

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**In the Matter of:**

**Covestro LLC  
1 Covestro Circle  
Pittsburgh, Pennsylvania 15205,**

**Respondent.**

**Covestro LLC  
17595 Energy Road  
Proctor, West Virginia 26055,**

**Facility.**

**EPA Docket No. CAA-03-2020-0112**

**CONSENT AGREEMENT**

**Proceeding under Sections 112(r) and  
113 of the Clean Air Act, 42 U.S.C.  
§§ 7412(r) and 7413**

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Covestro LLC (“Respondent”) (collectively the “Parties”), pursuant to Section 113(d) of the Clean Air Act, as amended (the “CAA”), 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 113 of the CAA vests the President of the United States with the authority to assess penalties and undertake other actions required by this Consent Agreement, which authority has been delegated to the Administrator of the U.S. Environmental Protection Agency (“EPA”). The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

**GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.
13. Respondent is a limited liability company organized in the State of Delaware and doing business in the State of West Virginia.

In Re: Covestro LLC  
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14. Respondent is the owner of a polymer manufacturing plant located at 17595 Energy Road, in Proctor, West Virginia (the “Facility”).
15. As a limited liability company, Respondent is a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and is subject to the assessment of civil penalties for the violations alleged herein.
16. Respondent is, and at times referred to herein was, the owner and operator of a “stationary source,” as the term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.
17. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).
18. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of regulated substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment, the threshold quantities, and defines the stationary sources that will be subject to the accident prevention regulations mandated by Section 112(r)(7), 42 U.S.C. § 7412(r)(7). The list of regulated substances and threshold levels are codified at 40 C.F.R. § 68.130.
19. On June 20, 1996, EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68 (referred to as the “RMP Regulations”), which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the CAA. The RMP Regulations require owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and an emergency response program. The risk management program must be described in a risk management plan that must be submitted to EPA. The risk management plan must include a hazard assessment to assess the potential effects of an accidental release of any regulated substance, a program for preventing accidental releases of hazardous substances, and a response program providing for specific actions to be taken in response to an accidental release of a regulated substance, so as to protect human health and the environment.
20. Pursuant to Section 112(r)(7)(B)(iii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(iii), and its regulations at 40 C.F.R. §§ 68.10(a) and 68.150(a), the owner or operator of a stationary source at which a regulated substance is present in more than a threshold quantity must submit a risk management plan to EPA no later than the latter of June 21, 1999, three years after the date on which a regulated substance is first listed under 40 C.F.R. § 68.130, or the date on which a regulated substance is first present above the threshold quantity in a process.

21. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”
22. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), listed in 40 C.F.R. § 68.130, Table 1, and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.
23. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), in 40 C.F.R. § 68.130.
24. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
25. On March 13, 2019, EPA conducted an inspection of the Facility to determine whether Respondent was in compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the RMP Regulations (the “Inspection”).

**Count I**  
**Failure to Comply with RMP Process Safety Requirements**

26. The allegations of Paragraphs 1 through 25 of this Consent Agreement are incorporated herein by reference.
27. Based on the observations of EPA inspectors during the Inspection, EPA has determined that Respondent has handled and handles a maximum of approximately 70,000 pounds of ethylenediamine, 210,000 pounds of ethylene oxide, 400,000 pounds of propylene oxide, and 6,900,000 pounds of toluene diisocyanate at the Facility.
28. Each of the substances, ethylenediamine, ethylene oxide, propylene oxide and toluene diisocyanate, is a regulated toxic substance for purposes of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), because each is listed pursuant to Section 112(r)(3) of the CAA, at 40 C.F.R. § 68.130.

