

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In the Matter of :  
Schweitzer-Mauduit International, Inc., :  
Respondent. :  
Proceeding under Section 16(a) of :  
the Toxic Substances Control Act. :  
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CONSENT AGREEMENT  
AND  
FINAL ORDER

Docket No.  
TSCA-02-2015-9107

REGIONAL HEARING  
CLERK

2014 DEC 17 PM 4:38

U.S. Environmental  
Protection Agency-Reg 2

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Schweitzer-Mauduit International, Inc. (hereinafter "SWM" or "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent is Schweitzer-Mauduit International, Inc.
2. Respondent owns, operates, and/or controls the facilities in and around 85 Main Street, Spotswood, New Jersey ("Respondent's facility").
3. On or about February 24, 2014, Respondent disclosed to EPA that they were using PCB Transformers located at Respondent's facility which had not been registered with EPA by December 28, 1998 in accordance with the specifications and requirements at 40 C.F.R. § 761.30(a)(1)(vi)(A). Use of these unregistered PCB Transformers constitutes the use of PCBs in a manner not authorized under 40 C.F.R. §§ 761.20 and 761.30.
4. On March 19, 2014, duly designated representatives of EPA conducted an inspection of and at Respondent's facility ("the inspection").
5. As a result of the inspection, EPA determined that Respondent had failed to develop and maintain Annual Documents on the disposition of PCBs and PCB Items in accordance with the specifications and requirements of 40 C.F.R. § 761.180(a).
6. As a result of the inspection, EPA determined that Respondent had failed to mark the storage area used to store PCBs and PCB Items for disposal with the PCB mark M<sub>L</sub> in accordance with the specifications and requirements of 40 C.F.R. § 761.40(a)(10).
7. Respondent asserts that the background documents needed to prepare the Annual Documents referenced in paragraph 5, above, were maintained at the facility and provided to EPA during the inspection.
8. On June 10, 2014, Respondent's representative met with EPA via teleconference for an informal settlement conference.

## CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this CAFO, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.
2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
3. Use of PCBs over 50 ppm in an unauthorized manner is a violation of 40 C.F.R. §§ 761.20 and 761.30, which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).
4. Failure to develop and maintain Annual Documents on the disposition of Respondent-owned PCBs and PCB Items is a violation of 40 C.F.R. § 761.180(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).
5. Failure to label a PCB Waste storage area with the PCB Mark M<sub>L</sub> is a violation of 40 C.F.R. § 761.40, which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

## TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **TWENTY THREE THOUSAND AND EIGHT DOLLARS (\$23,008)** to the "Treasurer of

