

FILED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

1201 Elm Street, Suite 500
Dallas, Texas 75270

23 FEB 21 PM 2:53

REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

Baze Chemical LLC

Respondent.

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Docket No. CAA-06-2023-3310

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 6 (“EPA” or “Complainant”), and Baze Chemical LLC (“Respondent”) have agreed to a settlement of this action before the filing of 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, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

1. This proceeding 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 this matter, which involved a larger penalty amount and/or longer period of violation, was appropriate for administrative penalty action.
2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated the Chemical Accident Prevention Provisions in

40 C.F.R. Part 68, promulgated pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and that Respondent is therefore in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and 40 C.F.R. § 22.34, of the EPA's intent to issue an order assessing penalties for these violations.

Parties

3. Complainant is the Director of the Enforcement and Compliance Assurance Division of EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

4. Respondent is Baze Chemical LLC, a limited liability company incorporated in the state of Delaware and authorized to conduct business in the state of Texas.

Statutory and Regulatory Background

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r). The objective of Section 112(r) is to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance.

6. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), requires the Administrator to establish a threshold quantity for any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). The list of regulated

substances and respective threshold quantities is codified at 40 C.F.R. § 68.130.

7. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for stationary sources with threshold quantities of regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68 – Chemical Accident Prevention Provisions, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

8. The regulations at 40 C.F.R. Part 68 require owners and operators to develop and implement a Risk Management Program at each stationary source with over a threshold quantity of regulated substances. The Risk Management Program must include, among other things, a hazard assessment, a prevention program, and an emergency response program. The Risk Management Program is described in a Risk Management Plan (RMP) that must be submitted to the EPA.

9. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source subject to 40 C.F.R. Part 68 no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

10. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68 apply to each program level of covered processes. Pursuant to 40 C.F.R. § 68.10(i), a covered process is subject to Program 3 requirements if the process does not meet the requirements of Program 1, as described in 40 C.F.R. § 68.10(g), and if it is in a specified North American Industrial Classification System code or is subject to the Occupational Safety and Health Administration (OSHA) process safety management standard,

29 C.F.R. 1910.119.

11. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$51,796 for violations that occur after November 2, 2015, and are assessed after January 12, 2022.

Definitions

12. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any 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.

13. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and the regulation at 40 C.F.R. § 68.3 defines “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

14. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3 defines “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of

the same person (or persons under common control), and from which an accidental release may occur.

15. Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B), and the regulation at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

16. The regulation at 40 C.F.R. § 68.3 defines “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

17. The regulation at 40 C.F.R. § 68.3 defines “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

18. The regulation at 40 C.F.R. § 68.3 defines “covered process” as a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

EPA Findings of Fact and Conclusions of Law

19. 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).

20. Respondent is the owner and operator of a facility located at: 2187 East FM 323, Palestine, Texas 75801 (the “Facility”).

21. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, the EPA conducted a

virtual partial compliance evaluation (VPCE) of the Facility owned and operated by Respondent on February 25, 2021, to April 19, 2021, to determine the facility's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 (the "Inspection").

22. On October 1, 2021, Verdant Reactor Holdings, LLC, acquired the member interests in Respondent.

23. On December 2, 2021, the EPA sent Respondent a Notice of Potential Violation and Opportunity to Confer letter. On January 19, 2022, the EPA responded to the documentation and information received from Respondent as a result of the opportunity to confer and articulated the EPA's position concerning Respondent's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

24. The Facility is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3.

25. Respondent manufactures a range of specialty surfactants for use predominantly in the oil and gas industry. The process of ethoxylation involves reacting ethylene oxide with various common chemicals, such as fatty alcohols and phenols, to produce a variety of products. The plant can also use propylene oxide instead of (or as well as) ethylene oxide in a similar process known as "propoxylation."

26. Ethylene oxide and propylene oxide are regulated substances pursuant to Section 112(r)(2)(B) of the CAA, and the regulation at 40 C.F.R. § 68.3. The threshold quantity for regulated substance, as listed in 40 C.F.R. § 68.130 is 10,000 pounds.

27. Respondent has greater than a threshold quantity of ethylene oxide and propylene oxide, in a process at the Facility, meeting the definition of "covered process" as defined by 40 C.F.R. § 68.3.

