

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

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In the Matter of :
MEL Chemicals, Inc. :
Respondent. :
Proceeding under the Toxic :
Substances Control Act, as amended. :
-----X

CONSENT AGREEMENT AND
FINAL ORDER

Docket No.
TSCA-02-2017-9143

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This administrative proceeding for the assessment of a civil penalty is being commenced pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a) (“TSCA” or the “Act”), as amended. The United States Environmental Protection Agency (EPA or Agency), under authority of TSCA, has promulgated regulations that govern the manufacture, processing and distribution in commerce of “chemical substances” and “new chemical substances” (as defined in Section 3 of TSCA, 15 U.S.C. § 2602), and for the reporting to the Agency of information pertaining to such chemical substances and new chemical substances. These regulations are codified at 40 C.F.R. Parts 704, 710, 711 and 720. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides, in part, that “[a]ny person who violates a provision of section 2614 [of TSCA, 15 U.S.C. § 2614] shall be liable to the United States for a civil penalty....”

Pursuant to Section 22.13 of the revised Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), where parties agree to settlement of one or more causes of action before the filing of a Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (collectively “CA/FO”) pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that was initially commenced pursuant to said provisions of 40 C.F.R. § 22.18(b). On August 9, 2017, Complainant issued a “Complaint and Notice of Opportunity for Hearing” (“Complaint”) to Respondent.

It has been agreed by the parties that settling this matter by entering into this CA/FO pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving specified claims against MEL Chemicals, Inc., without further litigation. To that end, the parties have met and discussed settlement. No adjudicated findings of fact or conclusions of law have been made in either a judicial or administrative forum. The following constitute EPA's Findings of Fact and Conclusions of Law based on information of which EPA, Region 2, was aware as of the date this CA/FO has been executed.

Complainant in this proceeding is the Director of the Division of Enforcement and Compliance Assistance ("Complainant") of EPA, Region 2, and Complainant has been duly delegated the authority to commence this proceeding. Respondent is MEL Chemicals, Inc.

EPA FINDINGS OF FACT

1. Respondent, MEL Chemicals, Inc. (formerly known as Magnesium Elekton, Inc.) is a New Jersey corporation with a facility located at 500 Barbertown Point Breeze Road in Flemington, New Jersey 08822 (the "Facility"). Respondent acquired the Facility in 1972. In 1996, Respondent became a wholly owned subsidiary of the Luxfer Group based in the United Kingdom. Respondent controls and directs the commercial operations conducted at the Facility.
2. At the Facility, Respondent manufactures "chemical substances" (as that term is defined in Section 3(2) of TSCA, 15 U.S.C. § 2602(2)) consisting of, *inter alia*, mixed metal oxide products. Since approximately 2000, Respondent has been manufacturing the mixed metal oxide products for use in catalytic converters in order to reduce tailpipe automobile emissions.
3. On or about November 20, 2013, duly designated representatives of the Administrator of the EPA conducted an inspection at Respondent's facility pursuant to Section 11 of TSCA, 15 U.S.C. § 2610. The purpose of the inspection was to ascertain Respondent's compliance with the provisions of TSCA and the regulations EPA promulgated pursuant to TSCA. The findings subsequently set forth herein are based upon information EPA learned during that inspection or pursuant to documentation EPA requested during the inspection and that Respondent subsequently provided to EPA.
4. During a number of days in a period including, but not limited to each of calendar years 2011, 2012, 2013, 2014 and through the end of October 2015, Respondent manufactured for commercial purposes and entered into commerce each of 10 mixed metal oxide products in varying quantities, as follows: (a) that exceeded 7,500 pounds; (b) that fell between 750 pounds and 7,500 pounds; and/or (c) that fell below 750 pounds.
5. On October 20, 2014, representatives of EPA, Region 2, and Respondent met. During such meeting, Respondent was informed of the EPA's position that each of the mixed metal oxide products Respondent had previously manufactured and then distributed in

commerce constituted a “new chemical substance” within the meaning of TSCA, and further informed Respondent that it was required to take steps to continue lawfully to manufacture such products, including to file a pre-manufacture notice for each such product. The parties again met for settlement discussions on March 24, 2015.

