



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 23 2018

REPLY TO THE ATTENTION OF:

VIA E-MAIL
RETURN RECEIPT REQUESTED

Sean Stapleton
Vice President and Chief Counsel
Leica Biosystems Richmond, Inc.
5205 US Route 12
Richmond, IL 60071

Email: sean.stapleton@leicabiosystems.com

Dear Mr. Stapleton:

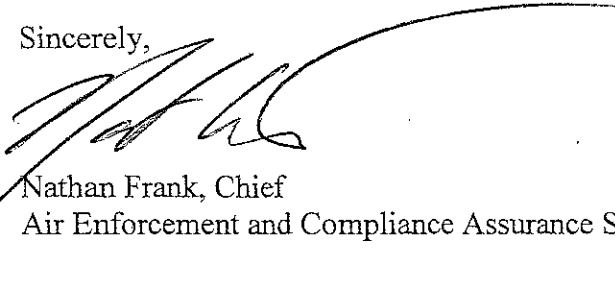
Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Leica Biosystems Richmond, Inc., docket no. CAA-05-2018-0018. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

July 23, 2018

Pursuant to paragraph 88 of the CAFO, Leica Biosystems Richmond, Inc. must pay the civil penalty within 30 days of the filing date. Your check must display the case name and case docket number.

Please direct any questions regarding this case to Jillian Rountree at rountree.jillian@epa.gov.

Sincerely,


Nathan Frank, Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Jillian Rountree/C-14J
Julie Armitage /julie.armitage@Illinois.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-05-2018-0018
)
Leica Biosystems Richmond, Inc.) Proceeding to Assess a Civil Penalty
Richmond, Illinois,) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)
_____)



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3), 40 C.F.R. §§ 22.1(a)(2), 22.13(b), 22.18(b)(2), (3), 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 Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Leica Biosystems Richmond, Inc., a corporation doing business in Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any other right to request a hearing, any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

Title V Permit Program

9. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for certain sources, including “major sources.”

10. EPA granted full approval to the Illinois Title V operating permit program (CAAPP) on December 4, 2001, set forth at 415 Illinois Compiled Statutes (ILCS) Section 5/39.5. The program became effective on November 30, 2001. 66 Fed. Reg. 62946.

11. Section 39.5 of the Illinois Environmental Protection Act applies to any source defined as a major source. 415 ILCS § 5/39.5(2)(a)(i).

12. Sections 502 and 503 of the CAA, 42 U.S.C. §§ 7661a, 7661(b) apply to all major sources, defined at Section 501 of the CAA, 42 U.S.C. § 7661(2).

13. The definition of “major source” includes any stationary source that emits or has the potential to emit 10 tons per year (tpy) or more of any single hazardous air pollutant listed in Section 112(b) of the CAA. 42 U.S.C. §§ 7661(2), 7412(a)(1); 415 ILCS § 5/39.5(2)(c)(i).

14. "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant. 42 U.S.C. §§ 7412(a)(3), 7411(a)(3); 415 ILCS § 5/39.5(1).

15. "CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to 415 ILCS § 5/39.5(1).

16. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by EPA. 40 C.F.R. § 70.2; 415 ILCS § 5/39.5(1).

17. "Hazardous air pollutant" means any air pollutant listed pursuant under 42 U.S.C. § 7412(b).

18. For the purposes of this Order, "xylene products" shall mean products that contain up to 100 % xylene, but do not include micromount products containing 20% or less xylene.

19. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

20. The regulations at 40 C.F.R. § 70.1(b) provide that all sources subject to the Part 70 regulations shall have a permit to operate that assures compliance by the source with all applicable requirements, as defined in 40 C.F.R. § 70.2.

21. Section 39.5(6)(a) of the Illinois Environmental Protection Act states that no person shall operate a CAAPP source except in compliance with a permit issued by the IEPA

under this CAAPP section of the Illinois Environmental Protection Act. 415 ILCS § 5/39.5(6)(a).

22. Section 503(c) of the CAA, 42 U.S.C. § 7661b(c) and 40 C.F.R. § 70.5(a), provide that any person required to have a permit under Title V must timely submit an application for a permit.

