



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

HAND DELIVERY

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: **In the Matter of James Austin Company**
U.S. EPA Docket No. CAA-03-2018-0041

Dear Regional Hearing Clerk:

Enclosed please find the original and one copy of a Consent Agreement and Final Order (“CAFO”) governing the settlement reached by the parties to resolve the above administrative action, along with a certificate of service.

If you have any questions or required additional information, please contact me at (215) 814-2697.

Sincerely yours,

Jefferje E. Garcia
Senior Assistant Regional Counsel

Enclosures

cc: Howard Wein, Esq.
Mary Hunt
Kevin Daniel

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA.

2017 DEC 20 AM 11:59

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	EPA Docket No. CAA-03-2018-0041
James Austin Company)	
115 Downieville Road)	
Mars, Pennsylvania 16046,)	
)	
Respondent.)	Proceedings Pursuant to Sections
)	112(r) and 113 of the Clean Air Act,
115 Downieville Road)	42 U.S.C. §§ 7412(r) and 7413
Mars, Pennsylvania 16046,)	
)	
Facility.)	

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REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA.

CONSENT AGREEMENT
STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA” or the “Agency”) by Section 113(d) of the Clean Air Act (“CAA”), as amended, 42 U.S.C. § 7413(d). The President has delegated this authority to the Administrator of the U.S. Environmental Protection Agency (“EPA”), who has, in turn, delegated it to the Regional Administrator of EPA, Region III. The Regional Administrator has re-delegated these authorities to the Director, Hazardous Site Cleanup Division, EPA Region III (“Complainant”). Further, this Consent Agreement is proposed and entered into under the authority provided by the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (“Consolidated Rules of Practice”), 40 C.F.R. Part 22.

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), 22.18(b)(2) and (3), and having consented to entry of this CA/FO, agree to comply with the terms of this CA/FO.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. § 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.
4. For the purpose of this proceeding, and with the exception of Paragraph 3, above, Respondent neither admits nor denies the following factual allegations and conclusions of law, but expressly waives its rights to contest said allegations.

FINDINGS OF FACT

5. James Austin Company ("Respondent") is the owner and operator of a household cleaning and laundry aid manufacturing plant located at 115 Downieville Road in Mars, Pennsylvania (the "Facility").
6. Respondent is incorporated in the Commonwealth of Pennsylvania with its principal place of business located at 115 Downieville Road in Mars, Pennsylvania.
7. The Facility is located in a mixed suburban industrial/residential area. Upon information and belief, approximately 1,000 people live within eight-tenths (8/10) of a mile of the Facility.
8. Respondent has been the operator of the Facility for seventy (70) years.
9. The Facility manufactures household cleaning and laundry aids such as bleach, ammonia, dish soaps, fabric softeners, laundry detergents, and window cleaners. The products are produced by dilution and/or blending of concentrated raw products such as chlorine and aqueous ammonia.
10. Respondent submitted an initial Risk Management Plan ("RMP") for the Facility pursuant to CAA Section 112(r)(7) and its implementing regulations, the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, on June 16, 1999. Respondent subsequently submitted revised RMPs for the Facility on June 16, 2004, August 31, 2004, August 18, 2009 and July 31, 2014.
11. According to the Respondent's RMP for the Facility, Respondent handles and/or stores, and has handled and/or stored, chlorine, Chemical Abstracts Service ("CAS") Number 7782-50-5, in excess of 2,500 pounds since at least 1999.

**FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 112(r)(7) OF THE CLEAN AIR ACT**

12. The finding of fact contained in Paragraphs 5 through 11 of this CA/FO are incorporated by reference herein as though fully set forth at length.

13. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

14. Section 112(r) of the CAA, 42 U.S.C. § 7412(r), requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7), 42 U.S.C. § 7412(r)(7). Specifically, Section 112(r)(7) requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances, 42 U.S.C. § 7412(r)(7). The list of regulated substances and threshold levels can be found in 40 C.F.R. § 68.130.

15. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, also known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program is described in an RMP that must be submitted to EPA. The RMP must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.

16. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 112(r) of the CAA that occurs before January 30, 1997. Section 113(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996 and the subsequent Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, in relevant part, authorizes EPA to commence an administrative action to assess civil penalties of up to \$37,500 per day per violation for violations of the CAA occurring from December 6, 2013 to November 2, 2015, and \$45,268 per day per violation for violations occurring after November 2, 2015. Section 113(d)(1)(B) limits this authority, in relevant part, to matters where the first alleged date of violation occurred no more than 12 months prior to the initiation of the administrative action, except where the Administrator and the Attorney General jointly determine that a matter involving a longer period of violation is appropriate for administrative penalty action. By letter dated December 9, 2016, from Thomas A. Mariani, Jr., Chief, Environmental Enforcement Section, United States Department of Justice (“DOJ”), to Gregory A. Sullivan, Acting Director, Waste and Chemical Enforcement Division, EPA, DOJ and EPA jointly decided that, until

September 30, 2018 and with certain exceptions not relevant here, violations of 40 C.F.R. Part 68 are appropriate for administrative penalty action.

17. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its regulations at 40 C.F.R. § 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit a RMP to EPA no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

18. The regulations at 40 C.F.R. § 68.3 define “stationary source,” in part, as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

19. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

20. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA in 40 C.F.R. § 68.130.

21. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

22. EPA conducted an inspection of the Facility on January 25, 2017 (“Inspection”) to determine Respondent’s compliance with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the Chemical Accident Prevention Provisions at 40 C.F.R. Part 68.

23. Based on information gathered by EPA during and after the Inspection, including information submitted to EPA by Respondent, EPA has determined that Respondent failed to satisfy the requirements of 40 C.F.R. Part 68 to fully implement a Program 3 Risk Management Program for the Facility. Respondent failed to comply with the following requirements of Subparts A and D of 40 C.F.R. Part 68:

- a. Document the identity of persons responsible for implementing requirements in addition to the person identified as the qualified person with overall responsibility and define lines of authority, in violation of 40 C.F.R. § 68.15(c).
- b. Develop and implement written procedures for safely conducting activities for each covered process, in violation of 40 C.F.R. § 68.69(a), and failure to

provide annual certifications for operating procedures, in violation of 40 C.F.R. § 68.69(c).

- c. Document that each employee involved in operating a process has received and understood the process and operating procedures training, in violation of 40 C.F.R. § 68.71(c).
- d. Prepare and implement written procedures to maintain the mechanical integrity of the chlorine process equipment, as required by 40 C.F.R. § 68.73(b).
- e. Consult with its employees and their representatives on the conduct and development of process hazard analyses and on the development of the other elements of process safety management, as required by 40 C.F.R. § 68.83(b).

**CONCLUSIONS OF LAW RELATED TO THE
VIOLATION OF SECTION 112(r)(7) OF THE CLEAN AIR ACT**

24. The findings of fact contained in Paragraphs 5 through 23 of this CA/FO are incorporated by reference herein as though fully set forth at length.

25. Chlorine is a regulated substance pursuant to Section 112(r)(2) and (3) of the CAA, 42 U.S.C. § 7412(r)(2) and (3), and is listed at 40 C.F.R. § 68.130, with a threshold quantity of 2,500 pounds.

26. At all times relevant to this Consent Agreement, chlorine has been present in a process at the Facility in levels exceeding its threshold quantity.

27. Respondent is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

28. Respondent has been the operator of a "stationary source," as the term is defined at 40 C.F.R. § 68.3, since approximately 1999.

29. Respondent is subject to the requirements of Section 112(r)(7) of the CAA, 40 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68, because it is the owner and/or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.

30. The Facility is a Program 3 Facility under the Chemical Accident Prevention Provisions, in accordance with 40 C.F.R. § 68.10(d).

31. Respondent has violated Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its regulations at 40 C.F.R. Part 68, by failing to meet the requirements of Subparts A and D of the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68, as set forth in Paragraph

23 above. Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

SETTLEMENT

32. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, Respondent consents to the assessment of a civil penalty in the amount of **\$35,000**.

