

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Cynthia Catri 3/18/19
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2019-0006

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Bourne Holdings LLC
310 Bourne Avenue
Bumford, RI 02916

Total Dollar Amount of Receivable \$ 82,000 Due Date: 8/16/19

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ 41,000 on 4/18/19
2nd \$ 41,000 on 8/16/19
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts iReceivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RECEIVED

MAR 18 2019

EPA ORC *ws*
Office of Regional Hearing Clerk

March 18, 2019

BY HAND

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square, Suite 100
Mail Code : ORA18-1
Boston, MA 02109-3912

Re: In the Matter of: Bourne Holdings LLC
Docket No. TSCA 01-2019-0006

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

Cynthia Catri

Cynthia Catri
Senior Enforcement Counsel
EPA Region 1

Enclosure

cc: Preston W. Halperin, Manager, Bourne Holdings LLC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

RECEIVED

MAR 18 2019

EPA ORC WS
Office of Regional Hearing Clerk

In the Matter of:)
)
Bourne Holdings LLC)
310 Bourne Avenue)
Rumford, Rhode Island)
)
Respondent)
)
)
Proceeding under Section 16(a))
of the Toxic Substances Control)
Act, 15 U.S.C. § 2615(a).)

**Docket No.
TSCA-01-2019-0006**

**CONSENT AGREEMENT AND
FINAL ORDER**

CONSENT AGREEMENT

I. Introduction

1. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, alleges that Respondent, Bourne Holdings LLC (“Bourne Holdings LLC”, or the “Respondent”) has failed to comply with Section 6 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2614, and EPA’s regulations promulgated under this statutory provision at 40 C.F.R. Part 761.

2. Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this Consent Agreement and Final Order (“CAFO”) as provided under 40 C.F.R § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits” (“Consolidated Rules of Practice”). Respondent consents to the terms and issuance of this

CAFO without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

II. Statutory and Regulatory Authority

3. Complainant takes this action under the authority of Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for alleged violations of Section 15 of TSCA and 40 C.F.R. Part 761.

4. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), makes it unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605. Section 15(3) of TSCA, 15 U.S.C. § 2614(3), makes it unlawful for any person to fail to establish or maintain records, or to fail to submit reports, notices, or other information required by this chapter or a rule thereunder.

5. The Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions" (the "PCB Regulations"), 40 C.F.R. Part 761, were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. 2605(e).

6. The PCB Regulations establish “prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.” See 40 C.F.R. § 761.1(a).

7. Forty C.F.R. § 761.40 sets forth the requirements for marking PCB Transformers.

8. Forty C.F.R. §§ 761.50 and 761.60 set forth the requirements for the disposal of PCBs, PCB waste, and PCB Items.

9. Forty C.F.R. § 761.65 sets forth the requirements for the storage for disposal of PCBs and PCB Items at concentrations of 50 parts per million (“ppm”) or greater.

10. Forty C.F.R. §§ 761.202(b) and 205 set forth requirements for PCB waste disposal records and reports, including the requirement for generators of PCB waste to notify EPA of PCB waste activity (such as storage, disposal, or transport) and to have an EPA identification number.

III. Factual Allegations

11. Respondent is a limited liability corporation incorporated under the laws of the State of Rhode Island.

12. Respondent owns and operates a facility located at 310 Bourne Avenue in Rumford, Rhode Island (the “facility”).

13. At all times relevant to this CAFO, Respondent is a "person" as defined in 40 C.F.R. § 761.3 and is subject to certain prohibitions set forth in TSCA and the PCB Regulations.

