



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 15 2017

REPLY TO THE ATTENTION OF:

ELECTRONIC SERVICE
VIA EMAIL

Derek McDonald
Baker Botts L.L.P.
98 San Jacinto Blvd., Suite 1500
Austin, Texas 78701
Derek.mcdonald@bakerbotts.com

Re: Joy Global Surface Mining Inc., Virginia, Minnesota
Consent Agreement and Final Order
Docket Number **EPCRA-05-2018-0004**

Dear Mr. McDonald:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on December 15, 2017.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$6,319 in the manner prescribed in paragraphs 45 and 46, and reference your checks with the docket number: EPCRA-05-2018-0004.

Your payment is due on January 15, 2018.

Please feel free to contact James Entzminger at (312) 886-4062 or by email at entzminger.james@epa.gov if you have any questions regarding the enclosed documents. Please direct any legal questions to Jillian Rountree, Associate Regional Counsel, at (312) 353-3849 or by email at rountree.jillian@epa.gov. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:)
)
)
JOY GLOBAL SURFACE MINING)
INC.)
)
Virginia, MN)
)
Respondent.)
_____)

Docket No. EPCRA-05-2018-0004
Proceeding to Assess a Civil Penalty
Under Section 325(c)(1) of the Emergency
Planning and Community Right-to-Know
Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), and Sections 22.13(b) and 22.18(b)(2) and (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. The Complainant is, by lawful delegation, the Acting Director of the Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Joy Global Surface Mining Inc., a corporation doing business in the State of Minnesota.

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 interests 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 right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370 require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical and to prepare and submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC), and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by

U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

11. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS.

12. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term “hazardous chemical” has the meaning given such term by 29 C.F.R. § 1910.1200(c).

13. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 129 Stat. 599 (Nov. 2, 2015), amending 28 U.S.C. § 2461 note, and its implementing regulations at 40 C.F.R. Part 19, increased the statutory maximum penalty to \$53,907 per day of violation for each violation that occurred after November 2, 2015 and is assessed on or after August 1, 2016 and to \$54,789 per day of violation that occurred after November 2, 2015 and is assessed on or after January 15, 2017.

Factual Allegations and Alleged Violations

15. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA,

42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 4100 P&H Road, Virginia, Minnesota 55792 (facility).

17. At all times relevant to this CAFO, Respondent was an employer at the facility.

18. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person.

19. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

20. At all times relevant to this CAFO, Joy Global Surface Mining Inc. was in charge of the facility located at 4100 P&H Road, Virginia, Minnesota 55792.

Sulfuric acid

21. Sulfuric acid is classified as a health hazard under OSHA regulations.

22. Sulfuric acid, CAS #7664-93-9, is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e) and 29 C.F.R. § 1910.1200(c).

23. Sulfuric acid, CAS #7664-93-9, is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

24. Sulfuric acid, CAS #7664-93-9, has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

25. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid. 29 C.F.R. § 1910.1200(g).

26. During at least one period of time in calendar year 2015, sulfuric acid was present at

the facility in an amount equal to or greater than the minimum threshold level.

“Black Beauty”

27. “Black Beauty” is classified as a health hazard under OSHA regulations.

28. “Black Beauty,” CAS #65997-17-3, is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e) and 29 C.F.R. § 1910.1200(c).

29. “Black Beauty,” CAS #65997-17-3, has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

30. OSHA requires Respondent to prepare, or have available, an MSDS for “Black Beauty.” 29 C.F.R. § 1910.1200(g).

31. During at least one period of time in calendar year 2015, “Black Beauty” was present at the facility in an amount equal to or greater than the minimum threshold level.

COUNT I

32. The parties incorporate paragraphs 1 through 31 of this CAFO as if set forth in this paragraph.

33. Respondent was required to submit to the SERC, a completed emergency and hazardous chemical inventory form including sulfuric acid and “Black Beauty” on or before March 1, 2016, for calendar year 2015.

34. At all times relevant to this CAFO, the Division of Homeland Security and Emergency Management of the Minnesota Department of Public Safety was the SERC for Minnesota under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

35. Respondent did not submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and “Black Beauty” for calendar year 2015 by

March 1, 2016.

36. Rather, Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form to the SERC on December 6, 2016.

37. Each day that Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and "Black Beauty" by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

COUNT II

38. The parties incorporate paragraphs 1 through 31 of this CAFO as if set forth in this paragraph.

39. Respondent was required to submit to the fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid and "Black Beauty" on or before March 1, 2016, for calendar year 2015.

