

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	(
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Eagle US 2 LLC	(DOCKET NO. CAA 06-2020-3369
	(
	(
RESPONDENT	(

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the “CAA” or “Act”), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 (the “EPA”). On the EPA’s behalf, the Director of the Compliance Assurance and Enforcement Division has been delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act.

3. Respondent is a limited liability company doing business in the State of Louisiana. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding

Final Order hereinafter known together as “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 CAFO 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. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B).

6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than a 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. In satisfaction of the notice requirements of Section 113(a)(1), on October 15, 2019, the EPA issued to Respondent a notice of violation (“NOV”) and provided a copy of the NOV to the State of Louisiana, providing notice to both that the EPA found that Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On October 31, 2019, representatives of Respondent and the EPA discussed the October 15, 2019, NOV.

8. The Regional Judicial Officer is authorized to ratify this CAFO, 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 Act is designed to protect and enhance the quality of the nation's air so as to promote public health and welfare and the productive capacity of its population. CAA § 101(b)(1), 42 U.S.C. § 7401(b)(1).

11. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards ("NAAQS") for certain pollutants ("criteria pollutants"). The NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

12. The Administrator has promulgated a NAAQS for ozone, a criteria pollutant. *See* 40 C.F.R. § 50.19.

13. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state adopt and submit a plan to the Administrator that provides for the implementation, maintenance, and enforcement of the NAAQS in each air quality control region. This plan is known as an applicable implementation plan or state implementation plan ("SIP").

Louisiana State Implementation Plan

14. The State of Louisiana has adopted a SIP that has been approved by EPA. *See* 40 C.F.R., Part 52, Subpart T.

15. Under the Louisiana SIP, a "major source" is any stationary source that directly emits or has the potential to emit 100 tons per year ("tpy") or more of any regulated air pollutant. LAC 33:III.502.

16. The Louisiana SIP defines “regulated air pollutant” to include volatile organic compounds (VOC). LAC 33:III.502; *see also* LAC 33:III.504.K and 509.B (stating that VOC are precursors to ozone, a criteria pollutant).

17. The Louisiana SIP provides that the owner or operator of any source in Louisiana has a general duty to operate under a permit and that the source shall be operated in accordance with all terms and conditions of the permit. *See* LAC 33:III.501.C.4.

Title V Operating Permit Program

18. Title V of the Act, 42 U.S.C. §§ 7661–7661f (“Title V”), establishes a permit program for certain stationary sources of air pollution. *See* 42 U.S.C. § 7661a(a).

19. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each State to develop and submit to EPA an operating permit program which meets the requirements of Title V. On October 12, 1995, EPA granted full approval to the Louisiana Title V operating permits program (“Louisiana Title V Operating Permits Program” or “Louisiana Part 70 Operating Permits Program”). 40 C.F.R. Part 70, Appendix A; *see* 60 Fed. Reg. 47,296 (Sept. 12, 1995). Louisiana’s Title V operating permits program is located in LAC 33:III.Ch.5.

20. Any major source as defined in LAC 33:III.502, *see supra*, must obtain a Title V operating permit that ensures compliance with all federally applicable requirements for each emissions unit at the source. *See* LAC 33:III.507.A.1. and 3.

21. “Federally applicable requirements” include any standard or other requirement provided for in the Louisiana SIP approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 C.F.R. Part 52, Subpart T. LAC 33:III.502.

22. Louisiana Title V operating permits incorporate requirements that implement the Louisiana SIP's objective in maintaining the NAAQS. These requirements include specific limitations on a source's emissions of criteria pollutants. *See* LAC 33:III.537.A., Table 1 (stating the Emission Rates for Criteria Pollutants section of a permit establishes emission limitations and is a part of the permit).

23. Louisiana's Title V program provides that major sources shall be operated in compliance with all terms and conditions of their permits. *See* LAC 33:III.507.B.2. Noncompliance with any federally applicable term or condition of the permit constitutes a violation of the Clean Air Act and is grounds for enforcement action. *Id.*

24. Any term or condition of a permit issued pursuant to LAC 33:III.507 is enforceable by EPA, unless specifically designated in the permit as not being federally enforceable. LAC 33:III.C.7.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

25. Eagle US 2 LLC ("Eagle") owns and/or operates the Lake Charles Complex located at 1300 PPG Dr, Westlake, Louisiana 70669 (the "Facility").

