

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7

2014 JUL -9 AM 8:28

BEFORE THE ADMINISTRATOR

EPCRA-05-2015-0003

IN THE MATTER OF )

) Docket Nos. CAA-07-2014-0021  
) EPCRA-07-2014-0003  
)

INHANCE TECHNOLOGIES LLC, formerly )  
FLUORO-SEAL INTERNATIONAL, L.P., )  
)

) COMPLAINT AND NOTICE OF  
) OPPORTUNITY FOR HEARING  
)

Respondent, )  
)

Proceeding under Section 113(d) of the )  
Clean Air Act, 42 U.S.C. § 7413(d), and )  
Section 325(c) of the Emergency Planning )  
and Community Right-to-Know Act, )  
42 U.S.C. § 11045(c) )



COMPLAINT

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d), and Section 325(c) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c). Pursuant to Section 113(d) of the CAA, the Administrator and the Attorney General jointly determined that this matter, where the violations involve the failure to submit a Risk Management Plan as required by 40 C.F.R. § 68.150(a), was appropriate for administrative penalty action.

2. This Complaint serves as notice that the United States Environmental Protection Agency ("EPA") has reason to believe that Respondent has violated the Chemical Accident Prevention Provisions in 40 C.F.R. Part 68, promulgated pursuant to Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and that Respondent is therefore in violation of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r); and that Respondent has violated Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 370. Furthermore, this Complaint serves as notice pursuant to Section 113(d)(2)(A) of the Clean Act, 42 U.S.C. § 7413(d)(2)(A), of EPA's intent to issue an order assessing penalties for these violations.

Parties

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

4. The Respondent is Inhance Technologies LLC, formerly Fluoro-Seal International, L.P. ("Fluoro-Seal"), a company headquartered in Houston, Texas, that uses a proprietary fluorination technology to treat plastic containers and other articles.

Statutory and Regulatory Requirements

*Risk Management Program*

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection and correction requirements for these listed regulated substances.

6. On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). This rule requires owners and operators of stationary sources that have more than a threshold quantity of a regulated substance in a process to develop and implement a risk management program that includes a hazard assessment, a prevention program and an emergency response program.

7. The regulations at 40 C.F.R. Part 68 set forth the requirements of a risk management program that must be established at each regulated stationary source. The risk management program is described in a Risk Management Plan ("RMP") that must be submitted to EPA.

8. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, the RMP must be submitted for all covered processes by the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

9. The regulations at 40 C.F.R. § 68.10 set forth how the chemical accident

prevention provision regulations apply to covered processes. A covered process is eligible for Program 3 if the process does not meet the requirements of Program 1 and if either the process falls under a specified North American Industry Classification System ("NAICS") code or the process is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

10. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Section 112(r)(7). Section 113(d) of the CAA, 42 U.S.C. § 7413(d), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States to assess civil administrative penalties of not more than \$27,500 per day for each violation that occurs after January 30, 1997, through March 15, 2004, and \$32,500 per day for each violation that occurs after March 15, 2004. For each violation of Section 112(r) of the CAA that occurs after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

#### *Tier II Reporting*

11. Section 312 of EPCRA, 42 U.S.C. § 11022, and the implementing regulations 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 annually thereafter, a completed emergency and hazardous chemical inventory form (Tier I or Tier II report).

12. The Tier I or Tier II report must contain the information required by Section 312(d) of EPCRA and 40 C.F.R. Part 370 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, per 40 C.F.R. § 370.10(a)(2)(i), and for extremely hazardous substances present at the facility at any one time in an amount equal to or greater than the threshold planning quantity designated in the appendices to 40 C.F.R. Part 355, or 500 pounds, whichever is lower, per 40 C.F.R. § 370.10(a)(1).

13. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation, if, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of Sections 312 or 313, 42 U.S.C. §§ 11022 or 11023. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States to assess civil administrative penalties of up to \$27,500 per day for each violation that occurred between January 30, 1997, and March 15, 2004; \$32,500 per day for each violation that occurred between March 16, 2004, and January 12, 2009; and \$37,500 per day for each violation

that occurred after January 12, 2009.

