



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 SEP -4 A 11: 17
REGIONAL HEARING
CLERK

September 4, 2013

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

James R. Baus, President
Industrial Chemicals Corporation
St. Rd. 127, Km. 19.1
Bo. Tallaboa Poniente
Penuelas, PR 00624-1630

Re: Consent Agreement and Final Order, In the Matter of Industrial Chemicals Corporation

Dear Mr. Baus:

Enclosed please find a fully executed copy of the Consent Agreement and Final Order in this matter. Please do not hesitate to contact me if you have any questions.

Thank you again for your cooperation throughout this settlement process.

Sincerely,

A handwritten signature in cursive script that reads "Jean H. Regna".

Jean H. Regna
Assistant Regional Counsel

Enclosure

cc: Regional Hearing Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

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)
In the Matter of:)
)
Industrial Chemicals Corporation)
)
Penuelas, Puerto Rico)
)
)
Respondent.)
-----X

Docket No. CAA-02-2013-1213
CONSENT AGREEMENT AND
FINAL ORDER

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PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order (“CA/FO”) is issued pursuant to Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d). The Complainant in this action is the Director of the Emergency and Remedial Response Division of the United States Environmental Protection Agency (“EPA”), Region 2, who has been delegated the authority to institute this action. Respondent is Industrial Chemicals Corporation (“Respondent”).
2. EPA and the U.S. Department of Justice have determined, pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), that EPA may pursue this matter through administrative enforcement action.
3. Pursuant to Section 22.13 of the revised Consolidated Rules of Practice, 40 Code of Federal Regulations (“C.F.R.”) § 22.13(b), where parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a CA/FO pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).
4. It has been agreed by the parties that settling this matter by entering into this CA/FO pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving specified claims against Respondent without litigation.

STATUTORY BACKGROUND

5. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), provides for the assessment of penalties for violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).
6. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate release prevention, detection, and correction requirements regarding regulated substances in order to prevent accidental releases of regulated substances. EPA promulgated

