

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

FILED

7/21/25

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U.S. EPA REGION 1
HEARING CLERK

In the Matter of:

Houghton Chemical Corporation,

Respondent

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

Docket No. EPCRA-01-2025-0007

**CONSENT AGREEMENT AND
FINAL ORDER**

CONSENT AGREEMENT

The United States Environmental Protection Agency (“EPA”), Region 1 (“Complainant”), alleges that Houghton Chemical Corporation (“Respondent”) violated the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. §§ 11001 - 11050, and the federal regulations promulgated thereunder. Respondent neither admits nor denies the factual allegations contained herein. Complainant and Respondent (together, the “Parties”) agree that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

Pursuant to 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”), set out at 40 C.F.R. Part 22, Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this CAFO. Therefore, before and hearing, and without adjudication of any issue of fact or law, the parties agree to comply with the terms of this CAFO as follows:

I. STATUTORY AND REGULATORY AUTHORITY

1. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023 and 11048, EPA promulgated Toxic Chemical Release Reporting: Community Right-to-Know regulations at 40 C.F.R. Part 372.

2. Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), requires owners or operators of a facility subject to the requirements of Section 313(b) of EPCRA to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (hereinafter, “Form R”), for each toxic chemical listed under 40 C.F.R. § 372.65 that was manufactured, processed, or otherwise used during the preceding calendar year in quantities exceeding the toxic chemical thresholds established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25 and 372.28. If an owner or operator determines that the alternative reporting threshold specified in 40 C.F.R. § 372.27 applies, the owner or operator may instead submit an alternative threshold certification statement that contains the information required under 40 C.F.R. § 372.95 (“Form A”). Each Form R or Form A (hereinafter, referred to together as “TRI Forms”) must be submitted to EPA and a designated state authority.

3. Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. §§ 372.22 and 372.30 provide that owners or operators of facilities that have 10 or more full-time employees; that are in a Standard Industrial Classification (“SIC”) code or North American Industry Classification System (“NAICS”) code set forth in 40 C.F.R. § 372.23; and that manufactured, processed, or otherwise used a toxic chemical listed under 40 C.F.R. § 372.65 in a quantity exceeding the established threshold during a calendar year, must submit TRI Forms to EPA and the state authority for each of these substances for that year.

4. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended through 2016 (“FCPIAA”), and the FCPIAA’s

implementing regulations as promulgated and updated by EPA at 40 C.F.R. Part 19 (most recently at 90 Fed. Reg. 1375 (January 8, 2025)), together authorize the assessment of civil administrative penalties of up to \$71,545 for each violation of Section 313 of EPCRA that occurs after November 2, 2015. Pursuant to Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day that an EPCRA Section 313 violation continues constitutes a separate violation.

II. GENERAL ALLEGATIONS

5. Respondent is a corporation organized under the laws of Massachusetts.
6. Respondent owns and/or operates a facility at 52 Cambridge Street, Allston, Massachusetts 02134 (“the Facility”) at which Respondent stores, blends, packages, transfers, and distributes specialty chemicals, including antifreeze and heat transfer fluids, in accordance with customer specifications.
7. Respondent is a “person” as defined by 42 U.S.C. § 11049(7).
8. Respondent operates a “facility,” as defined by 42 U.S.C. § 11049(4) and 40 C.F.R. § 372.3.
9. The Facility has more than 10 “full-time employees,” as defined by 40 C.F.R. § 372.3.
10. The Facility is classified in a NAICS code set forth in 40 C.F.R. § 372.23.
11. Accordingly, the requirements of 42 U.S.C. § 11023 apply to the Facility.
12. Respondent asserts it experienced unprecedented and unanticipated interruption to its normal business operations and employment continuity resulting from the COVID-19 pandemic.

III. ALLEGED VIOLATIONS

Count I: Failure to Timely Submit TRI Form for Cyclohexane for Calendar Year 2020

13. During calendar year 2020, EPA alleges Respondent processed at the Facility cyclohexane, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

14. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for cyclohexane for calendar year 2020 on or before July 1, 2021. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

15. Respondent submitted a TRI Form for cyclohexane for calendar year 2020 on February 2, 2024.

16. EPA alleges Respondent failed to submit a TRI Form for cyclohexane for calendar year 2020 on or before July 1, 2021.

17. EPA alleges Respondent's failure to timely submit a TRI Form for cyclohexane for calendar year 2020 violated EPCRA § 313 and 40 C.F.R. Part 372.

