

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2018 JUN 12 AM 8:04

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

Sensient Colors, LLC.,

Respondent.

Proceeding under Section 325(c) of the
Emergency Planning and Community Right-to-
Know Act, 42 U.S.C. § 11045(c)

Docket No. EPCRA-07-2018-0172

CONSENT AGREEMENT AND
FINAL ORDER

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Sensient Colors, LLC (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

1. This is an administrative action for the assessment of civil penalties pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045(c).
2. This Consent Agreement and Final Order serves as notice that EPA has reason to believe that Respondent has violated the reporting requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder.

Parties

3. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA Region 7, is the Director of the Air and Waste Management Division, EPA

Region 7.

4. Respondent is Sensient Colors, LLC, a company incorporated in the State of Delaware and authorized to do business in the State Missouri. The company's facility subject to this action is located at 2515 North Jefferson Avenue, St. Louis, Missouri.

Statutory and Regulatory Background

5. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that (a) has ten or more full-time employees; (b) 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 (c); and (c) "manufactured, processed, or otherwise used" a toxic chemical listed under Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and 40 C.F.R. § 372.65, in excess of the threshold quantity established under Section 313 (f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27 or 372.28 during the calendar year, to complete and submit a toxic chemical release inventory Form R to the Administrator of EPA and to the State in which the subject facility is located by July 1, for the preceding calendar year, for each toxic chemical known by the owner or operator to be "manufactured, processed, or otherwise used" in quantities exceeding the established threshold quantity during that preceding calendar year.

6. According to Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25, the threshold amount for reporting under Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.30 is 25,000 pounds for any toxic chemical "manufactured or processed" and 10,000 pounds for any toxic chemical "otherwise used" for the applicable calendar year. Alternative reporting thresholds for certain other chemicals are set forth in 40 C.F.R. §§ 372.27 and 372.28.

7. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator to assess a civil administrative penalty of up to \$25,000 for each violation of the requirements of Section 313, 42 U.S.C. § 11023. The EPA has adjusted this figure upward for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Federal Civil Penalties Inflation Adjustment Act of 2015, 28 U.S.C. § 2461, and the implementing regulations found at 40 C.F.R. Part 19, so that EPA is now authorized to assess civil administrative penalties of up to \$37,500 for each violation occurring after January 12, 2009 and before November 2, 2015; and up to \$54,789 for each violation that occurred after November 2, 2015 and assessed after January 15, 2017.

Definitions

8. The regulations at 40 C.F.R. § 372.3 define "facility" as "all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). A facility may contain more than one establishment."

9. The regulations at 40 C.F.R. § 372.3 define “full-time employees” as “2,000 hours per year of full-time equivalent employment. A facility would calculate the number of full-time employees by totaling the hours worked during the calendar year by all employees, including contract employees, and dividing that total by 2,000 hours.”

10. The regulations at 40 C.F.R. § 372.3 define “toxic chemical” as a “chemical or chemical category listed in 40 C.F.R. § 372.65.”

11. The regulations at 40 C.F.R. § 372.3 define “manufacture” as “to produce, prepare, import or compound a toxic chemical. Manufacture also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use or disposal of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical mixture of chemicals as an impurity.”

12. “Process” means the preparation of a toxic chemical, after its manufacture, for distribution in commerce: (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance; or (2) as part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product. 40 C.F.R. § 372.3.

13. “Otherwise use” means any use of a toxic chemical, including a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms “manufacture” or “process.” Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless: (1) the toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or (2) the toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities. Relabeling or redistributing of the toxic chemical where no repackaging of the toxic chemical occurs does not constitute otherwise use or processing of the toxic chemical. 40 C.F.R. § 372.3.

General Factual Violations

14. EPA alleges that Respondent has violated EPCRA and federal regulations promulgated pursuant to EPCRA, as follows:

15. Respondent is, and at all times referred to herein was, a “person” as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. Respondent’s facility, located at 2515 N. Jefferson Avenue, St. Louis, Missouri 63103, is a “facility” as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and by 40 C.F.R. § 372.3.

17. Respondent's facility has ten or more "full-time employees" pursuant to Section 313(b)(1)(A) of EPCRA, 42 U.S.C. § 11023(b)(1)(A), and as defined by 40 C.F.R. § 372.3.

18. Respondent's facility is classified as an establishment primarily engaged in the manufacture of food dyes.

19. Certain Glycol Ethers; Chromium Compounds (except for chromite ore mined in the Transvaal Region); Ethylene Glycol; and p-Cresidine are "toxic chemicals" within the meaning of 40 C.F.R. §§ 372.3 and 372.65.

20. During reporting years 2012, 2013, and/or 2014 the toxic chemicals identified in Paragraph 19 were "manufactured, processed, or otherwise used" as those terms are defined by 40 C.F.R. § 372.3 at Respondent's facility.

21. On November 17, 2015, a duly authorized representative from EPA Region 7, conducted an inspection of Respondent's facility.

