

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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EPA REGION III, PHILA. PA

IN RE:

Montgomery Chemicals, LLC
901 Conshohocken Road
Conshohocken, Pennsylvania 19428-1039

Respondent

Docket No. CAA-03-2013-~~0028~~ WAS-0288
0028

Should be CAA-03-2013
0028

Proceeding Under the Clean Air Act,
Section 113(a) and (d)

CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the Respondent, Montgomery Chemicals LLC ("Montgomery" or the "Respondent"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") addresses violations alleged by EPA in a Finding of Violation, dated September 28, 2011, which occurred at a manufacturing facility owned and operated by the Respondent at 901 Conshohocken Road in Conshohocken, Pennsylvania.

II. General Provisions

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

III. Findings Of Fact And Conclusions Of Law

7. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
8. Montgomery is a limited liability company authorized to do business in Pennsylvania. Montgomery owns and operates a business at 901 Conshohocken Road, Conshohocken, Pennsylvania 19428-1039 ("the Facility").
9. Respondent manufactures sodium borohydride as a final product and produces methanol as an intermediate in its process at the Facility. The methanol intermediate is recovered through a series of processes to be stored and reused in the process as a raw material.

10. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).
11. Section 112 of the Act, 42 U.S.C. § 7412, requires the Administrator of EPA to publish a list of air pollutants determined to be hazardous and to promulgate regulations establishing emission standards or, where necessary, design, equipment, work practice, or operational standards for each listed hazardous air pollutant ("HAP").
12. Pursuant to Section 112 of the Act, 42 U.S.C § 7412, EPA promulgated 40 C.F.R. Part 63 Subpart EEEE, National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-gasoline) ("Subpart EEEE") and 40 C.F.R. Part 60 Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations ("Subpart NNN").
13. A "major source" pursuant to Section 112(a) of the Act, 42 U.S.C § 7412(a), is a stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant ("HAP") or 25 tons per year or more of any combination of HAPs. The term HAP means any air pollutant listed pursuant to Section 112(b) of the Act, 42 U.S.C § 7412(b).
14. Subpart EEEE establishes emission limitations, operating limits and work practice standards for organic HAPs emitted from organic liquid distribution ("OLD") operations at major sources of HAP emissions, as defined by Section 112(a) of the Act, 42 U.S.C § 7412(a).
15. "Organic liquids distribution operation" is defined as the combination of activities and equipment used to store or transfer organic liquids into, out of, or within a plant site regardless of the specific activity being performed. Activities include, but are not limited to, storage, transfer, blending, compounding, and packaging. 40 C.F.R. §63.2406.
16. Pursuant to 40 C.F.R. §63.2406, "Organic liquid" means any non-crude oil liquid or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart..." and "in organic liquids service" means that an equipment leak component contains or contacts organic liquids having 5 percent by weight or greater of the organic HAP listed in Table 1 of 40 C.F.R. Part 63 Subpart EEEE.
17. Respondent's facility is a major source as defined in Section 112(a) of the Act, 42 U.S.C § 7412(a) because it is a stationary source that emits or has the potential to emit 10 tons or more per year of a HAP or more than 25 tons per year or greater of a combination of HAPs, including, but not limited to, methanol.

18. Pursuant to 40 C.F.R. Part 63 Subpart EEEE, Respondent's methanol delivery process meets the definition of organic liquid distribution operation and includes the methanol storage tank, the transfer racks where the methanol is unloaded out of the transport vehicles and/or containers and the equipment leak components in organic liquids service associated with the storage tank and transport racks.
19. Methanol is a listed HAP in Table 1 of 40 C.F.R. Part 63 Subpart EEEE and is greater than 5 percent by weight in the storage tank, transfer racks and equipment leak components associated with the storage tank and transfer racks at the Facility.
20. On February 16, 2011, EPA conducted an inspection at the Facility. EPA has determined that Respondent was not complying with 40 C.F.R. Part 63 Subpart EEEE, in that the Respondent did not establish emission limitations, operating limits and work practice standards for equipment including, but not limited to, storage tanks, transfer racks and equipment leak components associated with storage tanks and transfer racks. Nor did the Respondent comply with the reporting and recordkeeping requirements of 40 C.F.R. Part 63 Subpart EEEE.
21. Subpart NNN establishes emission limitations, monitoring requirements and reporting and recordkeeping requirements for affected facilities at major sources of VOC emissions.
22. Pursuant to Subpart NNN at 40 C.F.R. §60.660(b), an "affected facility" is any of the following for which construction, modification, or reconstruction commenced after December 30, 1983: (1) Each distillation unit not discharging its vent stream into a recovery system; (2) Each combination of a distillation unit and the recovery system into which its vent stream is discharged; or (3) Each combination of two or more distillation units and the common recovery into which their vent streams are discharged.
23. Subpart NNN applies to each affected facility that is part of a process unit that produces any of the chemicals listed in §60.667 as a product, co-product, by-product or intermediate. Facilities subject to this regulation are required to be in compliance upon commencement of construction, reconstruction or modification.
24. Respondent operates an affected facility as defined in 40 C.F.R. Part §60.660(b). The affected facility includes the combination of a methanol distillation unit (DC-1420) and the recovery system (including equipment associated with T-1422 and T-1412) into which its vent is discharged.
25. Methanol is a chemical listed in 40 C.F.R. §60.667 and Respondent produces methanol as an intermediate in its process at the Facility.

26. Based on the February 16, 2011 inspection, EPA has determined that Respondent has not been complying with the emission limitations, monitoring requirements and reporting and recordkeeping requirements of 40 C.F.R. Part 60 Subpart NNN.

IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

27. Respondent herein certifies to Complainant that all violations referred to in Section III of this Consent Agreement and set forth with more particularity in the September 28, 2011 Finding of Violation issued by EPA, shall be corrected or remedied within six (6) months of the execution of this Consent Agreement and Final Order. Respondent further certifies that as a condition of its settlement with the Complainant, Respondent shall install and operate the scrubber system identified in the Pennsylvania Department of Environmental Protection's Plan Approval (No. PA-46-0124A) (the "Plan Approval") and perform a stack test as required by the Plan Approval. Respondent shall complete the installation of the scrubber system by January 26, 2013, and complete the performance of the stack test by May 26, 2013.
28. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle fully and resolve all violations set forth in Section III of this Consent Agreement.
29. In full and final settlement of the alleged violations enumerated above in Section III of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of Thirty-Six Thousand Dollars (\$36,000.00), plus any applicable interest, paid in twelve (12) monthly installments, in accordance with the payment terms set forth in this paragraph below.

The civil penalty of Thirty-Six Thousand Dollars (\$36,000.00) assessed against Respondent may be paid in twelve (12) monthly installments, with interest at the rate of one (1) percent (1%) per annum, on the outstanding principal balance in accordance with the following schedule. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth below, Respondent may pay the entire civil penalty (\$36,000.00), within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby avoid the payment of interest pursuant 40 C.F.R. § 13.11(a) as described in Paragraph 32 below. In addition, 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:

- a. 1st Payment: The first installment payment in the amount of three thousand dollars (\$3,000.00), shall be paid within thirty (30) days of the date on which this CAFO

is mailed or hand-delivered to Respondent. No interest will accrue if this installment is paid within 30 days;

b. 2nd Payment: The second installment payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$2,963.04 and an interest payment of \$54.25, 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 amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$2,992.60 and an interest payment of \$24.69, 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 amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$2,995.06 and an interest payment of \$22.23, 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 amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$2,997.52 and an interest payment of \$19.77, shall be paid within one hundred and fifty (150) days of the date on which this CAFO is mailed or hand-delivered to Respondent;

f. 6th Payment: The sixth payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$2,999.99 and an interest payment of \$17.30, shall be paid within one hundred and eighty (180) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

g. 7th Payment: The seventh payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,002.45 and an interest payment of \$14.84, shall be paid within two hundred and ten (210) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

h. 8th Payment: The eighth payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,004.92 and an interest payment of \$12.37, shall be paid within two hundred and forty (240) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

i. 9th Payment: The ninth payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,007.39 and an interest payment of \$9.90, shall be paid within two hundred and seventy (270) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

j. 10th Payment: the tenth payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,009.86 and an interest payment of \$7.43, shall be paid within three hundred (300) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

k. 11th Payment: The eleventh payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,012.34 and an interest payment of \$4.95, shall be paid within three hundred and thirty (330) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

l. 12th Payment: The twelfth payment in the amount of three thousand and seventeen dollars and twenty-nine cents (\$3,017.29), consisting of a principal payment of \$3,014.82 and an interest payment of \$2.47, shall be paid within three hundred and sixty (360) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

30. The settlement amount of Thirty-Six Thousand Dollars (\$36,000.00), plus any applicable interest is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e), of the Act, 42 U.S.C. § 7413(e), (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
31. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in paragraph 29 above, the entire 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 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 Paragraph 32, in the event of any such failure or default.
32. 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 or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment

charges including interest, penalties, and/or administrative costs of handling delinquent debts.

33. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order 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).
34. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the 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.
35. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 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. 31 C.F.R. § 901.9(d).
36. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
37. Payment of the penalty in Paragraph 29 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number (CAA-03-2013-0288).

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

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

Overnight deliveries shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. Environmental Protection Agency
Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: (314) 418-1028.

All electronic wire transfer payments shall be directed 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"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - checking
33 Liberty Street
New York, N.Y. 10045

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from www.pay.gov. Enter sfo 1.1 in the search field. Open form and complete required fields.

**Additional payment guidance is available at:
http://www.epa.gov/ocfo/finservices/make_a_payment.htm**

38. All payments made by check also shall reference the above case caption and docket number, CAA-03-2013-0288. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Dennis M. Abraham, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Leslie Jones Doherty (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
39. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
40. Payment of the penalty specified in Paragraph 29 in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute full and final satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
41. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

V. Reservation of Rights

42. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. 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. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. 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, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

43. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order is filed with the Regional Hearing Clerk of EPA Region III.

VII. Waiver of Hearing

44. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

VIII. Entire Agreement

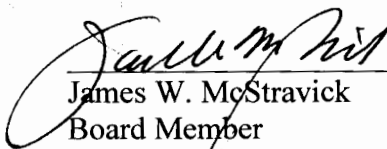
45. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

IX. Execution

46. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.


For the Respondent:

12/24/12
Date


James W. McStravick
Board Member
Montgomery Chemicals LLC


For the Complainant:

1/15/13
Date


Dennis M. Abraham
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order. The amount of the recommended civil penalty assessment is Thirty-Six Thousand Dollars (\$36,000.00), plus any applicable interest, if any.

1/31/2013
Date


Diana Esher, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF: :

Montgomery Chemicals, LLC :
901 Conshohocken Road :
Conshohocken, Pennsylvania 19428-1039 :

Respondent :

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: *Should be, CAA-03-2013-*
: *0028*
: DOCKET NO. CAA-03-2013-0288
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: Proceeding Under the Clean Air Act,
: Section 113(a) and (d)
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FINAL ORDER

The terms of the forgoing Consent Agreement are hereby accepted by the undersigned and incorporated into this Final Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, Respondent, Montgomery Chemicals, LLC, is assessed a civil penalty of Thirty-Six Thousand Dollars (\$36,000.00), plus any applicable interest, if any.

The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

Date: 2/7/13

Renée Sarajian

Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III