### Definitions

#### *Risk Management Program*

14. The regulations at 40 C.F.R. § 68.3 define “stationary source,” in part, as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

15. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

16. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

17. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

#### *Tier II Reporting*

18. The regulations at 40 C.F.R. § 370.66 define “hazardous chemical” as any hazardous chemical as defined by 29 C.F.R. § 1910.1200(c), which includes any chemical that is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

19. The regulations at 40 C.F.R. § 370.66 define “inventory form” to mean the uniform Tier I and Tier II emergency and hazardous chemical inventory published by EPA.

20. EPCRA § 329(4), 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.66 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).

General Factual Allegations

*Risk Management Program*

21. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e).

22. Respondent is the owner and/or operator of facilities that use a proprietary fluorination technology to treat plastic containers and other articles. The facilities relevant to this action are located at 6131 Deramus, Kansas City, Missouri 64120; 2226 Commerce Drive, Mt. Pleasant, Iowa 52641; 6821 Hazelwood Avenue, St. Louis, Missouri 63134; and 2800 Industrial Park Road, Centerville, Iowa 52544. These facilities are “stationary sources” pursuant to 40 C.F.R. § 68.3.

23. At all times relevant to this action, Respondent processed, handled and stored hydrogen fluoride at its facilities.

24. Hydrogen fluoride is a regulated substance pursuant to 40 C.F.R. § 68.3. The threshold quantity for hydrogen fluoride, as listed in 40 C.F.R. § 68.130, Table 1, is 1,000 pounds.

25. On or about November 18, 2010, EPA conducted an inspection of Respondent’s Mt. Pleasant, Iowa, facility to determine compliance with EPCRA, the release reporting provisions of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), and Section 112(r) of the CAA and 40 C.F.R. Part 68. Information collected as a result of this inspection revealed that Respondent had greater than 1,000 pounds of hydrogen fluoride in a process at the Mt. Pleasant facility.

26. On or about July 22, 2011, EPA conducted an inspection of Respondent’s Kansas City, Missouri, facility to determine compliance with EPCRA, the release reporting provisions of CERCLA, and Section 112(r) of the CAA and 40 C.F.R. Part 68. Information collected as a result of this inspection revealed that Respondent had greater than 1,000 pounds of hydrogen fluoride in a process at its Kansas City facility.

27. On or about November 28, 2011, EPA received a response from Fluoro-Seal to a request for information regarding its St. Louis, Missouri; Centerville, Iowa; and Mt. Pleasant, Iowa, facilities issued by EPA to Fluoro-Seal on October 19, 2011, under the authority of Section 114 of the CAA and Section 104(e) of CERCLA. This response established that Respondent had greater than 1,000 pounds of hydrogen fluoride in a process at its St. Louis and Centerville facilities.

28. At least from the time of the EPA inspections until Respondent reduced the quantity of hydrogen fluoride at its facilities to less than 1,000 pounds in December 2011,

Respondent was subject to the requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68, because it was an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

29. At least from the time of the EPA inspections until Respondent reduced the quantity of hydrogen fluoride at its facilities to less than 1,000 pounds in December 2011, Respondent's facilities were subject to Program 3 of the risk management program requirements because, pursuant to 40 C.F.R. § 68.10(d), the covered processes did not meet the requirements of Program 1 and were subject to the OSHA process safety management standard.

30. At least during the period from beginning operations at each facility to December 2011, Respondent was required under Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. §§ 68.12 and 68.150(a), to develop and implement a risk management program for each facility that included a management system, a hazard assessment, a prevention program, and an emergency response program, and to submit an RMP for all covered processes at each facility.

31. Respondent failed to develop and implement a risk management program or submit an RMP for its Mt. Pleasant, Iowa; Kansas City, Missouri; St. Louis, Missouri; and Centerville, Iowa, facilities, as required by Section 112(r)(7) of the CAA, 40 C.F.R. §§ 68.12 and 68.150(a).