33. The civil penalty of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) set forth in Paragraph 32, above, may be paid in four (4) installments with interest at a rate of one per cent (1%) per annum on the outstanding principal balance in accordance with the following schedule:

- a. 1st Payment: The first payment in the amount of EIGHT THOUSAND SEVEN HUNDRED AND SIXTY DOLLARS AND NINETY-FOUR CENTS (\$8,760.94) consisting of a principal payment of \$8,760.94 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- b. 2nd Payment: The second payment in the amount of EIGHT THOUSAND SEVEN HUNDRED AND SIXTY DOLLARS AND NINETY-FOUR CENTS (\$8,760.94) consisting of a principal payment of \$8,738.35 and an interest payment of \$22.59, shall be paid within sixty (60) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- c. 3rd Payment: The third payment in the amount of EIGHT THOUSAND SEVEN HUNDRED AND SIXTY DOLLARS AND NINETY-FOUR CENTS (\$8,760.94) consisting of a principal payment of \$8,747.33 and an interest payment of \$13.61, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondent; and
- d. 4th Payment: The fourth payment in the amount of EIGHT THOUSAND SEVEN HUNDRED AND SIXTY DOLLARS AND NINETY-FOUR CENTS (\$8,760.94) consisting of a principal payment of \$8,753.38 and an interest payment of \$7.76, shall be paid within one hundred and twenty (120) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of thirty-five thousand dollars (**\$35,000**) and total interest payments in the amount of forty-three dollars and seventy-six cents (\$43.76).

34. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty and interest cited in the foregoing

Paragraph.

PAYMENT TERMS

35. Respondent consents to the issuance of this Consent Agreement and consents, for purposes of settlement, to the payment of the civil penalty cited in the foregoing Paragraph.

36. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the civil penalty of \$35,000, and \$43.76 in interest, due in accordance with the schedule in Paragraph 33, with the first payment due no later than thirty (30) days after the date on which a copy of the CAFO is mailed or hand-delivered to Respondent and subsequent payments due in accordance with the schedule in Paragraph 33 b., 33 c., and 33 d. above by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2018-0041;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell, (513-487-2044)

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD

26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:
http://www.epa.gov/ocfo/finservices/make_a_payment.htm

37. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Jefferie Garcia
Senior Assistant Regional Counsel (3RC42)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

38. The CAA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section

113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

39. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment in accordance with this CA/FO or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

40. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. EPA does not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest on the portion of the civil penalty not paid within such thirty (30) calendar day period will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Accordingly, interest payments on each outstanding installment of the civil penalty assessed herein are set forth in Paragraph 33 of this CA/FO.

41. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of *Resource Management Directives – Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

42. A penalty charge of six percent per year will be assessed monthly on any portion of any installment payment which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

43. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this CA/FO may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

44. For purposes of this proceeding, Respondent expressly waives its right to hearing and to appeal the Final Order pursuant to Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).

45. Respondent certifies by the signing of this CA/FO that, to the best of its knowledge, the Facility is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.

46. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind said Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

47. This CA/FO does not constitute a waiver, suspension or modification of the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or any regulations promulgated thereunder.

48. This CA/FO is a complete and final settlement of all civil and administrative claims and causes of action set forth in this CA/FO for alleged violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r). Nothing herein shall be construed to limit the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

49. By signing this Consent Agreement, Respondent acknowledges that this CA/FO will be available to the public and agrees that this CA/FO does not contain any confidential business information or personally identifiable information.

50. By signing this Consent Agreement, both parties agree that each party's obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other party's obligations.

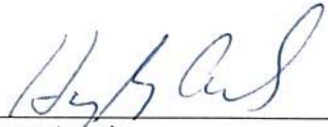
51. Penalties paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

52. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

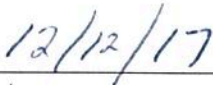
53. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

54. Each party to this action shall bear its own costs and attorney's fees.

FOR JAMES AUSTIN COMPANY



Harry Austin
President



Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Karen Melvin, Director
Hazardous Site Cleanup Division

DEC 20 2017

Date

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:)	EPA Docket No. CAA-03-2018-0041
James Austin Company)	
115 Downieville Road)	
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Respondent.)	Proceedings Pursuant to Sections
)	112(r) and 113 of the Clean Air Act,
115 Downieville Road)	42 U.S.C. §§ 7412(r) and 7413
Mars, Pennsylvania 16046,)	
)	
Facility.)	

FINAL ORDER


Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, James Austin, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e), and EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **THIRTY-FIVE THOUSAND DOLLARS (\$35,000)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Dec. 20, 2017
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

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115 Downieville Road)	42 U.S.C. §§ 7412(r) and 7413
Mars, Pennsylvania 16046,)	
)	
Facility.)	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Howard J. Wein
Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410

I further certify that I have sent a copy of the CAFO by electronic pdf to Respondent's representative Howard Wein, Esquire on this day.

12/20/17
DATE



Jefferie E. Garcia (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2697