



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

OCT 27 2016

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Joseph M. Pietrantonio  
Vice President, EHS&Q and Corporate Chief Engineer  
Air Products and Chemicals, Inc.  
7201 Hamilton Boulevard  
Allentown, Pennsylvania 18195-1501

Re: Consent Agreement and Final Order  
In the Matter of Air Products and Chemicals, Inc.  
Docket No. CAA-04-2016-1501

Dear Mr. Pietrantonio:

Enclosed please find a copy of the Consent Agreement and Final Order (CAFO) in the above-referenced matter, as fully executed and filed.

Under Paragraph 34 of the CAFO, Air Products and Chemicals, Inc. (Air Products) has agreed to pay a civil penalty of \$67,000.00, within 30 calendar days of the effective date of the CAFO. The effective date of the CAFO is the date of this letter.

Please refer to Paragraph 34 of the CAFO for instructions on how to make payment and proof of payment. Any questions regarding the processing of Air Products' penalty payment may be directed to Ms. Lori Weidner in the EPA's Financial Management Office, at (513) 487-2125.

If you have any other questions, please contact Kevin Taylor of the South Air Enforcement and Toxics Section, at (404) 562-9134 or Valerie Nowell, Senior Attorney, at (404) 562-9555.

Sincerely,

A handwritten signature in cursive script that reads "Beverly A. Spagg".

Beverly A. Spagg, Chief  
Air Enforcement and Toxics Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 4

In the Matter of:

Air Products and Chemicals, Inc.

Respondent.

Docket No. CAA-04-2016-150

HEARING CLERK

2016 OCT 27 PM 3:15

USEPA REGION 4  
OFFICE OF REGIONAL  
COUNSEL

**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region 4 (the EPA). On the EPA's behalf, the Director of the Air, Pesticides & Toxics Management Division is delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act.
3. Respondent is Air Products and Chemicals, Inc. (Air Products), a corporation doing business in the Commonwealth of Kentucky. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e). This proceeding pertains to Air Products' facility located at 412 North Main Street, Calvert City, Kentucky 42029 (Facility).
4. Complainant and Respondent (the Parties), having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement and the attached Final Order (collectively, the CAFO) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

## **B. JURISDICTION**

5. This Consent Agreement is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22.
6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.
7. The notice requirements of section 113(a) of the CAA, 42 U.S.C. § 7413(a), do not apply to the alleged violations in this Consent Agreement.
8. 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(b) and 22.18(b).
9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

## **C. GOVERNING LAW**

10. The CAA is designed to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1).
11. In Section 112(b) of the CAA, Congress established a list of hazardous air pollutants (HAPs). 42 U.S.C. § 7412(b)(1).
12. Congress directed the EPA to publish a list of categories and subcategories of major sources and area sources of HAPs. 42 U.S.C. § 7412(c).
13. A "major source" of HAPs is a stationary source that emits or has the potential to emit more than 10 tons per year of any single HAP or more than 25 tons per year of any combination of

- HAPs. An "area source" of HAPs is a stationary source of HAPs that is not a major source.  
42 U.S.C. § 7412(a); 40 C.F.R. § 63.2.
14. A "stationary source" is any building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7412(a)(3); 40 C.F.R. § 63.2.
  15. Congress directed the EPA to establish emission standards for each category or subcategory of major sources and area sources of HAPs. 42 U.S.C. § 7412(d).
  16. These standards are known as National Emission Standards for Hazardous Air Pollutants (NESHAPs) or maximum achievable control technology (MACT) standards, and are compiled primarily at 40 C.F.R. Part 63.
  17. NESHAPs are effective upon promulgation. 42 U.S.C. § 7412(d)(10). After the effective date of a NESHAP, no person shall operate a source subject to the NESHAP in violation of such NESHAP. 42 U.S.C. § 7412(i)(3).
  18. General NESHAP provisions that apply, generally, to all source categories, are located in 40 C.F.R. Part 63, Subpart A.
  19. The NESHAP for Miscellaneous Organic Chemical Manufacturing was initially promulgated at 68 Fed. Reg. (Nov. 10, 2003). It has been amended a number of times, and is codified, as amended, at 40 C.F.R. Subpart FFFF, §§ 63.2430-63.2550 and Tables 1 through 12 (the MON or Subpart FFFF).
  20. Among other things, the MON requires management and treatment of certain types of wastewater streams and residuals removed from such streams to be consistent with the requirements contained in another NESHAP known as the HON - the National Emission Standard for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and

Wastewater, 40 C.F.R. Part 63, Subpart G, 40 C.F.R. §§ 63.110 through 63.153 and Tables 1 through 34 (the HON or Subpart G).