32. Respondent's failure to comply with 40 C.F.R. §§ 68.12 and 68.150(a) at each of its facilities violates Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

#### *Tier II Reporting*

33. 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).

34. Respondent is the owner and/or operator of facilities that use a proprietary fluorination technology to treat plastic containers and other articles. The facilities relevant to this action are located at 829 W. Hawthorne Lane, West Chicago, Illinois 60185; 6131 Deramus, Kansas City, Missouri 64120; 2226 Commerce Drive, Mt. Pleasant, Iowa 52641; 6821 Hazelwood Avenue, St. Louis, Missouri 63134; and 2800 Industrial Park Road, Centerville, Iowa 52544. These facilities are "facilities" as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and by 40 C.F.R. § 370.66.

35. Aluminum oxide is a "hazardous chemical" within the meaning of 40 C.F.R. § 370.66 because, pursuant to 29 C.F.R. § 1910.1200(c), it is a chemical that is classified as a physical or health hazard. As such, Respondent is required to prepare or have available an MSDS for aluminum oxide under OSHA at its facility.

36. Pursuant to 40 C.F.R. § 370.10(a)(2)(i), the threshold level for aluminum oxide is 10,000 pounds.

37. On or about September 20, 2011, EPA conducted an inspection of Respondent's West Chicago, Illinois, facility to determine compliance with EPCRA.

38. At some time during each of the calendar years of 2009 and 2010, aluminum oxide was present at Respondent's Kansas City, Missouri; Mt. Pleasant, Iowa; and St. Louis, Missouri, facilities in amounts equal to or greater than 10,000 pounds. At some time during each of the calendar years of 2009 and 2010, aluminum oxide was present at Respondent's Centerville, Iowa (Lee Container) and West Chicago, Illinois, facilities in amounts equal to or greater than 10,000 pounds.

39. Respondent failed to submit a completed emergency and hazardous chemical inventory form for aluminum oxide to the SERC, the LEPC, or the local fire department with jurisdiction over Respondent's Kansas City, Missouri; Mt. Pleasant, Iowa; and St. Louis, Missouri, facilities by the March 1 deadline each year for reporting years 2009 and 2010. Respondent failed to submit a completed emergency and hazardous chemical inventory form for aluminum oxide to the SERC, the LEPC, or the local fire department with jurisdiction over Respondent's Centerville, Iowa (Lee Container) and West Chicago, Illinois, facilities by the March 1 deadline each year for reporting years 2009 and 2010.

40. Each of Respondent's failures to timely submit a completed emergency and hazardous chemical inventory form for aluminum oxide is a violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and 40 C.F.R. § 370.40(a).

41. Pursuant to Section 113(d)(1)(B) of the Clean Air Act, 42 U.S.C. § 7413(d)(1)(B), and Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and based upon the facts stated in Paragraphs 21 through 40 above, it is proposed that a civil penalty of \$520,400 be assessed against Respondent.

#### Relief

42. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), and Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorize a civil penalty of up to \$25,000 per day for each violation of the CAA that occurs prior to January 30, 1997. The Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, amended the CAA and EPCRA penalty authority to allow penalties of up to \$37,500 per day of violation. The penalty proposed in Paragraph 41 is based upon the facts stated in this Complaint, and on the nature, circumstances, extent and gravity of the above-cited violations, in accordance with Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and Section 325(b)(1)(C) of the EPCRA, 42 U.S.C. § 11045(b)(1)(C).

43. The proposed penalty as set forth in this Complaint is based on the best information available to EPA at the time that the Complaint was issued. The penalty may be adjusted if the Respondent establishes bonafide issues of ability to pay, or other defenses relevant to the appropriate amount of the proposed penalty.

44. A Summary of the Proposed Penalty is contained in the enclosed Penalty Calculation Summary attached hereto and incorporated herein by reference.