23. Section 39.5(6)(b) of the Illinois Environmental Protection Act states that no person shall operate a CAAPP source without a CAAPP permit unless a CAAPP permit or renewal application has been timely submitted. 415 ILCS § 5/39.5(6)(b).

24. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the EPA Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued, or approved under Title V of the CAA.

Illinois SIP

25. Each state must submit to the EPA Administrator a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410. This plan is known as the “State Implementation Plan” (SIP). Once EPA approves a state’s submission as part of the SIP, the SIP becomes federally enforceable.

26. On September 9, 1994, and October 21, 1996, EPA approved major revisions to the federally enforceable Illinois SIP, including the Chicago Area VOC Rules, at 35 Illinois Administrative Code (Ill. Admin. Code) Part 218. 59 Fed. Reg. 46562; 61 Fed. Reg. 54556.

27. Part 218 of the Illinois SIP applies to any source located in the “Chicago area,” which, as defined in Part 218 of the Illinois SIP, consists “of Cook, DuPage, Kane, Lake, McHenry and Will Counties and Aux Sable Township and Goose Lake Township in Grundy

County and Oswego Township in Kendall County.” 35 Ill. Admin. Code §§ 218.100(a), 218.103.

28. Under 35 Ill. Admin. Code §§ 218.104, 211.6130, “source” means “any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping”

29. Under 35 Ill. Admin. Code §§ 218.104, 211.6370, “stationary source” means “any building, structure, facility, or installation that emits or may emit any air pollutant.”

30. Under 35 Ill. Admin. Code §§ 201.102, 211.121, 218.104, a “person” means “any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.”

31. Under 35 Ill. Admin. Code §§ 218.104, 211.4250, “organic material” means, for the purpose of 35 Ill. Adm. Code Sections 215, 218, and 219, any chemical compound of carbon including diluents and thinners that are liquids at standard conditions and that are used as solvents, viscosity reducers, or cleaning agents, but excluding methane, acetone, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate.

32. Under 35 Ill. Admin. Code §§ 218.104, 211.6390, “stationary storage tank” means any container of liquid or gas which is designed and constructed to remain at one site.

33. Under 35 Ill. Admin. Code §§ 218.104, 211.6470(b), “submerged loading pipe” means, for purposes of 35 Ill. Adm. Code 218 and 219, any discharge pipe or nozzle which meets either of the following conditions: (1) Where the tank is filled from the top, the end of the

discharge pipe or nozzle must be totally submerged when the liquid level is 15 cm (6 in.) above the bottom of the tank; or (2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 46 cm (18 in.) above the bottom of the tank.

34. Section 218.122(b) of the Illinois SIP states that “[n]o person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 946 L (250 gal), unless such tank is equipped with a permanent submerged loading pipe or an equivalent device approved by the Agency according to the provisions of 35 Ill. Admin. Code 201, and further processed consistent with Section 218.108 of this Part, or unless such tank is a pressure tank as described in Section 218.121(a) of this Part or is fitted with a recovery system as described in Section 218.121(b)(2) of this Part.” 35 Ill. Admin. Code § 218.122(b).

35. Under 35 Ill. Admin. Code §§ 218.104, 211.1950, “emission unit” means “any part or activity at a stationary source that emits or has the potential to emit any air pollutant.”

36. Under 35 Ill. Admin. Code §§ 218.104, 211.370, “air pollutant” means “an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive . . . substance or matter which is emitted into or otherwise enters the atmosphere.” The term “air pollutant” “includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term ‘air pollutant’ is used.” 35 Ill. Admin. Code § 211.370.

37. Under 35 Ill. Admin. Code §§ 218.104, 211.7150, volatile organic material (“VOM”) “means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. . . .”

38. Under 35 Ill. Admin. Code §§ 218.104, 211.4690, “photochemically reactive material” means “any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds,” among other composition limitations, the following: a material that contains more than 8 percent by volume of aromatic compound combinations that contain eight or more carbon atoms per molecule, except ethylbenzene.

39. Section 218.301 of the Illinois SIP states that “[n]o person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission unit, except as provided in Sections 218.302, 218.303, 218.304 of this Part and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.”

40. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the EPA Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of the applicable SIP.