Allegations of Violation

Count 1

22. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

23. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing Certain Glycol Ethers is 25,000 pounds, and the threshold reporting quantity for otherwise using Certain Glycol Ethers is 10,000 pounds.

24. The toxic chemical Certain Glycol Ethers was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2012.

25. Respondent failed to file a Form R/A report for Certain Glycol Ethers with the Administrator of EPA and the State of Missouri for 2012 by the July 1, 2013 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

26. The failure to timely submit a Form R/A report for Certain Glycol Ethers is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 2

27. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

28. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing p-Cresidine is 25,000 pounds, and the threshold reporting quantity for otherwise using p-Cresidine is 10,000 pounds.

29. The toxic chemical p-Cresidine was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2012.

30. Respondent failed to file a Form R/A report for p-Cresidine with the Administrator of EPA and the State of Missouri for 2012 by the July 1, 2013 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

31. The failure to timely submit a Form R/A report for p-Cresidine is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 3

32. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

33. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing Chromium Compounds (except for chromite ore mined in the Transvaal Region) is 25,000 pounds, and the threshold reporting quantity for otherwise using Chromium Compounds (except for chromite ore mined in the Transvaal Region) is 10,000 pounds.

34. The toxic chemical Chromium Compounds (except for chromite ore mined in the Transvaal Region) was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2013.

35. Respondent failed to file a Form R/A report for Chromium Compounds (except for chromite ore mined in the Transvaal Region) with the Administrator of EPA and the State of Missouri for 2013 by the July 1, 2014 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

36. The failure to timely submit a Form R/A report for Chromium Compounds (except for chromite ore mined in the Transvaal Region) is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 4

37. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

38. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing Certain Glycol Ethers is 25,000 pounds, and the threshold reporting quantity for otherwise using Certain Glycol Ethers is 10,000 pounds.

39. The toxic chemical Certain Glycol Ethers was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2014.

40. Respondent failed to file a Form R/A report for Certain Glycol Ethers with the Administrator of EPA and the State of Missouri for 2014 by the July 1, 2015 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

41. The failure to timely submit a Form R/A report for Certain Glycol Ethers is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 5

42. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

43. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing Chromium Compounds (except for chromite ore mined in the Transvaal Region) is 25,000 pounds, and the threshold reporting quantity for otherwise using Chromium Compounds (except for chromite ore mined in the Transvaal Region) is 10,000 pounds.

44. The toxic chemical Chromium Compounds (except for chromite ore mined in the Transvaal Region) was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2014.

45. Respondent failed to file a Form R/A report for Chromium Compounds (except for chromite ore mined in the Transvaal Region) with the Administrator of EPA and the State of Missouri for 2014 by the July 1, 2015 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

46. The failure to timely submit a Form R/A report for Chromium Compounds (except for chromite ore mined in the Transvaal Region) is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 6

47. Paragraphs 1 through 21 are incorporated by reference as if fully set forth herein.

48. Pursuant to 40 C.F.R. § 372.25, the threshold reporting quantity for manufacturing or processing Ethylene Glycol is 25,000 pounds, and the threshold reporting quantity for otherwise using Ethylene Glycol is 10,000 pounds.

49. The toxic chemical Ethylene Glycol was manufactured, processed, and/or otherwise used at Respondent's facility in excess of the applicable threshold quantities during reporting year 2014.

50. Respondent failed to file a Form R/A report for Ethylene Glycol with the Administrator of EPA and the State of Missouri for 2014 by the July 1, 2015 deadline. Respondent filed the Form R/A report on or about December 29, 2015.

51. The failure to timely submit a Form R/A report for Ethylene Glycol is a violation of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

CONSENT AGREEMENT

52. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

53. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

54. Respondent and EPA agree to resolve the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

Penalty Payment

55. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a mitigated civil penalty of \$24,255, as set

forth below.

56. Respondent shall pay the penalty within thirty (30) days of the effective date of this Final Order. Such payment shall identify Respondent by name and docket number EPCRA-07-2018-0172 and shall be by cashier's or certified check made payable to "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

57. A copy of the check or other information confirming payment shall be simultaneously sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Alex Chen
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
chen.alex@epa.gov and

Karen T. Johnson
Air Permitting and Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
johnson.karent@epa.gov.

58. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

59. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall

begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of the debt collection, including processing and handling costs and attorneys' fees, and non-payment penalty charge of six (6) percent per year, compounded annually, will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Supplemental Environmental Project

60. In response to the violations of EPCRA alleged in this Consent Agreement and Final Order and in settlement of this matter, although not required by EPCRA or any other federal, state, or local law, Respondent shall complete the SEP described in this Consent Agreement and Final Order, which the parties agree is intended to secure significant environmental or public health protection and improvement.

