



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

June 21, 2010

HAND DELIVERY

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

Re: Administrative Complaint
U.S. EPA Docket No. EPCRA 03-2010-0308

Dear Ms. Guy:

Enclosed for filing is the original and one copy of an Administrative Complaint.

Sincerely,

A handwritten signature in cursive script that reads "Alison Lecker".

Alison Lecker
Assistant Regional Counsel

cc: Mr. Ed Morgan, Jr. (via regular mail)



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

In the Matter of)	U.S. EPA Docket No.: EPCRA-03-2010-0308
)	
Chemical Equipment Labs, Inc.)	
Walnut and Pine Streets)	Administrative Complaint and Notice of
Marcus Hook, Pennsylvania,)	Opportunity for Hearing filed under Section 312 and
19061,)	325 of the Emergency Planning and Community
)	Right-to-Know Act, 42 U.S.C. §§ 11022 and 11045.
Respondent.)	
)	
Chemical Equipment Labs, Inc.)	
Walnut and Pine Streets)	
Marcus Hook, Pennsylvania,)	
19061,)	
)	
Facility.)	

RECEIVED
EPA REGION III
PHILADELPHIA
JUN 15 2010

ADMINISTRATIVE COMPLAINT

This Administrative Complaint and Notice of Opportunity for a Hearing (hereinafter "Complaint") is issued pursuant to the authority vested in the Administrator of EPA by Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, delegated to the Regional Administrator by EPA Delegation No. 22-3-A, and redelegated to Complainant by EPA Region III Delegation No. 22-3-A. Further, this Complaint is being filed pursuant to 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, a copy of which is enclosed with this Complaint as Attachment A.

The Complainant is the Director of the Hazardous Site Cleanup Division, for EPA Region III. The Respondent is Chemical Equipment Labs, Inc. ("Respondent" or "CEL"). Respondent is hereby notified of EPA's determination that Respondent has violated the requirements and prohibitions of Section 312 of EPCRA, 42 U.S.C. § 11022, and its respective implementing regulations, 40 C.F.R. Part 370. The Complaint describes Respondent's option to file an Answer to the Complaint and to request a formal hearing.

In support of its Complaint, Complainant alleges the following:

GENERAL ALLEGATIONS

1. Upon information and belief, Respondent CEL is a Pennsylvania corporation, with its principal place of business located at Walnut and Pine Streets, Marcus Hook, Pennsylvania, 19061.

2. As a corporation, CEL is a “person” as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and the regulations at 40 C.F.R. §§ 355.61 and 370.66.

3. Upon information and belief, beginning in approximately 1979, and at all times relevant to this Complaint, Respondent CEL was the owner or operator of the Chemical Equipment Labs, Inc. Facility specializing in salt and ice melt products and located at Walnut and Pine Streets, Marcus Hook, Pennsylvania, 19061 (hereinafter the “Facility” or “Facility”), within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022.

4. The Facility is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and the regulations at 40 C.F.R. §§ 355.61 and 370.66.

5. On March 12, 2009, EPA conducted an Inspection of the Facility to evaluate the Facility’s compliance with Sections 302-312 of EPCRA.

6. The State Emergency Response Commission (“SERC”) for the Facility is, and has been at all times relevant to this Complaint, the Pennsylvania Department of Labor and Industry (“L & I”) Bureau of PENNSAFE, located at 7th and Forster, Room 155-E, L & I Building, Harrisburg, Pennsylvania, 17120.

7. The Local Emergency Planning Committee (“LEPC”) for the Facility is, and has been at all times relevant to this Complaint, the Delaware County Emergency Management Authority, located at 360 N. Middletown Road, Media, Pennsylvania, 19063.

8. The Local Fire Department for the Facility is, and has been at all times relevant to this Complaint, the Marcus Hook Trainer Fire Department located at 10th and Green Streets, Marcus Hook, Pennsylvania, 19061.

9. At all times relevant to this Complaint, the Facility was a facility at which a hazardous chemical was produced, used or stored.

COUNT I - VIOLATION OF SECTION 312 OF EPCRA -
CALENDAR YEAR 2007 - SERC

10. The allegations contained in Paragraphs 1 through 9 of the Complaint are incorporated by reference herein as though fully set forth at length.

11. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet ("MSDS") for a hazardous chemical in accordance with the Occupational Safety and Health Administration ("OSHA") Hazard Communication Standard, 29 U.S.C. §§ 651 et seq., and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical that also qualifies as an Extremely Hazardous Chemical ("EHS")) is present at any one time during a calendar year in a quantity equal to or greater than its applicable minimum threshold level ("MTL") or threshold planning quantity ("TPQ") established by 40 C.F.R. § 370.10, to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and Local Fire Department with jurisdiction over the facility.

12. Based on information and belief, Respondent is engaged in a business where chemicals are either used, distributed, or are produced for use or distribution.

13. Respondent is an "employer" as that term is defined at 29 C.F.R. § 1910.1200(c).

14. Respondent is required to have MSDSs at its Facility for each hazardous chemical it uses, pursuant to 29 C.F.R. § 1910.1200(g).

15. Respondent is the owner or operator of a facility that is required to prepare or have available an MSDS for hazardous chemicals under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 et seq., and 29 C.F.R. § 1910.1200.

16. Caustic soda (a.k.a sodium hydroxide), hydrochloric acid, and sodium hypochlorite are "hazardous chemicals" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66. Hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid are EHSs as defined in Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and as listed in 40 C.F.R. Part 355, Appendices A and B.

17. Pursuant to 40 C.F.R. § 370.10, caustic soda (a.k.a sodium hydroxide), hydrochloric acid, and sodium hypochlorite each has an MTL of 10,000 pounds. Hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid each has an MTL of 500 pounds.

18. Upon information and belief, during calendar year 2007, Respondent had present at its Facility 48,880 pounds of caustic soda (a.k.a sodium hydroxide), 15,900 pounds of hydrochloric acid, 21,200 pounds of sodium hypochlorite, 1,000 pounds of hydrogen peroxide (conc. >52%), 3,000 pounds of nitric acid, and 2,000 pounds of sulfuric acid.

19. At any one time during calendar year 2007, Respondent had present at the Facility hazardous chemicals including, caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid in quantities exceeding their respective MTLs.

20. By March 1, 2008, Respondent CEL was required to submit to the SERC, LEPC, and Local Fire Departments, an Emergency and Hazardous Chemical Inventory Form identifying caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility during calendar year 2007 in quantities greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about the hazardous chemicals.

21. Respondent CEL was required to submit to the SERC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying 6 hazardous chemicals, namely caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility in quantities equal to or greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning the hazardous chemicals. The SERC did not receive Respondent CEL's Emergency and Hazardous Chemical Inventory Form until April 1, 2008, approximately 31 days past the reporting deadline.

22. Respondent CEL's failure to submit to the SERC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid as present at the Facility in quantities equal to or greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning those chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

COUNT II - VIOLATION OF SECTION 312 OF EPCRA -
CALENDAR YEAR 2007 - LEPC

23. The allegations contained in Paragraphs I through 22 of the Complaint are incorporated by reference herein as though fully set forth at length.

24. Respondent CEL was required to submit to the LEPC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying 6 hazardous chemicals, namely caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility in quantities equal to or greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning the hazardous chemicals. The LEPC did not receive Respondent CEL's Emergency and Hazardous Chemical Inventory Form until July 7, 2008, approximately 128 days past the reporting deadline.

25. Respondent CEL's failure to submit to the LEPC, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals, caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning those chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**COUNT III - VIOLATION OF SECTION 312 OF EPCRA - CALENDAR YEAR 2007 -
LOCAL FIRE DEPARTMENT**

26. The allegations contained in Paragraphs 1 through 25 of the Complaint are incorporated by reference herein as though fully set forth at length.

27. Respondent CEL was required to submit to the Local Fire Department, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying 6 hazardous chemicals, namely caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility in quantities equal to or greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning the hazardous chemicals. The Local Fire Department did not receive Respondent CEL's Emergency and Hazardous Chemical Inventory Form until April 7, 2008, approximately 38 days past the reporting deadline.

