UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3

In the Matter of: Bulk Chemicals, Inc. 1074 Stinson Drive Reading, Pennsylvania 19605, Respondent. 809 Mohrsville Road Shoemakersville, Pennsylvania, 19555, 1076 Park Road Blandon, Pennsylvania, 19510, and 72 Feick Avenue Hamburg, Pennsylvania, 19526, Facilities.	Administrative Compliance Order on Consent EPA Docket No. CAA-03-2020-0094DA

ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

A. PRELIMINARY STATEMENT

1. This Administrative Compliance Order on Consent ("Order") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") pursuant to Sections 113(a)(3)(B) of the Clean Air Act, as amended ("CAA" or "the Act"), 42 U.S.C. § 7413(a)(3)(B). Under Section 113(a)(3)(B) of the Act, the Administrator of EPA has the authority to issue orders requiring any person who is in violation of certain sections of the CAA, including Section 112(r)(1), 42 U.S.C. § 7412(r)(1), to comply with such requirements of the CAA.

2. On EPA's behalf, the Director of the Enforcement & Compliance Assurance Division is delegated the authority to issue this Order under Section 113(a) of the Act.
3. Respondent Bulk Chemicals, Inc., a corporation doing business in the Commonwealth of Pennsylvania, is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
4. Respondent neither admits nor denies the allegations set forth in Section C (Findings), stated below, and will not contest EPA's authority or jurisdiction to issue or enforce the provisions of this Order.

B. STATUTORY AND REGULATORY BACKGROUND

5. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the Act, 42 U.S.C. § 7412(r), which requires the Administrator of EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain substances listed pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3).
6. Pursuant to Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), also known as the "General Duty Clause," the owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur.

7. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7).
8. Section 112(r)(2)(C) of the Act, 42 U.S.C. § 7412(r)(2)(C), defines "stationary source," as "any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur."
9. Section 302(e) of the Act, 42 U.S.C. § 7602(e), defines "person" as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
10. The General Duty Clause applies to any stationary source producing, processing, handling, or storing regulated substances, as defined above, or other extremely hazardous substances ("EHS"). An EHS is any chemical which may, as a result of short-term exposures because of releases to the air, cause death, injury or property damage due to their toxicity, reactivity, flammability, volatility or corrosivity. EHSs include regulated substances listed pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), at 40 C.F.R. § 68.130, and chemicals on the list of extremely hazardous substances published under the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq., at 40 C.F.R. Part 355, and may include the Facility's proprietary chemicals as well.

11. As used herein, the term “day” shall mean calendar day.

12. All terms not defined herein shall have the meanings set forth in the Act.

C. FINDINGS

13. Respondent is a supplier of technology services and specialty blended pretreatment applications for the metal processing industry. Respondent currently operates a warehouse distribution facility in Blandon, Pennsylvania and a processing and warehouse distribution facility in Hamburg, Pennsylvania, and formerly operated a processing and warehouse distribution facility in Shoemakersville, Pennsylvania (“Facility” or “Facilities”). The Blandon and Hamburg Facilities store and/or process, and the Shoemakersville Facility stored and processed, oxidizers, corrosives, flammables, combustibles, and/or toxics on-site. Respondent has permanently discontinued chemical blending and storage operations at the Shoemakersville Facility.

14. On October 1-2, 2019, EPA conducted inspections to determine whether Respondent was in compliance with Section 112(r)(1) of the Act at the three Facilities. One portion of the Shoemakersville Facility was in operation as a warehouse facility at this time.

15. Based on its observations during the inspections and its review of documents received from Respondent during the inspections, EPA determined that Respondent had the following chemicals present at its three Facilities, among other chemicals, in approximately the following amounts:

    - <u>Shoemakersville</u>: chromic acid liquid 40%: 7,350 lbs.; nitric acid 67%: 11,414 lbs.; phosphoric acid 75%: 6,693 lbs.; potassium hydroxide 45% liquid: 18,581 lbs.; sodium hydroxide 50% solution: 8,417 lbs; sulfuric acid 50%: 5,975 lbs.; hydrogen

peroxide 35%: 583 lbs.; ammonium dichromate: 125 lbs.; sodium bromate: 177 lbs.; Glycol Ether EB: 78 lbs.; and ammonium hydroxide 22 Baume: 2,078 lbs;

- Blandon: hydrofluoric acid 49%: 23,276 lbs.; sodium hydroxide (QC UP) 50%: 4,300 lbs.; sodium bromate: 330 lbs.; and ammonium dichromate: 240 lbs; and
- Hamburg: chromic acid liquid 40%: 4,703 lbs.; hydrofluoric acid 49%: 850 lbs.; nitric acid 67%: 3,850 lbs.; Glycol Ether EPH: 17 lbs.; Glycol Ether DB: 1,138 lbs.; methanol: 365 lbs.; ammonium dichromate: 759 lbs.; and sodium bromate: 55 lbs.

