



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SUBJECT: Proposed Final Order for Vorbeck Materials
Docket No. TSCA-HQ-2022-5003

FROM: Adam Ross, Attorney-Advisor
U.S. Environmental Protection Agency

TO: Environmental Appeals Board

DATE: April 15, 2022

This is to inform you that the U.S. Environmental Protection Agency (EPA) received a copy of the instrument of payment from Vorbeck Materials for the full amount of the proposed civil penalty of \$8,277. Pursuant to the attached complaint, Vorbeck Materials has chosen to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a) instead of filing an answer. The complaint does not seek a compliance or corrective action order, or a permit action. This proceeding is not subject to the public comment provisions of 40 C.F.R. 22.45. I am attaching a proposed Final Order for your use, if desired.

Please contact me at (202) 564-1625 or Ross.Adam@EPA.gov if you have any questions or require additional information.

Attachments

ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:)
)
Vorbeck Materials)
8306 Patuxent Range Road)
Jessup, MD 20797)
)
Respondent)

Docket Number TSCA-HQ-2022-5003

FINAL ORDER

On March 15, 2022, the U.S. Environmental Protection Agency’s (EPA’s) Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, filed a complaint against Vorbeck Materials (Vorbeck) alleging that Vorbeck had violated Section 12(b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2611(b), and the Notice of Export rule requirements at 40 C.F.R. Part 707, Subpart D. The complaint sought a penalty of \$8,277.

EPA’s Consolidated Rules of Practice, codified at 40 C.F.R. part 22, govern this administrative enforcement proceeding. Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. *See* 40 C.F.R. §§ 22.18(a)(1) and (2). The rules further provide that upon payment in full of the penalty, in cases initiated at EPA Headquarters, the Environmental Appeals Board (“Board”) must issue a final order. *See* 40 C.F.R. § 22.18(a)(3).

On April 15, 2022, EPA’s Office of Enforcement and Compliance Assurance notified the Board that EPA has received a copy of the instrument of payment for the full amount of the penalty (\$8,277) from Vorbeck to resolve the above-captioned matter. Payment by Vorbeck constituted a waiver of Vorbeck’s right to contest the allegations in the complaint and to appeal this final order. *See* 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 2.18(a)(3), the above-captioned matter is hereby

RESOLVED.

So ordered.¹

Date: _____

**ENVIRONMENTAL APPEALS
BOARD**

By: _____
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein and Mary Beth Ward.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Final Order in the Matter of Vorbeck Materials, Docket No. TSCA-HQ-2022-5003, were sent to the following persons in the manner indicated:

By E-Mail and Pouch Mail:

Adam Ross, Attorney-Advisor
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By First Class U.S. Mail and E-Mail:

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Annette Duncan, Secretary
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Dated: _____