45. Respondent may resolve this proceeding at any time by paying the full penalty proposed in the Complaint and filing a copy of the check or other instrument of payment with the Regional Hearing Clerk. Payment of the penalty, \$520,400, may be made by certified or cashier's check payable to "Treasurer, United States of America" and remitted to:

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

The check should reference the name and docket number of the Complaint.

#### NOTICE OF OPPORTUNITY TO REQUEST A HEARING

##### Answer and Request for Hearing

46. If Respondent pays the proposed penalty within thirty (30) days after receiving the Complaint, then no Answer need be filed.

47. Any Respondent who wishes to resolve a proceeding by paying the proposed penalty instead of filing an Answer, but who needs additional time to pay the penalty, may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving the Complaint stating that Respondent agrees to pay the proposed penalty in accordance with Rule 22.18(a)(1) 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; codified at 40 C.F.R. Part 22 (hereinafter "Consolidated Rules"). The written statement need not contain any response to, or admission of, the allegations in the Complaint. Respondent must then pay the full amount of the penalty within sixty (60) days of receipt of the Complaint. Failure to pay the full penalty within sixty (60) days of receipt of the Complaint may subject the Respondent to default.

48. Respondent may request a hearing to contest any material fact contained in the Complaint above or to contest the appropriateness of the proposed penalty set forth therein. Such a hearing will be held and conducted in accordance with the Consolidated Rules, a copy of



which is enclosed herewith.

49. To avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations, Respondent must file a written answer and request for hearing within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing. The answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with respect to which Respondent has any knowledge, or shall clearly state that Respondent has no knowledge as to particular factual allegations in this Complaint. The answer shall also state (a) the circumstances or arguments which are alleged to constitute the grounds of defense; (b) the facts that Respondent intends to place at issue; and (c) whether a hearing is requested.

50. Failure to deny any of the factual allegations in the Complaint constitutes an admission of the undenied allegations. The answer shall be filed with the following:

Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

51. If within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing, Respondent fails to: (1) submit full payment of the penalty; or (2) submit a written statement to the Regional Hearing Clerk that Respondent agrees to pay the penalty; or (3) file a written answer and request for a hearing, Respondent may be found in default. Default by the Respondent constitutes, for the purposes of this proceeding, admission of all allegations made in the Complaint and a waiver of Respondent's right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalty proposed shall be ordered unless the penalty is clearly inconsistent with the record of the proceeding or the Clean Air Act.

Informal Settlement Conference

52. Whether or not Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case, the proposed penalty, and the possibility of settlement. To request a settlement conference, please contact:

Erin Weekley  
Assistant Regional Counsel  
United States Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Telephone (913) 551-7095.

*In the matter of Inhance Technologies LLC, formerly Fluoro-Seal International, L.P.  
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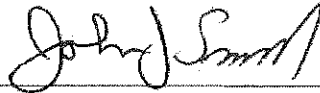
53. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted.

54. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement through an informal settlement conference. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Final Order. The issuance of such a Consent Agreement and Final Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated therein.

55. If Respondent has neither achieved a settlement by informal conference nor filed an answer within the thirty (30) day time period allowed by this Notice, the penalty proposed above may be assessed by the entry of a Default Order.

Date

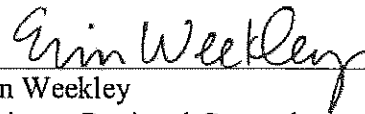
7/8/2014



Rebecca Weber

Director

Air and Waste Management Division



Erin Weekley

Assistant Regional Counsel

Office of Regional Counsel

Enclosures: Penalty Calculation Summary  
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; Final Rule  
Combined Enforcement Policy for Clean Air Act Sections 112(r), 112(r)(7), and 40 C.F.R. Part 68  
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

