

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**



**In the Matter of:** :

**The Bullen Companies** : **U.S. EPA Docket No. EPCRA-03-2024-0059**

**1640 Delmar Drive** :

**Folcroft, PA 19032** : **Proceeding under EPCRA Sections 313 and**

: **325(c), 42 U.S.C. §§ 11023 and 11045(c)**

**Respondent.** :

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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and The Bullen Companies (“Respondent”) (collectively the “Parties”), pursuant to Sections 313 and 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11023 and 11045(c), the regulations implementing EPCRA Section 313, as set forth at 40 C.F.R. part 372, and 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. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under EPCRA Section 313, 42 U.S.C. § 11023, and implementing regulations promulgated thereunder (or the “Act”) for the violations alleged herein.
  
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(8).

**GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. EPCRA Section 313(a), 42 U.S.C. § 11023(a), requires the owner or operator of any facility that, in any calendar year, manufactures, processes or otherwise uses a toxic chemical listed under EPCRA Section 313(c), 42 U.S.C. § 11023(c), in quantities exceeding a regulatory threshold established under EPCRA Section 313(f), 42 U.S.C. § 11023(f), to complete and submit a toxic chemical release inventory report (i.e., “Form R” or “Form A”) for each such listed toxic chemical. Pursuant to EPCRA Section 313(a), 42 U.S.C. § 11023(a), each required Form R or Form A must include the information required under Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), and must be submitted to

EPA and to the designated State agency by July 1 of the year following the year for which such toxic inventory report is required.

13. EPCRA Section 313(b), 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.22 provide, in relevant and applicable part, that a facility which meets the following criteria for a calendar year is a “covered facility” for that calendar year and must report under 40 C.F.R. § 372.30: [a] the facility has 10 or more full-time employees; [b] the facility is in a Standard Industrial Classification (“SIC”) (as in effect on January 1, 1987) major group or industrial code listed in 40 C.F.R. § 372.23(a), for which the corresponding North American Industrial Classification System (“NAICS”) (as in effect on January 1, 2017, for reporting year 2018 and thereafter) subsector and industry codes are listed in 40 C.F.R. § 372.23(b) and (c) by virtue of the fact that the facility is an establishment with a primary SIC major group or industry code listed in 40 C.F.R. § 372.23(a), or a primary NAICS subsector or industry code listed in 40 C.F.R. § 372.23(b) or 40 C.F.R. § 372.23(c); and [c] the facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. §§ 372.25, 372.27, or 375.28.
14. 40 C.F.R. § 372.30(a) provides, in relevant part, that for each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in 40 C.F.R. § 372.25, § 372.27, or § 372.28 at its covered facility for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350–1) or Form A (EPA Form 9350-2) in accordance with the instructions referred to in 40 C.F.R. Part 372, Subpart E.
15. 40 C.F.R. § 372.10(a)(3)(ii) requires that a facility owner or operator subject to the reporting requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, must retain records for a period of 3 years from the date of the submission of a report under § 372.30, data supporting the determination of whether a threshold under § 372.25 applies for each toxic chemical.
16. 40 C.F.R. § 372.10(d)(2)-(3) requires that a facility owner or operator subject to the reporting requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, must retain records for a period of 3 years from the date of the submission of a report under § 372.30, including data and all supporting materials and documentation used by the person to make a determination that the facility is eligible to apply the alternate threshold (for Form A submission) as specified in § 372.27.
17. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define “facility” to mean, in relevant part, all buildings, equipment, structures, and other stationary items which are located on a single site and are owned or operated by the same person.

18. Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), defines “person” to include any corporation.
19. Respondent is a corporation formed under the laws of the Commonwealth of Pennsylvania and is a person as defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
20. Respondent owns and operates, and at the time of the violations alleged herein, owned and operated a production plant located at 1640 Delmar Drive, Folcroft, PA (“Facility”) at which it produces specialty cleaning products.
21. Respondent’s Facility is a “facility” as defined in Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.
22. During calendar years 2019 through 2021, Respondent employed 10 or more full-time employees at the Facility.
23. During calendar years 2019 through 2021, the Facility had an SIC code of 2842, corresponding to Specialty Cleaning, Polishing, and Sanitation Preparations.
24. During calendar years 2019 through 2021, Respondent processed certain glycol ethers at the Facility.
25. Glycol ethers is a “toxic chemical” as defined in EPCRA §§ 313(c) and 329(10), 42 U.S.C. §§ 11023(c) and 11049(10), 40 C.F.R. § 372.3, and listed as a “toxic chemical” category in 40 C.F.R. § 372.65(c).
26. As set forth in Section 313(f)(1)(B)(iii) of EPCRA, 42 U.S.C. § 11023(f)(1)(B)(iii), and 40 C.F.R. § 372.25, the reporting threshold amount for glycol ethers processed at a Facility during calendar years 2019 through 2021 was 25,000 pounds.
27. Respondent processed more than 25,000 pounds of glycol ethers at the Facility during each of calendar year 2019 through 2021.
28. On March 28, 2023, a representative of EPA Region 3 conducted a Compliance Evaluation Inspection (CEI) of the operations and activities of Respondent at the Facility.

**Count I**

**Failure to Maintain Records Supporting Threshold Determinations  
of Chemicals Subject to Reporting - 2019**

29. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.

30. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records of its TRI chemical activities for calendar years 2019-2021, other than for certain glycol ethers, despite hundreds of raw materials being processed, and having historically been processed, at the Facility.
31. At the time of the CEI, Respondent violated 40 C.F.R. § 372.10(a)(3)(ii) and 40 C.F.R. § 372.10(c), because it could not present, and therefore failed to retain for a period of 3 years from the date of the submission of its 2019 report under § 372.30, any records supporting a determination of whether a threshold under § 372.25 applies for each toxic chemical processed at the Facility.
32. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**Count II**

**Failure to Prepare and Maintain Records Supporting  
Submission of Form A for Certain Glycol Ethers - 2019**

33. The information and allegations in Paragraphs 1 to 28 of this Consent Agreement are incorporated herein by reference.
34. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records or data supporting applicability of the alternate threshold as specified under § 372.27(a) and, thereby, the eligibility of its 2019 submission of Form A for certain glycol ethers, as required by 40 C.F.R. § 372.10(d)(2)-(3).
35. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**Count III**

**Failure to Maintain Records Supporting Threshold Determinations  
of Chemicals Subject to Reporting - 2020**

36. The information and allegations in Paragraphs 1 to 28 of this Consent Agreement are incorporated herein by reference.
37. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records of its TRI chemical activities for calendar years 2019-2021, other than for certain glycol ethers, despite hundreds of raw materials being processed, and having historically been processed, at the Facility.
38. At the time of the CEI, Respondent violated 40 C.F.R. § 372.10(a)(3)(ii) and 40 C.F.R. § 372.10(c), because it could not present, and therefore failed to retain for a period of 3

years from the date of the submission of its 2020 report under § 372.30, any records supporting a determination of whether a threshold under § 372.25 applies for each toxic chemical processed at the Facility.

39. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**Count IV**

**Failure to Prepare and Maintain Records Supporting Submission of Form A for Certain Glycol Ethers - 2020**

40. The information and allegations in Paragraphs 1 to 28 of this Consent Agreement are incorporated herein by reference.
41. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records or data supporting applicability of the alternate threshold as specified under § 372.27(a) and, thereby, the eligibility of its 2020 submission of Form A for certain glycol ethers, as required by 40 C.F.R. § 372.10(d)(2)-(3).
42. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**Count V**