26. At all times relevant to this proceeding, Respondent has owned and/or operated the Facility.

27. Respondent is the operator of the Facility within the meaning of LAC 33:III.111.

28. At all times relevant to this proceeding, Respondent owned and/or operated units that emit VOC at the Facility.

29. The Facility is a chemical manufacturing facility that produces chlorine, caustic, and hydrogen in the Chlor/Alkali process area and chlorinated hydrocarbons and muriatic acid in the Derivatives process area.

30. The Facility is a “stationary source” as that term is defined in LAC 33:III.502 of the LAC 33:III.502 of the Louisiana SIP, 81 Fed. Reg. 51,341 (Aug. 4, 2016).

31. At all times relevant to this proceeding, the Facility was a “major source” within the meaning of the LAC 33:III.502 of the Louisiana SIP, 81 Fed. Reg. 51,341 (Aug. 4, 2016).

32. The Facility is subject to the Louisiana Title V Operating Permits Program.

33. On or about May 19, 2014, Respondent was issued Permit No. 2270-V5, an air permit issued under the Louisiana Title V Operating Permits Program. Permit No. 2270-V5 covered the Per/Tri Unit at the Facility until it was modified through issuance of Permit No. 2270-V6 on October 16, 2018. The Per/Tri Unit consists of numerous emission points, including the Per/Tri Unit Cooling Tower (EQT 0279).

34. On or about July 21, 2017, Respondent was issued Permit No. 2695-V9, an air permit issued under the Louisiana Title V Operating Permits Program. Permit No. 2695-V9 covered the TE 2 Unit at the Facility until it was modified through issuance of Permit No. 2695-V10 on May 16, 2018. The TE 2 Unit consists of numerous emission points, including the MC/DCE Scrubber (EQT 0434).

35. The Facility’s Title V Permits Nos. 2270-V5 and 2695-V9 required that Respondent comply with emission rate limits for criteria pollutants set forth in those permits, including limits on total VOC emissions.

36. On October 4, 2018, EPA sent Respondent a letter regarding the agency’s Emission Inventory Permit Consistency Review, in which EPA reviewed the Facility’s emission inventory for criteria pollutant and hazardous air pollutant (HAP) emission totals for calendar years 2016 and 2017, as reported to the Louisiana Department of Environmental Quality (“LDEQ”). As noted in EPA’s October 4, 2018, letter, the Facility’s reported annual

emission totals exceeded its permitted limits in existence at the time of the emissions in 2016 and 2017. Respondent's written response dated November 7, 2018, provided further information regarding the Facility's annual emissions.

E. ALLEGED VIOLATIONS

Claim 1: Failure to Comply with Permitted Emission Rate Limit for Total VOC at the Per/Tri Unit Cooling Tower

37. Title V Operating Permit No. 2270-V5 required that Respondent limit its emissions of total VOC to 0.92 tons per year (tpy) at the Facility's Per/Tri Cooling Tower (EQT 0279) during calendar year 2016.

38. On information and belief, Respondent exceeded this permit limit for 2016. Specifically, Respondent reported 1.126 tons of total VOC emissions from the Per/Tri Cooling Tower, which exceeded the permitted limit of 0.92 tons.

39. By exceeding Respondent's permitted total VOC limit, Respondent violated Title V Operating Permit No. 2270-V5 and LAC 33:III.501.C.4. of the Louisiana SIP.

Claim 2: Failure to Comply with Permitted Emission Rate Limit for Total VOC at the TE 2 MC/DCE Scrubber

40. Title V Operating Permit No. 2695-V9 required that Respondent limit its emissions of total VOC to 0.14 tpy at the TE 2 Unit MC/DCE Scrubber (EQT 0434) during calendar year 2017.

41. On information and belief, Respondent exceeded this permit limit for 2017. Specifically, Respondent reported 0.22 tons of total VOC emissions from the TE 2 Unit MC/DCE Scrubber, which exceeded the permitted limit of 0.14 tons.

42. By exceeding Respondent's permitted total VOC limit, Respondent violated Title V Operating Permit No. 2695-V9 and LAC 33:III.501.C.4. of the Louisiana SIP.

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

General

43. 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 CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the issuance of any specified compliance or corrective action order;¹
- e. consents to the conditions specified in this CAFO;
- f. consents to any stated Permit Action;²
- g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
- h. waives its rights to appeal the Final Order included in this CAFO.

44. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each subbullet, d. and f. are not applicable to the particular case.