16. As a corporation, Respondent is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and the owner and operator of the Facilities.
17. The Facilities are each a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).
18. With respect to each of the three Facilities, Respondent has been the operator of a "stationary source" at all times relevant to this Order.
19. As an operator of stationary sources under the General Duty Clause, Respondent must identify hazards which may result from releases of EHSs, design and maintain a safe facility to prevent the accidental release of these EHSs to the air and minimize the consequences of accidental releases which do occur. 42 U.S.C. § 7412(r)(1).
20. Based on information collected by EPA during the inspections, EPA determined that Respondent did not comply with the obligation under Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent accidental releases.

21. The measure for whether an owner or operator has safely designed and maintained its facility is whether the facility provides the same level of protection as that provided by industry codes and standards. The applicable industry codes and standards include the following:

    a. National Fire Protection Association ("NFPA") 400, Hazardous Materials Code (2013 Edition) ("NFPA 400");

    b. NFPA 30, Flammable and Combustible Liquids Code (2012 Edition) ("NFPA 30");

    c. International Building Code (2015 edition) ("IBC"); and

    d. International Fire Code (2015 edition) ("IFC").

22. EPA's inspections revealed the following instances in which Respondent has not complied with the obligation under Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent accidental releases.

Segregation of Incompatible Chemicals

23. Section 6.1.12 of NFPA 400, provides that incompatible materials in containers greater than five pounds must be segregated by an approved method, such as distance of not less than 20 feet or a noncombustible partition. Section 15.2.12.13.1(1) of NFPA 400 and Section 9.17.3 of NFPA 30-2015 provide that flammables shall be separated from oxidizers by at least 25 feet.

    a. At the Shoemakersville Facility, EPA inspectors observed Glycol Ether EB, a Class IIIB combustible liquid, stored in totes located less than 25 feet from totes containing nitric acid.

b. At the Shoemakersville Facility, EPA inspectors observed phosphoric acid 75% and nitric acid 67% solution in totes stored less than 20 feet from totes of potassium hydroxide 45% solution, sodium hydroxide 45% solution, ammonium hydroxide 22% solution, and bases.

c. At the Blandon Facility, EPA inspectors observed totes and drums containing acids and bases stored less than 20 feet from one another in the main area and annex.

d. At the Hamburg Facility, EPA inspectors observed Glycol Ether EPH and DB, Class IIIB combustible liquids, stored in drums less than 25 feet from containers of nitric acid 67% solution, an oxidizer.

High Piles of Combustible Pallets

24. Section 12.13.10 of NFPA 30-2015 provides that storage of empty or idle combustible pallets inside unprotected liquid storage areas shall be limited to a maximum pile size of 2500 square feet and to a maximum storage height of six feet.

25. At the Blandon Facility, EPA inspectors observed empty or idle combustible pallets stored more than ten feet high.

Storage of Hydrogen Peroxide Drums on Wooden Pallets

26. Section 15.2.12.2 of NFPA 400 provides that hydrogen peroxide (Class 2 through 4) stored in drums shall not be stored on wooden pallets.

27. At the Shoemakersville and Blandon Facilities, EPA inspectors observed hydrogen peroxide stored in 55-gallon drums on wooden pallets at both facilities.

28. EPA has determined that the inadequate segregation of the incompatible chemicals, the high piles of combustible pallets, and the drums of hydrogen peroxide stacked on wooden

pallets constitute violations of Respondent's obligation to design and maintain safe facilities under Section 112(r)(1) of the CAA, the General Duty Clause. 42 U.S.C. § 7412(r)(1).

Conditions Raising Concerns

29. In addition, during the inspections, EPA inspectors observed conditions that raise further concerns about the safe design and maintenance of the Facilities. These conditions are described in the following paragraphs.

30. Industry code NFPA 400 provides that facilities with more than the maximum allowable quantity of corrosives or toxics, 500 pounds, must have spill control, secondary, containment, ventilation (for any open containers), and fire protection systems. NFPA 400, §§ 12.2.1, 12.2.3, 12.3.4, 12.2.6, 18.2.1, 18.2.3, and 18.2.6. EPA inspectors observed that the Hamburg and Blandon Facilities, each with more than 500 pounds of hydrofluoric acid solution, a corrosive and toxic chemical, lacked spill control, secondary containment, ventilation (for open containers at the Hamburg Facility), and fire protection systems.

