



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 12 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Jeffery Miller  
Director of Regulatory Affairs  
AOC-Aliancys  
955 Highway 57 East  
Collierville, Tennessee 38017

Re: AOC-Aliancys  
Ratified Consent Agreement and Final Order  
Docket No. TSCA-04-2019-2509(b)

Dear Mr. Miller:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22. Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the Respondent's name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Should you have any questions concerning the compliance status in the future, please contact Mr. Verne George of the U. S. Environmental Protection Agency Region 4 staff at (404) 562-8988. Thank you for your cooperation in reaching resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth  
Chief  
Chemical Safety and Land Enforcement Branch

Enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA

In the Matter of: )

AOC-Aliancys )

Respondent. )

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) Docket No. TSCA-04-2019-2509(b)

2019 JUL 12 PM 3:13

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 CFR Part 22. Complainant is the Administrator of the United States Environmental Protection Agency (EPA). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division of EPA, Region 4 is delegated the authority to settle civil administrative penalty proceedings under Section 16(a) of TSCA. Respondent is AOC-Aliancys.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## **II. Preliminary Statements**

3. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful for any person to fail to maintain records, submit reports or information, or permit access to or allow copying of records including but not limited to records and reports required by Section 5 of TSCA, 15 U.S.C. § 2604.
4. Any person who violates a provision of Section 15 of TSCA shall be liable for a civil penalty for each such violation in accordance with Section 16(a) of TSCA and 40 CFR Part 19. Each day a violation continues may constitute a separate violation.

## **III. Specific Allegations**

5. Respondent operates a chemical manufacturing business located at 955 Highway 57 East, Collierville, Tennessee.
6. Respondent is a manufacturer as the term is defined in 40 C.F.R. § 720.3.
7. On August 13, 2018, Respondent submitted certain records to the EPA regarding Respondent's compliance with TSCA Sections 4, 5, 8, 12 and 13.

### **Failure to Submit a Notice of Commencement**

8. On or about November 19, 2007, Respondent submitted a premanufacture notice (PMN) to the EPA pursuant to 40 C.F.R. § 720.22 to manufacture 1,4-benzene-dicarboxylic acid, polymer with 1,2-ethanediol, 2,5-furandione, 2,2'-oxybis [ethanol] and 1,2-propanediol, hereinafter referred to as Chemical C.
9. On November 21, 2007, the EPA received the PMN for Chemical C.
10. The EPA identified Chemical C's PMN as P-08-0099.
11. The projected end date for the EPA's review of P-08-0099 was February 18, 2008.

12. Respondent's production records showed that between 2015 and 2017, Respondent had manufactured Chemical C for commercial purposes.
13. Pursuant to 40 C.F.R. § 720.102(a), any person who commences the manufacture or import of a new chemical substance for a nonexempt commercial purpose for which that person previously submitted a TSCA Section 5(a) Premanufacture Notice under 40 CFR Part 720 must submit to EPA a notice of commencement (NOC) of manufacture or import.
14. Under 40 C.F.R. § 720.102(b), the NOC submitter must submit the notice to the EPA on or no later than 30 calendar days, after the first day of commercial manufacture or import.
15. A review of the EPA's data system that tracks PMN and NOC submissions showed that as of August 13, 2018, (the date when Respondent submitted certain records to the EPA), a NOC was not recorded in the EPA's data system for Chemical C indicating that a NOC had not been filed within 30 days after production of Chemical C commenced in 2015.
16. On April 26, 2019, Respondent submitted a NOC to the EPA for the commercial production (manufacture) of Chemical C.
17. By not submitting a NOC within 30 days after commencing commercial production of Chemical C, Respondent failed to comply with 40 C.F.R. § 720.102(a).
18. Pursuant to 40 C.F.R. § 720.120(a), failure to comply with any provision of 40 CFR Part 720 is a violation of Section 15 of TSCA.
19. Pursuant to 40 C.F.R. § 720.120(f), violators may be subject to the civil penalties in section 16 of TSCA for each violation.
20. Section 16 of TSCA provides that any person who violates a provision of Section 15 of TSCA shall be liable to the United States for a civil penalty.

#### **IV. Consent Agreement**

21. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
22. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
23. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.
24. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with the TSCA regulations referenced in this CAFO.
25. In accordance with 40 C.F.R. § 22.18(c), compliance with this CAFO only resolves Respondent's liability for federal civil penalties for the allegations in Section III of this CAFO and does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA or other applicable laws and regulations.
26. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

#### **V. Final Order**

27. Respondent is assessed a civil penalty of **Eighteen Thousand, Nine Hundred Fifty-Five Dollars (\$18,955)** which shall be paid within **30 days** of the effective date.
28. Respondent shall remit the penalty payment by either the electronic method below or a cashier's or certified check made payable to the "Treasurer, United States of America." **The Respondent**

**shall note on the face of the check the Respondent's name and the Docket Number associated with this CAFO. The penalty payment shall be sent by one of the methods below.**

Address for standard delivery:

U.S. Environmental Protection Agency  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Address for signed receipt confirmation (FedEx, DHL, UPS, USPS certified, registered, etc.):

U.S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
Delivery Contact Phone Number: (314) 425-1819

Electronic Payment:

Any electronic payment method as indicated in the EPA's electronic payment options web site found at:  
<https://www.epa.gov/financial/makepayment#electronic>

29. At the time of payment, Respondent shall send a separate copy of the check or evidence of electronic payment and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

and

Verne George  
Chemical Safety Section  
Chemical Safety and Land Enforcement Branch  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

30. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
31. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the 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 accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, the EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
32. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
33. This CAFO shall be binding upon the Respondent and its successors and assigns.
34. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO, and hereby legally binds that party to this CAFO.


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VI. Effective Date

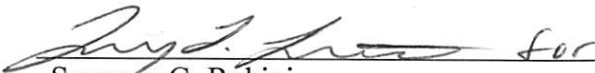
35. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**Respondent: AOC Aliancys**  
**Docket No.: TSCA-04-2019-2509(b)**

By:  Date: 6/24/2019  
Name: Danny W. Cox II  
Title: V.P. Operations

**Complainant: U.S. Environmental Protection Agency**

By:  for Date: 07/10/19  
Suzanne G. Rubini  
Acting Director  
Enforcement and Compliance Assurance Division

**APPROVED AND SO ORDERED** this 12<sup>th</sup> day of July, 2019

By:   
Tanya Floyd  
Regional Judicial Officer



**CERTIFICATE OF SERVICE**

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of AOC-Aliancys Docket Number: TSCA-04-2019-2509(b), to the addressees listed below.

Mr. Jeffery Miller  
Director of Regulatory Affairs  
AOC, LLC  
955 Highway 57 East  
Collierville, Tennessee 38017

(via Certified Mail, Return Receipt Requested)

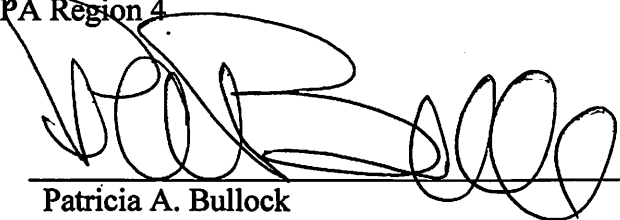
Verne George  
Chemical Safety Section  
U.S. EPA Region 4

(via EPA's internal mail)

Robert Caplan  
Senior Attorney  
Office of Regional Counsel  
Division  
U.S. EPA Region 4

(via EPA's internal mail)

By:

  
\_\_\_\_\_  
Patricia A. Bullock  
Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9511

Date:

7-12-19