29. The threshold quantity for each of the four regulated toxic substances is 10,000 pounds for ethylene oxide, propylene oxide and toluene diisocyanate and 20,000 pounds for ethylenediamine pursuant to 40 C.F.R. § 68.130, Table 1.
30. More than a threshold quantity of a regulated substance is present in a process at the Facility.
31. Respondent is subject to the requirements of Section 112(r)(7) of the CAA, 40 C.F.R. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. Part 68, at the Facility because Respondent is an owner or operator of a stationary source with more than a threshold quantity of a regulated substance present in a process at the Facility.
32. EPA's Inspection revealed the following instances in which Respondent has not complied with Section 112(r)(7) of the CAA, and the RMP Regulations.
33. The RMP Regulations require the owner or operator of a stationary source to compile written process safety information relevant to the equipment in the process, including process safety information pertaining to design codes and standards, 40 C.F.R. § 68.65(a) and 68.65(d)(1)(vi). The purpose of compiling written process safety information is to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by those processes involving regulated substances. This process safety information must include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. 40 C.F.R. § 68.65(b)-(d).
34. The RMP Regulations require the owner or operator to document that its equipment complies with recognized and generally accepted good engineering practices, 40 C.F.R. § 68.65(d)(2). The term "recognized and generally accepted good engineering practices" includes, among others, the following industry standard: American Society of Mechanical Engineers A13.1-2015, Scheme for the Identification of Piping Systems ("ASME A13.1-2015").
35. The purpose of ASME A13.1-2015 is to establish a system to assist in the identification of hazardous material conveyed in piping systems and their hazards when released in the environment. ASME A13.1-2015 provides that pipes containing hazardous materials must have legends, stating, in relevant part:

This Standard considers a legend to be primary and explicit for identification of contents. Positive identification of the contents of a piping system shall be by lettered legend, giving the name of the contents in full or abbreviated form (see Table 1). Arrows shall be used to indicate direction of flow. Where flow can be in both directions, arrows in both directions shall be displayed. Contents

shall be identified by a legend with sufficient additional details such as temperature, pressure, etc., as are necessary to identify the hazard.

... Legends shall be applied close to valves or flanges and adjacent to changes in direction, branches, and where pipes pass through walls or floors; and at intervals on straight pipe runs sufficient for identification. Identification may be accomplished by stenciling, the use of tape, or markers. In any situation, the number and location of identification markers shall be based on the particular piping system.

The applicable [Globally Harmonized System of Classification and Labelling of Chemicals (GHS), published by the United Nations] pictogram as illustrated in Fig. 1 may be included as part of the legend. ...

ASME A13.1-2015, § 3.1.

36. During the Inspection, EPA inspectors observed that the piping leading from the railcar unloading area to the storage tanks, and from the storage tanks to the process reactors, containing ethylenediamine, ethylene oxide, propylene oxide or toluene diisocyanate, was not properly marked and identified. No legends were present to identify the chemical present in the piping, its temperature and pressure, and no arrows were present to identify the direction of flow.
37. Respondent's failure to document that equipment in the process complies with recognized and generally accepted good engineering practices is a violation of Respondent's obligation to comply with 40 C.F.R. § 68.65(d)(2).
38. In failing to comply with Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and the RMP Regulations, 40 C.F.R. § 68.65(d)(2), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).
39. On December 10, 2019, EPA issued an Administrative Settlement Agreement and Order on Consent, EPA Docket No. CAA-03-2020-0022DA ("Order") to Respondent requiring Respondent to address violations of Section 112(r)(7) of the CAA, 42 U.S.C. § 7612(r)(7), regarding its ethylenediamine, ethylene oxide, propylene oxide or toluene diisocyanate, at the Facility. Respondent completed the work under the Order on or before May 1, 2020. EPA issued a Notice of Termination for the Order on June 4, 2020.
40. The duration of the violation is from March 13, 2019, the date of the Inspection to May 1, 2020, the date Respondent completed work under the Order.