Count II: Failure to Timely Submit TRI Form for Cyclohexane for Calendar Year 2021

18. During calendar year 2021, EPA alleges Respondent processed at the Facility cyclohexane, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

19. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for cyclohexane for calendar year 2021 on or before July 1, 2022. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

20. Respondent submitted a TRI Form for cyclohexane for calendar year 2021 on February 2, 2024.

21. EPA alleges Respondent failed to submit a TRI Form for cyclohexane for calendar year 2021 on or before July 1, 2022.

22. EPA alleges Respondent's failure to timely submit a TRI Form for cyclohexane for calendar year 2021 violated EPCRA § 313 and 40 C.F.R. Part 372.

Count III: Failure to Timely Submit TRI Form for Cyclohexane for Calendar Year 2022

23. During calendar year 2022, EPA alleges Respondent processed at the Facility cyclohexane, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

24. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for cyclohexane for calendar year 2022 on or before July 1, 2023. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

25. Respondent submitted a TRI Form for cyclohexane for calendar year 2022 on February 2, 2024.

26. EPA alleges Respondent failed to submit a TRI Form for cyclohexane for calendar year 2022 on or before July 1, 2023.

27. EPA alleges Respondent's failure to timely submit a TRI Form for cyclohexane for calendar year 2022 violated EPCRA § 313 and 40 C.F.R. Part 372.

Count IV: Failure to Timely Submit TRI Form for N-Methyl-2-Pyrrolidone for Calendar Year 2020

28. During calendar year 2020, EPA alleges Respondent processed at the Facility N-Methyl-2-pyrrolidone, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

29. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2020 on or before July 1, 2021. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

30. Respondent submitted a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2020 on February 2, 2024.

31. EPA alleges Respondent failed to submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2020 on or before July 1, 2021.

32. EPA alleges Respondent's failure to timely submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2020 violated EPCRA § 313 and 40 C.F.R. Part 372.

Count V: Failure to Timely Submit TRI Form for N-Methyl-2-Pyrrolidone for Calendar Year 2021

33. During calendar year 2021, EPA alleges Respondent processed at the Facility N-Methyl-2-pyrrolidone, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

34. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2021 on or before July 1, 2022. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

35. Respondent submitted a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2021 on February 2, 2024.

36. EPA alleges Respondent failed to submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2021 on or before July 1, 2022.

37. EPA alleges Respondent's failure to timely submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2021 violated EPCRA § 313 and 40 C.F.R. Part 372.

Count VI: Failure to Timely Submit TRI Form for N-Methyl-2-Pyrrolidone for Calendar Year 2022

38. During calendar year 2022, EPA alleges Respondent processed at the Facility N-Methyl-2-pyrrolidone, a chemical listed under 40 C.F.R. § 372.65(a), in a quantity greater than the 25,000-pound threshold established by 40 C.F.R. § 372.25(a).

39. EPA alleges Respondent was therefore required to submit to EPA a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2022 on or before July 1, 2023. *See* EPCRA § 313(a) and 40 C.F.R. §§ 372.30(a), (d).

40. Respondent submitted a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2022 on February 2, 2024.

41. EPA alleges Respondent failed to submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2022 on or before July 1, 2023.

42. EPA alleges Respondent's failure to timely submit a TRI Form for N-Methyl-2-pyrrolidone for calendar year 2022 violated EPCRA § 313 and 40 C.F.R. Part 372.

IV. TERMS OF SETTLEMENT

43. Respondent certifies that it has corrected the alleged violations in this CAFO and will operate its Facility in compliance with Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder at 40 C.F.R. Part 372.

44. Respondent admits, for the purposes of this proceeding, the jurisdictional allegations in this CAFO. Respondent waives any defenses it may have as to jurisdiction and venue.

45. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not

limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

46. Respondent waives the rights to: (i) contest the allegations set forth in this CAFO, (ii) request a judicial or administrative hearing on any issue of law or fact set forth in this CAFO, and (iii) appeal the Final Order.

47. Without admitting or denying the factual allegations in this CAFO, Respondent admits the jurisdictional allegations in this CAFO, consents to the terms and issuance of this CAFO, and consents to the assessment of the civil penalty set forth herein. The provisions of this CAFO shall be binding on Respondent and Respondent's officers, directors, agents, employees, successors, and assignees.

48. Pursuant to the relevant factors for penalties issued pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and taking into account any such matters as justice may require, and Respondent's cooperation in agreeing to perform the non-penalty obligations in this CAFO, Complainant has determined that it is fair and proper that Respondent pays a total civil penalty amount of \$64,327 to resolve the violations alleged in Section III of this CAFO.