6. Except to the extent set forth in paragraph 8, below, Respondent (or a third-party acting on Respondent’s behalf) had not filed a pre-manufacture notice (as set forth in 40 C.F.R. Part 720) prior to its manufacture of the 10 mixed metal oxide products referenced in paragraph 4 of this section, above.
7. Throughout the entire period during which the manufacturing referenced in paragraph 4 of this section, above, occurred, none of the 10 mixed metal oxide products appeared on the Master Inventory File that EPA has compiled and maintained pursuant to Section 8(b) of TSCA, 15 U.S.C. § 2607(b) [as defined in 40 C.F.R. § 711.3].
8. In accordance with the settlement discussions held on March 24, 2015, commencing in April 2015 and concluding in August 2015, Respondent agreed to and did submit, without prejudice and without admitting liability, pre-manufacture notifications (in accordance with Section 5(a)(1) of TSCA, 15 U.S.C. § 2604(a)(1), and 40 C.F.R. § 720.22(a)(1)) for each of the 10 mixed metal oxide products referenced in paragraph 4 of this section, above.
9. During calendar year 2011, Respondent additionally manufactured at the Facility each of the following 15 chemical substances in quantities of 25,000 pounds or more, **as** identified below by its respective Chemical Abstract Services Registry Number (commonly referred to as the “CAS No.”):
 - (a) 1313-97-9;
 - (b) 4229-34-9;
 - (c) 15667-84-2;
 - (d) 1314-23-4;
 - (e) 7699-43-6;
 - (f) 537-01-9;
 - (g) 1306-38-3;
 - (h) 14475-63-9;
 - (i) 13746-89-9;
 - (j) 23570-56-1;
 - (k) 68309-95-5;
 - (l) 40861-29-8;
 - (m) 1312-81-8;
 - (n) 1314-36-9; and
 - (o) 11113-81-8

10. Each of the 15 chemical substances referenced in paragraph 9 of this section, above, was listed on EPA's Master Inventory File as of February 1, 2012.
11. Respondent did not report to EPA for any of the 15 chemical substances referenced in paragraph 9 of this section, above, during the period between February 1, 2012 and August 13, 2012, as it had been required to do under 40 C.F.R. § 711.8(a)(1).
12. Respondent did report to EPA for the 15 chemical substances referenced in paragraph 9 of this section, above, on May 12, 2014.

EPA CONCLUSIONS OF LAW

1. This is an action pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), to assess a civil penalty against Respondent for violations of provisions of Section 15 of TSCA, 15 U.S.C. § 2614. This tribunal is vested with jurisdiction over this administrative proceeding pursuant to Section 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2), and 40 C.F.R. § 22.1(a)(5).
2. Section 15(1)(B) of TSCA, 15 U.S.C. §§ 2614(1)(B), provides that it is unlawful for any person to fail or refuse to comply with any requirement prescribed by, *inter alia*, Section 5 of TSCA, 15 U.S.C. § 2604, and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2614(1)(C), provides that it is unlawful for any person to fail or refuse to comply with any rule promulgated under, *inter alia*, Section 5 of TSCA, 15 U.S.C. § 2604. A failure or refusal to comply with said provisions constitutes a violation of Section 15(1)(B) of TSCA, 15 U.S.C. § 2614(1)(B), and Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), respectively.
3. Section 15(3)(B) of TSCA, 15 U.S.C. §§ 2614(3)(B), provides that it is unlawful for any person to fail or refuse to submit any reports, notices or information required by TSCA, 15 U.S.C. § 2601 *et seq.*, or a rule promulgated thereunder. A failure or refusal to submit any such required reports, notices or information constitutes a violation of Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
4. For purposes of Section 15(1) of TSCA, 15 U.S.C. § 2614(1), the regulation codified at 40 C.F.R. § 720.22 constitutes a rule promulgated under Section 5 of TSCA, 15 U.S.C. § 2604.
5. For purposes of Section 15(3) of TSCA, 15 U.S.C. § 2614(3), the regulation codified at 40 C.F.R. § 711.8 constitutes a rule promulgated under TSCA, 15 U.S.C. § 2601 *et seq.*
6. For a violation of Section 15(1)(B) of TSCA, 15 U.S.C. §§ 2614(1)(B), Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2614(1)(C), and/or Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), a person is liable to the United States pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1).

