

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In the Matter of :   
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Marubeni Specialty Chemicals, Inc., : CONSENT AGREEMENT  
: AND  
: FINAL ORDER  
Respondent. :   
:   
Proceeding under the Toxic Substances : Docket No.  
Control Act, 15 USC §§ 2601-2697 et seq. : TSCA-02-2017-9241  
as amended ("TSCA") :   
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PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Marubeni Specialty Chemicals, Inc., (hereinafter "Respondent"), violated Section 8(a) of TSCA, 15 U.S.C. § 2607(a), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 711, relating to requirements for Chemical Data Reporting ("CDR") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. §§ 22.18(b)(2) and (3), is an appropriate means of resolving

this case without further litigation. This Consent Agreement and Final Order is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent is Marubeni Specialty Chemicals, Inc.
2. On September 29, 2015, EPA conducted an inspection of and at Respondent's facility located at 10 Bank Street in White Plains, New York.
3. As a result of this inspection, Respondent submitted to EPA certain information regarding the manufacturing, including importation, of chemical substances subject to TSCA.
4. As a result of EPA's review of the information described in paragraph 3, above, EPA determined that Respondent had committed a violation of the regulations at 40 CFR Part 711 regarding the reporting of a regulated chemical substance, as described in paragraphs 5 through 9, below.
5. According to the information described in paragraph 3, above, Respondent manufactured or imported chemical substances in volumes of 25,000 pounds or more during the period January 1, 2011 through December 31, 2011.
6. Pursuant to 40 C.F.R. § 711.15, Respondent filed its CDR report for the period named in paragraph 5, above, through EPA's Central Data Exchange. This CDR report failed to include the required information for the chemical substance identified by the Chemical Abstract Services Registry Number (CASRN) 826-62-0.
7. On October 24, 2012, Respondent filed an updated CDR report which also failed to include the required information for CASRN 826-62-0.
8. On August 4, 2017, Complainant and Respondent entered into a tolling agreement for the period of August 13, 2017 through December 31, 2017.
9. On August 15 and 18, 2017, Complainant and Respondent met via telephone for an informal settlement conference prior to the issuance of any enforcement action.

### CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facility which is the subject of this Consent Agreement and Final Order, is subject to the regulations and requirements pertaining to the reporting requirements promulgated pursuant to Section 8(b) of TSCA, 15 U.S.C. § 2607(b), and set forth at 40 C.F.R. Part 711.
2. Respondent is a "person" as that term is defined in 40 C.F.R. § 710.3.
3. Respondent is a "manufacturer" as that term is defined at 40 C.F.R. § 711.3.
4. Respondent's facility is a "site" as that term is defined at 40 C.F.R. § 711.3.
5. CASRN 826-62-0 is a "reportable chemical substance" as that term is defined at 40 C.F.R. § 711.3.
6. CASRN 826-62-0 was listed on EPA's "Master Inventory File" prior to the beginning of the principal reporting year applicable to this matter.
7. Pursuant to 40 C.F.R. § 711.5, CASRN 826-62-0 was a chemical substance for which information must be reported.
8. Failure to meet the reporting requirements of 40 C.F.R. § 711.15 is a violation of 40 C.F.R. § 711.8, which is a violation of Sections 8(a) and 15(3) of TSCA, 15 U.S.C. §§ 2607(a) and 2614(3), respectively.

### TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules at 40 C.F.R. Part 22, it is hereby agreed by and

