



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

FILED

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EXPEDITED SETTLEMENT AGREEMENT (ESA)

REGIONAL HEARING CLERK
EPA REGION VI

Docket No: CAA 06-2022-3346

This ESA is issued to: Arlanxeo USA LLC - Orange Site

At: 4647 FM 1006, Orange, Texas 77630

For: Violating Section 112(r)(7) of the Clean Air Act

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and Arlanxeo USA LLC (Respondent) have agreed to a settlement of this action before filing a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's Policies¹ are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

From February 1-7, 2022, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located in Orange, Texas to determine compliance with the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The EPA found that Respondent had violated a RMP regulation and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

- (1) 40 C.F.R. § 68.160(b)(6) Registration - (b) *The registration shall include the following data:*
(6) *The name, title, telephone number, 24-hour telephone number, and, as of June 21, 2004, the e-mail address (if an e-mail address exists) of the emergency contact.*

Respondent failed to provide the facility emergency contact name and e-mail address in its RMP registration.

¹ "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the criteria set forth in EPA's policies¹, and upon consideration of the entire record, EPA and Respondent enter into this ESA in to settle the violation, described above, for the total penalty amount of **\$1,000.00**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, 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 appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violation listed above and has paid the full penalty of **\$1,000.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

The Docket Number of this ESA is **CAA 06-2022-3346** and must be included on the payment. **The signed ESA and a copy of payment must be sent by email to: flores.carlos@epa.gov.**

Full payment of the ESA penalty shall only resolve Respondent's civil monetary liability for the violation alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to EPA Region 6 at the above email address in correct form by Respondent within 30 days of the date of receipt of this ESA, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violation identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: flores.carlos@epa.gov

To Respondent: jonathan.doyle@arlanxeo.com

SIGNATURE BY RESPONDENT:

Signature: [Handwritten Signature]

Date: 6-13-2022

Name (print): Jonathan Doyle

Title (print): Head HSE/Q

Cost of Corrective Actions: \$0.00

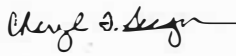
Respondent's Brief Description of Complying Action:

Updated RMP Registration to include name and email
address of emergency contact

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

*In the matter of Arlanxeo USA LLC / Orange Site
Docket No. CAA 06-2022-3346*

SIGNATURE BY EPA:



Digitally signed by CHERYL
SEAGER
Date: 2022.06.15 16:02:20 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

THOMAS RUCKI

Digitally signed by THOMAS RUCKI
DN: cn=US, ou=U.S. Government, ou=Environmental
Protection Agency, cn=THOMAS RUCKI,
o=9.2342.19200300.100.1.1+68001003655804
Date: 2022.06.16 20:49:56 -04'00'

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct electronic copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via email to EPA: flores.carlos@epa.gov

Copy via email to Respondent: jonathan.doyle@arlanxeo.com

Mr. Jonathan Doyle
Head of HSEQ
Arlanxeo North America
P.O. Box 2000
Orange, Texas 77631

Copy via email to Regional Hearing Clerk: vaughn.loreana@epa.gov

Carlos Flores

United States Environmental Protection Agency
Region 6