



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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Office of Regional Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT
DOCKET NO: EPCRA-01-2017-0034

This Expedited Settlement Agreement is issued to:

General Polymer, Inc., 57 & 59 Foundry Road, Central Falls, Rhode Island, for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act.

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 1, by its duly delegated official, and by Respondent, General Polymer, Inc. ("General Polymer" or "Respondent"), pursuant to Section 325 of the Emergency and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

ALLEGED VIOLATIONS

During an inspection at General Polymer on April 1, 2014, EPA learned that General Polymer, operator of a manufacturing facility located at 57 & 59 Foundry Road, Central Falls, Rhode Island ("Facility"), failed to submit completed emergency and hazardous chemical inventory forms ("Tier 2" forms), as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 CFR Part 370. Prior to the inspection, General Polymer had never submitted Tier 2 forms for the facility. During the inspection, a representative of the company presented documentation indicating that the facility was storing more than 10,000 pounds of certain hazardous chemicals (including Acrylamac WR 232-3312, Ranbar 5063 Alkyd Resin, Synray 5447-90, Cymel 303 LF Resin, and Tiona titanium oxide), and stated that tanks containing some of these solvents had been located at the facility since the 1970s. On April 18, 2014, the facility submitted a Tier 2 form for the first time (over a month late). Data submitted for this Tier 2 form (for calendar year 2013) indicated that the company had nine hazardous chemicals on site in calendar year 2013 in quantities over the 10,000-pound reporting threshold. Pursuant to Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit a Tier 2 form for each calendar year on or before March 1 of the subsequent year but had failed to do so at the time of the inspection.

SETTLEMENT

EPA and General Polymer agree that settlement of this matter for a penalty of FIVE THOUSAND DOLLARS (\$5,000) is fair, appropriate, and in the public interest. In signing this agreement, General Polymer (1) admits that it is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over General Polymer and its conduct as alleged in this ESA; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives its rights to: (a) a judicial or administrative hearing on any issue of law or fact set forth in this ESA; and (b) appeal this ESA. Each party to this action agrees to bear its own costs and fees, if any.

By its signature below, General Polymer certifies that the alleged violation have been corrected and agrees to pay the penalty in accordance with the terms of this ESA. General Polymer also certifies that it has come into compliance with Section 302 of EPCRA, 42 U.S.C. § 11022 and implementing regulations found in 40 C.F.R. Part 355, Subpart B.

If the signed original ESA is not returned to the EPA Region 1 office at the address above in correct form within 30 days of Respondent's receipt of the proposed ESA, the proposed ESA will be withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

General Polymer agrees to submit payment of the penalty within 30 days of the date on which this ESA is filed with the Regional Hearing Clerk. EPA will forward a copy of the fully executed ESA to General Polymer as soon as it is filed with the Regional Hearing Clerk. The civil penalty of FIVE THOUSAND DOLLARS (\$5,000) shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case, be in the amount of \$5,000 and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York

ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

Respondent must also send a copy of the payment to:

Jim Gaffey, Chemical Engineer
c/o MaryJane O'Donnell
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Mail Code OES-05-1
Boston, MA 02109-3912

Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any partial payment of the civil penalty, plus interest thereon is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date of payment at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as the first day payment is due under 31 C.F.R. § 901.9(d).

Upon General Polymer's submission of the original signed ESA and payment of the penalty as set forth in this ESA, EPA will take no further civil action against General Polymer for the alleged violations of EPCRA identified in this ESA. EPA does not waive any right to issue an enforcement action for any other past, present or future violations by General Polymer of EPCRA or any other federal statute or regulation.

This ESA shall not be construed as a covenant not to sue, release waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal, that EPA has under EPCRA or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

The terms of this ESA may not be modified or amended except upon agreement of both parties and approval of the Regional Judicial Officer. This ESA is binding on the parties signing below.

In accordance with 40 CFR § 22.31(b), this ESA is effective upon filing with the Region 1 Hearing Clerk.

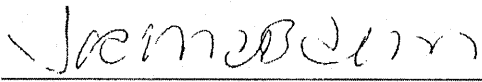
IT IS SO AGREED,

By: *M. A. Zed*

Date: 2/22/17

Title: President
General Polymer, Inc.
57 & 59 Foundry Road
Central Falls, RI 02863

APPROVED BY EPA

By: 

Date: 2/27/17

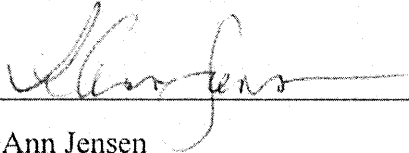
Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA Region 1

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent, as specified in the Consent Agreement, is hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

IT IS SO ORDERED:



Date: 2/27/17

LeAnn Jensen
Acting Regional Judicial Officer

In re. General Polymer, Inc., Docket No. EPCRA-01-2017-0034

Docket No. EPCRA-01-2017-0034

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, the original and one copy of the Expedited Settlement Agreement in the matter of General Polymer, Inc., Docket no. EPCRA-01-2017-0034, were filed with the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below.

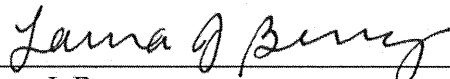
Original and one copy
by hand delivery to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109

Copy by certified mail to:

Mark Lord
President
General Polymer, Inc.
59 Foundry Street
Central Falls, RI 02863

Date: March 2, 2017



Laura J. Berry
Enforcement Counsel
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