**Failure to Maintain Records Supporting Threshold Determinations of Chemicals Subject to Reporting - 2021**

43. The information and allegations in Paragraphs 1 to 28 of this Consent Agreement are incorporated herein by reference.
44. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records of its TRI chemical activities for calendar years 2019-2021, other than for certain glycol ethers, despite hundreds of raw materials being processed, and having historically been processed, at the Facility.
45. At the time of the CEI, Respondent violated 40 C.F.R. § 372.10(a)(3)(ii) and 40 C.F.R. § 372.10(c), because it could not present, and therefore failed to retain for a period of 3 years from the date of the submission of its 2021 report under § 372.30, any records supporting a determination of whether a threshold under § 372.25 applies for each toxic chemical processed at the Facility.
46. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**Count VI**

**Failure to Prepare and Maintain Records Supporting  
Submission of Form A for Certain Glycol Ethers - 2021**

47. The information and allegations in Paragraphs 1 to 28 of this Consent Agreement are incorporated herein by reference.
48. At the time of the CEI, Respondent failed to prepare or make available to the inspector any records or data supporting applicability of the alternate threshold as specified under § 372.27(a) and, thereby, the eligibility of its 2021 submission of Form A for certain glycol ethers, as required by 40 C.F.R. § 372.10(d)(2)-(3).
49. In failing to comply with 40 C.F.R. § 372.10, Respondent is in violation of Section 313 of EPCRA, 42 U.S.C. § 11023, and is subject to assessment of civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

**CIVIL PENALTY**

50. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of eleven thousand nine hundred and forty-nine dollars (\$11,949), which Respondent shall be liable to pay in accordance with the terms set forth below.
51. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045(b)(1)(C), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* (April 12, 2001), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
52. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **\$11,949** to "**United States Treasury**" with the case name, address and docket number of this Consent Agreement and Final Order (EPCRA-03-2024-0059), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate 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. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Andrew W. Ingersoll  
Assistant Regional Counsel  
ingersoll.andrew@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

54. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
55. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
56. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest 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).
57. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
58. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 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.  
31 C.F.R. § 901.9(d).

59. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in accordance with the terms of this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
60. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
61. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [ingersoll.andrew@epa.gov](mailto:ingersoll.andrew@epa.gov) (for Complainant), and [scott@bullenonline.com](mailto:scott@bullenonline.com) (for Respondent).

#### **GENERAL SETTLEMENT CONDITIONS**

62. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
63. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **CERTIFICATION OF COMPLIANCE**

64. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

**OTHER APPLICABLE LAWS**

65. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of EPCRA, or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

66. This Consent Agreement and Final Order resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under EPRCA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

**EXECUTION /PARTIES BOUND**

67. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**EFFECTIVE DATE**

68. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

69. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations,

warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:      The Bullen Companies

Date: 11/29/23

By: Scott Jarden, President

A handwritten signature in black ink, appearing to be "Scott Jarden", with a long horizontal flourish extending to the right.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: \_\_\_\_\_  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region 3  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
Andrew W. Ingersoll  
Assistant Regional Counsel  
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103



In the Matter of: :  
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The Bullen Companies : U.S. EPA Docket No. EPCRA-03-2024-0059  
1640 Delmar Drive :  
Folcroft, PA 19032 : Proceeding under EPCRA Sections 313 and  
: 325(c), 42 U.S.C. §§ 11023 and 11045(c)  
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Respondent. :  
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**FINAL ORDER**

Complainant, the Director of the Environmental Compliance & Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, The Bullen Companies, 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 upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* (April 12, 2001), the statutory factors set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045(b)(1)(C), and the provisions and objectives of EPCRA § 313, 42 U.S.C. § 11023; the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* and the subsequent January 11, 2018 Memoranda by EPA Assistant Administrator Susan Parker Bodine, entitled *Amendments to EPA's Civil Penalty Policies to Account for Inflation* (Effective January 15, 2018).

**NOW, THEREFORE, PURSUANT TO** Section 325(c) of the Emergency Planning and

Community Right-to-Know Act of 1986, 42 U.S.C. Section 11045(c), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **ELEVEN THOUSAND NINE HUNDRED AND FORTY-NINE DOLLARS (\$11,949)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

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.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region 3