Respondent consents to the issuance of this CAFO and consents for purposes of settlement to:

49. Pay the penalty cited in Paragraph 51 below; and

50. Perform the Supplemental Environmental Project ("SEP") described in paragraphs 59 through 69 below.

Penalty Payment

51. Respondent agrees to pay a civil penalty in the amount of \$64,327 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

52. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

53. When making a payment, Respondent shall:

- a. Identify each and every payment with Respondent's name and the docket number of this Agreement, Docket No. EPCRA-01-2025-0007"; and

- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall provide proof of such payment to the following persons:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
santiago.wanda@epa.gov
and
R1_Hearing_Clerk_Filings@epa.gov

Kristen Scherb
Attorney-Adviser
U.S. Environmental Protection Agency, Region 1
Scherb.Kristen@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and

identified with the appropriate docket number (EPCRA-01-2025-0007) and Respondent's name.

54. Interest, Charges, and Penalties on Late Payments: Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty, EPA is authorized to recover, in addition the amount of the Assessed Penalty, the following amounts:

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the IRS large corporate underpayment rate; any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

55. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14;
- b. Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H;
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17;
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

56. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

57. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

58. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (*i.e.*, a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed form W-9 to EPA's Cincinnati Finance Division at chalifoux.jessica@epa.gov on or before the date that Respondent's penalty payment is due, pursuant to Paragraph 51, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

Non-Penalty Conditions

59. In response to the alleged violations of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11001 - 11050, and the federal regulations promulgated thereunder, and in settlement of this matter, although not required by EPCRA or any other federal, state or local law, Respondent agrees to implement the SEP, as described below in paragraphs 60-69.

60. Respondent shall complete an Emergency Planning and Preparedness SEP by donating the below-listed equipment to the Cambridge Fire Department. This equipment will

enhance the Cambridge Fire Department's emergency response capabilities, including responses to releases of TRI chemicals.

- a. Two emergency response drones with thermal imaging capabilities;
- b. Two handheld thermal imagers for use in emergency response; and
- c. Two chargers for the handheld thermal imagers.

61. Respondent shall notify the SEP recipient that the above-referenced emergency response drones shall be used for emergency response purposes (which includes emergency response training) only (*i.e.*, not for surveillance efforts outside of emergency response events) and shall be stamped with "For emergency response use only."

62. Respondent shall spend no less than \$30,068 implementing the SEP. The estimated costs are: \$9,695 for each of the two emergency response drones; \$4,495 for each of the two handheld thermal imagers; and \$844 for each of the two chargers for the handheld thermal imagers. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report. If the Respondent's donation of any item described above does not expend the full amount set forth in this paragraph, EPA may determine that the amount remaining could reasonably be applied towards the donation of another item described, consistent with the requirement that Respondent spend no less than \$30,068 implementing the SEP as a whole.

63. Respondent shall complete the SEP within one year of the effective date of this CAFO.

64. Respondent has selected the Cambridge, Massachusetts Fire Department to receive the SEP donation described in paragraph 60.

65. “Satisfactory Completion” of the SEP is defined as Respondent spending no less than \$30,068 to provide the Cambridge, Massachusetts Fire Department with the emergency response equipment described in paragraph 60 subject to the conditions described in this CAFO and within one year of the effective date of this CAFO. The determinations of whether the SEP has been satisfactorily completed shall be in the sole discretion of EPA

66. The EPA had no role in the selection of any SEP recipient, or specific equipment identified in the SEP, nor shall this CAFO be construed to constitute EPA approval or endorsement of any SEP recipient, or specific equipment identified in this CAFO.

67. The SEP is consistent with applicable EPA policy and guidance, specifically EPA’s 2015 Update to the 1998 Supplemental Environmental Projects Policy (March 10, 2015). The SEP advances at least one of the objectives of EPCRA by supporting a local fire department’s emergency planning and response efforts. The SEP is not inconsistent with any provision of EPCRA. The SEP relates to the alleged violations and is designed to reduce the overall risk to public health and/or the environment potentially affected by the alleged violations of EPCRA by enabling a local fire department to respond effectively and safely to potential chemical accidents or releases at the Facility or other TRI facilities.

68. Respondent certifies the truth and accuracy of each of the following:

- a. That the SEP was voluntarily proposed by Respondent;
- b. That all cost information provided to the EPA in connection with the EPA’s approval of the SEP is complete and accurate and that the Respondent in good faith estimates that the cost to implement the SEP, exclusive of administrative or oversight costs, is \$30,068.

- c. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
 - d. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
69. That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- a. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
 - b. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and
 - c. That Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in this CAFO.
 - d. That Respondent has inquired of the Cambridge Fire Department whether it is party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by the Cambridge Fire Department that it is not a party to such a transaction.

70. Any public statement, oral or written, in print, film, or other media, made by Respondent or a representative of Respondent making reference to the SEP under this CAFO from the date of its execution of this CAFO shall include the following language: “This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the federal laws.”