31. Industry code NFPA 400 provides that facilities with more than 250 pounds of liquid or solid oxidizers, the maximum allowable quantity, must have spill control for liquids, secondary containment, and fire protection systems. NFPA 400, §§ 15.2.1, 15.2.3, and 15.2.6. At the Hamburg Facility, where the amount of nitric acid 67%, a Class 2 oxidizer, and chromic acid solution 40%, a potential Class 2 oxidizer, exceeded the 250-pound threshold, EPA inspectors observed spill control in the blending area, but secondary containment and fire protection systems were not present. At the Shoemakersville Facility, where the amount of nitric acid 67% and chromic acid solution

40% exceeded the 250-pound threshold, EPA inspectors observed no spill control, secondary containment, or fire protection systems.

32. Respondent did not provide any evidence of training or standard operating procedures to EPA during the inspections for the safe storage and handling of chemicals at the Facilities. Industry code NFPA 400 provides for training of operating personnel in storage, handling, dispensing, using, processing, and emergency and hazard communication for hazardous chemicals. NFPA 400, § 6.1.4. Based on the observations of EPA inspectors, personnel at the Facilities did not appear to be trained in separation of incompatibles and the safe handling and storage of chemicals at the Facilities. However written procedures for the handling of chromic acid and hydrofluoric acid were provided to EPA.

33. Based on the observations of EPA inspectors, Respondent does not appear to be monitoring the amount of chemicals present at each of the Facilities to ensure that the Facilities do not exceed the maximum allowable quantities of flammable and combustible chemicals allowed to be stored at each Facility, in accordance with NFPA 30, § 12.6.2.2 and Table 12.6.2.2. Monitoring the amount of chemicals is necessary because the exceedance of certain maximum allowable quantities triggers secondary containment, ventilation (if mixing), spill control, fire protection systems, and storage restriction requirements for corrosives, oxidizers and toxics. *See* NFPA 400, Chapter 3, Chapter 5, Table 5.2.1.1.3, Chapter 12, Chapter 15, and Chapter 18.

34. On November 20, 2019, EPA sent Respondent a post-inspection letter outlining potential violations under Section 112(r)(1) of the CAA, known as the General Duty Clause, at the Facilities, and the areas of concern within each Facility.

35. On December 19, 2019, Respondent sent to EPA a letter outlining the actions taken at the Facilities after the inspections, including:
    a. Removal of all materials identified by EPA as improperly segregated at the Shoemakersville Facility;
    b. Reduction of pallet piles to less than six feet at Blandon Facility, labeling of pallet storage locations and training of personnel to ensure continued compliance with NFPA 30's pallet height limitations;
    c. Removal of hydrogen peroxide drums from wooden pallets at the Blandon and Shoemakersville Facilities and training of personnel to ensure continued compliance with NFPA 400's segregation and compatibility requirements;
    d. Plans to cease storage operations at the Shoemakersville Facility.
36. Respondent has identified to EPA a third-party contractor competent to undertake the work specified in Section D of this Order, whom EPA has accepted.
37. On June 9, 2020, Respondent submitted to EPA for approval a proposed testing protocol to determine the categories and classification of chemicals and mixtures under the Globally Harmonized System for Classification and Labelling of Chemicals, an internationally agreed-upon standard managed by the United Nations. EPA approved the testing protocol on June 10, 2020.
38. On June 11, 2020, Respondent informed EPA that it has relocated all chemicals from the Shoemakersville Facility to the Hamburg Facility, and that no chemicals will be stored in the future at the Shoemakersville Facility.

D. ORDER

39. Respondent is ordered to conduct the compliance program described in this section of this Order (the "Work").

    a. Within sixty (60) days of the effective date of this Order, Respondent shall submit to EPA for approval a workplan and schedule ("Workplan and Schedule") to implement improvements to the Facilities to address the conditions described in paragraphs 23 through 33, above. The Work would include an assessment of the Facilities to ensure the Facilities meet all appropriate codes and standards, including NFPA 30, NFPA 400, IBC and IFC. This assessment should be performed at all Facilities at which Respondent presently stores and/or plans to store EHSs.

