

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Thomas T. Olivier 9/27/16  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2016-0049

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Johnson Matthey Pharmaceutical  
Materials, Inc.  
25 Patton Road  
Devens, MA 01434

Total Dollar Amount of Receivable \$ 110,000 Due Date: 10/26/16

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

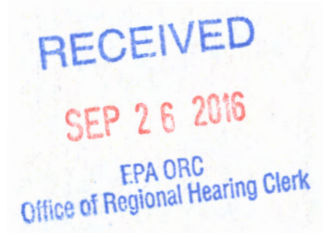
If you have any questions call: \_\_\_\_\_  
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

September 26, 2016

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I (ORA 18-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912



**BY HAND**

Re: In the Matter of Johnson Matthey Pharmaceutical Materials, Inc.,  
Docket No. CAA-01-2016-0049

Dear Ms. Santiago:

Enclosed for filing please find a Consent Agreement and Final Order ("CAFO") settling the above-captioned action. The Consent Agreement has been signed by the parties and the Regional Judicial Officer.

I also enclose a copy. If you have any questions related to this matter please call me at 617-918-1737.

I certify that this day I have caused a copy of the filing to be served by first class mail on counsel for the Respondent, Amy Donohue-Babiak, Esq.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas T. Olivier".

Thomas T. Olivier  
Senior Enforcement Counsel  
EPA Region 1

Enclosure  
cc: Amy Donohue-Babiak, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

RECEIVED

SEP 26 2016

EPA ORC  
Office of Regional Hearing Clerk

In the Matter of: )  
)  
Johnson Matthey Pharmaceutical )  
Materials, Inc. )  
25 Patton Road )  
Devens, MA 01434 )  
)  
Respondent )  
)

Docket No. CAA-01-2016-0049

**CONSENT AGREEMENT AND FINAL ORDER**

The Complainant, United States Environmental Protection Agency, Region I (“EPA”), filed an administrative complaint in this matter (“Complaint”) against Johnson Matthey Pharmaceutical Materials, Inc., (“Respondent”) alleging violations of certain provisions of the Clean Air Act (“Act”) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, 40 CFR Part 63, Subpart VVVVVV (the “Chemical Manufacturing NESHAP”).

EPA and Respondent agree to settlement of this matter through this Consent Agreement and Final Order (“CAFO”), as authorized under 40 C.F.R. § 22.18(b).

EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this CAFO without further litigation is an appropriate means of resolving this matter.

Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, this matter shall be resolved as follows.

**A. PRELIMINARY STATEMENT**

1. The provisions of this CAFO shall apply to and be binding upon EPA and upon Respondent and its officers, directors, trustees, successors, and assigns.

2. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue. Respondent consents to the assessment of the civil penalty as stated below in Paragraph 6.

3. Respondent neither admits nor denies the general or specific factual and legal allegations of the Complaint. For purposes of this CAFO and any action necessary to enforce it, Respondent hereby waives its right to request a judicial or administrative hearing or otherwise to contest the allegations in this CAFO. Respondent waives any right to appeal this CAFO.

**Statutory and Regulatory Authorities**

4. Section 113(d) of the Act, 42 U.S.C. § 7413(d), authorizes EPA to issue an administrative penalty order.

5. Section 22.18 of the Consolidated Rules of Practice Governing the Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.18, authorizes consent agreements for the settlement of administrative penalty actions under the Act.

**B. TERMS OF SETTLEMENT**

6. Respondent shall pay a civil penalty of \$110,000.00 no later than thirty (30) days after the Effective Date (as defined below).

7. Respondent shall make the penalty payment by submitting a bank,

cashier's, or certified check, to the order of the "Treasurer, United States of America," in the amounts described in the preceding paragraph to:

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

Respondent may submit penalty payments by via express mail to the following address:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
Telephone: 314-418-4087

Respondent shall note the case name and docket number of this action (CAA-01-2016-0049) on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region I  
Suite 100, Mail Code ORA18-1  
5 Post Office Square  
Boston, MA 02109-3912

and

Thomas Olivier  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region I  
Suite 100, Mail Code OES4-03  
5 Post Office Square  
Boston, MA 02109-3912

8. Pursuant to Section 113(d)(5) of the CAA, if Respondent fails to pay the penalty amount it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. 42 U.S.C. § 7413(d)(5). Interest will

be assessed on the penalty if it is not paid by the due date established herein. In that event, interest will accrue from the date the CAFO was signed by the EPA Regional Judicial Officer at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that the penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorneys’ fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent’s outstanding penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

**C. GENERAL PROVISIONS**

9. The civil penalty under Paragraph 6, above, any interest, and any nonpayment penalties and/or charges as described in Paragraph 8, above, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes, and shall not be deductible for purposes of state, or local taxes unless allowed by law.

10. Payment of the civil penalty, and any interest, non-payment penalties, and/or other charges, does not waive, suspend, or modify the responsibility of Respondent to comply with the requirements of any of the federal laws and regulations administered by EPA.

11. This CAFO constitutes a settlement by EPA of all claims against Respondent for civil penalties pursuant to Section 113 of the Act for the violations and facts alleged in the Complaint. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA for matters not addressed in this CAFO. EPA reserves all its other


criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

12. Except as described in Paragraph 8, each party shall bear its own costs and fees in this proceeding, including attorney's fees, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

13. Each party certifies that at least one of their undersigned representatives is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to this document.

14. The "Effective Date" of this CAFO shall be defined as the date that this CAFO is filed with the Regional Hearing Clerk, as described in the Final Order attached to this Consent Agreement.


FOR JOHNSON MATTHEY PHARMACEUTICAL MATERIALS, INC.

  
\_\_\_\_\_  
Michael McKinley, General Manager  
Pharma Services, US & China  
Johnson Matthey Pharmaceutical Materials, Inc.

Date: September 13, 2016



FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region I

9-15-16

Date



Thomas T. Olivier  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region I


9/13/16

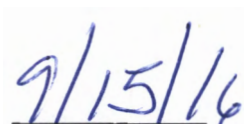
Date

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b) of the United States Environmental Protection Agency's Consolidated Rules of Practice, the parties to this matter have forwarded an executed Consent Agreement to me for final approval. In accordance with 40 C.F.R. § 22.18(b) and Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the foregoing Consent Agreement resolving this matter is hereby incorporated by reference into this Final Order and is hereby ratified. Respondent, Johnson Matthey Pharmaceutical Materials, Inc., is ordered to pay the civil penalty amount specified in the Consent Agreement (\$110,000) in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

  
\_\_\_\_\_  
LeAnn Jensen, Acting Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 1

  
\_\_\_\_\_  
Date