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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 20 FEB 20 PM 2: 14
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

REGIONAL HEARING CLERK
EPA REGION VI

EXPEDITED SETTLEMENT AGREEMENT (ESA)

Docket No: CAA 06-2020-3308

This complaint is issued to: **Lyondell Chemical Co. - Channelview Operations (South Plant)**

At: **2502 Sheldon Road, Channelview, TX 77530**

For: **Violating Section 112(r)(7) of the Clean Air Act**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Enforcement and Compliance Assurance Division, and by Lyondell Chemical Co. - Channelview Operations South Plant (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the United States Department of Justice have jointly determined that EPA may pursue this type of case as an administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

From June 5-7, 2018, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act, 42 U.S.C. § 7412(r). EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act, 42 U.S.C. § 7412(r), by failing to comply with the regulations as noted below:

1) 40 C.F.R. § 68.67(t) - "At least every five (5) years after the completion of the initial process hazard analysis (PHA), the PHA shall be updated and revalidated by a team meeting the requirements in paragraph (d) of this section, to assure that the PHA is consistent with the current process. Updated and revalidated PHAs completed to comply with 29 CFR 1910.119(e) are acceptable to meet the requirements of this paragraph."

Respondent's PHA for the POSM I 100/200 Area was not revalidated at least every five years. This was 1 of 29 PHA's conducted at the facility. This is a violation of the five-year requirement in 40 C.F.R. § 68.67(t).

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), including Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described above for the total penalty amount of **\$2,500**. This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above, or has entered into an enforceable Administrative Order to correct the violations identified above, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$2,500** in payment of the full penalty amount to the following address:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Or

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fed-wire message should read "D 68010727D 68010727 Environmental Protection Agency" with a phone number of (412) 234-43 81.

The DOCKET NUMBER OF THIS ESA must be included on the certified check. (The DOCKET NUMBER is located at the top of this ESA.). This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:

Carlos Flores
Enforcement Officer
Chemical Accident Enforcement Section (ECDAC)
U.S. Environmental Protection Agency, Region 6
1201 Elm St. Suite 500
Dallas, Texas 75270-2102

Respondent's full payment of the penalty as provided in this Settlement Agreement shall resolve Respondent's liability for Federal civil penalties for the violations and facts alleged above. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 30 days of the date of the receipt of this Settlement Agreement, the Complaint and ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 C.F.R. § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to

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EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon filing with the Regional Hearing Clerk.

SIGNATURE BY RESPONDENT:

Signature: 

Date: 2/10/20

Name
(print): Julie Solmer Stine

Title (print): -Lead Counsel, HSES

-Cost of corrective

Actions: \$0 - completed by existing personnel

Respondent's Brief Description of Complying Action: The PHA revalidation for the POSM 1
100/200 Area was completed on January 26, 2015. _____

If you need additional space or would like to provide additional supporting documentation, please attach to this document.

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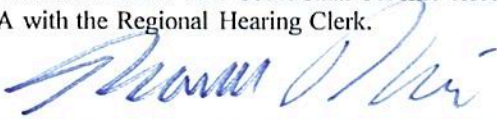
SIGNATURE BY EPA:



Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Date: 2-18-2020

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and
ESA with the Regional Hearing Clerk.



Thomas Rucki
Regional Judicial Officer

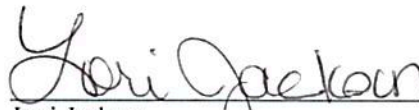
Date: 2-20-2020

*Lyondell Chemical Co.
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February, 2020, the original of the foregoing Final Order of The Clean Air Act, Section 112(r) Expedited Settlement Agreement was hand delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was placed in the United States mail, first class postage prepaid, addressed to the following:

Mr. Herbert H.W. Meyer
Process Safety Manager
Lyondell Chemical Co.
Channelview Operations (South Plant)
P.O. Box 30
Channelview, TX 77530


Lori Jackson
Office of Regional Counsel
US EPA - Region 6