40. At all times relevant to this CAFO, the Virginia Fire Department was the fire department with jurisdiction over the facility.

41. Respondent did not submit to the fire department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and "Black Beauty" for calendar year 2015 by March 1, 2016.

42. Rather, Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form to the Virginia Fire Department on December 7, 2016.

43. Each day that Respondent failed to submit to the Virginia Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and

“Black Beauty” by March 1, 2016, for calendar year 2015 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

44. Complainant has determined that an appropriate civil penalty to settle this action is \$6,319. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent’s agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, degree of culpability, and any other matters as justice may require. Complainant also considered U.S. EPA’s Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

45. Within 30 days after the effective date of this CAFO, Respondent must pay a \$6,319 civil penalty for the EPCRA violations by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22-checking

In the comment area of the electronic funds transfer, state the following: Joy Global Surface Mining Inc. and the docket number of this CAFO.

46. A transmittal letter, stating Respondent’s name, the case title, and the case docket number must be sent on the date of payment to the following addresses:

Regional Hearing Clerk, (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

James Entzminger, (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Jillian Rountree, (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

48. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 60, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

49. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

50. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by purchasing emergency response equipment and donating the purchased equipment to an appropriate recipient. Respondent has selected to donate the equipment to the Evergreen Volunteer Fire Department, Buhl Fire Department and Emergency Medical Services, and Virginia Fire Department.

51. Respondent must spend at least \$23,698 to purchase the emergency response equipment.

52. Respondent must purchase and donate to the Evergreen Volunteer Fire Department, Buhl Fire Department and Emergency Medical Services, and Virginia Fire Department the following emergency response equipment within 60 days from the effective date of the CAFO:

Evergreen Volunteer Fire Department: 1 fire hose fitting; 2 Way-Siamese-Clappered 4" Storz x (2) 2.5" Female NH; 11 fire house fittings: Red 4" x 50' Pro-Flow Rubber hose; 1 aluminum 4" Storz x 2.5" female NH thread; 2 aluminum heavy-duty 2.5" NH inlet x 2.5" NH outlets; 2 red 2.5" x 25' rubber hoses; 2 forestry hose packs.

Buhl Fire Department & EMS: 18 SCBA mask bags; 17 Polytec 90 FLs; 5 Hi Viz, ERG21364; 16 Hi Viz, ERG21366; 16 helmet shields; 1 vacuum splint; 1 full vacuum; 1 scoop stretcher; 2 throw bags; 14 Boston straps; 1 Globe G-XCEL coat; 1 Globe G-XCEL pant; 6 life jackets.

Virginia Fire Department: 1 high cube 50' shipping container (USED); 2 high cube 20' shipping containers (USED); 2 or 3 steel entry doors, 36" x 87" standard; (8) 0.75" x 0.75" x 8' steel angles; 50 OSB waferboards, 4' x 8'; 9 Firebricks; (1) 2" x 2" x 8' angle iron; 13 concrete footing pad, 3.375" x 12"; 60' of 0.3125 linear chains; (2) 2" x 8.5' square stock steel pieces; 3 2" x 8' square stock steel pieces; 8 hours labor for door installation.

53. If the equipment described in paragraph 52 is unavailable or if additional equipment must be purchased to meet the minimum expenditure described in paragraph 51, Respondent

shall attempt to purchase substantially similar equipment or other emergency response equipment that is useful for the Evergreen Volunteer Fire Department, Buhl Fire Department and Emergency Medical Services, and Virginia Fire Department and meets the other requirements of this CAFO. Further, Respondent shall notify U.S. EPA of such changes to equipment purchased as soon as practicable and as part of the SEP completion report described in paragraph 55.

54. Respondent certifies as follows:

- a. Joy Global Surface Mining Inc. is not required to perform or develop the SEP by any law, regulation, order, or agreement (other than this CAFO) or as injunctive relief as of the date of signing this CAFO.
- b. Joy Global Surface Mining Inc. has not received, and is not negotiating to receive, credit for this SEP in any other enforcement action.
- c. Joy Global Surface Mining Inc., the Evergreen Volunteer Fire Department, Buhl Fire Department and Emergency Medical Services, and Virginia Fire Department are not parties to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP.
- d. To the best of Joy Global Surface Mining Inc.'s knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to U.S. EPA within two years of the date that Joy Global Surface Mining Inc. is signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not expired.
- e. All cost information provided to U.S. EPA in connection with U.S. EPA's approval of the SEP is complete and accurate, and Joy Global Surface Mining Inc. in good faith estimates that the cost to implement the SEP is \$23,698.
- f. The SEP is not a project that Joy Global Surface Mining Inc. was planning or intending to perform or implement other than in settlement of the claims resolved in the CAFO.

