



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
SAM NUNN  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA GEORGIA 30303-8960

JUN 27 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. R. Todd Silliman  
McKenna Long & Aldridge LLP  
303 Peachtree Street  
Suite 5300  
Atlanta, Georgia 30308

SUBJECT: SSC Industries LLC  
Consent Agreement and Final Order  
Docket No. EPCRA-04-2011-2054(b)

Dear Mr. Silliman:

Enclosed please find an executed copy of the Consent Agreement and Final Order (CAFO) that resolves the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) matter (Docket No. EPCRA-04-2011-2054(b)) involving SSC Industries LLC. The CAFO was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on the date of the filing.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the Environmental Protection Agency (EPA). If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Ms. Deanne Grant at (404) 562-9291.

Sincerely,

A handwritten signature in black ink, appearing to read "Caron B. Falcofer".

Caron B. Falcofer, Chief  
EPCRA Enforcement Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF: )  
 )  
SSC Industries LLC ) Docket Number: EPCRA-04-2011-2054(b)  
 )  
Respondent. )  
\_\_\_\_\_ )

RECEIVED  
EPA REGION 4  
MAY 27 11 53 AM '11

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045, and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is SSC Industries LLC.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b) and 22.18(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 325 of EPCRA, 42 U.S.C. § 11045, is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under EPCRA to the Regional Administrators by EPA Delegation 22-3-A, dated May 11, 1994. The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides and Toxics Management Division, by EPA Region 4 Delegation 22-3-A, dated November 8, 1994. Pursuant to that delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

4. Respondent is SSC Industries LLC, a corporation doing business in the State of Georgia.

5. Respondent is a "person" as defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

6. Respondent owns and operates a "facility" as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

7. Respondent's facility is located at 1550 East Taylor Avenue, East Point, Georgia 30344.

### III. EPA's Allegations of Violations

8. Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations found at 40 C.F.R. Part 370, provide that the owner or operator of a facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) for hazardous chemicals under the Occupational Safety and Health Act of 1970 (OSHA) and regulations promulgated under that Act, shall submit to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC), and the fire department with jurisdiction over the facility, by March 1, 1988, and on or before March 1 annually thereafter, a completed emergency and hazardous chemical inventory form (Tier I or Tier II) as described in 40 C.F.R. Part 370, containing the information required by that part for hazardous chemicals present at the facility at any one time in the calendar year in amounts equal to or greater than 10,000 pounds and containing the information required by that part for extremely hazardous substances (EHS) present at the facility at any one time in amounts equal to or greater than the threshold planning quantity (TPQ) or 500 pounds, whichever is less.

9. At some time during the calendar years of 2009, 2008, and 2007, ethylenediamine was present at the facility in an amount equal to or greater than 500 pounds.

10. Ethylenediamine is an "extremely hazardous substance" as defined under Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), for which Respondent is required to prepare or have available an MSDS under OSHA at its facility.

11. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for ethylenediamine to the SERC, the LEPC, and fire department with jurisdiction over the facility for calendar years 2009 and 2007, and to the LEPC and fire department for calendar year 2008, by March 1 of each year following the calendar year for which a report was required.

12. EPA alleges that Respondent violated the reporting requirements of Section 312 of EPCRA, 42 U.S.C. § 11022, at its facility for calendar years 2009, 2008, and 2007, and is therefore subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

13. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. Part 19, EPA may assess a penalty of not more than \$37,500 for each violation of Section 312 that occurred after January 12, 2009. Each day a violation of Section 312 continues constitutes a separate violation. Civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), may be assessed by Administrative Order.

IV. Consent Agreement

14. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

15. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

16. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

17. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of EPCRA at the facility.

18. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States other than as expressed herein. Neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for a violation of any federal or state statute, regulation or permit; to initiate an action for imminent and substantial endangerment; or to pursue criminal enforcement.

19. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of EPCRA.

V. Final Order

20. Respondent shall pay an EPCRA civil penalty of TWENTY THOUSAND THREE HUNDRED DOLLARS (\$20,300), plus \$141.82 in interest for the violations alleged in Section III. Payment shall be paid in eighteen (18) consecutive monthly payments, as follows, with the first payment of \$1,135.66 to be paid within thirty (30) days of the effective date of this CAFO:

1 <sup>st</sup> payment due 30 days	\$1,135.66
2 <sup>nd</sup> payment due 60 days	\$1,135.66
3 <sup>rd</sup> payment due 90 days	\$1,135.66
4 <sup>th</sup> payment due 120 days	\$1,135.66
5 <sup>th</sup> payment due 150 days	\$1,135.66
6 <sup>th</sup> payment due 180 days	\$1,135.66
7 <sup>th</sup> payment due 210 days	\$1,135.66
8 <sup>th</sup> payment due 240 days	\$1,135.66
9 <sup>th</sup> payment due 270 days	\$1,135.66
10 <sup>th</sup> payment due 300 days	\$1,135.66
11 <sup>th</sup> payment due 330 days	\$1,135.66
12 <sup>th</sup> payment due 360 days	\$1,135.66
13 <sup>th</sup> payment due 390 days	\$1,135.66

14 <sup>th</sup> payment due 420 days	\$1,135.66
15 <sup>th</sup> payment due 450 days	\$1,135.66
16 <sup>th</sup> payment due 480 days	\$1,135.66
17 <sup>th</sup> payment due 510 days	\$1,135.66
18 <sup>th</sup> payment due 540 days	\$1,135.60

21. Respondent shall pay the penalty by either electronic wire transfer or a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check via U.S. mail to the following address:

By Mail:

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

By Overnight:

U.S. Bank  
 1005 Convention Plaza  
 Mail Station SL-MO-C2GL  
 St. Louis, Missouri 63101

The check shall reference on its face the name and the Docket Number of the CAFO.