SEP Completion Reports

71. Respondent shall submit a SEP Completion Report to EPA within 60 days of completing the SEP. The SEP Completion Report shall contain the following information, with supporting documentation:

- a. A detailed description of the SEP as implemented;
- b. A description of any implementation challenges encountered and the solutions thereto;
- c. Itemized costs;
- d. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
- e. A description of the environmental and public health benefits resulting from implementation of the SEP.

72. Respondent agrees that failure to submit the SEP Completion Report shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to paragraphs 76 - 80 below.

73. Respondent shall submit all notices and reports required by this CAFO to Mary Jane O'Donnell (Odonnell.Maryjane@epa.gov) and Kristen Scherb (Scherb.Kristen@epa.gov).

74. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP completion report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods for which payment is being made.

75. After receipt of the SEP Completion Report as described in paragraph 71(a)-(e), EPA will notify Respondent in writing within 60 days either: (i) indicating that EPA concludes the project has been completed satisfactorily; (ii) identifying any deficiencies in the SEP Completion Report itself and granting Respondent an additional thirty (30) days to correct any deficiencies; or (iii) determining that the project has not been completed satisfactorily and seeking stipulated penalties in accordance with paragraphs 76-80, below.

76. If EPA elects to exercise option (ii) above, *i.e.*, if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, Respondent may object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent.

Stipulated Penalties

77. *Late Performance of SEP*: Except as provided in paragraphs 77 and 78 below, if Respondent fails to Satisfactorily Complete the requirements regarding the SEP specified in paragraphs 60 through 69 by the deadline in paragraph 63, Respondent agrees to pay, in addition to the Assessed Penalty in paragraph 51, the following per day per violation stipulated penalty for each day the Respondent is late meeting the applicable SEP requirement:

- a. \$200 per day.

78. *Late Submittal of SEP Report*: If Respondent fails to timely submit the SEP Completion Report in accordance with the timelines set forth in this CAFO, Respondent agrees to pay, in addition to the Assessed Penalty in paragraph 51, the following per day stipulated penalty for each day after the report was due until Respondent submits the report in its entirety:

- a. \$200 per day.

79. *Failure to Complete SEP*: If Respondent does not satisfactorily complete the SEP, including spending the minimum amount on the SEP set forth in paragraph 62, Respondent shall pay, in addition to the Assessed Penalty in paragraph 51, a stipulated penalty to the United States in the amount of \$33,075.

80. “Satisfactory Completion” of the SEP is defined as Respondent spending no less than \$30,068 to provide the Cambridge, Massachusetts Fire Department with the emergency response equipment described in paragraph 60 subject to the conditions described in this CAFO and within one year of the effective date of this CAFO. The determinations of whether the SEP has been satisfactorily completed shall be in the sole discretion of EPA.

81. EPA retains the right to waive or reduce a stipulated penalty at its sole discretion.

82. Respondent shall pay stipulated penalties not more than thirty (30) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of paragraphs 52 and 53 above. Interest and late charges shall be paid as stated in paragraph 54.

Additional Provisions

83. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325(c) of EPCRA for the violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

84. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions if Respondent is in violation of this CAFO or continues to be in violation of the statutes and regulations upon which the allegations in this CAFO are based, or if Respondent violates any other applicable provision of federal, state, or local law.

85. Each of the undersigned representatives of the Parties certifies that they are fully authorized by the party responsible to enter into the terms and conditions of this CAFO and to execute and legally bind that Party to it.

86. Complainant and Respondent, by entering into this CAFO, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept

electronic service of the fully executed CAFO, by electronic mail, to the following email address: mtodaro@verrill-law.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

87. Each Party shall bear its own costs and attorney's fees in this proceeding and specifically waives any right to recover such costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

88. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

89. In accordance with 40 C.F.R. § 22.31(b), the Effective Date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR COMPLAINANT:

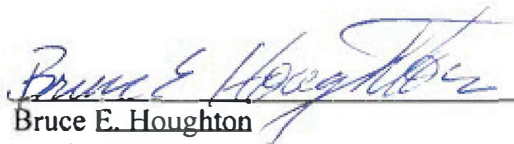
**JAMES
CHOW**

Digitally signed by
JAMES CHOW
Date: 2025.07.16
08:45:00 -04'00'

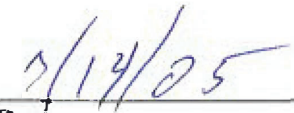
James Chow, Director
Enforcement and Compliance Assurance Division
EPA Region 1

Dated by e-signature

FOR RESPONDENT:



Bruce E. Houghton
President
Houghton Chemical Corporation



Date

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Consent Agreement in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

MICHAEL KNAPP Digitally signed by
MICHAEL KNAPP
Date: 2025.07.21
14:37:08 -04'00'

Michael J. Knapp
Regional Judicial Officer
EPA Region 1

Dated by e-signature