- g. Joy Global Surface Mining Inc. will not receive reimbursement for any portion of the SEP from another person or entity.

55. Respondent must submit a SEP completion report to U.S. EPA within 90 days of the effective date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed, including a letter from an authorized representative for each of the fire departments (Evergreen Volunteer Fire Department, Buhl Fire Department and Emergency Medical Services, and Virginia Fire Department) listing the equipment received and the date the equipment was donated;
- b. Description of any problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP.

56. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 46, above.

57. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

58. Following receipt of the SEP completion report described in paragraph 55, above,

U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 60.

59. If U.S. EPA exercises option b in paragraph 58, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 60, below.

60. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraphs 52, Respondent must pay a penalty of \$23,698.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 51, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 51, Respondent must pay a penalty of the difference between \$23,698 and the amount Respondent spent on appropriate and EPA-approved equipment donated to the entities described in paragraph 52.
- d. If Respondent did not submit timely the SEP completion report Respondent

must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$250	1st through 14th day
\$500	15th through 30th day
\$1,000	31st day and beyond

61. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

62. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 45 and 46, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

63. Any public statement that Respondent makes referring to the SEP must include the following language, "Joy Global Surface Mining Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Joy Global Surface Mining Inc. for violations of Section 312 of EPCRA, 42 U.S.C. § 11022."

64. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent caused

or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

65. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA endorsement or approval of the equipment or technology donated by Respondent in connection with the SEP under the terms of this CAFO.

66. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

67. The parties consent to service of this CAFO by e-mail, pursuant to 40 C.F.R. § 22.5, at the following valid e-mail addresses: rountree.jillian@epa.gov (for Complainant) and derek.mcdonald@bakerbotts.com (for Respondent).

68. Full payment of the penalty as described in paragraphs 44 and 45 and full compliance with this CAFO shall not in any case affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

69. Full payment of the penalty as described in paragraphs 44 and 45 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.

70. Respondent certifies that it is complying with Section 312 of EPCRA, 42 U.S.C. § 11022.

71. This CAFO does not affect Respondent's responsibility to comply with EPCRA and CERCLA and other applicable federal, state, and local laws and regulations.

72. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

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

74. Each person signing this CAFO 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.

75. Each party agrees to bear its own costs and attorney's fees in this action.

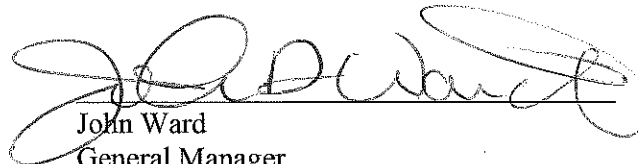
76. This CAFO constitutes the entire agreement between the parties.

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

In the Matter of: Joy Global Surface Mining Inc.
Docket No. EPCRA-05-2018-0004

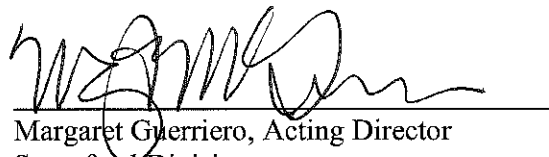
Joy Global Surface Mining Inc., Respondent

11/20/2017
Date


John Ward
General Manager
Joy Global Surface Mining Inc.

U.S. Environmental Protection Agency, Complainant

12/12/2017
Date

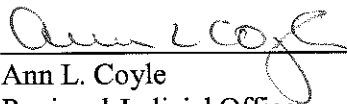

Margaret Guerriero, Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Joy Global Mining Inc.
Docket No. EPCRA-05-2018-0004

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.

December 15, 2017
Date



Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

In the Matter of: Joy Global Mining Inc.
Docket No. EPCRA-05-2018-0004

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on December 15, 2017 in the following manner to the addressees:

Copy by E-mail to
Attorney for Respondent: Derek McDonald, Baker Botts L.L.P.
98 San Jacinto Blvd., Suite 1500
Austin, Texas 78701
derek.mcdonald@bakerbotts.com

Copy by E-mail to
Respondent: John Ward, General Manager
Joy Global Surface Mining Inc.
4100 P&H Road
Virginia, Minnesota 55762
john.ward@joyglobal.com

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

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

Dated: December 15, 2017



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