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Complaint and Notice of Opportunity for Hearing to the Regional Hearing Clerk, United States Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a true and correct copy of the signed original Complaint and Notice of Opportunity for Hearing; a copy of the Penalty Calculation Summary; a copy 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; a copy of the Combined Enforcement Policy for Clean Air Act Sections 112(r), 112(r)(7), and 40 C.F.R. Part 68; and a copy of the 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 to the following registered agents for Inhance Technologies LLC.:

C T Corporation System  
120 South Central Avenue  
Clayton, MO 63105

C T Corporation System  
400 E Court Ave  
Des Moines, IA 50309

C T Corporation System  
208 So Lasalle St, Suite 814  
Chicago, IL 60604,

and to

Ragna Henrichs  
Porter Hedges LLP  
1000 Main Street, 36th Fl.  
Houston, Texas 77002.

07-09-14  
Date

John F. Boyle

## Inhance Technologies LLC, formerly Fluoro-Seal International, L.P.

## CAA – SECTION 112(r)(7) PENALTY CALCULATION SUMMARY

## Kansas City, Missouri

	Violation	Seriousness Cell Placement	Proposed Penalty
<b>Count I</b>	Failure to file RMP per 40 C.F.R. § 68.150	Minor/Major	\$25,000
<b>Count II</b>	Failure to implement the requirements of 40 C.F.R. § 68.67 (Process Hazard Analysis)	Moderate/Moderate	\$10,000
<b>Count III</b>	Failure to implement the requirements of 40 C.F.R. § 68.79 (Compliance Audits)	Moderate/Major	\$27,500
<b>Count IV</b>	Failure to implement the requirements of 40 C.F.R. § 68.75 (Management of Change)	Moderate/Major	\$25,000
<b>Count V</b>	Failure to implement the requirements of 40 C.F.R. § 68.83 (Employee Participation)	Minor/Major	\$20,000
<b>Count VI</b>	Failure to implement the requirements of 40 C.F.R. § 68.85 (Hot Work permit)	Moderate/Major	\$25,000
		Subtotal	\$132,500
<b>All counts</b>	Economic Benefit		\$2,831
		Facility Total	<b>\$135,331</b>

## Mt. Pleasant, Iowa

	Violation	Seriousness Cell Placement	Proposed Penalty
<b>Count I</b>	Failure to file RMP per 40 C.F.R. § 68.150	Minor/Major	\$20,000
	Economic Benefit		\$141
		Facility Total	<b>\$20,141</b>

## St. Louis, Missouri

	Violation	Seriousness Cell Placement	Proposed Penalty
<b>Count I</b>	Failure to file RMP per 40 C.F.R. § 68.150	Minor/Major	<b>\$20,000</b>
	Economic Benefit		\$141
		Facility Total	<b>\$20,141</b>

**Lee Container in Centerville, Iowa**

	<b>Violation</b>	<b>Seriousness Cell Placement</b>	<b>Proposed Penalty</b>
<b>Count I</b>	Failure to file RMP per 40 C.F.R. § 68.150	Minor/Major	<b>\$20,000</b>
	Economic Benefit		\$161
		Facility Total	<b>\$20,161</b>

**Duration**

August 2009 to October 2011

0-12 months (\$500/month) = \$9,000 (12x750)

13-24 months (\$1,000/month) = \$18,000 (12x1500)

25-36 months (\$1,500/month) = \$4,500 (2 x2250)

*Total duration: \$31,500*

**Size of Violator**

The size of the violator is determined from an individual's or company's net worth. If the case development team is unable to determine a company's net worth, as was the case here, it may determine the size of the violator based on gross revenues from all revenue sources during the prior calendar year. Estimates of Fluoro-Seal's gross revenues varied; however, the most reliable figure available was \$15,000,000. Combined Enforcement Policy Table IV generates a size adjustment of \$20,000.

*Size of Violator: \$20,000*

**TOTAL CAA PENALTY: \$247,274.**

**EPCRA 312 TIER II REPORTING - PENALTY CALCULATION SUMMARY**

**Kansas City**

**VIOLATION:** Failure to submit annually to the SERC, LEPC, and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form which includes information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. Fluoro-Seal failed to report the storage of greater than 10,000 pounds of aluminum oxide for calendar years 2009 and 2010 to any of the three points of compliance.

