



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 JUL -5 P 3:21
REGIONAL HEARING
CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CAA-02-2012-1207

This ESA is issued to: Amrex Chemical Company, Inc., Kirkwood Facility
600 Upper Court Street, Kirkwood, New York 13795
for violations of Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region II, by its duly delegated official, the Director, Emergency & Remedial Response Division, and by Amrex Chemical Company, Inc., Kirkwood Facility (“Respondent”), pursuant to Section 113 (a)(3) and (d) of the Clean Air Act (the “Act”), 42 U.S.C. §§ 7413(a)(3) and (d), and 40 C.F.R. § 22.13(b). The EPA and the U.S. Department of Justice have determined, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), that the EPA may pursue this type of case through administrative enforcement action.

ALLEGED VIOLATIONS

On June 15, 2011, an authorized representative of the EPA conducted a compliance inspection of Respondent’s facility located at 600 Upper Court Street in Kirkwood, New York to determine compliance with the Risk Management Plan (“RMP”) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act.

SETTLEMENT

In consideration of Respondent’s size, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described in the Findings section of the EPA’s inspection report for the total penalty amount of \$900.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA, and consents to