

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	EPA Docket No. EPCRA-03-2010-
Corco Chemical Corporation)	0052
Tyburn Road and Cedar Lane)	
Fairless Hills, Pennsylvania 19030,)	
)	
Respondent.)	CONSENT AGREEMENT AND
)	FINAL ORDER
)	
Corco Chemical Corporation)	
Tyburn Road and Cedar Lane)	
Fairless Hills, Pennsylvania 19030)	
)	
Facility.)	

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA" or the "Agency") by Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, and under the authority 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 of Practice"), 40 C.F.R. Part 22. The Administrator has delegated these authorities to the Regional Administrator, who has in turn, delegated them to the Director, Hazardous Site Cleanup Division.

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement ("CA") and Final Order (referred to collectively herein as "CAFO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to entry of this CAFO, agree to comply with the terms of this CAFO.

FINDINGS OF FACT

1. Respondent, Corco Chemical Corporation (“Respondent”) is a Pennsylvania corporation with its principal place of business located at Tyburn Road and Cedar Lane, in Fairless Hills, Pennsylvania.

2. As a corporation, Respondent is a “person” as defined by Section 320(7) of EPCRA, 42 U.S.C. §11049(7) and 40 C.F.R. § 370.66.

3. At all times relevant to this CAFO, Respondent owned and operated a chemical repackaging, manufacturing and distribution facility located at Tyburn Road and Cedar Lane, in Fairless Hills, Pennsylvania (the “Facility”), with an SIC Code of 2819 (industrial inorganic chemicals not elsewhere classified) and an NAICS Code of 325188 (all other basic inorganic chemical manufacturing).

4. The Facility is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.66.

5. On April 29, 2008, EPA conducted an inspection of the Facility to evaluate the Facility’s compliance with Sections 302, 303, 311 and 312 of EPCRA, 42 U.S.C. §§ 11002, 11003, 11021, 11022.

6. On June 16, 2008 and again on July 18, 2008, the EPA sent letters to Respondent, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, (“CERCLA”), 42 U.S.C. § 9604(e), requesting information about the Facility. The purpose of the information request letters was to ascertain Respondent’s compliance with the emergency planning/community right-to-know requirements of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022, and their regulations at 40 C.F.R. Part 370. Respondent supplied information in response to these Information Requests on February 11, 2009, March 9, 2009, April 9, 2009, May 11, 2009, and July 7, 2009.

EPA’S FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 311 OF EPCRA - SERC

7. The findings of fact contained in paragraphs 1 through 9 of this CAFO are incorporated by reference herein as though fully set forth at length.

8. Section 311 of EPCRA, 42 U.S.C. § 11021, as implemented by 40 C.F.R. Part 370, requires an owner or operator of a facility required to prepare or have available a Material Safety Data Sheet (“MSDS”) for a hazardous chemical in accordance with the Occupational Safety and Health Administration (“OSHA”) Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility is present at any one time a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an extremely hazardous substance (“EHS”)) in a

quantity equal to or greater than its applicable minimum threshold for reporting (the “threshold”) established by 40 C.F.R. § 370.20(b), to submit, either MSDSs for, or a list identifying, those hazardous chemicals to the appropriate State Emergency Response Commission (“SERC”), Local Emergency Planning Committee (“LEPC”), and Local Fire Department with jurisdiction over the facility, on or before October 17, 1987, or within three months after meeting the threshold.

9. The SERC for the Facility is the Pennsylvania Department of Labor and Industry, Bureau of PENNSAFE, located at Room 155-E L&I Building, 7th and Forster Streets, in Harrisburg, Pennsylvania.

10. Acetic acid (CAS No. 64-19-7), ammonium hydroxide (CAS No. 1336-21-6), hydrochloric acid (36%) (CAS No. 7647-01-0), hydrofluoric acid (49%) (CAS No. 7664-39-3), hydrogen peroxide (CAS No. 7722-84-1), methyl alcohol (CAS No. 67-56-1), methyl ethyl ketone (CAS No. 78-93-3), nitric acid (CAS No. 7697-37-2), phosphoric acid (CAS No. 7664-38-2), potassium hydroxide (CAS No. 1310-58-3), sodium hydroxide (CAS No. 1310-73-2), sulfuric acid (CAS No. 7664-93-9), and toluene (CAS No. 108-88-3) are “hazardous chemicals” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and hydrofluoric acid (49%), nitric acid, and sulfuric acid are also extremely hazardous substances (“EHSs”) as defined in Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and as listed in 40 C.F.R. Part 355, Appendices A and B.

11. Acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene were produced, used or stored at the Facility during calendar years 2005-2007.

12. At all times relevant to this CAFO, Respondent was a person engaged in a business where chemicals were used, distributed, or produced for use or distribution.

13. At all times relevant to this CAFO, Respondent was an “employer” as that term is defined at 29 U.S.C. § 1910.1200(c).

14. Respondent is the owner or operator of a facility that is required to prepare or have available an MSDS for hazardous chemicals under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200.