**EXTENT:** LEVEL 1 – Description: Respondent fails to include chemical on inventory report to the SERC, LEPC, or Fire Department

**GRAVITY:** LEVEL C – Description: 1-5 hazardous chemicals, which were required to be included in the report, were not included in the report.

**GRAVITY BASED PENALTY:** 2010 -  $\$17,710 \times 3 = \$53,130$   
2009 - \$1,500

**TOTAL \$54,630**

**Mt. Pleasant, Iowa**

**VIOLATION:** Failure to submit annually to the SERC, LEPC, and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form which includes information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. Fluoro-Seal failed to report the storage of greater than 10,000 pounds of aluminum oxide for calendar years 2009 and 2010 to any of the three points of compliance.

**EXTENT:** LEVEL 1 – Description: Respondent fails to include chemical on inventory report to the SERC, LEPC, or Fire Department

**GRAVITY:** LEVEL C – Description: 1-5 hazardous chemicals, which were required to be included in the report, were not included in the report.

**GRAVITY BASED PENALTY:** 2010 -  $\$17,710 \times 3 = \$53,130$   
2009 - \$1,500

**TOTAL \$54,630**

**St. Louis, Missouri**

**VIOLATION:** Failure to submit annually to the SERC, LEPC, and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form which includes information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. Fluoro-Seal failed to report the storage of greater than 10,000 pounds of aluminum oxide for calendar years 2009 and 2010 to any of the three points of compliance.

**EXTENT:** LEVEL 1 – Description: Respondent fails to include chemical on inventory report to the SERC, LEPC, or Fire Department

**GRAVITY:** LEVEL C – Description: 1-5 hazardous chemicals, which were required to be included in the report, were not included in the report.

**GRAVITY BASED PENALTY:** 2010 - \$17,710 x 3 = \$53,130  
2009 - \$1,500

**TOTAL \$54,630**

**Lee Container (Centerville, Iowa)**

**VIOLATION:** Failure to submit annually to the SERC, LEPC, and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form which includes information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. Fluoro-Seal failed to report the storage of greater than 10,000 pounds of aluminum oxide for calendar years 2009 and 2010 to any of the three points of compliance.

**EXTENT:** LEVEL 1 – Description: Respondent fails to include chemical on inventory report to the SERC, LEPC, or Fire Department

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**GRAVITY BASED PENALTY:** 2010 - \$17,710 x 3 = \$53,130  
2009 - \$1,500

**TOTAL \$54,630**

**West Chicago, Illinois**

**VIOLATION:** Failure to submit annually to the SERC, LEPC, and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form which includes information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. Fluoro-Seal failed to report the storage of greater than 10,000 pounds of aluminum oxide for calendar years 2009 and 2010 to any of the three points of compliance.

**EXTENT:** LEVEL 1 – Description: Respondent fails to include chemical on inventory report to the SERC, LEPC, or Fire Department

**GRAVITY:** LEVEL C – Description: 1-5 hazardous chemicals, which were required to be included in the report, were not included in the report.

**GRAVITY BASED PENALTY:** 2010 - \$17,710 x 3 = \$53,130  
2009 - \$1,500

**TOTAL \$54,630**

**TOTAL EPCRA PENALTY: \$273,150**




In the Matter of: Inhance Technologies, LL, formerly Fluoro-Seal International, L.P.  
Docket No. CAA-07-2014-0021; EPCRA-07-2014-0003

EPCRA-05-2015-0003

Certificate of Service

I, James Entzminger, certify that I filed the original and a copy of the Complaint with the Regional Hearing Clerk, Region 5, U.S. Environmental Protection Agency, and delivered a copy of the Complaint by intra-office mail to the Regional Judicial Officer.

On the 12 day of December, 2014.

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5