² See *id.*

- 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 CAFO, including any right of judicial review under Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1);
- d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Louisiana;
- e. waives any right 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 this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and
- f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States

were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

Penalty Assessment and Collection

45. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, the Respondent's full 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, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of Thirteen Thousand One Hundred and Fifty Dollars (\$13,150) ("EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the Act, 42, U.S.C. § 7413 and at no time exceeded EPA's statutory authority.

46. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO, and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving US currency; or (5) Online Payment.

For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. FedEx), payment should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

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

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: Jesse White
(301) 887-6548

For Online Payment:

<https://www.pay.gov/paygov/>

Enter sfo 1.1 in search field

Open form and complete required fields.

PLEASE NOTE: The docket number CAA 06-2020-3369 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA 06-2020-3369. Respondent's adherence to this request will ensure proper credit is given when penalties are received for the Region. Respondent shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following:

Chief
Air Toxics Enforcement Section (ECD-AT)
Enforcement and Compliance Assurance Division
U.S. EPA Region 6
1201 Elm St, Suite 500
Dallas, TX 75270
Email: Stucky.Marie@epa.gov

And

Region 6 Hearing Clerk
Office of Regional Counsel (ORC)
U.S. EPA Region 6
1201 Elm St, Suite 500
Dallas, TX 75270

47. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).
 - b. Nonpayment Penalty. On any portion of a civil penalty more than 90 calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and

which shall be in addition to the interest which accrues under subparagraph a. of this paragraph.

48. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including but not limited to attorneys' fees incurred by the United States for collection proceedings.

49. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

- a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- b. collect the above-referenced 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

- c. 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.

Condition of Settlement

50. As a Condition of Settlement, Respondent agrees to the following: Within ninety (90) days of the Effective Date of this CAFO, Respondent shall evaluate measures to prevent excess emissions of total VOC from the Per/Tri Unit Cooling Tower (EQT 0279) and the TE 2 Unit MC/DCE Scrubber (EQT 0434).

51. At such time as the Respondent believes that it has complied with all terms and conditions of this CAFO, Respondent agrees to certify to EPA completion of the Condition of Settlement in Paragraph 50 above and provide any necessary documentation. Respondent represents that the signing representative will be fully authorized by Respondent to certify that the terms and conditions of this CAFO have been met. The certification should include the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment.

The certification required above shall be sent to:

James Leathers, Enforcement Officer (6ECD-AT)
Air Toxics Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6

1201 Elm St, Suite 500
Dallas, Texas 75270
Email: Leathers.James@epa.gov]

EPA has 90 days to respond with questions or disagreement that the conditions of the CAFO have been satisfied.

52. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraph 50 are 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 set forth in Section E of this CAFO (the “Tolled Claims”). 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.

53. The provisions of this CAFO 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 Agreement until the end of the Tolling Period, as set out in Paragraph 52, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion 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 continue to be bound by the obligations or liabilities of this CAFO until the EPA has provided written approval.

54. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information.

55. By signing this CAFO, 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 CAFO and has legal capacity to bind the party he or she represents to this CAFO.

56. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each 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.

57. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 48, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

58. Complainant and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this Consent Agreement and Final Order, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA:

lannen.justin@epa.gov

To Respondent:

maureen.harbourt@keanmiller.com

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

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

60. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraph 50 (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the condition(s) in Paragraph 50, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

61. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

62. This CAFO 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.

63. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

64. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$101,439 per day of 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 CAFO in an administrative, civil judicial, or criminal action.

65. Nothing in this CAFO 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 a determination of, any issue related to any federal, state, or local permit.

66. 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.

H. EFFECTIVE DATE

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

Re: Eagle US 2 LLC
Docket No. CAA 06-2020-3369

The foregoing Consent Agreement In the Matter of Eagle US 2 LLC, Docket No. CAA 06-2020-3369, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Date: 09/11/2020 _____

Curtis Brescher
Plant Manager
Lake Charles Complex
Eagle US 2 LLC

Re: Eagle US 2 LLC
Docket No. CAA 06-2020-3369

FOR COMPLAINANT:

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	(
	(
Eagle US 2 LLC	(DOCKET NO. CAA 06-2020-3369
	(
	(
RESPONDENT	(

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. §7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Eagle US 2 LLC is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the address:

Copy via Email to Counsel for Respondent:

maureen.harbourt@keanmiller.com

Signed