14. On March 27, 2018, the Rhode Island Department of Environmental Management Emergency Response Program (“RIDEM Response Team”) met with the property manager of Respondent’s facility in response to an incident reported by the Fire Department in East Providence, Rhode Island, regarding PCB-containing transformers being demolished at Respondent’s facility. A follow-up inspection of the facility was conducted by the RIDEM Response Team on March 28, 2018. The RIDEM Response Team prepared a report reflecting its response activities from the March 27 and March 28 inspections, including photographs (the “March 2018 Inspections”). Significant activities and statements collected include the following:

- a. Statement made by the property manager at the facility that he was getting rid of three old large transformers from the mill complex that had been unused for five

- years awaiting disposal;
- b. Statement made by the property manager that he pumped oil from each transformer into three 250-gallon totes and, with the oil removed, used a backhoe to lift the transformers to drain the remaining oil into the totes;
 - c. The property manager indicated that some of the steel and copper from one of the transformers was removed and taken to a scrap metal recycling facility. The transformer was later identified as an Allis Chalmers, Chlorextol, Serial Number 5079138 transformer;
 - d. The RIDEM Response Team observed three oil-filled totes inside a garage (Building 10) at the facility upon their arrival;
 - e. The RIDEM Response Team observed transformer parts and carcasses on stained cardboard in three different buildings at the facility;
 - f. On March 28, 2018, RIDEM Response Team personnel, along with East Providence Fire Department personnel, met with the property manager and Respondent's environmental contractor, NRC, to conduct various sampling activities and take other measures to secure the transformers and associated waste. Upon request, the property manager provided the RIDEM Response Team with a receipt dated March 19, 2018, from Fortune Metals in Central Falls, Rhode Island, where the property manager had taken copper and steel that had been in contact with PCB oil from one transformer for scrap. That same day RIDEM Response staff visited Fortune Metals and were advised that the items would have been put

in containers with like metals and shipped to a mill to be melted and that they could not be recovered.

15. On April 17, 2018, EPA conducted a PCB compliance inspection at the facility to determine Respondent's compliance with TSCA and the PCB Regulations and prepared a report that reflects findings made that day, including photographs (the "April 2018 Inspection"). RIDEM accompanied EPA on the inspection.

16. At the time of the April 2018 inspection, three transformers were located at the facility. All three transformers were located inside the maintenance shop, (hereinafter referred to as Building 10) and were sitting on separate pieces of cardboard on a concrete floor. A covered floor drain was observed. The transformers in Building 10 at the facility were identified as General Electric, Pyranol, Serial Number G857926, 145 gallons; Pennsylvania, Serial Number C01864-1-1, 249 gallons; and Allis Chalmers, Chlorextol, Serial Number 5079138, 221 gallons. The transformers will be referred to as T-1, T-2, and T-3 respectively.

17. Pyranol and Chlorextol are trade names used by General Electric and Allis Chalmers for the dielectric fluid in PCB Transformers.

18. At the time of the April 2018 inspection, three PCB oil-filled totes were located in Building 10 at the facility. Analytical results from sampling of the PCB oil-filled totes, identified as NRC-1, NRC-2, and NRC-3 (each approximately 275 gallons), indicate that PCB concentrations of the oil were greater than or equal to 25,300 parts per million (ppm) in NRC-1; greater than or equal to 389 ppm in NRC-2; and greater than or equal to 539,000 ppm in NRC-3. It is unknown which transformer was drained into which tote (April 2018 Inspection).

19. At all times relevant to this CAFO, the two transformers identified as T-1 and T-3 in paragraph 16 above were “PCB Transformers,” “PCB Articles,” “PCB Items,” and “PCB Waste” as defined at 40 C.F.R. § 761.3. The PCB concentrations in these transformers were presumed to be 500 ppm or greater, as provided in 40 C.F.R. § 761.2 based on the following: (a) information in the April 2018 inspection report which notes M_L markings on Respondent transformer identification number T-1; (b) nameplate information that identify T-1 and T-3 with the PCB tradename “Pyranol” and “Chlorextol,” respectively¹; (c) photo documentation of the PCB transformers; and (d) sampling results of oil in the totes reflected in paragraph 18 of this document.