Payment by wire transfer, in lieu of a cashier's or certified check, if desired, should be directed to the Federal Reserve Bank of New York:

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. "

The transfer shall reference the name and the Docket Number of the CAFO.

22. At the time of payment, Respondent shall send a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
 U.S. EPA, Region 4  
 61 Forsyth Street, S.W.  
 Atlanta, Georgia 30303

Deanne D. Grant  
U.S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Saundi Wilson  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

23. For the purposes of state and federal income taxes, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

24. If Respondent fails to make one of the installment payments in accordance with the schedule set forth above, and if such payment is not made within 30 days after the due date, then payment plus all subsequent payments (the entire unpaid balance) and all accrued interest shall become immediately due and payable on the 31st day from such due date. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.

25. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, EPA may refer the debt to a collection agency, a credit reporting agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. In any such collection action, the validity, amount, and appropriateness of the assessed penalty of this CAFO shall not be subject to review.

26. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of \$20,300 for the EPCRA violations within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.

27. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the effective date of this CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

28. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

29. This CAFO shall be binding upon the Respondent, its successors and assigns.

30. The following individual is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U.S. EPA, Region 4  
Air, Pesticides & Toxic Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-8451

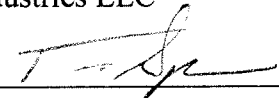
31. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

VI. Effective Date

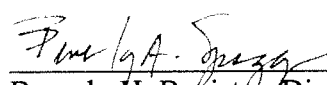
32. The effective date of this CAFO shall be the date upon which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

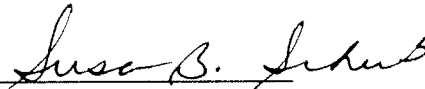
SSC Industries LLC

By:  Date: 6-13-11  
Name: Tim Spence (Typed or Printed)  
Title: COO (Typed or Printed)

U.S. Environmental Protection Agency

By:  Date: 6/8/2011  
Beverly H. Banister, Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

APPROVED AND SO ORDERED this 27<sup>th</sup> day of June, 2011 .

  
Susan B. Schub  
Regional Judicial Officer



CERTIFICATE OF SERVICE


I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of: SSC Industries LLC,  
Docket Number: EPCRA-04-2011-2054(b), on the parties listed below in the manner indicated:

Caron B. Falconer (Via EPA's internal mail)  
U.S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street  
Atlanta, Georgia 30303

Robert Caplan (Via EPA's internal mail)  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, Georgia 30303

R. Todd Silliman (Via Certified Mail - Return Receipt Requested)  
McKenna Long & Aldridge LLP  
303 Peachtree Street  
Suite 5300  
Atlanta, Georgia 30308

Date: 6/27/11

  
Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 6/27/11  
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9504  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required:  
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: SCC Industries LLC  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 20441.82 / 18 months  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: EPCRA 04 2011 2057(b)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |   |
|--|---|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |  |   |
|--|---|
| 1. Originating Office<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|



**SSC INDUSTRIES**

June 23, 2011

Regional Hearing Clerk  
U. S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303

Deanne D. Grant  
U. S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street, SW  
Atlanta, GA 30303

Saundi Wilson  
U. S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street, SW  
Atlanta, GA 30303

2011 JUN 28 PM 3:45  
HEARING CLERK  
EPA REGION 4

Re: SSC Industries, LLC Docket Number: EPCRA-04-2011-2054(b)  
D68010727 Environmental Protection Agency

Please see attached confirmation of wire transfer for \$1,135.66 which is the first installment due in the above stated settlement agreement. Should you have any questions, please contact me at 863-295-5664 or e-mail me at [marilyn@vassholdings.com](mailto:marilyn@vassholdings.com).

Sincerely,

Marilyn C. Riggs  
CFO



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Wire Transfer Debit Advice As Of 06/23/11 Distributed 06/23/11 2:14:03 PM EDT

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**Account:** 1000139757081  
SSC INDUSTRIES LLC - OPERATING ACCT

**Wire Transfer Debit**

**Amount:** \$1,135.66 USD

**Fed/IMAD Reference:** 0623F1QCZ68C003190

**SunTrust Reference Number:** 110623009875

**Beneficiary:** /68010727  
Treasurer, United States of America

**Beneficiary Bank:** A/021030004  
TREAS NYC/FUNDS TRANSFER DIVISION  
NEW YORK, NY

**Originator:** D/1000139757081  
SSC INDUSTRIES LLC  
OPERATING ACCOUNT  
565 AVENUE K SE  
WINTER HAVEN FL 33880

**Originator to Beneficiary Information:** D68010727 Environmental Protection  
SSC Industries, LLC  
Docket # EPCRA-04-2011-2054(b)

**Sender Reference:** 11633532

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**Money Transfer Customer Service**

Please contact us for further information about this or other funds transfers. You may reach us at 1-800-947-3786 for information regarding domestic or international transfers. When inquiring about this transaction, please have the SunTrust Reference Number (above) available.

Thank you for banking with SunTrust.