28. Respondent CEL's failure to submit to the Marcus Hook Trainer Fire Department, by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying the hazardous chemicals, caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid, as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2007, and providing the required information concerning those chemicals, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

PROPOSED PENALTY

Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that for violations of Section 312 of EPCRA, 42 U.S.C. § 11022, EPA may assess a penalty not to exceed \$25,000.00 per violation. Pursuant to the Debt Collection Improvement Act of 1996 ("DCIA"), the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 73 Fed. Reg. 75340, (Dec. 11, 2008), codified at 40 C.F.R. Part 19, ("Penalty Inflation Rule"), and EPA Memorandum, "Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule (Effective January 12, 2009)," (December 29, 2008) ("EPA 2008 Memorandum"), copies of which are enclosed with this Administrative Complaint as Attachment B, violations of Section 312 of EPCRA, 42 U.S.C. § 11022, which occur after March 15, 2004, through January 12, 2009, are subject to a statutory maximum penalty of \$32,500.00 per violation. In the case of a second or subsequent violation occurring after January 12, 2009, the amount of such penalty may not be more than \$37,500.00 for each day during which the violation continues.

Civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), may be assessed by Administrative Order and are to be assessed and collected in the same manner, and subject to the same provisions, as in the case of penalties assessed and collected after notice and opportunity for hearing on the record in accordance with Section 554 of the Administrative Procedure Act, 5 U.S.C. § 554.

To develop the penalty proposed in this Complaint, Complainant has taken into account the nature, circumstances, extent, and gravity of the violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such matters as justice may require, with specific reference to EPA's *Enforcement Response Policy for Sections 304, 311 and 312 of The Emergency Planning and Community Right-to-Know Act and Section 103 of The Comprehensive Environmental Response, Compensation, and Liability Act*, dated September 30, 1999 ("ERP"). This policy provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty authorities described above to particular cases.

On the basis of the violations of EPCRA described above, Complainant has determined that Respondent is subject to penalties for violations of Section 312 of EPCRA, 42 U.S.C. § 11022. Accordingly, Complainant proposes a civil penalty in the amount of \$24,183 pursuant to the authority of Section 325 of EPCRA, 42 U.S.C. § 11045, as set forth below. This does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.

Count I: Failure to submit to the SERC by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying, and providing information concerning caustic soda (a.k.a sodium hydroxide),

hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007, in violation of Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. §§ 370.40-370.45.

Extent Level 1, Gravity Level C **\$8,061**

Count II: Failure to submit to the LEPC by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying, and providing information concerning caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007, in violation of Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. §§ 370.40-370.45

Extent Level 1, Gravity Level C **\$8,061**

Count III: Failure to submit to the Local Fire Department by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying, and providing information concerning caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007, in violation of Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. §§ 370.40-370.45

Extent Level 1, Gravity Level C **\$8,061**

Base Penalty Calculation:

Nature of Violation - The violations alleged in Counts I through III of the Complaint address emergency preparedness and community right-to-know matters and concerns. The violations had a deleterious effect upon the reporting system under EPCRA, which is intended and designed to enable federal, state, and local governmental entities to properly plan for chemical releases at and from facilities in their communities, and the public's ability to access information concerning hazardous chemicals and EHSs that are stored or otherwise present in their communities. The violations, therefore, pose a potential for harm not only to the EPCRA regulatory system, but also to the protection of the environment and human health.

Extent Level – The Extent Level for the violation as alleged in Count I of the Complaint is Level 1 due to Respondent CEL's failure to submit to the SERC by March 1, 2008,

an Emergency and Hazardous Chemical Inventory Form identifying caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007. The Extent Level for the violation as alleged in Count II of the Complaint is Level 1 due to CEL's failure to submit to the LEPC by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007. The Extent Level for the violation as alleged in Count III of the Complaint is Level 1 due to CEL's failure to submit to the Local Fire Department by March 1, 2008, an Emergency and Hazardous Chemical Inventory Form identifying caustic soda (a.k.a sodium hydroxide), hydrochloric acid, sodium hypochlorite, hydrogen peroxide (conc. >52%), nitric acid, and sulfuric acid present at the Facility in calendar year 2007.

Gravity Level - The Gravity Level for Respondent's violations as alleged in Counts I through III of the Complaint is Level C due to the fact that the quantity of caustic soda (a.k.a sodium hydroxide), approximately 48,880 pounds, that Respondent had present at the Facility during calendar year 2007 was equal to 4.8 times its MTL of 10,000 pounds.

