



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

August 16, 2022

VIA ELECTRONIC MAIL

Ms. Terri Czajka
Mr. Donald Snemis
Ice Miller LLP
Suite 2900
One American Square
Indianapolis, IN 46202

terri.czajka@icemiller.com

donald.snemis@icemiller.com

Consent Agreement and Final Order

In the Matter of: The Andersons Marathon Holdings LLC

Docket No.: EPCRA-05-2022-0013

Dear Ms. Czajka and Mr. Snemis:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above referenced matter. The CAFO was filed with the Regional Hearing Clerk on August 16, 2022.

Under paragraph 458 of the CAFO, Respondent must pay the civil penalty within 30 days of the filing of the final order. Your check or electronic funds transfer must display the case docket number, as provided above.

Please, direct any questions regarding this case to Jeffery M. Trevino at trevino.jeffery@epa.gov. Thank you for your attention to this matter.

Sincerely,

**CAROL
STANIEC**

Digitally signed by
CAROL STANIEC
Date: 2022.08.10
16:11:52 -05'00'

Carol L. Staniec
Enforcement Officer
Pesticides and Toxics Compliance Section

Enclosure

cc: Mr. William E. Krueger, President, Andersons Trade and Processing,
BKrueger@andersonsinc.com
Ann Coyle, Regional Judicial Officer, coyle.ann@epa.gov
Regional Hearing Clerk, R5hearingclerk@epa.gov
Jeffery M. Trevino, trevino.jeffery@epa.gov.
Branch Data Manager, R5LE CAB@epa.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

BEFORE THE ADMINISTRATOR

In the Matter of:)	Docket No. EPCRA-05-2022-0013
)	
The Andersons Marathon Holdings LLC,)	Consent Agreement
)	
Respondent.)	
)	
Proceeding under Section 325(c) of the Emergency Planning and Community Right-to Know Act, 42 U.S.C. § 11045(c))	
)	
)	
)	
)	

I. PRELIMINARY STATEMENT

1. The United States Environmental Protection Agency, Region 5 (EPA or Complainant) and The Andersons Marathon Holdings 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

2. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement (“Consent Agreement” or “Agreement”) and the attached final order (“Final Order” or “Order”) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order.

II. JURISDICTION

3. This proceeding is an administrative action for the assessment of civil penalties pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045(c).

4. This Consent Agreement serves as notice that EPA alleges that Respondent has violated the reporting requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder.

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

- a. Admits that the EPA has jurisdiction over the subject matter alleged in this Agreement;
- b. Neither admits nor denies the alleged violations of law stated below;
- c. Consents to the assessment of a civil penalty as stated below;
- d. Consents to the issuance of any specified compliance or corrective action order;
- e. Consents to the conditions specified in this Agreement;
- f. Consents to any stated Permit Action;
- g. Waives any right to contest the alleged violations of law set forth in Section VII of this Agreement; and,
- h. Waives its rights to appeal the Order accompanying this Agreement.

6. By entering into this Agreement, Respondent does not admit the truth of the Factual Allegations and Alleged Violations described in Sections VI. and VII.

7. The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. § 22.4(a) and 22.18(b).

8. The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

III. PARTIES

9. The Complainant, by delegation from the Administrator of EPA, and from the Regional Administrator, Region 5, EPA, is the Director of the Enforcement and Compliance Assurance Division, Region 5, EPA.

10. The Respondent is The Andersons Marathon Holdings, LLC, (Respondent), a company registered and authorized to do business in the states of Michigan, Ohio, and Indiana. The Respondent owns and operates ethanol production facilities at 26250 B Drive N, Albion, Michigan 49224; 5728 Sebring Warner Road E, Greenville, Ohio 45331; and 3389 W. County Road 300 South, Logansport, Indiana 46947 (the Facilities).

IV. STATUTORY AND REGULATORY REQUIREMENTS

11. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that:

- a. has ten or more full-time employees;
- b. is an establishment with a primary SIC major group or industry code listed in 40 C.F.R. § 372.23(a) or a primary NAICS subsector or industry code listed in 40 C.F.R. §§ 372.23(b) or (c); and,
- c. “manufactured, processed, or otherwise used” a toxic chemical listed under Subsection 313(c) of EPCRA, 42 U.S.C. § 11023(c), and 40 C.F.R. § 372.65, in excess of the threshold quantity established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27 or 372.28 during the calendar year;

to complete and submit a toxic chemical release inventory Form R to the Administrator of EPA and to the State in which the subject facility is located by July 1, for the preceding calendar year, for each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used at the facility.