**CIVIL PENALTY**

41. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FORTY-EIGHT THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$48,475)** for alleged violations of Section 112(r) of the CAA, 42 U.S.C. § 7412(r) ("civil penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
42. The civil penalty stated herein is based upon Complainant's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including the following: the size of the business, the economic impact of the penalty on the business, the violator's compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012), which reflects the statutory criteria, the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
43. Payment of the civil penalty amount, and any associated interest, administrative fees, late payment penalties, and stipulated penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
  - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2020-0112;
  - b. All checks in payment of the civil penalty shall be made payable to the "United States Treasury";
  - c. All payments made by check in payment of the civil penalty and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - d. For additional information concerning other acceptable methods of payment of the civil penalty amounts see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's checks or other documentation of payment of the penalties using the method selected by Respondent for payment shall be sent simultaneously to:

Cynthia T. Weiss  
Senior Assistant Regional Counsel  
U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[weiss.cynthia@epa.gov](mailto:weiss.cynthia@epa.gov)

Regional Hearing Clerk  
U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[R3\\_hearing\\_clerk@epa.gov](mailto:R3_hearing_clerk@epa.gov)

44. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
45. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
46. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
47. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives – Case Management, Chapter 9, EPA will assess a \$15.00



administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

48. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
49. Failure by the Respondent to pay the civil penalty assessed by the Final Order in accordance with the terms of this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
50. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

#### **GENERAL SETTLEMENT CONDITIONS**

51. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
52. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **CERTIFICATION OF COMPLIANCE**

53. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it is currently in compliance with the Administrative Settlement

Agreement and Order on Consent, Docket No. CAA-03-2020-0022DA, which addresses the CAA violations alleged herein.

#### **OTHER APPLICABLE LAWS**

54. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA or any regulations promulgated thereunder.

#### **RESERVATION OF RIGHTS**

55. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

#### **EXECUTION /PARTIES BOUND**

56. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that they are fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

#### **EFFECTIVE DATE**

57. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

In Re: Covestro LLC  
EPA Docket No. CAA-03-2020-0112

**ENTIRE AGREEMENT**

58. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In Re: Covestro LLC  
EPA Docket No. CAA-03-2020-0112

For Respondent: Covestro LLC

Date: July 1, 2020

By: Craig A. Graybill  
Craig Graybill  
Plant Manager

In Re: Covestro LLC  
EPA Docket No. CAA-03-2020-0112

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 7/8/20

By: **KAREN MELVIN** Digitally signed by KAREN MELVIN  
Date: 2020.07.08  
14:53:39 -04'00'  
\_\_\_\_\_  
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: 7/1/20

By: **CYNTHIA WEISS** Digitally signed by CYNTHIA WEISS  
Date: 2020.07.01  
15:16:32 -04'00'  
\_\_\_\_\_  
Cynthia T. Weiss  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

**Covestro LLC  
1 Covestro Circle  
Pittsburgh, Pennsylvania 15205,**

**Respondent.**

**Covestro LLC  
17595 Energy Road  
Proctor, West Virginia 26055,**

**Facility.**

**EPA Docket No. CAA-03-2020-0112**

**FINAL ORDER**

**Proceeding under Sections 112(r) and  
113 of the Clean Air Act, 42 U.S.C.  
§§ 7412(r) and 7413**

**FINAL ORDER**

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Covestro LLC, have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012), and the statutory factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d) and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FORTY-EIGHT THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$48,475)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final

In Re: Covestro LLC  
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Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

7/9/20  
Date

**JOSEPH  
LISA**

Digitally signed by  
JOSEPH LISA  
Date: 2020.07.09  
07:28:13 -04'00'

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Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

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113 of the Clean Air Act, 42 U.S.C. §§  
7412(r) and 7413

**CERTIFICATE OF SERVICE**

I certify that on 7/9/20, the original and one (1) copy of foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Electronic Mail, to:

David Wagner, Esquire  
Senior Counsel, Environmental & Regulatory Affairs  
Law, Intellectual Property & Compliance Department  
Covestro LLC  
1 Covestro Circle  
Bldg 4, Office 212  
Pittsburgh, PA 15205  
[dave.wagner@covestro.com](mailto:dave.wagner@covestro.com)

Copy served via Electronic Mail to:

Cynthia T. Weiss  
Sr.Assistant Regional Counsel



Office of Regional Counsel (3RC20)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[weiss.cynthia@epa.gov](mailto:weiss.cynthia@epa.gov)  
(Attorney for Complainant)

Dated: 7/9/20

**BEVIN ESPOSITO**

Digitally signed by BEVIN  
ESPOSITO  
Date: 2020.07.09 09:10:10 -04'00'

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Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III