20. At all times relevant to this CAFO, the transformer identified as T-2 in paragraph 16 above was “PCB-Contaminated Electrical Equipment,” “a PCB Article,” “a PCB Item,” and “PCB Waste” as defined at 40 C.F.R. § 761.3. Identification of the T-2 transformer as PCB-Contaminated Electrical Equipment is based on the following: (a) nameplate information that identifies T-2 as having a capacity of 249 gallons; and (b) sampling results, reflected in paragraph 18 of this document, that indicates PCB concentrations in the oil in all of the totes is greater than or equal to 50 ppm and that PCB concentrations in the oil in one tote was greater than or equal to 50 ppm and less than 500 ppm. Based on this information, under 40 C.F.R. § 761.2, T-2 is a PCB-Contaminated Electrical Equipment.

21. At all times relevant to this CAFO, the PCB Items described in paragraphs 19 and

¹ Companies that used PCBs in the manufacture of transformers and capacitors, and for other uses, often used common trade names for PCBs including Pyranol and Chlorextol. <https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs>

20 above were not in use. The PCB Items have been in storage on or before purchase of the facility in May 2014. Prior to being moved for draining and disposal, the PCB Items identified in paragraphs 19 and 20 above were stored outside on an elevated concrete loading dock abutting Building 67. (Statement made by Respondent's Property Manager, who was present at the April 2018 inspection. See April 2018 Inspection Report.)

22. At the time of the April 2018 Inspection, EPA did not observe any secondary containment measures, a roof, or wall at the elevated concrete loading dock abutting Building 67 where the PCB Items were previously stored.

23. At the time of the April 2018 Inspection, EPA did not observe any secondary containment measures in Building 10 where the PCB Items and totes were stored.

24. At the time of the April 2018 Inspection, PCB Transformer T-3 in Building 10 was not marked with an M_L mark.

25. At all times relevant to this CAFO, Respondent has not notified EPA of its PCB waste handling activities in accordance with PCB regulations.

26. At the time of the March and April 2018 Inspections, the three transformers, associated transformer components, and three totes, all regulated PCB Waste, were in storage for disposal.

Failure to Comply with Marking Requirements

27. Pursuant to 40 C.F.R. § 761.40(a)(2), after July 1, 1978, PCB Transformers shall be marked with the M_L mark illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

28. At all times relevant to this CAFO, the PCB Transformer identified as T-3

described in paragraph 16 above was a PCB Transformer as defined in 40 C.F.R. § 761.3.

29. As described above in paragraph 24, during the April 2018 Inspection, PCB Transformer identified as T-3 was not marked with the Large PCB Mark “M_L”.

30. Accordingly, Respondent’s failure to mark PCB Transformer T-3 violated Section 15 of TSCA and 40 C.F.R. § 761.40(a)(2).

Improper Disposal

31. Pursuant to 40 C.F.R § 761.3, PCB waste(s) is defined to mean those PCBs and PCB Items that are subject to the disposal requirements of subpart D of 40 C.F.R. Part 761.

32. Pursuant to 40 C.F.R. § 761.50(a), any person storing or disposing of PCB waste must do so in accordance with 40 C.F.R. §§ 761.50 through 761.79.

33. Pursuant to 40 C.F.R. § 761.60(b)(1)(i), PCB Transformers shall be disposed of in either an incinerator that complies with § 761.70 or in a chemical waste landfill approved under §761.75.

34. At all times relevant to this CAFO, as described in paragraph 21 above, PCB Transformer T-3 was no longer in use.

35. Respondent, through its employee, effected the “disposal” of PCBs, as defined by 40 C.F.R. § 761.50(b)(2), by dismantling and transporting approximately 108 kilograms of metal components from PCB Transformer T-3 (PCB Items) to a scrap metal recycler as evidenced by the receipt from Fortune Metals.

36. At all times relevant to this CAFO, Respondent did not properly dispose of PCB Transformer T-3 in accordance with the requirements of 40 C.F.R. § 761.60(b)(1)(i).

37. Accordingly, Respondent's failure to properly dispose of PCB Transformer T-3 violated Section 15 of TSCA and 40 C.F.R. §§ 761.50(a) and 761.60(b).

Improper Storage Greater Than One Year

38. Pursuant to 40 C.F.R. § 761.65(a)(1), any PCB waste (PCBs or PCB Items at concentrations of 50 ppm or greater) must be disposed of within one year from the date it was determined to be PCB waste and the decision was made to dispose of it.