15. Pursuant to 40 C.F.R. § 370.10(a)(2), the reporting thresholds for acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrogen peroxide (30%), methyl alcohol, methyl ethyl ketone, phosphoric acid, potassium hydroxide, sodium hydroxide, and toluene are 10,000 pounds (4,540 kgs.).

16. Pursuant to 40 C.F.R. § 370.10(a)(1), the reporting thresholds for EHSs hydrofluoric acid (49%), nitric acid, and sulfuric acid are 100 pounds, 500 pounds, and 500 pounds respectively.

17. Upon information and belief, during calendar years 2005, 2006 and 2007 Respondent had present at its Facility 17,600 pounds of acetic acid, 20,000 pounds of ammonium hydroxide, 45,000 pounds of hydrochloric acid (36%), 10,000 pounds of hydrofluoric acid (49%), 40,000 pounds of hydrogen peroxide (30%), 27,000 pounds of methyl alcohol, 16,500 pounds of methyl ethyl ketone, 45,000 pounds of nitric acid, 21,300 pounds of phosphoric acid, 16,000 pounds of potassium hydroxide, 40,000 pounds of sodium hydroxide, 540,000 pounds of sulfuric acid, and 15,000 pounds of toluene.

18. At any one time during calendar years 2005, 2006 and 2007, Respondent had present at the Facility the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene in quantities exceeding their respective thresholds.

19. Respondent was required to submit to the SERC either MSDSs for acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene or list of hazardous chemicals identifying the hazardous chemicals as being present at the Facility in quantities exceeding their respective thresholds, no later than three months after Respondent had the hazardous chemicals present at the Facility in amounts equal to or greater than their respective thresholds.

20. Respondent failed to submit to the SERC no later than three months after Respondent had acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene present at the Facility in amounts equal to or greater than their respective thresholds either MSDSs for the hazardous chemicals or a list of hazardous chemicals identifying the hazardous chemicals as present at the Facility in quantities exceeding their respective thresholds.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA - SERC**

21. Respondent's failure to submit to the SERC either MSDSs for acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene or a list of hazardous chemicals identifying the hazardous chemicals as present at the Facility in quantities exceeding their respective thresholds, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2007 - SERC**

22. The findings of fact contained in paragraphs 1 through 21 of this CAFO are incorporated by reference herein as though fully set forth at length.

23. Section 312 of EPCRA, 42 U.S.C. § 11022, requires the owner or operator of a facility required to prepare or have available a MSDS for a hazardous chemical in accordance with the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an EHS) is present at any one time in a quantity equal to or greater than its applicable minimum threshold for reporting established by 40 C.F.R. § 370.20(b) (the "threshold"), to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and Local Fire Department with jurisdiction over the facility.

24. By March 1, 2008, Respondent was required to submit to the SERC, LEPC, and Local Fire Department, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility during calendar year 2007 in quantities greater than their respective thresholds, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about the hazardous chemicals.

25. Respondent failed to submit to the SERC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities greater than their respective thresholds at any one time during calendar year 2007 and providing the required information concerning the hazardous chemicals.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2007 - SERC**

26. Respondent's failure to submit to the SERC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric

acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities greater than their respective thresholds at any one time during calendar year 2007 and providing the required information concerning the hazardous chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA
CALENDAR YEAR 2007 – LEPC**

27. The findings of fact contained in paragraphs 1 through 26 of this CAFO are incorporated by reference herein as though fully set forth at length.

28. The LEPC for the Facility is the Bucks County Local Emergency Planning Committee, located at 911 Freedom Way, in Ivyland, Pennsylvania.

29. Respondent failed to submit to the LEPC by March 1, 2008, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities equal to or greater than their respective thresholds at any one time during calendar year 2007 and providing the required information concerning the hazardous chemicals.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA
CALENDAR YEAR 2007 – LEPC**

30. Respondent's failure to submit to the LEPC by March 1, 2008, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities greater than their respective thresholds at any one time during calendar year 2007 and providing the required information concerning the hazardous chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2006**

31. The findings of fact contained in paragraphs 1 through 30 of this CAFO are incorporated by reference herein as though fully set forth at length.

32. By March 1, 2007, Respondent was required to submit to the SERC, LEPC, and Local Fire Department, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility during calendar year 2006 in quantities greater than their respective thresholds, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about the hazardous chemicals.

33. Respondent failed to submit to the SERC and LEPC by March 1, 2007, complete and accurate Emergency and Hazardous Chemical Inventory Forms identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene present at the Facility in quantities greater than their respective threshold at any one time during calendar year 2006, and providing the required information concerning the hazardous chemicals.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2006**

34. Respondent's failure to submit to the SERC and LEPC by March 1, 2007, complete and accurate Emergency and Hazardous Chemical Inventory Forms identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene present at the Facility in quantities greater than their respective thresholds at any one time during calendar year 2006, and providing the required information concerning the hazardous chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2005**

35. The findings of fact contained in paragraphs 1 through 34 of this CAFO are incorporated by reference herein as though fully set forth at length.