21. Owners and operators of miscellaneous organic chemical manufacturing units located at major sources of HAPs are subject to the MON. 40 C.F.R. § 63.2435(a).
22. Section 112(l) of the CAA allows states to develop and submit to EPA for approval, programs to implement and enforce NESHAPs, but EPA continues to have authority to enforce such standards. 42 U.S.C. §§ 7412(l)(1), 7412(l)(7) and 7413.
23. The EPA has delegated to the Kentucky Department for Environmental Protection, the authority to implement and enforce unchanged, the MON and HON requirements as well as the General NESHAP provisions in Subpart A (among others). 40 C.F.R. § 63.99(a)(18)(i). The MON and HON requirements, as well as the General NESHAP provisions in Subpart A (among others) have been adopted by Kentucky's Department for Environmental Protection. 401 K.A.R. 63:002. As stated above, EPA continues to have authority to enforce such standards. 42 U.S.C. §§ 7412(l)(1), 7412(l)(7) and 7413.

#### **D. STIPULATED FACTS**

24. The Air Products Facility is located at 412 North Main Street, Calvert City, Kentucky, and is a stationary source and a major source of HAPs.
25. Air Products owns or operates one or more organic chemical manufacturing process units at its Facility and is subject to the MON.
26. The EPA performed inspections of the Facility on April 17, 2013, and November 5 through 11, 2013.
27. The EPA provided Respondent with a letter dated March 11, 2015, listing areas of potential noncompliance, and provided Respondent with an opportunity to confer with the EPA. On April 14, 2015, a meeting took place between representatives of Respondent, Kentucky's

Department of Environmental Protection, Division of Air Quality (KDAQ), and the EPA, during which the areas of potential noncompliance listed in the March 11, 2015 letter were discussed. Several follow up conference calls were also held. On October 26, 2016, the EPA sought approval from Respondent to change this Paragraph 27 to include the word “letter” after “March 11, 2015” in the preceding sentence. Respondent approved such change on October 27, 2016.

28. Prior to the issuance of this CAFO, Respondent submitted a complete application to the KDAQ, requesting a revision of the Facility’s title V operating permit, no. V-12-029 R1, (Permit), to add the monitoring set forth in Paragraph 28(a), (b) and (c) to assure compliance with the MON. Respondent represents that Respondent will take all necessary and appropriate steps to obtain KDAQ’s approval of such application, including timely submission of additional information that may be needed by KDAQ. Respondent’s application requested a revision to its Permit to add the following monitoring:
- (a) Quarterly monitoring of the neutralization pit (Process Unit WW(06) in the Permit) cover using Method 21; if emissions above 500 parts per million (ppm) are detected, repair efforts must be initiated within 5 days, and completed within 45 days;
  - (b) Quarterly visual inspection of the seal on the neutralization pit conservation vent, along with an annual inspection that includes breakdown and routine maintenance of conservation vent; if an inspection reveals the need for any repairs, then repair efforts must be initiated within 5 days, and completed within 45 days; and
  - (c) Installation of an inspection port in the PVC piping coming from the conservation vent to the wastewater pond, and quarterly Method 21 monitoring in the inspection port; if emissions above 500 ppm are detected, Air Products may elect to either: (i) within 5 days, undertake Method 21 monitoring for confirmation of emissions above 500 ppm

(confirmation monitoring) or (ii) initiate repair efforts within 5 days, and complete repairs within 45 days. If confirmation monitoring does not detect emissions above 500 ppm, no repair efforts are required. If confirmation monitoring detects emissions above 500 ppm, then repair efforts must be initiated within 5 days, and completed within 45 days.

These monitoring requirements are intended to remain in effect at the Facility even after any transfer of ownership of the Facility to a new owner.

#### **E. ALLEGED VIOLATIONS OF LAW**

29. Under 40 C.F.R. § 63.133(a)(1), Air Products is required to either operate and maintain a fixed roof on the neutralization pit (Process Unit WW(06) in the Permit) at its Facility or meet the more numerous requirements in § 63.133 (a)(2). Air Products elected to operate and maintain a fixed roof on the neutralization pit. A fixed roof is defined as a “cover” that is mounted in a manner that does not move with fluctuations in the liquid level. 40 C.F.R. § 63.111. A cover is defined to mean a device or system placed on or over a waste management unit containing wastewater or residuals so that the entire surface area is enclosed to minimize emissions. “A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed when not in use. Examples of covers include a fixed roof installed on a wastewater tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit.” 40 C.F.R. § 63.111.
- (a) During an April 17, 2013 inspection of the Facility, EPA’s inspectors observed the cover on the neutralization pit at the Facility contained cracks, gaps and a vent through which HAPs were lost to the atmosphere.