Base Proposed Penalty Total - In light of the adjustments to penalties instituted by DCIA, the Penalty Inflation Rule, and the EPA 2008 Memorandum, and the fact that the violation as alleged in Counts I through III of the Complaint occurred after March 15, 2004, but before January 12, 2009, an Extent Level of I and Gravity Level of C for the violations as alleged in Counts I through III of the Complaint results in a Base Penalty of \$24,183.

TOTAL PROPOSED PENALTY:

\$24,183

EPA will also consider, among other factors, Respondent's ability to pay in adjusting the proposed civil penalty assessed in this Complaint. The burden of raising and demonstrating an inability to pay rests with the Respondent. In addition, to the extent that facts and circumstances unknown to Complainant at the time of issuance of this Complaint become known after issuance of the Complaint, such facts and circumstances may also be considered as a basis for adjusting the proposed civil penalty assessed in this Complaint.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Respondent may request, within thirty (30) days of receipt of this Complaint, a hearing before an EPA Administrative Law Judge on the Complaint. At the hearing, Respondent may contest any material fact as well as the appropriateness of any penalty amount. To request a hearing, Respondent must file a written Answer within thirty (30) days of receipt of this Complaint. The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which Respondent has any knowledge. Where

Respondent has no knowledge of a particular factual allegation, the Answer should so state. Such a statement will be deemed to be a denial of the allegation. The Answer should also contain: the circumstances or arguments that are alleged to constitute the grounds of any defense; the facts that Respondent disputes; the basis for opposing any proposed relief; and whether a hearing is requested. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. Failure by Respondent to admit, deny, or explain any material factual allegation contained in the Complaint constitutes an admission of that allegation.

If Respondent fails to file a written Answer within thirty (30) days of receipt of this Complaint, such failure shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to a hearing. Failure to file an Answer could result in the filing of a Motion for Default Order and the possible issuance of a Default Order imposing the penalties proposed herein without further proceedings.

Any hearing requested by Respondent shall be conducted in accordance with the Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of which is provided as Attachment A. Respondent must send any request for a hearing to:

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

A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to Alison Lecker, Assistant Regional Counsel, the attorney assigned to represent EPA in this matter, at:

Alison Lecker (3RC41)
Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Respondent's rights to appeal an Order assessing an EPCRA penalty are set forth in 40 C.F.R. § 22.30 and in Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), which provides in relevant part that:

Any person against whom a civil penalty is assessed under this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days after the date of such order and by

simultaneously sending a copy of such notice by certified mail to the Administrator.

QUICK RESOLUTION

In accordance with 40 C.F.R. § 22.18(a), Respondent may resolve this proceeding at any time by paying the specific penalty proposed in this Complaint. If Respondent pays the specific penalty proposed in this Complaint within 30 days of receiving this Complaint, then, pursuant to 40 C.F.R. § 22.18(a)(1), no Answer need be filed.

If Respondent wishes to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer, but needs additional time to pay the penalty, pursuant to 40 C.F.R. § 22.18(a)(2), Respondent may file a written statement with the Regional Hearing Clerk within 30 days after receiving this Complaint, stating that Respondent agrees to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a)(1). Such written statement need not contain any response to, or admission of, the allegations in the Complaint. Such statement shall be filed with the Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and a copy shall be provided to Alison Lecker (3RC41), Assistant Regional Counsel, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Within 60 days of receiving the Complaint, Respondent shall pay the full amount of the proposed penalty. Failure to make such payment within 60 days of receipt of the Complaint may subject the Respondent to default pursuant to 40 C.F.R. § 22.17.

In accordance with 40 C.F.R. § 22.18(a)(3), upon receipt of payment in full, the Regional Judicial Officer or Regional Administrator shall issue a final order. Payment by Respondent shall constitute a waiver of Respondent's right to contest the allegations and to appeal the final order.