7. Respondent is, and for all times discussed in the “EPA Findings of Fact” section, above, has been, a “person” as defined in 40 C.F.R. §§ 704.3 and 720.3(x).
8. Respondent is a “manufacturer” within the meaning of 40 C.F.R. § 704.3.
9. At all times during Respondent’s aforementioned (paragraph 4 of the “EPA Findings of Fact” section, above) manufacture of the 10 mixed metal oxide products, EPA contends that each of said products constituted: **(a)** a “chemical substance” within the meaning of Section 3(2) of TSCA, 15 U.S.C. § 2602(3), and within the meaning of 40 C.F.R. § 720.3(e), and **(b)** a “new chemical substance” within the meaning of Section 3(9) of TSCA, 15 U.S.C. § 2602(9), and within the meaning of 40 C.F.R. § 720.3(v).
10. EPA contends that each instance of Respondent’s aforementioned (paragraph 4 of the “EPA Findings of Fact” section, above) manufacture of the 10 mixed metal oxide products without Respondent (or a third-party acting on Respondent’s behalf) having filed a pre-manufacture notice constitutes a failure or refusal to comply with (and/or without EPA having listed each such product on the TSCA Master Inventory File): **(a)** Section 5(a)(1)(A) of TSCA, 15 U.S.C. § 2604(a)(1)(A), and **(b)** 40 C.F.R. § 720.22(a)(1).
11. EPA contends that each of Respondent’s failures or refusals to comply with Section 5(a)(1)(A) of TSCA, 15 U.S.C. § 2604(a)(1)(A), constitutes a separate and distinct violation of Section 15(1)(B) of TSCA, 15 U.S.C. § 2614(1)(B), and, as a consequence of each such violation, Respondent is liable to the United States pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1).
12. EPA contends that each of Respondent’s failures or refusals to comply with 40 C.F.R. § 720.22(a)(1) constitutes a separate and distinct violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), and, as a consequence of each such violation, Respondent is liable to the United States pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1).
13. Respondent’s aforementioned (paragraph 11 of the “EPA Findings of Fact” section, above) failure timely to report to EPA any of the 15 chemical substances constitutes a failure or refusal to comply with 40 C.F.R. § 711.8(a)(1).
14. Each of Respondent’s failures or refusals to comply with 40 C.F.R. § 711.8(a)(1) constitutes a separate and distinct violation of Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), and, as a consequence of each such violation, Respondent is liable to the United States pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1).

AGREEMENT ON CONSENT

Based upon the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 40 C.F.R. § 22.18 of the “Consolidated Rules of Practice Governing the Administrative

Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22,” it is hereby agreed by and between Complainant and Respondent, and voluntarily accepted by Respondent, that, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits, Respondent: (a) admits EPA, Region 2, has jurisdiction under TSCA to prosecute this proceeding; (b) neither admits nor denies the “EPA Findings of Fact” or “EPA Conclusions of Law” as set forth in this document; (c) neither admits nor denies the allegations set forth in the Complaint; (d) consents to the assessment of the civil penalty as set forth below; (e) consents to the issuance of the Final Order accompanying this Consent Agreement; and (f) waives any right it might possess to seek or obtain judicial review of, or otherwise contest, said Final Order.

Pursuant to 40 C.F.R. § 22.31(b), the executed CA/FO shall become effective and binding when filed with the Regional Hearing Clerk of the Agency, Region 2 (such date henceforth referred to as the “effective date”).

It is further hereby agreed by and between Complainant and Respondent, and voluntarily accepted by Respondent, that there shall be compliance with the following terms and conditions:

1. Respondent shall pay a civil penalty to EPA in the amount of **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)** for the violations EPA has alleged in the “EPA Findings of Fact” and “EPA Conclusions of Law” sections, above, and for the violations alleged in the Complaint. Said amount must be received by EPA (at the address or account of EPA specified in paragraph 2, below) within sixty (60) days¹ of the date the Regional Administrator of EPA, Region 2, signs the Final Order accompanying this Consent Agreement (said date hereinafter referred to as the “due date”).
2. Payment in accordance with the terms and schedule of this Consent Agreement shall be made by cashier’s check, certified check or by electronic fund transfer (EFT). If payment is made by cashier’s check or by certified check, each such check shall be made payable to the **“Treasurer, United States of America,”** and shall be identified with a notation thereon listing the following: ***In re MEL Chemicals, Inc., Docket Number TSCA-02-2017-9143.*** If payment is made by either form of check, such payment shall be mailed to the following address:

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

3. Alternatively, if Respondent chooses to make payment by EFT, Respondent shall then provide the following information to its remitter bank when each such payment is made

¹ For purposes of this CA/FO, days shall mean calendar days.

in accordance with the information below.