36. By March 1, 2006, Respondent was required to submit to the SERC, LEPC, and Local Fire Department, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility during calendar year 2005

in quantities greater than their respective thresholds, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about the hazardous chemicals.

37. Respondent failed to submit to the SERC and LEPC by March 1, 2006, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities equal to or greater than their respective thresholds at any one time during calendar year 2005, and providing the required information concerning the hazardous chemicals.

EPA'S CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2005

38. Respondent's failure to submit to the SERC and LEPC by March 1, 2006, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying hazardous chemicals acetic acid, ammonium hydroxide, hydrochloric acid (36%), hydrofluoric acid (49%), hydrogen peroxide, methyl alcohol, methyl ethyl ketone, nitric acid, phosphoric acid, potassium hydroxide, sodium hydroxide, sulfuric acid, and toluene as present at the Facility in quantities equal to or greater than their respective thresholds at any one time during calendar year 2005, and providing the required information concerning the hazardous chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

39. In full and final settlement and resolution of all allegations referenced in the foregoing EPA's Findings of Fact and EPA's Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, Respondent consents to the assessment of a civil penalty for the violations of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11021, set forth above, in the amount of \$25,006.00. Respondent consents to the issuance of this Consent Decree and consents for purposes of settlement to the payment of the civil penalty.

PAYMENT TERMS

40. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CAFO, Respondent shall pay the civil penalty, totaling \$25,006.00, no later than thirty (30) days after the effective date of the Final Order (the "final due date") by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2010-0052;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

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

Contact: Eric Volck 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 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

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

41. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Lydia Guy,
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Cynthia T. Weiss,
Senior Assistant Regional Counsel
(3RC42)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

42. The EPCRA civil penalty stated herein is based upon EPA's consideration of a number of factors, including, but not limited to, the following: the nature, circumstances, extent, and gravity of the violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such matters as justice may require, with specific reference to EPA's *Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act And Section 103 of The Comprehensive Environmental Response, Compensation, and Liability Act*, dated September 30, 1999 ("ERP").

43. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions of this CAFO shall result in the assessment of late payment charges, including interest, penalties and/or administrative costs of handling delinquent debts.

44. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

45. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix B of EPA's *Resource Management Directives – Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

46. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

47. Failure of Respondent to pay the penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

48. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

49. Respondent agrees not to contest the EPA's jurisdiction with respect to execution or enforcement of the CAFO.

50. Except as provided in Paragraph 48 above, for purposes of this proceeding, Respondent neither admits nor denies factual allegations set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

51. For purposes of this proceeding, Respondent expressly waives its right to hearing and to appeal this Final Order under Section 325 of EPCRA, 42 U.S.C. § 11045.

52. The provisions of this CAFO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

53. This CAFO does not constitute a waiver, suspension or modification of the requirements of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022, or any regulations promulgated thereunder.

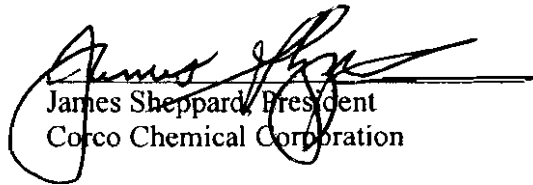
54. This CAFO is a complete and final settlement of all civil and administrative claims and causes of action set forth in this CAFO for alleged violations of Sections 311 and 312 of EPCRA, 42 U.S.C. § 11021, 11022. Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CAFO shall be construed to limit the United States' authority to pursue criminal sanctions. 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, other statutes and regulations, or any other applicable provision of law.

55. Each party to this action shall bear its own costs and attorney's fees.

In the matter of Corco Chemical Corporation

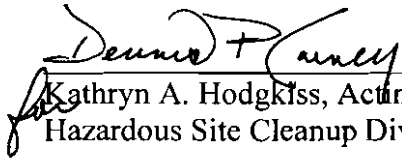
EPA Docket No. EPCRA-03-2010-0052

FOR CORCO CHEMICAL CORPORATION


James Sheppard, President
Corco Chemical Corporation

11-30-2009
Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division

12/23/09

Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
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Respondent.)	FINAL ORDER
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Tyburn Road and Cedar Lane)	
Fairless Hills, PA 19030)	
)	
Facility.)	

FINAL ORDER


Pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act, as amended, ("EPCRA"), 42 U.S.C. § 11045, and the delegated authority of the undersigned, and in accordance with 40 C.F.R. Part 22, and based on the representations of the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 12/30/09



 Renee Sarajian
 Regional Judicial Officer
 EPA, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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)	312 and 325 of the Emergency
Corco Chemical Corporation)	Planning and Community Right-to-
Tyburn Road and Cedar Lane)	Know Act, 42 U.S.C. §§ 11021, 11022
Fairless Hills, PA 19030)	and 11045.
)	
Facility.)	

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent to:

Via certified mail, return receipt requested

Peter J. Yoon, Esquire
Mattioni, Ltd.
399 Market Street, Suite 200
Philadelphia, PA 19106

DEC 30 2009

Date


Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel
Counsel for Complainant
(215) 814-2659