



REGION 6  
DALLAS, TX 75270

FILED

15 APR 24 AM 09:57

REGIONAL HEARING CLERK  
EPA REGION 6

April 2, 2024

**EXPEDITED SETTLEMENT AGREEMENT (ESA)**

**DOCKET NO: CAA 06-2024-3330**

**This ESA is issued to: Diversified CPC International Inc.**

**At: 12060 US-90, Beaumont, Texas 77713**

**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 Diversified CPC International Inc. (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), 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 policies<sup>1</sup> are appropriate for administrative penalty action.

**ALLEGED VIOLATION**

From August 15-17, 2023, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located in Beaumont, 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 failed to annually certify its procedure titled "Preparing, Loading, & Shipping Tank Cars, Tank Trucks & Portable Tanks" in 2022. 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. § 68.69(c) Operating Procedures** - *The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.*

## SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the criteria set forth in the EPA's policies<sup>1</sup>, and upon consideration of the entire record, EPA and Respondent enter into this ESA to settle the violation, described above, for the total penalty amount of **\$960.00**.

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 CAA, 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 statement to the United States Government, that Respondent has corrected the violation listed above and has paid the full penalty of **\$960.00** 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 979078  
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-06-2024-3330 and must be included on the payment.

**The signed ESA and a copy of the payment must be sent by email to:**

**latiolais.kristen@epa.gov.**

Full payment of the ESA penalty shall only resolve Respondent's civil 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 the EPA Region 6 at the above e-mail address in correct form by Respondent within 30 days of the date of the 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: [latiolais.kristen@epa.gov](mailto:latiolais.kristen@epa.gov)

To Respondent: [CHanberry@diversifiedcpc.com](mailto:CHanberry@diversifiedcpc.com)

**SIGNATURE BY RESPONDENT:**

Signature: Chris Hanberry

Date: 3/26/2024

Name (print): Chris Hanberry

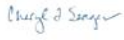
Title (print) Plant Manager

Cost of Corrective Actions: N/A

Respondent's Brief Description of Complying Action: The annual SOP certification is attached showing that all of the PSM/RMP required documents including Preparing, Loading & Shipping Tank Cars, Tank Trucks, Portable Containers.

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

**SIGNATURE BY EPA:**



Digitally signed by Cheryl T. Seager  
Date: 2024.04.02 15:00:17 -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  
Date: 2024.04.15  
10:54:37 -04'00'

---

Thomas Rucki  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that I sent a true and correct copy this day in the following manner to the addressees:

Copy via Email to Complainant, EPA:

latiolais.kristen@epa.gov

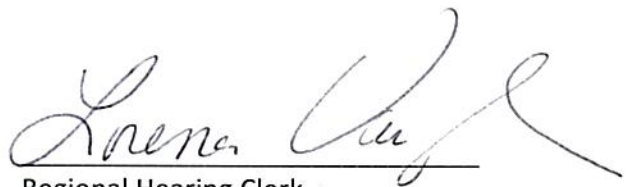
Copy via Email to Respondent:

CHanberry@diversifiedcpc.com

Chris Hanberry  
Plant Manager  
Diversified CPC International Inc.  
24338 W. Durkee Road  
Channahon, Illinois 60410

Date:

4/15/2024



Regional Hearing Clerk  
U.S. EPA, Region 6