12. According to Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25, the threshold amount for reporting under Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.30 is 25,000 pounds for any toxic chemical “manufactured or processed” and 10,000 pounds for any toxic chemical “otherwise used” for the applicable calendar year. Alternative reporting thresholds for certain other chemicals are set forth in 40 C.F.R. §§ 372.28 and 372.28.

13. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), 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, if, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 313, 42 U.S.C. § 11023. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), as amended by the Debt Collection Improvement Act of 1996, authorizes the United States to assess civil administrative penalties of no more than \$62,689 per day for each violation occurring after November 2, 2015, and assessed after December 23, 2020.

V. REGULATORY DEFINITIONS

14. The term “facility” means “all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). A facility may contain more than one establishment.” 40 C.F.R. § 372.3.

15. The term “full-time employees” means “2,000 hours per year of full-time equivalent employment. A facility would calculate the number of full-time employees by totaling the hours worked during the calendar year by all employees, including contract employees, and dividing that total by 2,000 hours.” 40 C.F.R. § 372.3.

16. The term “toxic chemical” means a “chemical or chemical category listed in 40 C.F.R. § 372.65.” 40 C.F.R. § 372.3.

17. The term “manufacture” means “to produce, prepare, import or compound a toxic chemical. Manufacture also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use or disposal of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical mixture of chemicals as an impurity.” 40 C.F.R. § 372.3.

18. The term “process” means “the preparation of a toxic chemical, after its manufacture, for distribution in commerce: (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance; or (2) as part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product.” 40 C.F.R. § 372.3.

19. The term “otherwise use” means “any use of a toxic chemical, including a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms ‘manufacture’ or ‘process.’ Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless: (1) the toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or (2) the toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities. Relabeling or redistributing of the toxic chemical where no repackaging of the toxic chemical occurs does not constitute otherwise use or processing of the toxic chemical.” 40 C.F.R. § 372.3.

VI. FACTUAL ALLEGATIONS

20. Respondent is, and at all times referred to herein was, a limited liability company formed in the state of Delaware.

21. Therefore, Respondent was a “person” as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

22. Each of Respondent’s Facilities included buildings, equipment, structures, and other stationary items which were and remain located on a single site or on contiguous or adjacent sites and which were and remain owned or operated by Respondent.

23. Therefore, each of Respondent's Facilities were and remain a "facility" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and by 40 C.F.R. § 372.3.

24. From 2015 to 2020, each of Respondent's Facilities had ten or more employees with 2,000 hours per year of full-time equivalent employment.

25. Therefore, from 2015 to 2020 each of Respondent's Facilities had "full-time employees" pursuant to Section 313(b)(1)(A) of EPCRA, 42 U.S.C. § 11023(b)(1)(A), and as defined by 40 C.F.R. § 372.3.

26. From 2015 to 2020 each of Respondent's Facilities is in Standard Industrial Classification (SIC) Code 2869 for "Industrial Organic Chemicals" for which the corresponding North American Industry Classification System (NAICS) Code is 325193 "Ethyl Alcohol Manufacturing."

27. Ammonia, acetaldehyde, acrolein, formic acid, methanol, benzene, ethylbenzene, n-Hexane, toluene, and formaldehyde were and remain a chemical or a chemical category listed pursuant to 40 C.F.R. § 372.65, and therefore are "toxic chemicals" within the meaning of 40 C.F.R. § 372.3.

28. In 2015, 2016, 2017, 2018, and 2019, each of Respondent's Facilities produced, prepared, imported, compounded, prepared after manufacturing for distribution into commerce, or used, ammonia, acetaldehyde, acrolein, formic acid, methanol, benzene, ethylbenzene, n-Hexane, toluene, and formaldehyde.

29. Therefore, in 2015, 2016, 2017, 2018, and 2019, each of Respondent's Facilities "manufactured, processed, or otherwise used" ammonia, acetaldehyde, acrolein, formic acid, methanol, benzene, ethylbenzene, n-Hexane, toluene, and formaldehyde as that term is defined by 40 C.F.R. § 372.3.

VII. ALLEGED VIOLATIONS

2016 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Albion, Michigan Facility During Calendar Year 2015

Count 1

30. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

31. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

32. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

33. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 2

34. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

35. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

36. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

37. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 3

38. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

39. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical methanol in excess of the applicable threshold quantity.

40. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

41. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 4

42. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

43. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical benzene in excess of the applicable threshold quantity.

44. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

45. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 5

46. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

47. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

48. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

49. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 6

50. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

51. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

52. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

53. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 7

54. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

55. In 2015, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical toluene in excess of the applicable threshold quantity.

56. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Michigan for 2015 by the July 1, 2016, deadline.

57. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

**2017 Toxic Chemical Reporting Failures
for TRI Chemicals Processed at Albion, Michigan Facility
During Calendar Year 2016**

Count 8

58. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.
59. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.
60. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.
61. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 9

62. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.
63. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acrolein in excess of the applicable threshold quantity.
64. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.
65. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 10

66. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.
67. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical benzene in excess of the applicable threshold quantity.
68. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.
69. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 11

70. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

71. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

72. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017 deadline.

73. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 12

74. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

75. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical methanol in excess of the applicable threshold quantity.

76. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.

77. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 13

78. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

79. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

80. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.

81. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 14

82. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

83. In 2016, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical toluene in excess of the applicable threshold quantity.

84. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Michigan for 2016 by the July 3, 2017, deadline.

85. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

**2018 Toxic Chemical Reporting Failures
for TRI Chemicals Processed at Albion, Michigan Facility
During Calendar Year 2017**

Count 15

86. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

87. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

88. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

89. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 16

90. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

91. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

92. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

93. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 17

94. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

95. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical methanol in excess of the applicable threshold quantity.

96. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

97. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 18

98. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

99. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

100. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

101. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 19

102. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

103. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical benzene in excess of the applicable threshold quantity.

104. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

105. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 20

106. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

107. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

108. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

109. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 21

110. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

111. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

112. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

113. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 22

114. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

115. In 2017, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical toluene in excess of the applicable threshold quantity.

116. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Michigan for 2017 by the July 2, 2018, deadline.

117. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2019 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Albion, Michigan Facility During Calendar Year 2018

Count 23

118. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

119. In 2018, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

120. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Michigan for 2018 by the July 1, 2019, deadline.

121. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 24

122. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

123. In 2018, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

124. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Michigan for 2018 by the July 1, 2019, deadline.

125. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 25

126. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

127. In 2018, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical methanol in excess of the applicable threshold quantity.

128. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Michigan for 2018 by the July 1, 2019, deadline.

129. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 26

130. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

131. In 2018, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

132. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Michigan for 2018 by the July 1, 2019, deadline.

133. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 27

134. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

135. In 2018, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

136. On June 28, 2019, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2018 it released or transferred off-site 500 lbs.

137. On September 1, 2021, Respondent filed a revised Form R report for n-Hexane with the Administrator which stated that in 2018 it actually released or transferred off-site 7,730 lbs.

138. Respondent's 2019 Form R report for n-Hexane contained significant release estimate errors and failed to provide a reasonable estimate of n-Hexane releases or off-site transfers.

139. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

**2020 Toxic Chemical Reporting Failures
for TRI Chemicals Processed at Albion, Michigan Facility
During Calendar Year 2019**

Count 28

140. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

141. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

142. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Michigan for 2019 by the July 1, 2020, deadline.

143. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 29

144. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

145. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

146. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Michigan for 2019 by the July 1, 2020, deadline.

147. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 30

148. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

149. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

150. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Michigan for 2019 by the July 1, 2020, deadline.

151. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 31

152. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

153. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical formic acid in excess of the applicable threshold quantity.

154. Respondent failed to file a Form R report for formic acid with the Administrator of EPA and the State of Michigan for 2019 by the July 1, 2020, deadline.

155. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 32

156. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

157. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical methanol in excess of the applicable threshold quantity.

158. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Michigan for 2019 by the July 1, 2020, deadline.

159. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 33

160. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

161. In 2019, Respondent manufactured, processed, and/or otherwise used at its Albion, Michigan Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

162. On July 1, 2020, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2019 it released or transferred off-site 7,241 lbs.

163. On September 1, 2021, Respondent filed a revised Form R report for n-Hexane with the Administrator which stated that in 2019 it actually released or transferred off-site 7,506 lbs.

164. Respondent's 2020 Form R report for n-Hexane contained significant release estimate errors and failed to provide a reasonable estimate of n-Hexane releases or off-site transfers.

165. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2016 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Greenville, Ohio Facility During Calendar Year 2015

Count 34

166. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

167. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

168. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

169. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 35

170. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

171. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

172. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

173. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 36

174. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

175. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical methanol in excess of the applicable threshold quantity.

176. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

177. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 37

178. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

179. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

180. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

181. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 38

182. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

183. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical benzene in excess of the applicable threshold quantity.

184. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

185. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 39

186. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

187. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

188. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

189. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 40

190. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

191. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

192. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

193. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 41

194. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

195. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical toluene in excess of the applicable threshold quantity.

196. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Ohio for 2015 by the July 1, 2016, deadline.

197. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 42

198. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

199. In 2015, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

200. On June 22, 2016, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2015 it released or transferred off-site 10 lbs.

201. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2015 it actually released or transferred off-site 10,756 lbs.

202. Respondent's 2021 Form R report for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

203. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2017 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Greenville, Ohio Facility During Calendar Year 2016

Count 43

204. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

205. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

206. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

207. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 44

208. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

209. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

210. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

211. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 45

212. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

213. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical benzene in excess of the applicable threshold quantity.

214. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

215. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 46

216. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

217. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

218. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

219. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 47

220. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

221. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

222. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

223. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 48

224. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

225. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical methanol in excess of the applicable threshold quantity.

226. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

227. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 49

228. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

229. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

230. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

231. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 50

232. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

233. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical toluene in excess of the applicable threshold quantity.

234. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Ohio for 2016 by the July 3, 2017, deadline.

235. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 51

236. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

237. In 2016, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

238. On June 21, 2017, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2016 it released or transferred off-site 1,070 lbs.

239. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2016 it actually released or transferred off-site 10,970 lbs.

240. Respondent's 2017 and 2021 Form R reports for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

241. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2018 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Greenville, Ohio Facility During Calendar Year 2017

Count 52

242. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

243. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

244. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Ohio for 2017 by the July 2, 2018, deadline.

245. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 53

246. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

247. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

248. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

249. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 54

250. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

251. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical benzene in excess of the applicable threshold quantity.

252. Respondent failed to file a Form R report for benzene with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

253. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 55

254. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

255. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

256. Respondent failed to file a Form R report for ethylbenzene with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

257. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 56

258. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

259. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

260. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

261. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 57

262. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

263. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical methanol in excess of the applicable threshold quantity.

264. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

265. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 58

266. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

267. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

268. Respondent failed to file a Form R report for n-Hexane with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

269. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 59

270. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

271. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical toluene in excess of the applicable threshold quantity.

272. Respondent failed to file a Form R report for toluene with the Administrator of EPA and the State of Ohio for 2017 by the July 1, 2018, deadline.

273. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 60

274. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

275. In 2017, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

276. On June 5, 2018, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2017 it released or transferred off-site 1,047 lbs.

277. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2017 it actually released or transferred off-site 10,970 lbs.

278. Respondent's 2018 Form R report for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

279. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2019 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Greenville, Ohio Facility During Calendar Year 2018

Count 61

280. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

281. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

282. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Ohio for 2018 by the July 1, 2019, deadline.

283. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 62

284. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

285. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

286. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Ohio 2018 by the July 1, 2019, deadline.

287. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 63

288. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

289. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical methanol in excess of the applicable threshold quantity.

290. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Ohio for 2018 by the July 1, 2019, deadline.

291. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 64

292. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

293. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formic acid in excess of the applicable threshold quantity.

294. Respondent failed to file a Form R report for formic acid with the Administrator of EPA and the State of Ohio for 2018 by the July 1, 2019, deadline.

295. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 65

296. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

297. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formaldehyde in excess of the applicable threshold quantity.

298. Respondent failed to file a Form R report for formaldehyde with the Administrator of EPA and the State of Ohio for 2018 by the July 1, 2019, deadline

299. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 66

300. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

301. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

302. On June 28, 2019, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2018 it released or transferred off-site 1,182 lbs.

303. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2018 it actually released or transferred off-site 10,944 lbs.

304. Respondent's 2019 and 2021 Form R reports for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

305. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 67

306. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

307. In 2018, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

308. On June 28, 2019, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2018 it released or transferred off-site 500 lbs.

309. On September 1, 2021, Respondent filed a revised Form R report for n-Hexane with the Administrator which stated that in 2018 it actually released or transferred off-site 6,480 lbs.

310. Respondent's 2019 Form R report for n-Hexane contained significant release estimation errors and failed to provide a reasonable estimate of n-Hexane release of off-site transfers.

311. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

**2020 Toxic Chemical Reporting Failures
for TRI Chemicals Processed at Greenville, Ohio Facility
During Calendar Year 2019**

Count 68

312. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

313. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

314. Respondent failed to file a Form R report for acetaldehyde with the Administrator of EPA and the State of Ohio for 2019 by the July 1, 2020, deadline.

315. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 69

316. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

317. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical acrolein in excess of the applicable threshold quantity.

318. Respondent failed to file a Form R report for acrolein with the Administrator of EPA and the State of Ohio for 2019 by the July 1, 2020, deadline.

319. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 70

320. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

321. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical methanol in excess of the applicable threshold quantity.

322. Respondent failed to file a Form R report for methanol with the Administrator of EPA and the State of Ohio for 2019 by the July 1, 2020, deadline.

323. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 71

324. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

325. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical formic acid in excess of the applicable threshold quantity.

326. Respondent failed to file a Form R report for formic acid with the Administrator of EPA and the State of Ohio for 2019 by the July 1, 2020, deadline.

327. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 72

328. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

329. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

330. On July 1, 2020, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2019 it released or transferred off-site 3,813 lbs.

331. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2019 it actually released or transferred off-site 10,119 lbs.

332. Respondent's 2020 and 2021 Form R reports for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

333. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 73

334. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

335. In 2019, Respondent manufactured, processed, and/or otherwise used at its Greenville, Ohio Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

336. On July 1, 2020, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2019 it released or transferred off-site 7,853 lbs.

337. However, on September 1, 2021, Respondent filed a revised Form R report for n-Hexane with the Administrator which stated that in 2019 it actually released or transferred off-site 6,015 lbs.

338. Respondent's 2020 Form R report for n-Hexane contained significant release estimation errors and failed to provide a reasonable estimate of n-Hexane releases of off-site transfers.

339. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2016 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Logansport, Indiana Facility During Calendar Year 2015

Count 74

340. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

341. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

342. Respondent failed to file a Form R report for the acetaldehyde with the Administrator of EPA and the State of Indiana for 2015 by the July 1, 2016, deadline.

343. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 75

344. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

345. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical benzene in excess of the applicable threshold quantity.

346. Respondent failed to file a Form R report for the benzene with the Administrator of EPA and the State of Indiana for 2015 by the July 1, 2016, deadline.

347. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 76

348. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

349. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

350. Respondent failed to file a Form R report for the ethylbenzene with the Administrator of EPA and the State of Indiana for 2015 by the July 1, 2016, deadline.

351. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 77

352. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

353. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

354. Respondent failed to file a Form R report for the n-Hexane with the Administrator of EPA and the State of Indiana for 2015 by the July 1, 2016, deadline.

355. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 78

356. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

357. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical toluene in excess of the applicable threshold quantity.

358. Respondent failed to file a Form R report for the toluene with the Administrator of EPA and the State of Indiana for 2015 by the July 1, 2016, deadline.

359. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 79

360. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

361. In 2015, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

362. On June 22, 2016, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2015 it released or transferred off-site 10 lbs.

363. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2015 it actually released or transferred off-site 10,874 lbs.

364. Respondent's 2021 Form R report for ammonia contained significant estimation release errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

365. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2017 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Logansport, Indiana Facility During Calendar Year 2016

Count 80

366. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

367. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

368. Respondent failed to file a Form R report for the acetaldehyde with the Administrator of EPA and the State of Indiana for 2016 by the July 3, 2017, deadline.

369. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 81

370. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

371. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical benzene in excess of the applicable threshold quantity.

372. Respondent failed to file a Form R report for the benzene with the Administrator of EPA and the State of Indiana for 2016 by the July 3, 2017, deadline.

373. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 82

374. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

375. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

376. Respondent failed to file a Form R report for the ethylbenzene with the Administrator of EPA and the State of Indiana for 2016 by the July 3, 2017, deadline.

377. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 83

378. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

379. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

380. Respondent failed to file a Form R report for the n-Hexane with the Administrator of EPA and the State of Indiana for 2016 by the July 3, 2017, deadline.

381. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 84

382. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

383. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical toluene in excess of the applicable threshold quantity.

384. Respondent failed to file a Form R report for the toluene with the Administrator of EPA and the State of Indiana for 2016 by the July 3, 2017, deadline.

385. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 85

386. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

387. In 2016, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

388. On June 21, 2017, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2016 it released or transferred off-site 1,044 lbs.

389. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2016 it actually released or transferred off-site 11,143 lbs.

390. Respondent's 2017 and 2021 Form R report for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

391. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2018 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Logansport, Indiana Facility During Calendar Year 2017

Count 86

392. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

393. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

394. Respondent failed to file a Form R report for the acetaldehyde with the Administrator of EPA and the State of Indiana for 2017 by the July 2, 2018, deadline.

395. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 87

396. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

397. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical benzene in excess of the applicable threshold quantity.

398. Respondent failed to file a Form R report for the benzene with the Administrator of EPA and the State of Indiana for 2017 by the July 2, 2018, deadline.

399. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 88

400. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

401. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ethylbenzene in excess of the applicable threshold quantity.

402. Respondent failed to file a Form R report for the ethylbenzene with the Administrator of EPA and the State of Indiana for 2017 by the July 2, 2018, deadline.

403. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 89

404. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

405. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

406. Respondent failed to file a Form R report for the n-Hexane with the Administrator of EPA and the State of Indiana for 2017 by the July 2, 2018, deadline.

407. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 90

408. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

409. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical toluene in excess of the applicable threshold quantity.

410. Respondent failed to file a Form R report for the toluene with the Administrator of EPA and the State of Indiana for 2017 by the July 1, 2018, deadline.

411. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 91

412. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

413. In 2017, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

414. On June 5, 2018, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2017 it released or transferred off-site 1,035 lbs.

415. On, September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2017 it actually released or transferred off-site 11,162 lbs.

416. Respondent's 2017 Form R report for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

417. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

2019 Toxic Chemical Reporting Failures for TRI Chemicals Processed at Logansport, Indiana Facility During Calendar Year 2018

Count 92

418. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

419. In 2018, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

420. Respondent failed to file a Form R report for the acetaldehyde with the Administrator of EPA and the State of Indiana for 2018 by the July 1, 2019, deadline.

421. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 93

422. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

423. In 2018, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical formic acid in excess of the applicable threshold quantity.

424. Respondent failed to file a Form R report for the formic acid with the Administrator of EPA and the State of Indiana for 2018 by the July 1, 2019, deadline.

425. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 94

426. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

427. In 2018, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

428. On June 28, 2019, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2018 it released or transferred off-site 1,030 lbs.

429. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2018 it actually released or transferred off-site 11,149 lbs.

430. Respondent's 2019 and 2021 Form R reports for ammonia contained significant release estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

431. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 95

432. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

433. In 2018, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

434. On June 28, 2019, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2018 it released or transferred off-site 500 lbs.

435. On September 1, 2021, Respondent filed a revised Form R report for n-Hexane with the Administrator which stated that in 2018 it actually released or transferred off-site 6,485 lbs.

436. Respondent's 2019 Form R report for contained significant release estimation errors and failed to provide a reasonable estimate of n-Hexane releases or off-site transfers.

437. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

**2020 Toxic Chemical Reporting Failures
for TRI Chemicals Processed at Logansport, Indiana Facility
During Calendar Year 2019**

Count 96

438. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

439. In 2019, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical acetaldehyde in excess of the applicable threshold quantity.

440. Respondent failed to file a Form R report for the acetaldehyde with the Administrator of EPA and the State of Indiana for 2019 by the July 1, 2020, deadline.

441. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 97

442. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

443. In 2019, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical formic acid in excess of the applicable threshold quantity.

444. Respondent failed to file a Form R report for the formic acid with the Administrator of EPA and the State of Indiana for 2019 by the July 1, 2020, deadline.

445. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 98

446. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

447. In 2019, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical ammonia in excess of the applicable threshold quantity.

448. On July 1, 2020, Respondent filed a Form R report for ammonia with the Administrator which stated that in 2019 it released or transferred off-site 9,848 lbs.

449. On September 1, 2021, Respondent filed a revised Form R report for ammonia with the Administrator which stated that in 2019 it actually released or transferred off-site 10,653 lbs.

450. Respondent's 2020 and 2021 Form R reports for ammonia contained significant releases estimation errors and failed to provide a reasonable estimate of ammonia releases or off-site transfers.

451. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

Count 99

452. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

453. In 2019, Respondent manufactured, processed, and/or otherwise used at its Logansport, Indiana Facility the toxic chemical n-Hexane in excess of the applicable threshold quantity.

