



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007

APR - 1 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Law Office
Norman W. Albert, P.C.
Norman W. Albert, Esquire
23 North Avenue East
Cranford, New Jersey 07016

Re: In the Matter of **Veckridge Chemical Company, Inc.**
Docket No. EPCRA-02-2009-4102

Dear Mr. Albert:

Enclosed is a fully executed Consent Agreement and Final Order (CA/FO) that resolves the above referenced matter. Please note that payment of the civil penalty assessed shall be made in accordance with the schedule on page 3 of the CA/FO.

Thank you for your cooperation and assistance to bring this matter to a mutually satisfactory resolution.

Sincerely yours,


Melva J. Hayden, Esquire
Assistant Regional Counsel
Office of Regional Counsel
Water and General Law Branch/Waste and Toxic Substance Branch

Enclosures

cc: Karen Maples, Regional Hearing Clerk
Andrew Oppermann, NJDEP

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2010 APR - 1 AM 11:30
REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 APR -1 PM 11:30
REGIONAL HEARINGS
OFFICE

-----X
In the Matter of :
: **CONSENT AGREEMENT**
: **AND**
VECKRIDGE CHEMICAL COMPANY, INC., : **FINAL ORDER**
: **DOCKET NUMBER**
Respondent. : **EPCRA-02-2009-4102**
: **DOCKET NUMBER**
Proceeding under Section 325(c) of : **EPCRA-02-2009-4102**
Title III of the Superfund :
Amendments and Reauthorization Act :
-----X

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §11001 *et seq.* [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, EPCRA)].

The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency (EPA), issued a Complaint and Notice of Opportunity for Hearing to Veckridge Chemical Company, Inc. (Respondent) on June 30, 2009.

The Complaint alleged violations of Section 313 of EPCRA, 42 U.S.C. §11023, and regulations promulgated pursuant to that Section, 40 C.F.R. Part 372.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Veckridge Chemical Company, Inc. Respondent's facility is in Standard Industrial Classification (SIC) Code 5169. Respondent's facility is in the North American Industry Classification System (NAICS) Code 424690.

2. Respondent is a corporation organized pursuant to the laws of the State of New Jersey.
3. Respondent is an owner of a "facility" as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. §11049(4), and by 40 C.F.R. §372.3, located at 60-70 Central Avenue, Kearney, New Jersey 07032 (hereinafter, "Respondent's facility").
4. Respondent is an operator of a "facility" as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. §11049(4), and by 40 C.F.R. §372.3.
5. Respondent is a "person" within the meaning of Section 329(7) of EPCRA, 42 U.S.C. §11049(7).
6. Respondent's facility is subject to the requirements of EPCRA, Section 313(b), 42 U.S.C. §11023(b), and 40 C.F.R. §372.22.
7. EPA representatives determined that Respondent failed to submit, in a timely manner, to the Administrator and to the State of New Jersey, complete and correct Form A reports for calendar year 2006 for: ammonia, formic acid, methanol, n-butyl alcohol, and nitric acid.
8. Respondent's failures to submit, in a timely manner, complete and correct Form A reports for ammonia, formic acid, methanol, n-butyl alcohol and nitric acid for calendar year 2006 constitute failures or refusals to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.
9. On October 1, 2009 through January 27, 2010 the parties held informal settlement conferences. At the January 27, 2010 settlement conference, the parties agreed to enter into a Consent Agreement and Final Order in settlement of this matter.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 325(c) of EPCRA, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc., 40 C.F.R. §22.18 (hereinafter, "Consolidated Rules"), it is hereby agreed by and between the parties, and Respondent voluntarily and knowingly agrees as follows:

1. Respondent certifies herein that the EPA Toxic Chemical Release Inventory Form A reports submitted for the above-described violations comply with the requirements of Section 313 of EPCRA and the regulations set forth at 40 C.F.R. Part 372.

2. For the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of the Complaint as applied to the facility; and (b) neither admits nor denies the specific factual allegations contained in the Complaint and the Findings of Fact and Conclusions of Law section above.