61. Respondent shall complete the following SEP: perform a removal action at or in connection with the property located at 2408 North Leffingwell Avenue, St. Louis, Missouri, in accordance with the Settlement Agreement and Order on Consent for Removal Action, which is attached to and hereby incorporated by reference to this Consent Agreement and Final Order. The SEP shall cost at least \$90,956. Respondent agrees that the SEP shall be completed within eleven (11) months of the Effective Date of this Consent Agreement and Final Order.

62. This SEP shall be performed in accordance with the requirements of this Consent Agreement and Final Order.

63. Within twelve (12) months of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit a SEP Report to the EPA contact identified in Paragraph 66 below. The SEP Report shall contain the following information:

- (a) Detailed description of the SEP as implemented. Respondent's satisfactory completion of the Final Report, as required by Paragraph 27 of the Settlement Agreement and Order on Consent for Removal Action, shall constitute compliance with this requirement;
- (b) Description of any problems encountered in implementation of the projects and the solution thereto;
- (c) Description of the specific environmental and/or public health benefits resulting from implementation of the SEP and to the extent feasible, quantify the benefits associated with the project and describe how the benefits were measured or estimated; and
- (d) Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order.

64. In itemizing its costs in the SEP Report, Respondent shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

65. The SEP Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

66. The SEP Report shall be submitted on or before the due date specified above to:

Karen T. Johnson, AWMD/APCO
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

67. Any public statement, oral or written, in print, film, internet, or other media, made by Respondent making reference to the SEP under this Consent Agreement and Final Order from the date of its execution of this Consent Agreement and Final Order shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency to enforce federal laws.

68. With regard to the SEP, Respondent certifies the truth and accuracy of each of the following:

- (a) That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is at least \$90,956;
- (b) That, as of the date of executing this Consent Agreement and Final Order, Respondent is not required to perform or develop the SEP by any federal,

state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

- (c) That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Agreement and Final Order;
- (d) That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- (e) That Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
- (f) That for federal income tax purposes, Respondent agrees that a minimum of \$90,956 of the total costs or expenditures incurred in performing the SEP cannot be capitalized into inventory or basis nor deducted; and
- (g) Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP.

69. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- (a) Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- (b) If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- (c) If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- (d) Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time

under subparagraph (b), above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

70. Stipulated penalties for failure to complete SEP/Failure to spend agreed-on amount.
- (a) In the event Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in this Consent Agreement and Final Order, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
 - i. If a SEP has not been completed satisfactorily and timely pursuant to this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to the United States in the amount of \$72,765, minus any documented expenditures determined by EPA to be acceptable for the SEP.
 - ii. If the SEP is completed in accordance with this Consent Agreement and Final Order, but Respondent spent less than the proposed SEP cost (\$90,956), Respondent shall pay a stipulated penalty to the United States which equals the difference between the proposed SEP amount as defined above and the actual cost of the SEP.
 - iii. For failure to submit the SEP Report, Respondent shall pay a stipulated penalty in the amount of \$250 for each day after the report was originally due until the report is submitted.
 - (b) The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.
 - (c) Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity or other resolution under this Consent Agreement and Final Order.
 - (d) Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 56 of the Consent Agreement. Interest and late charges shall be paid as stated in Paragraph 59 herein.

- (e) Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.
- (f) The United States may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this Consent Agreement and Final Order.

Effect of Settlement and Reservation of Rights

71. This Consent Agreement and Final Order shall only resolve Respondent's liability for federal civil penalties for the alleged EPCRA violations identified above. Complainant reserves the right to take an enforcement action with respect to any other violations of EPCRA or other applicable law.

72. The effect of settlement described above is conditional upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 73 of this Consent Agreement and Final Order.

73. Respondent certifies by signing this Consent Agreement and Final Order that, to the best of its knowledge, Respondent's facility is in compliance with all requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and all regulations promulgated thereunder.

74. Nothing in this Consent Agreement and Final Order shall affect the right of EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the EPCRA and regulations promulgated thereunder.

General Provisions

75. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

76. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Office ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar day from such date.

77. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that

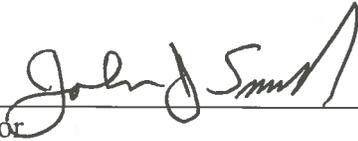
all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement/Final Order.

COMPLAINANT:

U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 5/15/18

By:

 for BW
Director
Air and Waste Management Division

Date: 5/18/18

By:


Senior Counsel
Office of Regional Counsel

RESPONDENT:

SENSIENT COLORS LLC

Date: 4/30/2018

By: 

Printed Name: Michael C. Gerashky

Title: President

FINAL ORDER

Pursuant to the provisions of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045, and 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, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

June 12, 2018
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Respondent:

kent.schmidt@sensient.com

Copy by certified mail, return receipt requested to:

Kent Schmidt
Senior EHS Manager
Sensient Colors LLC
2515 North Jefferson Avenue
St. Louis, Missouri 63106-1939

Dated: 6/12/18

By: 