

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION II  
290 Broadway  
New York, NY 10007

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2009 OCT - 7 PM 2:38  
REGIONAL HEARING  
CLERK

**DOCKET NO:** EPCRA-02-2009-4001

**This ESA is issued to:** ChemCor

At: 48 Leone Lane, Chester, New York 10918

**for violating Section 312 of the Emergency Planning and Community Right-To-Know Act.**

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”) Region II, by its duly delegated official, the Director of the Emergency and Remedial Response Division, and by ChemCor (“Respondent”) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (“EPCRA”), 42 U.S.C. § 11045, and by 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

EPA alleges that Respondent, owner and/or operator of the facility at the ChemCor facility located at 48 Leone Lane, Chester, New York 10918 (“Facility”), failed to timely submit a completed emergency and hazardous chemical inventory form (Tier I or Tier II form as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for years 2007 and 2008 as required by section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370, and as noted in the attached Findings and Alleged Violations Form (“Form”). Under section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier I or Tier II form for years 2007 and 2008 on or before March 1, 2008, and March 1, 2009, respectively.

**SETTLEMENT**

EPA and Respondent agree that settlement of this matter for a civil penalty of **TWO THOUSAND DOLLARS (\$2,000)** is in the public interest. In signing this ESA, Respondent: (1) admits that Respondent is subject to the requirements of section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives any right to contest the allegations contained herein. Upon signing and returning this ESA to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to 40 C.F.R. § 22.15(c) or 40 C.F.R. § 22.30.

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that within 45 days of the effective date of this ESA: (1) the alleged violation(s) has been corrected, and that (2) Respondent will submit payment of the **TWO THOUSAND DOLLARS (\$2,000)** civil penalty. The effective date of this ESA is the date on which the Regional Judicial Officer signs. Each party shall bear its own costs and fees, if any.

### INSTRUCTIONS

The original ESA (this document) must be signed by Respondent, and sent by certified mail within 30 days of the date of Respondent's receipt of the ESA to:

Francesco Maimone  
USEPA- Region II  
Response & Prevention Branch MS-211  
2890 Woodbridge Avenue,  
Edison, New Jersey 08837

After the effective date of this ESA (effective upon signature of USEPA Regional Judicial Officer), Respondent will receive a fully executed copy of this ESA. Within 45 days of the effective date of this ESA, the Respondent must be in compliance with all violations associated with this ESA. Within 45 days of the effective date of this ESA, Respondent's payment shall be made by sending a cashier's or certified check payable to the "Treasurer, United States of America" in the amount of **TWO THOUSAND DOLLARS (\$2,000)** to the following address:

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

The Docket Number of this ESA must be included on the check. (The Docket Number is located at the top left corner of the first page of this ESA). A copy of the check, and any transmittal letter shall be sent by certified mail to Francesco Maimone at the address above.

Upon Respondent's submission of the original signed ESA, and payment of the penalty as set forth in this ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in this ESA or in the attached "Findings and Allegations Form". EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

If the signed original ESA is not returned to the EPA Region 2 office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt (60 days if an extension is granted), or if Respondent does not pay the civil penalty and/or is not in compliance with violations associated with this ESA within 45 days of the ESA effective, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

In addition, if Respondent fails to comply with the provisions of this ESA, by either failing to timely submit the above-referenced payment, or by failing to correct the violations listed in the attached "Findings and Allegations Form", Respondent agrees that upon written notice from EPA this ESA shall become null and void, and that EPA may file an enforcement action against Respondent for the violations addressed herein.

This ESA is binding on the parties signing below.

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In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED:

Name (print): MARK J. KRZEMSKI

Title (print): TECHNICAL DIRECTOR

Signature: 

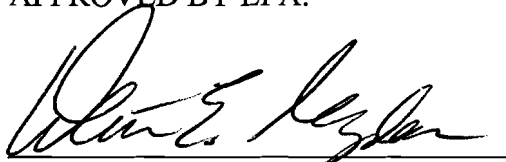
Date: 9/24/09

(COPY OF ESA EXTENSION UNTIL 9/25/09 IS ATTACHED)



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APPROVED BY EPA:



Walter E. Mugdan, Director  
Emergency and Remedial Response Division  
U.S. EPA Region II

Date 9/29/09

IT IS SO ORDERED:



Helen Ferrara  
Regional Judicial Officer  
U.S. EPA Region II

Date Sept 29, 2009