3. Respondent shall pay a civil penalty to EPA in the total amount of **FIFTY-SEVEN THOUSAND TWO HUNDRED AND SIXTY DOLLARS (\$57, 260)**, in two (2) installment payments, as follows:

Installment # 1 - \$28,630.00 within 45 days after the date of signature of the Final Order herein by the Regional Administrator; and

Installment #2 - \$28,630.00 within 125 days after the date of signature of the Final Order herein by the Regional Administrator.

Such payments shall be made by cashier's or certified checks or by Electronic Fund Transfers (EFTs). If any payment is made by check, then the check(s) shall be made payable to the "**Treasurer, United States of America,**" and shall be mailed to:

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

The checks shall be identified with a notation thereon: ***IN THE MATTER OF VECKRIDGE CHEMICAL COMPANY, INC.***, and shall bear thereon the Docket Number ***EPCRA-02-2009-4102***.

If Respondent chooses to make any payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
- 4) Federal Reserve Bank of New York ABA routing number: 021030004.
- 5) Field Tag 4200 of the Fedwire message should read " D68010727 Environmental Protection Agency."
- 6) Name of Respondent: **Veckridge Chemical Company, Inc.**
- 7) Case Number: **EPCRA-02-2009-4102.**

4. Any EFT must be received in accordance with the above installment schedule. Whether a payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made to:

Melva J. Hayden, Esq.
Assistant Regional Counsel
Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

and

Karen Maples, Regional Hearing Clerk
Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866.

a. Failure to make any payment in accordance with the above installment schedule may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.

b. Further, if any payment is not received in accordance with the above installment schedule interest will 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 due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following any date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of any due date.

c. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. § 162(f).

5. This Consent Agreement is being voluntarily and knowingly entered into by the parties to resolve (conditional upon full payment of the civil penalty herein and upon the accuracy of Respondent's certifications and representations in this proceeding) the civil and administrative claims alleged in the Complaint in this matter. Nothing herein shall be read to preclude EPA or the United States, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of law. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to the issuance and its

terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

6. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

7. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or on the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

8. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

9. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

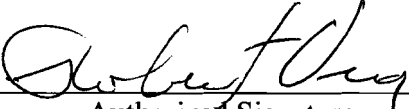
10. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

11. Each party hereto agrees to bear its own costs and fees in this matter.

12. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

In the Matter of Veckridge Chemical Company, Inc.
Docket Number EPCRA-02-2009-4102

RESPONDENT: Veckridge Chemical Company, Inc.

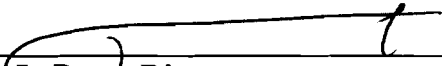
BY: 
Authorized Signature

NAME: ROBERT VECA
(PLEASE PRINT)

TITLE: VICE - PRESIDENT

DATE: 3/23/10

COMPLAINANT:

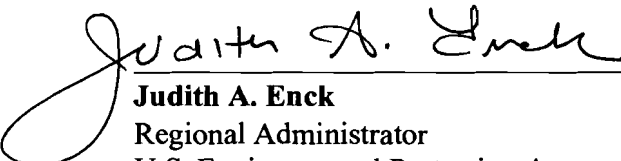
 3/26/10
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

In the Matter of Veckridge Chemical Company, Inc.
Docket Number EPCRA-02-2009-4102

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties in full settlement of EPA's Complaint bearing Docket No. EPCRA-02-2009-4102, issued In the Matter of Veckridge Chemical Company, Inc. is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: March 29, 2010



Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866

In the Matter of Veckridge Chemical Company, Inc.
Docket No. EPCRA-02-2009-4102

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy
by Hand:

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

Copy by Certified Mail,
Return Receipt Requested:

Law Offices
Norman W. Albert, P.C.
Norman W. Albert, Esquire
23 North Avenue East
Cranford, New Jersey 07016

Copy by Regular Mail to:

Mr. Andrew Oppermann, EPCRA Program
State of New Jersey Department of Environmental
Protection
Division of Environmental Safety and Health
Office of Pollution Prevention and Right To Know
22 S. Clinton Avenue, 3rd Floor
P.O. Box 443
Trenton, New Jersey 08625-0443

Dated: APR - 1 2010
New York, NY

Mildred N. Bag