- a. Amount of Payment
 - b. SWIFT address: **FRNYUS33, 33 Liberty Street, New York, New York 10045**
 - c. Account Code for Federal Reserve Bank of New York receiving payment: **68010727**
 - d. Federal Reserve Bank of New York ABA routing number: **021030004**
 - e. Field Tag 4200 of the Fedwire message should read: **D 68010727 Environmental Protection Agency**
 - f. Name of Respondent: **MEL Chemicals, Inc.**
 - g. Case docket number: **TSCA-02-2017-9143**
4. The following provide additional payment instructions for Respondent:
- a. Payment shall be in accordance with the instructions set forth in this paragraph. If Respondent makes payment by cashier's check or certified check, then such check shall be *received* at the above-listed address on or before the date specified. If Respondent makes payment by the EFT method, then the EFT shall be *received* on or before the date specified.
 - b. Failure to pay the specified amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection of the amount due (including late payments) and stipulated penalties.
 - c. Furthermore, if the required payment is not received on or before the date when it is made due under the terms of this document, interest therefor shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, on the overdue amount from the date payment was to have been made through the date payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) day period or any portion thereof, following the date payment was to have been received, in which payment of the amount remains in arrears. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) days of the date for which payment was required hereto to have been made.

5. The civil penalty provided for in this section (including any payment for interest and late payment handling charge that have become due) constitutes a penalty within the meaning of 26 U.S.C. § 162(f) and does not constitute a deductible expenditure for purposes of federal or state law.
6. By entering into this Consent Agreement, and except to the extent otherwise expressly provided herein, Respondent hereby certifies to the best of the knowledge and information of the person signing this Consent Agreement on behalf of Respondent that Respondent, in its chemical manufacturing, processing and/or distribution in commerce operations and activities of chemical substances (including new chemical substances) that occur at, or through, the Facility, complies with all applicable statutory and regulatory requirements and prohibitions, as set forth in Sections 5 and 8 of TSCA, 15 U.S.C. §§ 2604 and 2607, respectively, and as set forth in 40 C.F.R. Parts 711 and 720.
7. For any of the 10 mixed metal oxide products Respondent manufactures (as referenced in paragraph “4” of the “EPA Findings of Fact” section, above), Respondent agrees to continue to discuss and negotiate with EPA for the issuance of an Order pursuant to Section 5(e) of TSCA, 15 U.S.C. § 2604(e). Nothing in this CA/FO is intended or is to be construed to waive or compromise any rights Respondent might possess under applicable law with regard to a TSCA Section 5 order.
8. Complainant shall mail to Respondent (to the representative designated below) a copy of the fully executed CA/FO, and Respondent consents to service of the CA/FO upon it by an employee of EPA other than the Regional Hearing Clerk of EPA, Region 2:

Debra Rosen, Esq.
Archer & Greiner, P.C.
One Centennial Square
33 East Euclid Avenue
Haddonfield, New Jersey 08033

Receipt of the fully executed CA/FO by said designated representative shall constitute Respondent’s receipt and acceptance of said CA/FO.

