



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 29 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Kelly McCabe
Vice President - Operations
Ideal Chemical and Supply Co.
4025 Air Park Street
Memphis, Tennessee 38118

SUBJECT: Expedited Settlement Agreement
Ideal Chemical and Supply Co.
Docket No. CAA-04-2007-8023(b)

Dear Ms. McCabe:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2007-8023(b)) involving the Ideal Chemical and Supply Co. The ESA was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on today's date. Penalty payment of \$1365 has been received, and the United States Environmental Protection Agency, Region 4, Emergency Planning and Community Right-to-Know Act Enforcement Section, considers this matter closed.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Victor Weeks at (404) 562-9189.

Sincerely,

A handwritten signature in black ink that reads "Caron B. Falconer".

Caron B. Falconer
Chief, EPCRA Enforcement Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

**EXPEDITED SETTLEMENT
AGREEMENT**

DOCKET NO: CAA-04-2007-8023(b)

This ESA is issued to:

**Ideal Chemical and Supply Co.
4025 Air Park Street
Memphis, Tennessee 38118**

for violating 40 CFR § 68.48, 40 CFR § 68.50, 40 CFR § 68.54, 40 CFR § 68.58 and Section 112(r)(7) of the Clean Air Act.

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EPA REGION IV
2007 AUG 29 PM 2: 58
HEARING CLERK

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by Ideal Chemical and Supply Co. (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 pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 4025 Air Park Street, Memphis, Tennessee, on June 23, 2006, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program when Respondent did not provide evidence that it had:

Compiled written process safety information to include the following documentation related to the regulated substances, processes and equipment as required by 40 CFR § 68.48:

- (a)(3) safe upper and lower temperatures, pressures, flows and compositions,
- (a)(4) equipment specifications, and
- (a)(5) codes and standards to design, build and operate the process;

Conducted and documented a review of the hazards associated with the regulated substances, processes and procedures, as required by 40 CFR § 68.50(a);

At least every three years, provided refresher training to employees involved with the covered processes to ensure that its employees understand and adhere to the current procedures, as required CFR § 68.54(b); and

At least every three years, evaluated its compliance with the requirements of 40 CFR Part 68, and based on such evaluation, certified that its prevention programs' procedures and practices are adequate and are being followed, as required by 40 CFR § 68.58(a).

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 the ESA in order to settle the violations cited above, for the total penalty amount of **\$1365**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, 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 contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA. Respondent shall pay a civil penalty of **\$1365**. **Please note that payment should not be made until after Respondent receives a copy of the fully executed ESA.** Within fifteen (15) days after receiving a copy of the fully executed ESA, the Respondent shall send a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1365**, in payment of the full penalty amount to one of the following addresses:

For payment sent via U.S. Postal Service

U.S. Environmental Protection Agency
Box 371099M
Pittsburgh, Pennsylvania 15251; or

For payment sent via overnight mail service (FedEx or UPS)

Mellon Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
500 Ross Street
Pittsburgh, Pennsylvania 15262-0001
(Contact Phone Number is 412-234-4381)

The Respondent's name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson
U. S. EPA Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, Georgia 30303, and

Victor L. Weeks
U. S. EPA Region 4
EPCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303

Upon Respondent's payment of the penalty, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

service for EPA in this proceeding:

Caron B. Falconer
U. S. EPA - Region 4
61 Forsyth St., S. W.
Atlanta, Georgia 30303
(404) 562-8451

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Kelly McCabe Date: 8/2/07
Name (print): Kelly L. McCabe
Title (print): Vice-President, Operations
Ideal Chemical and Supply Co.

FOR COMPLAINANT:

Beverly H. Banister Date: 7/24/07
Director
Air, Pesticides & Toxics
Management Division
Region 4

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Susan B. Schub Date: August 28, 2007
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of Ideal Chemical and Supply Co., CAA-04-2007-8023(b), on the parties listed below in the manner indicated:

Caron B. Falconer
U. S. EPA - Region 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)


Elizabeth O'Sullivan
U. S. EPA - Region 4
Office of Environmental Accountability
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Ms. Kelly McCabe
Vice President - Operations
Ideal Chemical and Supply Co.
4025 Air Park Street
Memphis, Tennessee 38118

(Via Certified Mail -
Return Receipt Requested)

Date: 9/29/17



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9511