Payment of the **EPCRA penalty** shall be made by one of the following methods:

(1) Sending a cashier's check made payable to the "United States Treasury" in the amount of **\$24,183** via regular or US Postal Service express mail to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Eric Volck 513-487-2105

(2) Sending a cashier's check made payable to the "United States Treasury" in the amount of **\$24,183** via FedEx or other non-US Postal Service express mail to:

U.S. Environmental Protection Agency
Fines and Penalties

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Eric Volck 513-487-2105

(3) Sending the **\$24,183** EPCRA penalty via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045
(Field Tag 4200 of the wire transfer message should read:
"D 68010727 Environmental Protection Agency")

(4) Sending the **\$24,183** EPCRA penalty via Automated Clearing House (ACH) Transfers for receiving U.S. currency (also known as REX or remittance express) 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

(5) Paying the **\$24,183** EPCRA penalty online at WWW.PAY.GOV/PAYGOV. Enter sfo 1.1 in the search field. Open and complete the form.

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

The checks should reference the name and docket numbers of this Complaint. At the same time payment is made, copies of the checks or evidence of wire transfer or ACH transfer shall be mailed to:

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

Alison Lecker (3RC41)
Assistant Regional Counsel
U.S. EPA, Region III,
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, an informal conference may be requested to discuss the facts of this case and to arrive at a settlement. To request an informal settlement conference, please write to or telephone:

Alison Lecker (3RC41)
Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2698

Please note that a request for, the scheduling of, or the participation in, an informal settlement conference **does not** extend the thirty (30) day period during which a written Answer and Request for Hearing must be submitted as set forth above. The informal settlement conference procedure, however, may be pursued simultaneously with the adjudicatory hearing procedure.

EPA encourages all parties against whom a civil penalty is proposed to pursue settlement through an informal conference. In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties and incorporated into a final Order signed by the Regional Administrator or his designee. **SETTLEMENT CONFERENCES SHALL NOT AFFECT THE REQUIREMENT TO FILE A TIMELY ANSWER TO THE COMPLAINT.**

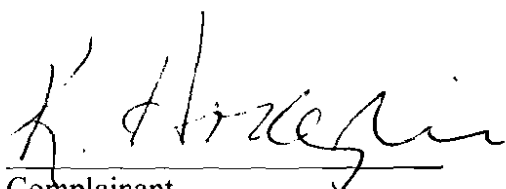
SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

The following EPA offices, and the staffs thereof, are designated as the trial staff to represent EPA as a party in this case: The Region III Office of Regional Counsel; the Region III Hazardous Site Cleanup Division; the Office of the EPA Assistant Administrator for Solid Waste and Emergency Response; and the Office of the EPA Assistant Administrator for Enforcement and Compliance Assurance. From the date of this Complaint until the final Agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor the Regional Judicial Officer shall have any ex parte communication with the EPA trial staff or the Respondent on the merits of any issues involved in this proceeding. Please be advised that the Consolidated Rules prohibit any unilateral discussion or ex parte communication of the merits of a case with the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator or Regional Judicial Officer, after issuance of a Complaint.

ATTACHMENTS

- A. 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.
- B. Debt Collection Improvement Act of 1996 (“DCIA”), subsequent Civil Monetary Penalty Inflation Adjustment Rule, 73 Fed. Reg. 75340, (Dec. 11, 2008), 40 C.F.R. Part 19, (“Penalty Inflation Rule”), and EPA Memorandum, “Amendments to EPA’s Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule (Effective January 12, 2009),” (December 29, 2008) (“EPA 2008 Memorandum”).
- C. *Enforcement Response Policy for Section 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (“ERP”), dated September 30, 1999.*

4/15/10
DATE


Complainant
Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division



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

In the Matter of:)	
)	U.S. EPA Docket No.: EPCRA-03-2010-0308
Chemical Equipment Labs, Inc.)	
Walnut and Pine Streets)	Proceedings Pursuant to Section 312 and 325
Marcus Hook, Pennsylvania,)	of the Emergency Planning and Community
19061)	Right-to-Know Act, 42 U.S.C. §§ 11022 and 11045.
)	
Respondent.)	
)	
Chemical Equipment Labs, Inc.)	
Walnut and Pine Streets)	
Marcus Hook, Pennsylvania,)	
19061,)	
)	
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 Administrative Complaint 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 Administrative Complaint were sent by first class mail to:

Mr. Ed Morgan, Jr.
 Chemical Equipment Labs, Inc.
 Walnut and Pine Streets
 Marcus Hook, PA 19061

6/21/10
 DATE

Alison Lecker
 Alison Lecker (3RC41)
 Assistant Regional Counsel
 Counsel for Complainant
 (215) 814-2698