28. From the time Respondent first had on-site greater than a threshold quantity of ethylene oxide and propylene oxide in a process, Respondent was subject to the requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68 because it was the owner or operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

29. From the time Respondent first had on-site greater than a threshold quantity of ethylene oxide and propylene oxide in a process, Respondent was required to submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with the Program 3 prevention requirements because pursuant to 40 C.F.R. § 68.10(i), the covered process at the Facility did not meet the eligibility requirements of Program 1 and is in North American Industry Classification System code 32519, Other Basic Organic Chemical Manufacturing.

EPA Findings of Violation

30. The facts stated in the EPA Findings of Fact and Conclusions of Law above are herein incorporated.

31. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as follows:

Training

32. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.71(a), each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in operating procedures as specified in 40 C.F.R. § 68.69. The training shall include emphasis on the specific safety and

health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks. The Respondent failed to provide its employees an initial training that includes emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

33. Pursuant to 40 C.F.R. § 68.71(b) refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The owner or operator, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training. Respondent failed to provide refresher training to its employees at least every three years.

34. Pursuant to 40 C.F.R. § 68.71(c), the owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required by 40 C.F.R. § 68.71 (a) and (b). The owner or operator shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training. The Respondent failed to prepare initial training and refresher training records.

35. Respondent's failure to provide initial training to its employees on emergency operations prior to being involved in the operating a process, as well as Respondent's failure to demonstrate that the employees understood the training and the failure to maintain training records pursuant to 40 C.F.R. § 68.71(a)-(c), as required by 40 C.F.R. § 68.12(d)(3) is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Process Hazard Analysis

36. The regulation at 40 C.F.R. § 68.67(e) requires that the owner or operator of a

process system shall establish a system to promptly address the teams findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

37. At the time of the inspection, the Respondent has failed to establish a system to address team findings and failed to communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations.

38. The regulation at 40 C.F.R. § 68.67(f) requires that at least every five (5) years after the completion of the initial process hazard analysis (PHA), the PHA shall be updated and revalidated by a team meeting the requirements of 40 C.F.R. § 68.67(d).

39. At the time of the inspection, the Respondent failed to revalidate its PHA five years after the completion of its initial PHA. The Respondent conducted its initial PHA in August 2015 and revalidated that PHA in February 2021 (six months late).

40. The Respondent's failure to establish a system to address team findings and failure to communicate the actions to operating, maintenance and other employees that may be affected by the recommendations as required by 40 C.F.R. § 68.67(e), and the Respondent's failure to revalidate its PHA five years after the completion of its initial PHA, as required by 40 C.F.R. § 68.67(f), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Management Systems

41. The regulation at 40 C.F.R. § 68.15(a) requires the owner or operator of a

stationary source with processes subject to Program 2 or Program 3 to develop a management system to oversee the implementation of the risk management program elements.

42. At the time of inspection, the Respondent failed to develop a management system to oversee the risk management program elements.

43. Respondent's failure to develop a management system to oversee the implementation of the risk program elements, as required by 40 C.F.R. § 68.15(a), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Management of Change

44. The regulation at 40 C.F.R. § 68.75(a) requires that the owner or operator establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process.

45. The regulation at 40 C.F.R. § 68.75(c) requires that employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process.

46. The regulation at 40 C.F.R. § 68.75(d) states that if a change covered by this paragraph results in a change in the process safety information by required by § 68.65 of this part, such information shall be updated accordingly.

47. The regulation at 40 C.F.R. § 68.75(e) states that if a change covered by this paragraph results in a change in the operating procedures or practices required by § 68.69, such procedures or practices shall be updated accordingly.

48. At the time of the inspection, the Respondent failed to document its completed

management of change procedures, or document that employees whose job tasks were affected by a change in the process were informed of the process. Also, the Respondent failed to update its process safety information or operating procedures when required.

49. Respondent's failure to document its completed management of change procedures and failure to update its process safety information or operating procedures, as required by 40 C.F.R. § 68.75(a), (c), (d) and (e), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Defining Offsite Impacts

50. The regulation at 40 C.F.R. § 68.33(a) requires that the owner or operator shall list in the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in 40 C.F.R. § 68.22(a).

51. At the time of inspection, the Respondent failed to list its environmental receptors in its RMP program.

52. The Respondent's failure to document its RMP environmental receptors are required by 40 C.F.R. § 68.33(a), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Compliance Audit

53. The regulation at 40 C.F.R. § 68.79(c) requires that a report of findings of the [compliance] audit be developed.

54. The regulation at 40 C.F.R. § 68.79(d) requires that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

55. At the time of the inspection, the Respondent failed to develop a report of

findings of its 2018 compliance audit. Also, the Respondent failed to determine and document an appropriate to each of the findings of the 2018 compliance audit nor did the Respondent document that the deficiencies were corrected.