(b) Air Products therefore failed to operate and maintain a fixed roof on the neutralization pit at its Facility, in violation of 40 C.F.R. § 63.133(a)(1).

30. Air Products is required to inspect the neutralization pit (Process Unit WW(06) in the Permit), for control equipment failures, semiannually. 40 C.F.R. §§ 63.148(b)(3) and 63.133(g). A control equipment failure includes “a gasket, joint, lid, cover or door [that] has a crack, gap, or is broken.” 40 C.F.R. § 63.133(g)(1)(ix). Air Products is required to repair control equipment failures under 40 C.F.R. § 63.133(h). Air Products is also required to document its inspections and repairs under 40 C.F.R. §§ 63.147 and 63.133(h). In addition, Air Products is required to prepare and submit a compliance report semiannually that contains, among other things, information on deviations such as control equipment failures. 40 C.F.R. §§ 63.2520(a), 63.2520(e), 63.2550(i) and Table 11.

(a) As stated above, the cover on the neutralization pit was observed by the EPA inspectors to contain cracks, gaps and a vent through which HAPs were lost to the atmosphere. The EPA inspectors also observed a strong chemical odor that was clearly noticeable around the neutralization pit. Air Products’ semiannual inspection reports from 2011-2014 do not identify control equipment failures associated with the cover on the neutralization pit.

(b) Air Products did not conduct proper inspections of the neutralization pit for control equipment failures and did not undertake timely repairs of the control equipment failures, in violation of 40 C.F.R. §§ 63.133(g), 63.133(h) and 63.148(b)(3).

(c) Air Products did not submit complete compliance reports containing information on deviations such as control equipment failures, in violation of 40 C.F.R. §§ 40 C.F.R. §§ 63.2520(a), 63.2520(e) and Table 11.

31. Air Products selected the compliance option of Required Mass Removal (RMR) set forth in 40 C.F.R. § 63.138(f), which says that for open biological treatment processes, compliance



shall be determined using the procedures specified in 40 C.F.R. § 63.145(f). Under 40 C.F.R. § 63.145(f), “[c]oncentration measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for concentration change made according to § 63.144(b)(6).” Section 63.144(b)(6) is labeled “*Adjustment for concentrations determined downstream of the point of determination,*” and says that when concentrations are determined downstream of the point of determination at a location where losses to the atmosphere have occurred, the owner or operator shall make adjustments to either the individual data points or to the final annual average concentration. Section 63.111 defines “*Point of determination*” to mean each point where process wastewater exits the chemical manufacturing process unit.

- (a) Air Products measured HAP concentrations to determine the RMR downstream of the point of determination, after losses to the atmosphere occurred, but Air Products did not make adjustments for such losses to the atmosphere. Air Products measured HAP loads for the RMR in the discharge from the neutralization pit and did not make adjustments for losses to the atmosphere that occurred in the neutralization pit. As stated above, the cover on the neutralization pit was observed by the EPA inspectors to contain cracks, gaps and a vent through which HAPs were lost to the atmosphere. In addition, at least one of the three Group 1 MON wastewater streams entering the neutralization pit had additional losses to the atmosphere before reaching the neutralization pit.
- (b) Air Products did not make adjustments to HAP concentrations for measurements taken downstream of the point of determination, in violation of 40 C.F.R. §§ 63.138(f) and 63.144(b)(6) and 63.145(f).

## **F. TERMS OF CONSENT AGREEMENT**

32. 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 Consent Agreement;
  - (b) neither admits nor denies the factual allegations stated above;
  - (c) consents to the assessment of a civil penalty as stated below;
  - (d) consents to the conditions specified in this Consent Agreement;
  - (e) consents to any stated Permit Action;
  - (f) waives any right to contest the alleged violations of law set forth in Section E of this Consent Agreement; and
  - (g) waives its rights to appeal the Order accompanying this Consent Agreement.
33. For the purpose of this proceeding, Respondent:
- (a) agrees that this Consent Agreement states a claim upon which relief may be granted against Respondent;
  - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
  - (c) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement or Final Order, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
  - (d) consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the Western District of Kentucky; and

- (e) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

34. Penalty Payment. Respondent agrees to:

- (a) Pay the civil penalty of \$ 67,000.00 (“EPA Penalty”) within 30 calendar days of the Effective Date of this CAFO.
- (b) Pay the EPA Penalty using any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identify each and every payment with “Docket No. CAA-04-2016-1501.”
- (c) Send proof of payment, within 24 hours of payment of the EPA Penalty, to:
  - 1. Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960
  - 2. Saundi Wilson  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
wilson.saundi@epa.gov
  - 3. Kevin Taylor  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
taylor.kevin@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the

EPA requirements, in the amount due, and identified with “Docket No. CAA-04-2016-1501”.

35. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
- (a) request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States’ enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
  - (b) refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
  - (c) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
  - (d) suspend or revoke Respondent’s licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.
36. Respondent agrees that the time period from the Effective Date of this CAFO until payment of the full penalty as specified in Paragraph 34 is completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims (the “Tolled Claims”) set forth in Section E of this Consent Agreement. Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other

similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

37. The provisions of this Consent Agreement shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this CAFO until the end of the Tolling Period, as set out in Paragraph 36, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Agreement unless the EPA has provided written approval of the release of said obligations or liabilities.
38. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and agrees that this Consent Agreement does not contain any confidential business information or personally identifiable information.
39. By signing this Consent Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.
40. By signing this Consent Agreement, both Parties agree that each party's obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other party's obligations.
41. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each

such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

42. Except as qualified by Paragraph 35, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

#### **G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER**

43. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
44. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.
45. This Consent 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.
46. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
47. Any violation of this Order may result in a civil judicial action for an injunction or civil penalties of up to \$44,539.00 per day per violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.
48. Nothing in this Consent 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.

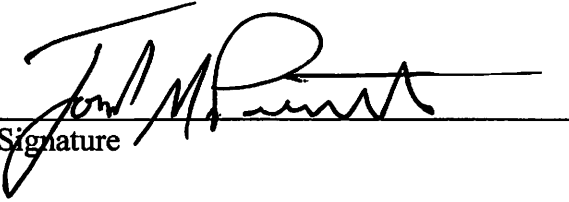
49. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
50. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

#### **H. EFFECTIVE DATE**

51. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of Air Products and Chemicals, Inc., Docket No. CAA-04-2016-1501, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

IS  \_\_\_\_\_  
Signature Date 30 SEPTEMBER 2016

Printed Name: Joseph M. Pietrantonio

Title: Vice President, EHS&Q and  
Corporate Chief Engineer

Address: Air Products and Chemicals, Inc.  
7201 Hamilton Boulevard, Allentown, PA 18195

Respondent's Federal Tax Identification Number: 23-1274455



The foregoing Consent Agreement In the Matter of Air Products and Chemicals, Inc., Docket No. CAA-04-2016-1501, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

10/14/16  
DATE

Carol G. Kember for  
Jeaneanne M. Gettle  
Acting Director  
Air, Pesticides and Toxics Management Division  
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
BEFORE THE ADMINISTRATOR

In the Matter of:

Air Products and Chemicals, Inc.,

Respondent.

Docket No. CAA-04-2016-1501

FINAL ORDER

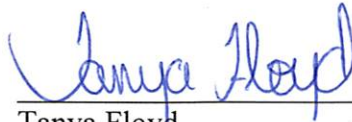
Pursuant to 40 C.F.R. § 22.18(b) of the EPA's Consolidated Rules of Practice and section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

**So ordered.**

October 27, 2016

DATE



Tanya Floyd  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, in the Matter of Air Products and Chemicals, Inc., CAA-04-2016-1501, on the parties listed below in the manner indicated:

Kevin I. Taylor  
Air, Pesticides, and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Valerie Nowell  
U.S. EPA, Region 4  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

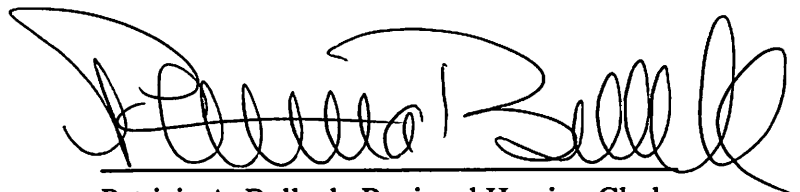
Mr. Joseph M. Pietrantonio  
Vice President, EHS&Q and  
Corporate Chief Engineer  
Air Products and Chemicals, Inc.  
7201 Hamilton Boulevard  
Allentown, Pennsylvania 18195-1501

(U.S. Postal Service  
Certified Mail Return Receipt)

Matthew W. Morrison |  
Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036-3006

(U.S. Postal Service  
Certified Mail Return Receipt)

Date: 10-27-16



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