Factual Allegations and Alleged Violations

41. Leica Biosystems Richmond, Inc. (Leica) owns and operates a medical diagnostic and research supplies and device production facility at 5205 US Route 12, Richmond, Illinois, which is in McHenry County.

42. Leica is a corporation authorized to do business in the state of Illinois.

43. Leica is a “person” within the meaning of the Title 35 of the Illinois Administrative Code, 35 Ill. Admin. Code §§ 201.102, 211.121, 218.104, and as the term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

44. Leica is a “stationary source” as that term is defined at 42 U.S.C. §§ 7412(a)(3), 7411(a)(3), 415 ILCS § 5/39.5(1), and at 35 Ill. Admin. Code § 211.6370, because Leica is a facility that emits air pollutants.

Title V Permit Program

45. On June 23, 2011, Leica was issued a “Lifetime Operating Permit” under Part 201, subpart D of the Illinois Administrative Code.

46. Leica’s Lifetime Operating Permit is not federally enforceable and not part of Illinois’ CAAPP. 415 ILCS § 5/39.5(1).

47. Leica operates liquid dispensing fill lines that dispensed, at times relevant to this CAFO, xylene products.

48. Xylene is classified as a hazardous air pollutant under Section 112(b) of the CAA, 42 U.S.C. § 7412(b)(1).

49. Xylene is classified as a volatile organic material (“VOM”) under 35 Ill. Admin. Code §§ 218.104, 211.7150, because it is a compound of carbon that participates in atmospheric photochemical reactions.

50. In response to information requests under Section 114, 42 U.S.C. § 7414, from EPA, Leica provided data on its material usage and how it calculates its emissions of VOM, based on the amount of material used in the operation of its six mixing kettles and three dispensing fill lines and an emission factor of 0.015 tons VOM per ton of material.

51. Using the emission factor and data on material usage and fill times provided to EPA by Leica, Leica’s operation of its liquid dispensing fill lines with xylene products causes it to have the potential to emit greater than 10 tons per year (tpy) of a hazardous air pollutant.

52. Because Leica has the potential to emit greater than 10 tpy of a hazardous air pollutant during its operation of its liquid dispensing fill lines with xylene products, Leica is a “major source,” as that term is defined in the CAA and the Illinois Environmental Protection Act. 42 U.S.C. §§ 7661(2), 7412(a)(1); 415 ILCS § 5/39.5(2)(c)(i).

53. For these reasons, Leica is a “CAAPP source,” as defined in 415 ILCS § 5/39.5(1).

54. As a major source and CAAPP source, Leica has been subject to Title V of the CAA and the CAAPP in Illinois when it dispensed xylene products. 42 U.S.C. §§ 7661(2), 7661a; 415 ILCS § 5/39.5(2)(a)(i).

55. To date, Leica has not submitted a complete Title V or CAAPP permit application to Illinois EPA (IEPA).

56. To date, Leica has operated without a Title V or CAAPP permit.

57. Leica’s operation without a Title V or CAAPP permit constitutes a violation of Section 502 of the CAA, 42 U.S.C. § 7661a(a), the regulations at 40 C.F.R. §§ 70.1(b) and 70.7(b), and the requirement under the Illinois CAAPP provisions at 415 ILCS § 5/39.5(6)(b).

Illinois SIP

Section 218.301, Dispensing Activities

58. Leica is a stationary source and its Richmond, Illinois facility is contiguous and under common control that belongs to a single major industrial grouping, and thus it is a “source” under the Illinois SIP at 35 Ill. Admin. Code § 211.6130.

59. Leica operates in McHenry County, Illinois, which is part of the “Chicago Area,” as defined in the Illinois SIP at 35 Ill. Admin. Code §§ 218.100(a), 218.103.

60. As a source that operates in McHenry County, Illinois, Leica is subject to Part 218 (“Organic Material Emission Standards and Limitations for the Chicago Area”) of the Illinois SIP.

61. Leica’s dispensing fill lines are parts at a stationary source that emit and have the potential to emit any air pollutant and thus are an “emission unit” under the Illinois SIP at 35 Ill. Admin. Code § 211.1950.

