



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAY 26 2016

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Jack Conner  
Safety Director  
nexAir Production, LLC  
1211 North McLean Boulevard  
Memphis, Tennessee 38108

Re: nexAir Production, LLC  
Expedited Settlement Agreement  
CAA-04-2015-8002(b)

Dear Mr. Conner:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2015-8002(b)) involving nexAir Production, LLC. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing.

As required by the ESA, within fifteen days of receipt of this letter, payment to the Treasurer, United States of America in the amount of \$6,900 should be submitted as follows:

For payment sent via electronic transfer  
Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Beneficiary: "U.S. Environmental Protection Agency";

For payment sent via Standard Delivery  
U.S. Environmental Protection Agency  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DSL, UPS, USPS Certified, Registered, etc.)  
U.S. Environmental Protection Agency  
Government Lockbox 979077

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

1005 Convention Plaza  
SL-MO-C2GL  
St. Louis, MO 63101  
Delivery Location Phone Number: 314-425-1819.

Also, a written statement that payment has been made in accordance with the ESA should be sent to the following individuals:

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

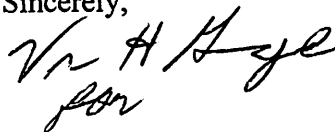
Deanne Grant  
Chemical Management and Emergency  
Planning Section  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303; and

Saundi Wilson  
Office of Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you need additional information in this matter, please call Deanne Grant at (404) 562-9291.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Bookman".

Robert W. Bookman  
Chief  
Chemical Management and Emergency  
Planning Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2015-8002(b)

This ESA is issued to: nexAir Production, LLC  
1211 North McLean Boulevard  
Memphis, Tennessee 38108

for violating 40 CFR § 68.65, 40 CFR § 68.67, 40 CFR § 68.73, 40 CFR § 68.79, and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by nexAir Production, LLC (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 1211 North McLean Boulevard, Memphis, Tennessee 38108, on July 22, 2014, EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of inspection, Respondent did not provide evidence that:

Its written process safety information included information pertaining to relief system design and design basis as required by 40 CFR § 68.65(d)(1)(iv);

Its written process safety information included information pertaining to ventilation system design as required by 40 CFR § 68.65(d)(1)(v);

It documented that equipment complies with recognized and generally accepted good engineering practices as required by 40 CFR § 68.65(d)(2);

Its process hazard analysis was performed by a team with expertise in engineering and process operations as required by 40 CFR § 68.67(d);

It performed inspections and tests on process equipment as required by 40 CFR § 68.73(d)(1);

Its frequency of inspections and tests of process equipment was consistent with applicable manufacturers' recommendation and good engineering practices as required by 40 CFR § 68.73(d)(3);

2016 MAY 26 AM 7:27  
HEARING CLERK  
USE ONLY REGION 4  
OFFICE OF REGIONAL  
COUNSEL

It documented each inspection and test that had been performed on process equipment as required by 40 CFR § 68.73(d)(4); and

It promptly determined and documented an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected as required by 40 CFR § 68.79(d).

## SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of **\$6,900**.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, 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 or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) calendar days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$6,900**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$6,900**, in payment of the full penalty amount to one of the following addresses:

For payment sent via Standard Delivery

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000; or

For payment sent 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, MO 63101  
Delivery Location Phone Number: 314-425-1819.

**The Respondent's name and the Docket Number of this ESA must be included on the check.** The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Saundi Wilson  
U.S. EPA, Region 4  
Office of Regional Counsel  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303, and

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

Deanne Grant  
U.S. EPA, Region 4  
Chemical Management and Emergency  
Planning Section  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by EPA and shall not be deductible for purposes of State or Federal taxes.

Upon Respondent's payment of the penalty, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in this ESA. EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

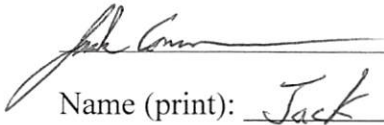
The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Robert W. Bookman  
U.S. EPA, Region 4  
Chemical Management and Emergency Planning Section  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
(404) 562-9169.

**THIS SECTION INTENTIONALLY LEFT BLANK**

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

  
\_\_\_\_\_

Date: 4-8-2016

Name (print): Jack Corder

Title (print): Safety Director  
nexAir Production, LLC

FOR COMPLAINANT:

  
\_\_\_\_\_

Date: 5/5/16 

Beverly H. Banister  
Director  
Air, Pesticides and Toxics Management Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

  
\_\_\_\_\_

Date: May 24, 2016

Tanya Floyd  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Expedited Settlement Agreement, in the matter of nexAir Production, LLC, CAA-04-2015-8002(b), on the parties listed below in the manner indicated:

Robert W. Bookman  
U. S. EPA, Region 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Michiko Kono  
U. S. EPA, Region 4  
Office of Regional Counsel  
61 Forsyth Street  
Atlanta, GA 30303

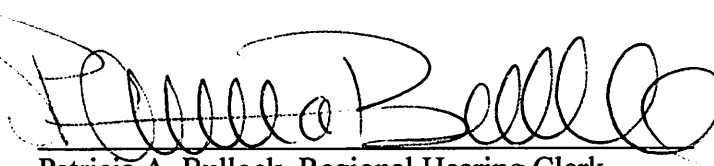
(Via EPA's internal mail)

Jack Connor  
nexAir Production, LLC  
1211 North McLean Boulevard  
Memphis, TN 38108

(Via Certified Mail -  
Return Receipt Requested)

Date:

5-26-16



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511