9. Any responses, documentation, and other communications submitted in connection with this Consent Agreement shall be sent to:

Mark Bean, Life Scientist
U.S. Environmental Protection Agency – Region 2
Pesticides & Toxic Substances Branch
2890 Woodbridge Avenue
Edison, NJ 08837

and

Lee A. Spielmann
Assistant Regional Counsel
Office of Regional Counsel
US Environmental Protection Agency
290 Broadway, 16th floor
New York, NY 10007-1866

Unless the above-named EPA contacts are later advised otherwise in writing, EPA shall direct any future written communications to Respondent (*i.e.* subsequent to effecting the service of the fully executed CA/FO, as set forth in paragraph 8 of this section, above) related to this matter (including any correspondence related to payment of the penalty) to the following addressees:

Gavin Edwards, Operations Manager
MEL Chemicals, Inc.
500 Barbertown Point Breeze Road
Flemington, New Jersey, 08822-4702
gedwards@melchemicals.com

With a copy to:

Debra Rosen, Esq.
Archer & Greiner, P.C.
One Centennial Square
33 East Euclid Avenue
Haddonfield, New Jersey 08033
drosen@archerlaw.com

10. Respondent has read this Consent Agreement, understands its terms, and consents to the issuance of the Final Order accompanying this Consent Agreement and consents to making full and timely payment of the civil penalty (*i.e.* \$250,000.00).
11. This CA/FO is not intended, and shall not be construed, to supersede, pre-empt, negate, invalidate or otherwise affect Respondent's obligation to comply with all applicable federal, state and local law and regulations, nor is it intended or to be construed to be a ruling on or determination of any issue related to any federal, state or local permit. Payment of the civil penalty in full as provided herein, together with any late payment for interest, shall not nullify, abrogate or otherwise render nugatory Respondent's obligation to comply with applicable TSCA statutory and regulatory requirement for its manufacture and importation of chemical substances, including new chemical substances, and to maintain such compliance.
12. This Consent Agreement is being voluntarily and knowingly entered into by the parties in order to resolve the allegations set forth in the "EPA Findings of Fact," and the "EPA

Conclusions of Law,” above. Respondent making full payment of the penalty amount set forth above (*i.e.* \$ 250,000.00) in accordance with the terms herein as well as any interest or late payment handling charges that accrue, and subject to 40 C.F.R. § 22.31(a), shall only resolve Respondent’s liability for federal civil penalties for the **(a)** facts and violations described in the “EPA Findings of Fact” and “EPA Conclusions of Law” sections, above, and **(b)** for the facts and violations alleged in the Complaint.

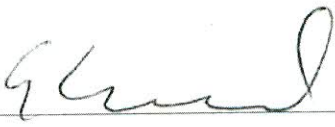
Notwithstanding the above, nothing herein shall affect the authority of EPA or the United States on behalf of EPA to pursue appropriate injunctive or otherwise seek equitable relief or criminal sanctions for any violation(s) of law resulting from or pertaining to Respondent’s manufacture and/or importation of chemical substances, including new chemical substances.

13. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent, in entering this Consent Agreement, waives any right it might possess to seek or obtain judicial review under TSCA, the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*, or other applicable law for the claims addressed herein or set forth in the Complaint. Respondent, in entering into this Consent Agreement, waives any right it might have under Section 16(a)(2)(A) of TSCA, 15 U.S.C. §2615(a)(2)(A), or other applicable law otherwise to seek or obtain an administrative or judicial hearing on the claims set forth in or arising from the “EPA Findings of Fact” and/or the “EPA Conclusions of Law” sections of this document, for the claims set forth or arising in the Complaint and on the terms and conditions set forth in the “Agreement on Consent” section of this Consent Agreement.
14. This Consent Agreement, and any provision herein, shall not be construed as an admission of liability in any adjudicatory or administrative proceeding, except in an action, suit or proceeding to enforce any of the requirements or provisions of this Consent Agreement and accompanying Final Order.
15. EPA’s entering into this Consent Agreement is premised upon Respondent not having misrepresented or concealed any material fact in any of its written or oral representations to the Agency. If any material fact has been misrepresented or concealed, EPA may, at its discretion, declare this Consent Agreement and accompanying Final Order null and void *ab initio*.
16. Compliance with the requirements and provisions of this Consent Agreement shall not constitute a defense to any subsequent (*i.e.* following the filing of this document) action, suit or proceeding EPA (or the United States on behalf of EPA) may commence pursuant to any applicable federal statutory or regulatory provision for any violation(s) occurring after the date of the execution of the Final Order accompanying this Consent Agreement, or for any violation(s) of TSCA statutory or regulatory requirements or prohibitions separate from those set forth in the “EPA Findings of Fact” section and the “EPA Conclusions of Law” section, above, and/or the claims set forth in the Complaint but that may have occurred prior to the date of the execution of the Final Order accompanying this Consent Agreement.