454. On July 1, 2020, Respondent filed a Form R report for n-Hexane with the Administrator which stated that in 2019 it released or transferred off-site 5,797 lbs.

455. On September 1, 2021, Respondent filed a revised Form R report for n-hexane with the Administrator which stated that in 2019 it actually released or transferred off-site 6,202 lbs.

456. Respondent's 2020 Form R report for n-Hexane contained significant release estimation errors and failed to provide a reasonable estimate of n-Hexane releases or off-site transfers.

457. Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30.

VII. CIVIL PENALTY

458. Respondent agrees that, in settlement of the claims alleged in this Agreement, Respondent shall pay a civil penalty of \$1,522,015 within thirty (30) days of the effective date of this Final Order. Payment shall be made by cashiers or certified check or on-line. Payment must identify the docket number for this matter, be made payable to the “United States Treasury,” and shall be remitted to:

U.S. Environmental Protection Agency, Region 5
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.
Wire transfers should be directed to the Federal Reserve Bank of New York:
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010728
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
“D 68010728 Environmental Protection Agency”

On-line payments shall be made at:
www.pay.gov
Enter “SFO 1.1” in the search field
Open form and complete fields

459. Respondent must send a notice of payment that states Respondent’s name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5 (C-19J)
77 West Jackson Boulevard
Chicago, IL 60604-3590
R5_Hearing_Clerk_Filings@epa.gov, and,

Jeffery M. Trevino
Attorney-Advisor, ORC (C-14J)
U.S. EPA, Region 5
trevino.jeffery@epa.gov

Carol Staniec
Enforcement Officer, PTCS (ECP-17J)
U.S. EPA, Region 5
staniec.carol@epa.gov
r5lecab@epa.gov

460. Late Payment Provisions. Pursuant to 31 U.S.C. § 3717, 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. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of the debt collection, including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent 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. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

461. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection. If payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of the Treasury, pursuant to 31 USC § 3717. The interest will be assessed on the overdue amount from the due date through the date of payment.

VII. OTHER TERMS AND CONDITIONS

462. Respondent certifies by signing this Agreement that, to the best of its knowledge, each of its Facilities is in compliance with all requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and all regulations promulgated thereunder.

463. Respondent's timely payment of the civil penalty in full shall resolve all civil and administrative claims for all violations of EPCRA alleged in this Agreement. Complainant reserves the right to take any enforcement action with respect to any other violations of EPCRA or any other applicable law and/or regulation administered by the EPA.

464. The effect of this Agreement is conditioned upon the accuracy of Respondent's representations to EPA.

465. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Agreement resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

466. Nothing in this Agreement shall be construed as a release from any other action under law and/or regulation administered by EPA. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with

any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

467. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

468. This Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

469. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to legally bind Respondent to it.

470. This Agreement 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 Agreement.

471. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

472. Penalties paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.


473. The effective date of the Final Order shall be the date on which it is filed by the Regional Hearing Clerk.

474. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: treveno.jeffery@epa.gov for Complainant; and, donald.snemis@icemiller.com and terri.czajka@icemiller.com for Respondent. Respondent understands that the CAFO will become publicly available upon filing.

Consent Agreement and Final Order
In the Matter of: The Andersons Marathon Holdings LLC
Docket No.: EPCRA-05-2022-0013

The Andersons Marathon Holdings LLC, Respondent

By: Its Manager, The Andersons, Inc.



William E. Krueger
President, Andersons Trade and Processing



Date

Consent Agreement and Final Order
In the Matter of: The Andersons Marathon Holdings LLC
Docket No.: EPCRA-05-2022-0013

U. S. Environmental Protection Agency, Region 5, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2022.08.15
18:00:09 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Consent Agreement and Final Order
In the Matter of: The Andersons Marathon Holdings LLC
Docket No.: EPCRA-05-2022-0013

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2022.08.16
10:44:03 -05'00'

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: The Andersons Marathon Holdings LLC
Docket No.: EPCRA-05-2022-0013

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on August 16, 2022, this day in the following manner to the addressees:

Copy by email to Respondent's Representative:
(Delivery Receipt Requested) Terri Czajka and Donald Snemis
Ice Miller LLP
Suite 2900
One American Square
Indianapolis, IN 46202-0200
terri.czajka@icemiller.com
donald.snemis@icemiller.com

Copy by email to Attorney for Complainant: Jeffery M. Trevino
trevino.jeffery@epa.gov

Copy by email to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Juliane Grange
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 5