    b. The Work shall be consistent with the safety protection provided by the industry standards NFPA 400, NFPA 30, IBC and IFC and other applicable industry standards and codes for the Work;

    c. EPA will review the Workplan and Schedule submitted pursuant to subparagraph 39.a, and will either accept it or direct Respondent to make changes and resubmit the document within twenty (20) days;

    d. Within fourteen (14) days of receipt of EPA's written acceptance of the Workplan and Schedule, submitted pursuant to subparagraph 39.a, Respondent shall initiate implementation of the EPA-accepted Workplan and complete the Workplan in accordance with the EPA-accepted Schedule;

    e. Within fourteen (14) days of the Effective Date of this Order, and every fourteen (14) days thereafter, Respondent shall submit a written progress report to EPA

detailing steps taken during the preceding fourteen (14) days to implement the EPA-accepted Workplan in accordance with the EPA-accepted Schedule;

f. Within thirty (30) days after completing the Work in accordance with the EPA-accepted Workplan and Schedule at the Facilities, Respondent shall submit to EPA, for EPA's approval, a written report verifying that Respondent has complied with the requirements of paragraph(s) 39.a-d at the Facilities ("Completion Report"). The Completion Report, with the following certification, shall be signed by a responsible official of Respondent, as such term is defined in paragraph 38, below:

> I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

g. EPA will review the Completion Report submitted pursuant to subparagraph 39.f, above, and will either approve it in writing or identify deemed deficiencies in writing ("Notice of Work Deficiencies") and direct Respondent to correct and/or re-perform any or all Work disapproved by EPA and resubmit the report for EPA approval within thirty (30) days of receiving the Notice of Work Deficiencies associated with the Completion Report.

40. Any notice, report, plan, certification, data presentation or other document submitted by Respondent under or pursuant to this Order which discusses, describes, demonstrates or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement(s) of this Order shall be certified by a

responsible official of said Respondent. The term "responsible official" means: (i) the president, secretary or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The responsible official of a partnership or sole proprietorship means the general partners or the proprietor, respectively.

41. Respondent shall provide EPA and its representatives, including contractors and grantees, with access to the Facilities at reasonable times for the purpose of assessing Respondent's compliance with this Order and with the Act. Respondent shall also provide EPA and its representatives, including contractors and grantees, with access to all records relating to Respondent's implementation of this Order, and shall comply with all requests for information pertaining to this Order.

42. Respondent shall preserve all documents and information relating to the activities carried out pursuant to this Order for five (5) years after completion of the Work required by this Order. Upon request, Respondent shall provide EPA with copies of such documents and information.

43. All documents submitted by Respondent to EPA in the course of implementing the Order shall be available to the public unless identified as confidential by the Respondent pursuant to 40 C.F.R. Part 2, Subpart B, and determined by EPA to require treatment as

confidential business information in accordance with applicable law, unless otherwise subject to non-disclosure by statute or regulation.

E. GENERAL PROVISIONS

44. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to $48,192 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), as amended by the Debt Collection Improvement Act, as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

45. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable law or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

46. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

47. Neither EPA nor the United States, by issuance of this Order, assumes any liability for any acts or omissions by Respondent or Respondent's employees, agents, contractors, or consultants engaged to carry out any action or activity pursuant to this Order, nor shall EPA or the United States be held as a party to any contract entered into by Respondent or

by Respondent's employees, agents, contractors, or consultants engaged to carry out the requirements of this Order.

48. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out in paragraph 60 below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in any of the Facilities. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless EPA has provided written approval of the release of said obligations or liabilities.

49. Unless this Order states otherwise, whenever, under the terms of this Order, written notice or other document is required to be given, it shall be directed to the individuals specified at the addresses below unless those individuals or their successors give notice of a change of address to the other party in writing:

For EPA:

Michael Welsh, P.E., Risk Management Program Coordinator
Enforcement & Compliance Assurance Division (3ED12)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Phone: (215) 814-3285
welsh.mike@epa.gov

and

Mary Hunt, Risk Management Program Coordinator
Enforcement & Compliance Assurance Division (3ED12)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Phone: (215) 814-3425
hunt.mary@epa.gov

cc: Cynthia T. Weiss, Sr. Assistant Regional Counsel
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Phone: (215) 814-2659
weiss.cynthia@epa.gov

For Respondent:

Mr. Harry Adams, President
Bulk Chemicals, Inc.
1074 Stinson Drive
Reading, Pennsylvania 19605
Phone: (410) 336-5824
hadams@bulkchemicals.us

cc: David R. Beane, Esquire
Beane LLC
Swanona at Historic Centre Park
606 North 5th Street, Suite 7
P.O. Box 1339
Reading, PA 19603
Phone: (610) 378-5555
drb@beanellc.com

Stephen G. Welz, Esquire
999 Berkshire Boulevard, Suite 290
Wyomissing, PA 19610-1254
Phone: 610-378-5272
sgwelz@welzlaw.com

All notices and submissions shall be considered effective upon receipt.