39. At all times relevant to this CAFO, the PCB Items identified as T-1, T-2, and T-3, in Building 10, described in paragraph 16 above, were "PCB waste" as defined at 40 C.F.R. § 761.3.

40. At all times relevant to this CAFO, as described in paragraphs 16 and 21 above, the PCB waste was located in various places at the facility, including either outside Building 67 or inside Building 10, and had been in storage for disposal since on or prior to the purchase of the facility in May 2014.

41. At all times relevant to this CAFO, the PCB waste was located in various places at the facility, including either outside Building 67 or inside Building 10, in storage for disposal, and the Respondent had not disposed of the PCB waste within one year from the date it was determined to be PCB waste and the decision was made to dispose of it. The PCB waste was disposed of on November 7, 2018.

42. At all times relevant to this CAFO, Respondent also had not applied to EPA for a one-year extension to the one-year storage time limit pursuant to 40 C.F.R. § 761.65(a)(2).

43. Accordingly, Respondent's failure to dispose of PCB waste within one year of the

date three PCB Items T-1, T-2, and T-3 located in various places at the facility, including either outside Building 67 or inside Building 10, were removed from service for disposal violated Section 15 of TSCA and 40 C.F.R. § 761.65(a).

Improper Storage Area

44. Except as provided in 40 C.F.R. § 761.65(b)(2), (c)(1), (c)(7), (c)(9), and (c)(10), pursuant to 40 C.F.R. § 761.65(b), owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal must comply with certain storage requirements.

45. Pursuant to 40 C.F.R. § 761.65(b)(1)(i), the storage facility must have adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items.

46. Pursuant to 40 C.F.R. § 761.65(b)(1)(ii), the storage facility must have an adequate floor that has continuous curbing with a minimum 6-inch high curb.

47. Pursuant to 40 C.F.R. § 761.65(b)(1)(iii), the storage facility must not have any drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.

48. At the time of the April 2018 inspection, as described in paragraph 23 above, the PCBs and PCB Items were located on pieces of cardboard on a concrete floor in a room with a floor drain and without continuous curbing with a minimum 6-inch high curb.

49. At the time of the April 2018 Inspection, Respondent indicated the original storage area for the PCBs and PCB Items since the purchase of the facility was outside on an elevated concrete loading dock abutting Building 67, without a wall or a roof and without continuous curbing with a minimum 6-inch high curb as described in paragraph 22 above.

50. Respondent's failure to store PCB Items in a facility with an adequate roof and walls, and an adequate floor with continuous curbing with a minimum 6-inch high curb and in an area with a floor drain, violates 40 C.F.R. § 761.65(b)(i), (ii) and (iii).

Improper Storage – Failure to Date

51. Pursuant to 40 C.F.R. § 761.65(c)(8), PCB Items must be dated on the item when they are removed from service for disposal.

52. At the time of the April 2018 inspection, there was no indication that the Respondent had dated the PCB Transformers (T-1 and T-3) and PCB-Contaminated Electrical Equipment (T-2), (collectively PCB Items) indicating the date the items were removed from service. As described above in paragraph 21 above, the Respondent indicates that the PCB Items in Building 10 have been in storage since on or before the date of purchase of the facility in May 2014.

53. Accordingly, Respondent's failure to date the PCB Items in Building 10 indicating the date the PCB Items were removed from service violates 40 C.F.R. § 761.65(c)(8).

Failure to Notify

54. Pursuant to 40 C.F.R. § 761.202(b)(1)(i), after June 4, 1990, a generator of PCB waste must not process, store, dispose of, transport, or offer for transportation PCB waste without having received an EPA identification number.

55. Pursuant to 40 C.F.R. § 761.202(a), any generator, commercial storer, transporter, or disposer of PCB waste who is required to have an EPA identification number must notify EPA of its PCB waste handling activities in accordance with 40 C.F.R. § 761.205. Upon receiving the

notification form, EPA will assign an EPA identification number to facilities that do not have one.

