed in 40 C.F.R. § 372.65.
24. As provided in Section 313(f)(1)(B)(iii) of EPCRA, 42 U.S.C. § 11023(f)(1)(B)(iii), and as set forth in 40 C.F.R. § 372.25, the reporting threshold amount for *Copper Compounds* that are manufactured (including imported) or processed at a facility is 25,000 pounds.
25. Respondent processed more than 25,000 pounds of *Copper Compounds* at the Facility during calendar year 2011.
26. Pursuant to EPCRA § 313(a), 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30, Respondent was required to submit to the Administrator of EPA and to the Commonwealth of Pennsylvania by July 1, 2012 a completed Form R or Form A for the *Copper Compounds* processed at the Facility during calendar year 2011.
27. Respondent did not submit a complete Form R or Form A for the toxic chemical *Copper Compounds* that Respondent processed at the Facility during calendar year 2011 to the Administrator of EPA or to the Commonwealth of Pennsylvania until on or about January 14, 2013.
28. Respondent's failure to submit, on or before July 1, 2012, a complete Form R or Form A to EPA and to the Commonwealth of Pennsylvania for the toxic chemical *Copper Compounds* that Respondent processed at the Facility during calendar year 2011 constitutes a violation of EPCRA Section 313, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count II
Calendar Year 2012
Toxic Chemical Reporting Failure for *Copper Compounds*

29. The allegations of Paragraphs 1 through 28 of this Consent Agreement are incorporated herein by reference.
30. Respondent processed more than 25,000 pounds of *Copper Compounds* at the Facility during calendar year 2012.
31. Pursuant to EPCRA § 313(a), 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30, Respondent was required to submit to the Administrator of EPA and to the Commonwealth of Pennsylvania by July 1, 2013 a completed Form R or Form A for the *Copper Compounds*

processed at the Facility during calendar year 2012.

32. Respondent did not submit a complete Form R or Form A for the toxic chemical *Copper Compounds* that Respondent processed at the Facility during calendar year 2012 to the Administrator of EPA or to the Commonwealth of Pennsylvania until on or about September 5, 2014.
33. Respondent's failure to submit, on or before July 1, 2013, a complete Form R or Form A to EPA and to the Commonwealth of Pennsylvania for the toxic chemical *Copper Compounds* that Respondent processed at the Facility during calendar year 2012 constitutes a violation of EPCRA Section 313, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

IV. Civil Penalty

34. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that any person who violates Section 313 of EPCRA, 42 U.S.C. § 11023, shall be liable to the United States for a civil penalty of up to \$25,000 per violation. Pursuant to the *Adjustment of Civil Monetary Penalties for Inflation*, 40 C.F.R. Part 19, the maximum inflation-adjusted statutory penalty for violations of Section 313 of EPCRA, 42 U.S.C. § 11023, occurring after January 12, 2009, has been increased to \$37,500 per violation.
35. In settlement of EPA's claims for civil monetary penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **EIGHT THOUSAND ONE HUNDRED DOLLARS (\$8,100.00)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
36. The Parties find and represent that the aforesaid settlement amount is reasonable and is based upon Complainant's consideration of a number of factors including, *inter alia*, the penalty criteria set forth in Section 325(b)(1)(C) of EPCRA, 42 U.S.C. § 11045(b)(1)(C), which include the nature, circumstances, extent and gravity of the violations and the violator's ability to pay, prior history of violations, degree of culpability, economic benefit of savings (if any) resulting from the violations, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) And Section 6607 of the Pollution Prevention Act (1990), as amended on April 12, 2001*, the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelley, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.

37. The Parties additionally find and represent that the settlement in this proceeding is consistent with the provisions and objectives of Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. Part 372.
38. The civil penalty of EIGHT THOUSAND ONE HUNDRED DOLLARS (\$8,100.00), set forth in Paragraph 35, above, may be paid in six (6) installments with interest at the rate of one per cent (1%) per annum on the outstanding principal balance, in accordance with the following schedule:
- a. **1st Payment:** The first payment in the amount of *ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - b. **2nd Payment:** The second payment in the amount of *ONE THOUSAND THREE HUNDRED AND SIXTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$1,361.25)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$11.25, shall be paid within sixty (60) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - c. **3rd Payment:** The third payment in the amount of *ONE THOUSAND THREE HUNDRED AND FIFTY-FOUR DOLLARS AND FIFTY CENTS (\$1,354.50)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$4.50, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondent,
 - d. **4th Payment:** The fourth payment in the amount of *ONE THOUSAND THREE HUNDRED AND FIFTY-THREE DOLLARS AND THIRTY-SEVEN CENTS (\$1,353.37)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$3.37, shall be paid within one hundred and twenty (120) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - e. **5th Payment:** The fifth payment in the amount of *ONE THOUSAND THREE HUNDRED AND FIFTY-TWO DOLLARS AND TWENTY-FIVE CENTS (\$1,352.25)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$2.25, shall be paid within one hundred and fifty (150) days of the date on which this CAFO is mailed or hand-delivered to Respondent; and
 - f. **6th Payment:** The sixth payment in the amount of *ONE THOUSAND THREE HUNDRED AND FIFTY-ONE DOLLARS AND TWELVE (\$1,351.12)*, consisting of a principal payment of \$1,350.00 and an interest payment of \$1.12, shall be paid within one hundred and eighty (180) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the

civil penalty in the amount of **EIGHT THOUSAND ONE HUNDRED DOLLARS (\$8,100.00)** and total interest payments in the amount of **TWENTY-TWO DOLLARS AND FORTY-NINE CENTS (\$22.49)**.

39. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 38, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, administrative handling charges and late payment penalty charges as described in Paragraphs 43, 44, 45 and 46 below, in the event of any such failure or default.
40. Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
41. Respondent shall pay the civil penalty amount assessed in Paragraph 35, above, plus any associated interest, administrative costs and/or late payment penalties owed, in accordance with the applicable Section IV ("Civil Penalty") provisions, above and below, of this Consent Agreement, by either cashier's check, certified check, or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall reference Respondent's name and address and the Docket Number of this action (*Docket No. EPCRA-03-2015-0076*).
 - b. All checks shall be made payable to "United States Treasury".
 - c. All payments made by check and sent by Regular U.S. Postal Service Mail shall be addressed and mailed to:

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

Customer service contact: 513-487-2091
 - d. All payments made by check and sent by Private Commercial Overnight Delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- e. 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 W. M.L. King Drive
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: 866-234-5681

- h. On-Line Payment Option

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

i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

42. At the time of payment, Respondent simultaneously shall send a notice of such payment, including a copy of the check or electronic wire transfer, as applicable, to:

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

and

A.J. D'Angelo
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

43. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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 or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
44. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO 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).
45. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 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 payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
46. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is

delinquent. 31 C.F.R. § 901.9(d).

47. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. Certification

48. The individual who signs this Consent Agreement on behalf of Respondent certifies that the Facility referred to in this Consent Agreement currently is in compliance with all applicable requirements of EPCRA Section 313, 42 U.S.C. § 11023.

VI. Other Applicable Laws

49. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

VII. Reservation of Rights

50. This Consent Agreement and the accompanying Final Order resolve only EPA's claims for civil penalties for the specific violations of Section 313 of EPCRA, 42 U.S.C. § 11023, alleged herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, EPA reserves any rights and remedies available to it under EPCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

VIII. Scope of Settlement

51. The settlement set forth in this CAFO shall constitute full and final satisfaction of Complainant's civil claims for penalties for the specific violations alleged herein. Compliance with the CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

IX. Parties Bound

52. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person who signs this Consent Agreement on behalf of 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 this Consent Agreement and the accompanying Final Order.

X. Effective Date

53. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. Entire Agreement

54. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent:

Date: 2-15-15

By:



H. Wade Carden, Jr.
President and Chief Executive Officer
Land & Sea Forest Products of Pennsylvania Corporation

For the Complainant:

Date: 3/11/2015

By:

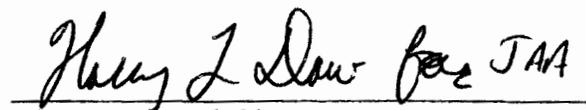


A.J. D'Angelo
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 3/23/2015

By:



John A. Armistead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

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In The Matter of: :
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Land & Sea Forest Products : Docket No. EPCRA-03-2015-0076
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Respondent. : :
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Land & Sea Forest Products : Proceeding Under Sections 313 and
of Pennsylvania Corporation : 325(c) of EPCRA, 42 U.S.C. §§ 11023
400 Rock Run Road : and 11045(c)
Fairless Hills, Pennsylvania 19030, : :
: :
Facility. :

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Land & Sea Forest Products of Pennsylvania Corporation, 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 reference to Sections 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.

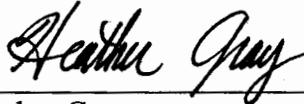
NOW, THEREFORE, PURSUANT TO Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045(c), and the *Consolidated Rules of Practice*, after having determined, based on the representations of the Parties set forth in the Consent Agreement, that the civil penalty of **EIGHT THOUSAND ONE HUNDRED DOLLARS (\$8,100.00)** agreed to therein was based upon a consideration of, *inter alia*, the statutory factors set forth in Section 325(b)(1)(C) of EPCRA, 42 U.S.C.

§ 11045(b)(1)(C), EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) And Section 6607 of the Pollution Prevention Act (1990)*, as amended on April 12, 2001, and the provisions and objectives of Section 313 of EPCRA, 42 U.S.C. § 11023, **IT IS HEREBY ORDERED** that Respondent pay a civil monetary penalty of **EIGHT THOUSAND ONE HUNDRED DOLLARS (\$8,100.00)** in accordance with the provisions of the foregoing Consent Agreement and comply timely with each of the additional terms and conditions thereof.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region III, or his designee, the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date:

3-26-15



Heather Gray
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

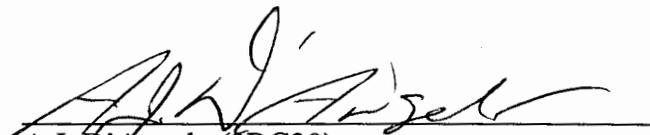
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Respondent.	:	
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Land & Sea Forest Products of Pennsylvania Corporation	:	Proceeding Under Sections 313 and 325(c) of EPCRA, 42 U.S.C. §§ 11023 and 11045(c)
400 Rock Run Road	:	
Fairless Hills, Pennsylvania 19030,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, 5th Floor, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Consent Agreement and of the accompanying Final Order. I further certify that on the date set forth below, I caused true and correct copies of the same to be mailed, via Certified Mail, Return Receipt Requested, Postage Prepaid, to the following person at the following address:

Mr. H. Wade Carden, Jr.
Chief Executive Officer
Land & Sea Forest Products of Pennsylvania Corporation
400 Rock Run Road
Fairless Hills, Pennsylvania 19030
(Article No. 7004 2890 0000 5075 7439)

3/26/2015
Date


A.J. D'Angelo (3RC30)
Sr. Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480