50. To the extent this Order requires Respondent to submit any information to EPA, Respondent may assert a business confidentiality claim covering part or all of that

information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. EPA will disclose information submitted under a confidentiality claim only a provided in 40 C.F.R. part 2, Subpart B. If Respondent does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.

51. Each undersigned representative of the Parties certifies that he or she is authorized to enter into the terms and conditions of this Order to execute and bind legally the Parties to this document.

F. EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE

52. Pursuant to Section 113(a)(4) of the Act, an Order does not take effect until the person to whom it has been issued has had an opportunity to confer with EPA concerning the alleged violations. By signing this Order, Respondent acknowledges and agrees that it has been provided an opportunity to confer with EPA prior to issuance of this Order. Accordingly, this Order will take effect upon electronic receipt by Respondent of a fully executed copy of the Order.

53. Any reports, plans, specifications, or other submissions required by this Order are, upon acceptable by EPA, incorporated into this Order. Any non-compliance with such EPA-accepted reports, plans, specifications, schedules, or other submissions shall be considered non-compliance with the requirements of this Order.

54. No informal advice, guidance, suggestions or comments by EPA regarding reports, plans, specifications, schedules, or other submissions by the Respondent or the requirements of this Order will be construed as relieving the Respondent of its obligations to obtain

formal acceptance when required by this Order, and to comply with the requirements of this Order unless formally modified.

55. This Order may be modified or amended in a writing executed by the Director of the Enforcement & Compliance Assurance Division. Such modifications or amendments shall be effective on the date they are fully executed by Respondent and the Director of the Enforcement & Compliance Assurance Division or such other date as set by the Director of the Enforcement & Compliance Assurance Division. Minor modifications to the Order and/or schedule thereto may be approved by EPA's Risk Management Coordinators, Michael Welsh or Mary Hunt.

56. In the event of an inability or anticipated inability on the part of the Respondent to perform any of the actions required by this Order in the time and manner required herein, including delays occasioned by COVID-19, the Respondent shall notify EPA orally within twenty-four (24) hours of such event (or, if the event occurs on a Friday or Saturday, Sunday, or legal holiday, no later than the following business day) and in writing as soon as possible, but in no event more than three (3) days after such event. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Respondent to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such notification shall not relieve Respondent of any obligation of this Order. Respondent shall take all reasonable actions to prevent and minimize any delay.

57. Failure by Respondent to carry out any requirement of this Order in accordance with the terms and conditions specified herein may result in the initiation of an enforcement action against Respondent to require Respondent to perform such actions, in addition to any

other relief that may be available to EPA pursuant to applicable law. Respondent reserves all rights, claims and defenses to respond to any enforcement by EPA pursuant to this paragraph or under any authority.

58. Nothing in this Section or any other provision of this Order shall be construed to limit any powers EPA may have under the Act or any other law or regulation, nor shall they be construed to limit any defenses that Respondent may have under the Act or otherwise.

G. JUDICIAL REVIEW

59. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1).

H. TERMINATION

60. This Order shall terminate on the earlier of the following (the "Termination Date"):
    a. One year after the Effective Date of this Order;
    b. The effective date of any determination by EPA that Respondent has achieved compliance with all terms of this Order; or
    c. Immediately upon receipt by Respondent of notice from EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

61. Termination of this Order shall not, however, terminate Respondent's obligation to comply with any continuing obligations of any federal, state or local law, statute, ordinance, rule or regulations, and all continuing obligations shall continue was they did before the termination of the Order.

I. COPIES OF ADMINISTRATIVE ORDER

62. Copies of this Order will be provided to:

Michael Manley, Planning Administrator
Hazardous Materials Division, Bureau of Technological Hazards
PA Emergency Management Agency
1310 Elmerton Avenue, Harrisburg, PA 17110
Phone: 717.651.7076
Email: michaemanl@pa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3

In the Matter of: Bulk Chemicals 1074 Stinson Drive Reading, Pennsylvania 19065 Respondent. 809 Mohrsville Road Shoemakersville, Pennsylvania, 19555, 1076 Park Road Blandon, Pennsylvania, 19510, and 72 Feick Avenue Hamburg, Pennsylvania, 19526, Facilities.	Administrative Compliance Order on Consent EPA Docket No. CAA-03-2020-0094DA

For United States Environmental Protection Agency Region 3

08/27/2020
Date

KAREN MELVIN
Digitally signed by KAREN MELVIN
Date: 2020.08.27 11:13:09 -04'00'

Karen Melvin, Director
Enforcement & Compliance Assurance Division

For Respondent, Bulk Chemicals, Inc.

	8/3/20
Signature	Date

Printed Name: Harry Adams

Title: President

Address: 1074 Stinson Drive
Reading, PA 19605