56. At the time of the April 2018 Inspection, Respondent had not notified EPA of its storage of the PCB waste, described above in paragraph and did not have an EPA identification number.

57. Accordingly, Respondent's failure to notify EPA of its storage of the PCB waste and to have an EPA identification number violates 40 C.F.R. § 761.202(b)(1).

58. Respondent's failure to notify EPA of its PCB waste activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities violates 40 C.F.R. § 761.205.

IV. Terms of Consent Agreement

59. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors and assigns.

60. For the purposes of this CAFO, Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the CAFO and also waives any defenses it may have as to jurisdiction and venue.

61. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in this CAFO.

62. Respondent also hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

63. Without admitting or denying the specific factual allegations in this CAFO,

Respondent hereby consents to the terms and the issuance of this CAFO, and consents for the purposes of settlement to the payment of the civil penalty as set forth in this CAFO.

64. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), together with the Civil Monetary Penalty Inflation Rule (40 C.F.R. Part 19) and 84 Fed. Reg. 2056 (Feb. 6, 2019), authorizes the assessment of a civil administrative penalty of up to \$39,873 per day for each violation. EPA has compromised the maximum civil penalty of \$39,873 per day per violation authorized in this matter, applying the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), and the 1990 Polychlorinated Biphenyls (PCB) Penalty Policy” (April 9, 1990) (“PCB Penalty Policy”), issued by EPA. Pursuant to TSCA § 16(a)(1)(C), 15 U.S.C. § 2615(a)(1)(C), EPA may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this subsection. In light of the particular facts and circumstances of this matter, with specific reference to the statutory factors of Section 15(a) of TSCA, 15 U.S.C. § 2615(a), and considering the nature, circumstances, extent, and gravity of the violations, the economic impact of the penalty upon the Respondent, the Respondent’s cooperative attitude, and such other matters as justice requires, EPA has determined that it is fair and proper to assess a civil penalty for violations alleged in this Agreement in the total amount of **\$82,000**. Respondent agrees to pay the civil penalty of **\$82,000** (“EPA Penalty”).

Penalty Payment

65. Respondent certifies that the statement provided to EPA on February 8, 2019, regarding Respondent’s financial ability to pay a penalty, is true, accurate, and complete based upon personal knowledge of the undersigned or his personal inquiry of the person or persons

directly responsible for gathering the information, and the undersigned is aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

66. In accordance with 40 C.F.R. § 13.18 and EPA's Guidance on Evaluating a Violator's Ability to Pay a Civil Penalty in an Administrative Enforcement Action (June 2015), and based on EPA's determination that Respondent is financially unable to pay the indebtedness in a single payment and that an alternative payment mechanism is in the best interest of the United States, EPA will allow the payment of civil penalty cited in paragraph 64 in installments, as specified in paragraph 67.

67. Respondent shall pay the total penalty amount of **\$82,000** in two installments over six months from the effective date of this CAFO. The first payment of \$41,000 shall be made within thirty (30) days of the Effective Date of this CAFO. The second and final payment of \$41,000, an amount that includes \$1,000 in interest at the rate of 6% per month, shall be made within 150 days of the Effective Date of this CAFO. This CAFO shall become effective on the day it is filed with the Regional Hearing Clerk. If the due date for any payment falls on a weekend or federal holiday, then the due date is the next business day.

68. The Respondent shall make each payment due under this CAFO as follows: Each payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference "*In the Matter of: Bourne Holdings LLC* Consent Agreement and Final Order, EPA Region 1," Respondent's name and address, and the EPA Docket Number of this action ("TSCA-01-2019-0006"), and shall be payable to "Treasurer,

United States of America.” The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

If remitted by wire transfer: any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York

ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read “D68010727
Environmental Protection Agency”

If remitted on-line with a debit card, credit card, or bank account transfer:

No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen to access the EPA’s Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting “submit data,” entering the relevant debit card, credit card, or bank account information.