17. If any requirement or provision of this Consent Agreement is held invalid or stayed by a court of competent jurisdiction, that shall not affect the validity and Respondent's obligation to comply with, and to maintain such compliance, with the remaining requirements and provisions of this Consent Agreement.
18. Each party shall bear its own costs and fees in connection with this proceeding.
19. This Consent Agreement shall be fully binding upon the parties and their officers, directors, employees, successors and/or assigns.
20. The undersigned signatories hereto certify that they are duly and fully authorized to enter into and ratify this Consent Agreement and all the requirements and provisions set forth in this Consent Agreement, and to bind the parties on behalf of which such signatory has executed this Consent Agreement.
21. Pursuant to 40 C.F.R. § 22.31(b), the Final Order ratifying this Consent Agreement shall be effective as of the date of filing with the Regional Hearing Clerk of EPA, Region 2.

In re MEL Chemicals, Inc.
Docket Number TSCA-02-2017-9143

RESPONDENT,
MEL Chemicals, Inc.:


BY: 

NAME: GAVIN EDWARDS
[PRINT]

TITLE: VP of OPERATIONS

DATE: 28th Sept '17

COMPLAINANT:

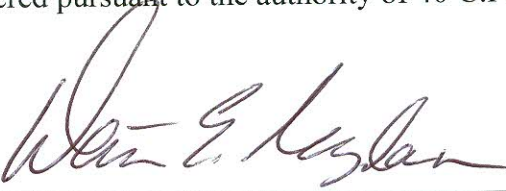

Dore LaPosta, Director
Division of Enforcement and Compliance
Assistance
U.S. Environmental Protection Agency -
Region 2

DATE: 9/29/17

In re MEL Chemicals, Inc.
Docket Number TSCA-02-2017-9143

FINAL ORDER

The Regional Administrator of EPA, Region 2, concurs in the foregoing Consent Agreement in the case of ***In the Matter of MEL Chemicals, Inc.***, bearing Docket Number TSCA-02-2017-9143. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified and incorporated into this Final Order, which is hereby issued and shall take effect when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3).

for 

Catherine R. McCabe
Acting Regional Administrator
United States Environmental Protection Agency – Region 2

DATE: _____

Sept. 29, 2017

In re MEL Chemicals, Inc.
Docket No. TSCA-02-2017-9143

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "CONSENT AGREEMENT AND FINAL ORDER," said Final Order having been duly executed on behalf of the Acting Regional Administrator of the United States Environmental Protection Agency (EPA), Region 2, on September 29, 2017, in the above-referenced administrative enforcement proceeding in the following manner to the addressees listed below:

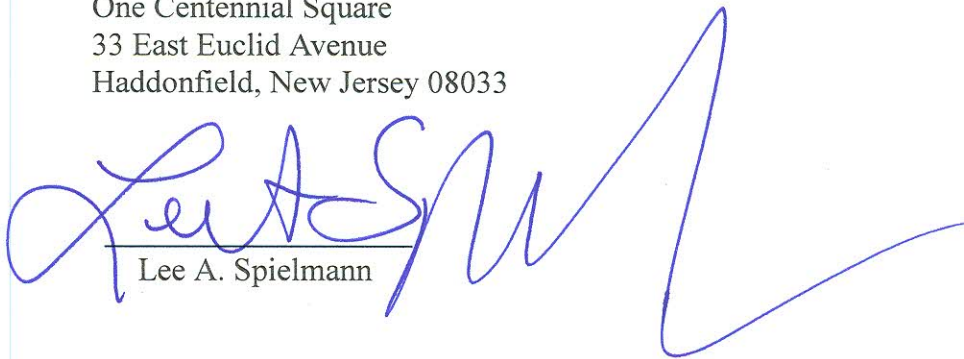
Original and One Copy
By Inter-Office Mail:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by First Class Mail:

Debra Rosen, Esq.
Archer & Greiner, P.C.
One Centennial Square
33 East Euclid Avenue
Haddonfield, New Jersey 08033

Dated: October 3, 2017
New York, New York



Lee A. Spielmann