56. The Respondent's failure to develop a report of the 2018 compliance audit findings and failure to address the findings by documenting that the deficiencies were corrected as required by 40 C.F.R. § 68.79(c) and (d), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Contractors

57. The regulation at 40 C.F.R. § 68.87(b)(1) requires that owners and operators, when selecting a contractor, shall obtain and evaluate information regarding the contract owner or operator's safety performance and programs.

58. The regulation at 40 C.F.R. § 68.87(b)(5) requires that owners and operators periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified at 40 C.F.R. § 68.87(c).

59. The Respondent failed to provide complete documentation when selecting a contractor regarding their contract owner or operator's safety performance and programs. Also, the Respondent did not periodically evaluate the performance of its contract owners and operators in fulfilling obligations.

60. The Respondent's failure to provide completed documentation of the selected contractor's owner or operator safety performance and programs, and failure to periodically evaluate the performance of its contract owner or operator in fulfilling its obligations as required by 40 C.F.R. § 68.87(b)(1) and (b)(5), is a violation of 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Emergency Response

61. The regulation at 40 C.F.R. § 68.93 requires that the owner or operator of a stationary source shall coordinate response needs with local emergency planning and response organizations to determine how the stationary source is addressed in the community emergency response plan and to ensure that local response organizations are aware of the regulated substances at the stationary source, their quantities, the risks presented by covered processes, and the resources and capabilities at the stationary source to respond to an accidental release of a regulated substance.

62. The regulation at 40 C.F.R. § 68.93(a) requires that coordination shall occur at least annually, and more frequently, if necessary, to address changes: At the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan.

63. At the time of inspection, the Respondent did not provide documentation of its emergency response plan and coordination with local emergency planning and response organizations prior to July 2020.

64. The Respondent's failure to provide documentation of its emergency response plan and coordination with local emergency plan and response organizations prior to July 2020 as required by 40 C.F.R. § 68.93(a), is a violation of 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

CONSENT AGREEMENT

65. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),
Respondent:

- a. admits the jurisdictional allegations set forth herein;

- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this Consent Agreement.

66. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

67. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Payment

68. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of **two hundred and thirty-three thousand, two hundred and sixty-four dollars (\$233,264.00)**, as set forth below.

69. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be 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
PO Box 979077
St. Louis, Missouri 63197-9000

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

70. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Lorena S. Vaughn
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (ORC)
Dallas, Texas 75270-2102
vaughn.lorena@epa.gov; and

Kayla Buchanan
Enforcement and Compliance Assurance Division
Air Enforcement Branch
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (ECDAC)
Dallas, Texas 75270-2101
buchanan.kayla@epa.gov

71. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Effect of Settlement and Reservation of Rights

72. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged

herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

73. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

74. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), save and except as reflected in the Administrative Order for Compliance on Consent, Docket No. CAA-06-2020-3311. Fulfillment of the terms of the Administrative Order for Compliance on Consent is intended to bring Respondent into full compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

75. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and regulations promulgated thereunder.

76. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

General Provisions

77. By signing this Consent Agreement, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party it represents to this Consent Agreement.

78. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing of the Final Order by the Regional Hearing Clerk for EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

79. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, and local taxes.

80. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

81. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Consent Agreement and Final Order by email to the following:

To EPA: *mcdonald.ashley@epa.gov*

To Respondent: *eddie.lewis@nortonrosefulbright.com*

RESPONDENT:

BAZE CHEMICAL LLC

Date: 02/15/2023



Signature

Shireen Greer

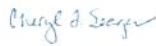
Print Name

CFO

Title

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY



Digitally signed by Seager, Cheryl
Date: 2023.02.17 10:17:51 -06'00'

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

FINAL ORDER

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

**THOMAS
RUCKI**

Digitally signed by THOMAS RUCKI
DN: cn=US, o=U.S. Government,
ou=Environmental Protection Agency,
gn=THOMAS RUCKI,
c=US, email=thomas.rucki@epa.gov,
Date: 2023.02.21 08:19:51 -0500

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, 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 Complainant:

mcdonald.ashley@epa.gov

Copy via Email to Respondent:

eddie.lewis@nortonrosefulbright.com

Copy via Email to Regional Hearing Clerk:

vaughn.lorena@epa.gov

ASHLEY
MCDONALD

Digitally signed by
ASHLEY MCDONALD
Date: 2023.02.21
19:29:42 -06'00'

Signed
Office of Regional Counsel
U.S. EPA, Region 6