62. Leica’s dispensing fill lines that dispense xylene products or d-Limonene are subject to the Illinois SIP for Use of Organic Material at 35 Ill. Admin. Code 218 Subpart G.

63. Xylene is an air pollution agent and chemical substance that is emitted to the atmosphere and is thus an air pollutant under the Illinois SIP at 35 Ill. Admin. Code § 211.370.

64. Xylene is a carbon compound that participates in atmospheric photochemical reactions so it is an organic material, as defined under 35 Ill. Admin. Code §§ 218.104, 211.4250 and a photochemically reactive material, as defined at 35 Ill. Admin. Code § 211.4690.

65. Leica dispenses d-Limonene products on its dispensing fill lines which are subject to the Illinois SIP for Use of Organic Material at 35 Ill. Admin. Code 218 Subpart G.

66. D-Limonene is a carbon compound that participates in atmospheric photochemical reactions so it is classified as an organic material, as defined under 35 Ill. Admin. Code §§ 218.104, 211.4250 and a photochemically reactive material, as defined at 35 Ill. Admin. Code § 211.4690.

67. Based on the emission factor and data on material usage and fill times provided to EPA by Leica, during its operations from at least January 2012 to November 2016, Leica discharged into the atmosphere more than 8 pounds per hour of organic and photochemically

reactive material, as defined in the Illinois SIP at 35 Ill. Admin. Code §§ 218.104, 211.4250 and § 211.4690, from its dispensing fill lines during dispensing of xylene products.

68. Based on the emission factor and data on material usage and fill times provided to EPA by Leica, during its operations from at least January 2016 to February 2017, Leica discharged into the atmosphere more than 8 pounds per hour of organic and photochemically reactive material, as defined in the Illinois SIP at 35 Ill. Admin. Code §§ 218.104, 211.4250 and § 211.4690, from its dispensing fill lines during dispensing of products containing d-Limonene.

69. By discharging more than 8 pounds per hour of organic materials that are also photochemically reactive materials into the atmosphere during dispensing operations, Leica violated Section 218.301 of the Illinois SIP, 35 Ill. Admin. Code §§ 218.301, which is a violation of the CAA.

Section 218.122, Loading and Blending Activities

70. Leica operates five blending tanks that process organic material as defined in the Illinois SIP at 35 Ill. Admin. Code §§ 218.104, 211.4250.

71. Leica's blending tanks are stationary, as defined in the Illinois SIP at 35 Ill. Admin. Code § 211.6390, and larger than 250-gallon capacity, as provided at 35 Ill. Admin. Code § 218.122.

72. Leica's blending tanks are subject to the Illinois SIP for Organic Emissions from Storage and Loading Operations at 35 Ill. Admin. Code 218 Subpart B.

73. From at least June 2011 to approximately April 2017, Leica operated its stationary tanks without submerged loading pipes, as defined in the Illinois SIP at 35 Ill. Admin.

Code §§ 218.104, 211.6470, during its blending and loading operations involving organic material.

74. From at least June 2011 to approximately April 2017, Leica did not employ an oxidizer, vapor recovery system, or other air pollution recovery system that reduces by 85 percent or more the uncontrolled organic material that would otherwise be emitted to the atmosphere or that otherwise meets the requirements for an exception to the submerged loading pipe provision of the Illinois SIP, set forth at 35 Ill. Admin. Code § 218.122.

75. By loading organic materials into its blending tanks without a submerged loading pipe or device meeting an exception, Leica violated Section 218.122 of the Illinois SIP, 35 Ill. Admin. Code §§ 218.122, which is a violation of the CAA.

Procedural History

76. On March 10, 2016, EPA issued an information request to Leica pursuant to Section 114 of the CAA (114 Request), 42 U.S.C. § 7414.

77. On April 21, 2016, EPA inspected the Facility (2016 inspection).

78. Leica provided responses to EPA's information request on May 16, 2016; July 11, 2016; and July 29, 2016.

79. On September 28, 2016, EPA issued to Leica a Notice of Violation/Finding of Violation (NOV/FOV) alleging that it violated Sections 502 and 503 of the Clean Air Act and Illinois SIP provisions.

80. On November 30, 2017, representatives of Leica and EPA discussed the September 28, 2016 NOV/FOV, which provided Leica an opportunity to confer with EPA under 42 U.S.C. § 7413(a)(4).