69. At the time of payment, a copy of the check (or notification of any other type of payment) shall also be sent to:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
Five Post Office Square
Suite 100 (ORA 18-1)
Boston, MA 02109-3912

and

Cynthia Catri
Senior Enforcement Counsel
U.S. EPA, Region 1
Five Post Office Square
Suite 100 (OES04-2)
Boston, MA 02109-3912

70. If Respondent fails to make the first payment required under this CAFO by the required due date, the remaining installment shall become immediately due and payable as of the missed payment date. Interest as calculated in Paragraph 71 on such unpaid penalty amounts shall accrue from the missed payment date until the total amount due has been received by the United States. Respondent shall be liable for such amount regardless of whether EPA has notified Respondent of its failure to pay or made a demand for payment. All payments to the United States under this paragraph shall be made by company, bank, cashier's, or certified check, or by electronic funds transfer, as described in Paragraph 68.

71. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States as well as a charge to

cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid within 30 calendar days of the effective date of this CAFO. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

72. Conditions: As a condition of settlement, Respondent certifies that it has corrected the alleged violations cited in this CAFO and that it is now operating in compliance with the requirements of TSCA and 40 C.F.R. Part 761.

73. All penalties, interest, and other charges imposed in this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for federal tax purposes.

74. Compliance with this CAFO, including payment of any penalties, interest, or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

75. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties pursuant to Section 16 of TSCA for the specific violations alleged in this CAFO. Nothing in this CAFO shall prevent EPA from taking any necessary action to address conditions

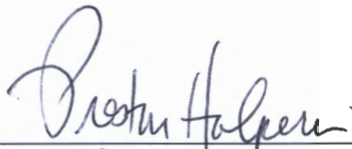
at Respondent's facility which may present an imminent and substantial endangerment to public health or the environment nor shall this CAFO be construed to, nor is it intended to operate in any way to resolve any criminal liability or any other civil liability of Respondent.

76. Except as described in paragraph 71, each party shall bear its own costs and fees in this proceeding, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

77. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED enter into this CAFO on behalf of her/his respective party for: In The Matter of Bourne Holdings LLC, Docket No. TSCA-01-2019-0006

For Bourne Holdings LLC:



Name: Preston Halperin
Title: Manager
Company: Bourne Holdings, LLC

February 22, 2019
Date

THE UNDERSIGNED enter into this CAFO on behalf of her/his respective party for: In The Matter of Bourne Holdings LLC, Docket No. TSCA-01-2019-0006

For U.S. EPA, Region 1:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

March 8, 2019

Date

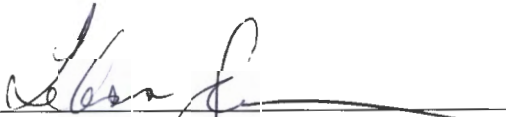
FINAL ORDER

78. Pursuant to 40 C.F.R. § 22.18(b)(3) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

79. As described in paragraph 67 of the Consent Agreement, the Respondent, Bourne Holdings LLC, is ordered to pay the civil penalty amount of \$82,000 in installments payments. In accordance with 40 C.F.R. § 13.18, the Parties have represented that the amount and the installment payment method are based on the Respondent's ability to pay.

80. Respondent, as specified in the Consent Agreement, is hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

SO ORDERED THIS 14th DAY OF March 2019



LeAnn Jensen
Regional Judicial Officer
U.S. EPA, Region 1

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order", in the Matter of Bourne Holdings LLC, Docket No. TSCA 01-2019-0006, were sent to the following persons on the date noted below:

Original and One Copy
(Hand-Delivered):

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency – Region 1
5 Post Office Square
Suite 100, ORA 18-1
Boston, MA 02109-3912

Copy, including
(First-class mail)

Preston Halperin, Registered Agent and Manager,
Bourne Holdings LLC
1080 Main Street
Pawtucket, RI 02860

Dated: March 18, 2019

Cynthia Catri
Cynthia Catri
Senior Enforcement Counsel
U.S. Environmental Protection Agency – Region 1
5 Post Office Square
Suite 100, Mail Code OES04-2
Boston, MA 02109-3912