81. On April 11, 2017, EPA informed Leica by email that its dispensing of d-Limonene was a violation of the Illinois SIP at Ill. Admin. Code § 218.301.

82. On May 8, 2017, Leica agreed to waive the requirement of formal written notification of violation for alleged exceedances while dispensing d-Limonene.

83. Leica has had the opportunity to confer with EPA under 42 U.S.C. § 7413(a)(4), regarding the violation for alleged exceedances while dispensing d-Limonene.

Civil Penalty

84. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), limits the EPA Administrator's authority to matters in which the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except when the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

85. The EPA Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

86. The EPA Administrator may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for CAA violations that occurred after January 12, 2009 through December 6, 2013 and up to a total of \$320,000 for CAA violations that occurred after December 6, 2013 through November 2, 2015, and up to \$46,192 per day of violation, up to a total of \$369,532 for each violation of the CAA that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018. 42 U.S.C. § 7413(d)(1); 40 C.F.R. Part 19.

87. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and Respondent's cooperation and prompt return to

compliance, EPA has determined that an appropriate civil penalty to settle this action is \$174,856.

88. Within 30 days after the effective date of this CAFO, Respondent must pay a \$174,856 civil penalty by sending a cashier's or certified check by U.S. Postal Service, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch
r5airenforcement@epa.gov

Jillian Rountree, Office of Regional Counsel
routree.jillian@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

89. This civil penalty is not deductible for federal tax purposes.

90. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

91. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established

by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

92. Pursuant to 40 C.F.R. § 22.5 and 22.6, the parties consent to service of this CAFO by email at the following email addresses: rountree.jillian@epa.gov (for Complainant), and Sean.Stapleton@leicabiosystems.com (for Respondent). See 40 C.F.R. §§ 22.5-6.

93. Full payment of the penalty under this CAFO and full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this CAFO.

94. The CAFO, full compliance with it, and full payment of the penalty under this CAFO do not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

95. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 93, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

96. Respondent certifies that it is complying fully with the Illinois SIP, Illinois CAAPP, and the applicable provisions of the CAA.

97. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

98. This CAFO contains a “final order” for purposes of 40 C.F.R. § 22.31.

99. The terms of this CAFO bind Respondent and its successors and assigns.

100. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

101. Each party agrees to bear its own costs and attorneys fees in this action.

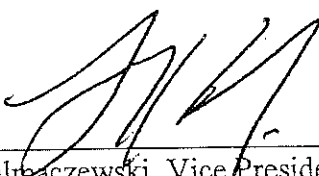
102. This CAFO constitutes the entire agreement between the parties.

103. The effective date for this CAFO is the date it is filed with the Regional Hearing Clerk.

Consent Agreement and Final Order
In the Matter of: Leica Biosystems Richmond, Inc.
Docket No. CAA-05-2018-0018

Leica Biosystems Richmond, Inc., Respondent

June 29, 2018
Date

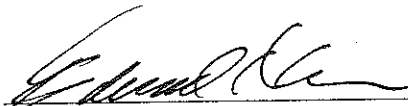


Leo Kulmaczewski, Vice President Global Supply Chain
Leica Biosystems Richmond, Inc.

Consent Agreement and Final Order
In the Matter of: Leica Biosystems Richmond, Inc.
Docket No. CAA-05-2018-0018

United States Environmental Protection Agency, Complainant

7/16/18
Date



Edward Nam
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Leica Biosystems Richmond, Inc.
Docket No. CAA-05-2018-0018

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.

7/19/18
Date

for Debra K. Smith
Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: Leica Biosystems Richmond, Inc.
Docket Number: CAA-05-2018-0018

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA 15 2018 0018, which was filed on July 23, 2018, in the following manner to the following addressees:

Copy by E-mail to Respondent: Sean Stapleton
sean.stapleton@leicabiosystems.com

Copy by E-mail to Attorney for Complainant: Jillian Rountree
Rountree.jillian@epa.gov

Copy by E-mail to Attorney for Respondent: Stacie Fletcher
SFletcher@gibsondunn.com]

Copy by E-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: July 23, 2018



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5