

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

In the matter of:	)	U.S. EPA Docket No.
	)	
	)	CAA(112r)-09-2026-0024
TST, Inc.,	)	
	)	
	)	CONSENT AGREEMENT AND
Respondent.	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. SECTIONS 22.13 AND
	)	22.18

**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is a civil administrative enforcement action instituted pursuant to Sections 113(a)(3)(A) and (d) of the Clean Air Act ("CAA"), as amended, 42 U.S.C. §§ 7413(a)(3)(A), (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, as codified at 40 Code of Federal Regulations (C.F.R.) Part 22 ("Consolidated Rules").
2. The Administrator has delegated enforcement of CAA Section 113(d), 42 U.S.C. § 7413(d), to the Regional Administrator of the EPA Region 9, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, hereinafter, "Complainant."
3. Respondent is TST, Inc. ("Respondent"), a California corporation licensed to conduct

business in California whose principal offices are located at 13428 Benson Avenue, Chino, California.

4. This Consent Agreement and Final Order ("CA/FO"), which contains the elements of a complaint required by 40 C.F.R. § 22.14(a)(1)-(3), (8), simultaneously commences and concludes this penalty proceeding, as authorized by 40 C.F.R. §§ 22.13(b), 22.18(b)(2) - (3).

5. Complainant and Respondent agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interest and in the public interest.

#### **B. PARTIES BOUND**

6. This CA/FO shall apply to and be binding on Respondent, Respondent's officers, directors, partners, agents, employees, contractors, successors, and assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CA/FO.

#### **C. STATUTORY AND REGULATORY FRAMEWORK**

7. Pursuant to CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and its implementing regulations, owners and operators of stationary sources at which a regulated substance is present in more than a threshold quantity ("TQ") must prepare and implement a risk management plan ("RMP") to detect and prevent or minimize accidental release of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

8. CAA Section 112(r)(2)(c), defines “stationary source” as “any buildings, structures, equipment, installations or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”

9. Chlorine is a “regulated substance” listed under CAA Section 112(r)(3), 42 U.S.C. § 7412(r)(3), with a TQ of 2,500 pounds. *See* 40 C.F.R. § 68.130, Tables 1 and 2.

10. Under CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.10(i), the owner or operator of a covered stationary source with a process in an NAICS code listed in 40 C.F.R. § 68.10(i)(1) or subject to the OSHA process safety management standard set forth in 29 C.F.R. § 1910.119 is subject to the “Program 3” requirements set forth in 40 C.F.R. § 68.12(d).

11. Under CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.12(d), facilities subject to the Program 3 requirements are required to implement the prevention requirements set forth in 40 C.F.R. §§ 68.65 through 68.87 and the emergency response program requirements set forth in 40 C.F.R. §§ 68.90 through 68.96.

#### **D. GENERAL ALLEGATIONS**

12. At all times relevant to this CA/FO, Respondent has been a "person" as defined in CAA Section 302(e), 42 U.S.C. § 7602(e).

13. At all times relevant to this CA/FO, Respondent operated a facility (the “Facility”) located at 11601 Etiwanda Avenue, Fontana, California, that utilizes chlorine for its aluminum smelting process for use primarily in the automotive and aerospace industries.

14. On June 6, 2023, EPA performed an inspection of the Facility to evaluate compliance

with the Comprehensive Environmental Response, Compensation and Liability Act Section 103, 42 U.S.C. § 9603, Emergency Planning and Community Right-to-Know Act EPCRA Sections 304-312, 42 U.S.C. §§ 11004-12, and CAA Section 112(r), 42 U.S.C. § 7412(r) (the “Inspection”).

Based upon the information gathered during the Inspection and subsequent investigation, EPA determined that Respondent violated certain provisions of the CAA.

15. At all times relevant to this CA/FO, Respondent has been the owner or operator of the Facility.

16. At all times relevant to this CA/FO, the real property and improvements thereto located at the Facility has been a “stationary source” as defined by CAA Section 112(r)(2)(C), 42 U.S.C. § 7412(r)(2)(C).

17. At all times relevant to this CA/FO, Respondent produced, used or stored more than 2,500 pounds of chlorine at the Facility.

18. At all times relevant to this CA/FO, Respondent was subject to Program 3 requirements because there are public receptors within the distance to the endpoint for the worst-case release from its Facility and was subject to the OSHA process safety management standard set forth in 29 C.F.R. § 1910.119.

## **E. ALLEGED VIOLATIONS**

### **COUNT I**

(Failure to Comply with Hazard Assessment Requirements)

19. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

20. Under 40 C.F.R. § 68.30(c), the owner or operator of a facility must use the most recent

Census data, or other updated information, to estimate the population potentially affected in defining offsite impacts.

21. Based upon the Inspection and subsequent investigation, EPA determined that Respondent failed to use the most recent Census data to estimate the population impacted by either the worst-case or alternative release scenarios in defining its offsite impacts.

22. Under 40 C.F.R. § 68.36(a), the owner or operator of a facility must review and update its offsite consequence analyses at least once every five years.

23. Based upon the Inspection and subsequent investigation, EPA determined that Respondent failed to document that it reviewed its offsite consequence analysis every five years.

24. Accordingly, EPA alleges that by failing to adequately define its offsite impacts for its hazard assessment, Respondent violated the hazard analysis requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), 40 C.F.R. §§ 68.30(c) and 68.36(a).

## **COUNT II**

(Failure to Comply with Process Safety Information Requirements)

25. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

26. Under 40 C.F.R. § 68.65, the owner or operator must complete a compilation of written process safety information, including information pertaining to the hazards of the regulated substances used or produced by the process, and information pertaining to the technology of the process, and information pertaining to the equipment in the process.

27. Based upon the Inspection and subsequent investigation, EPA determined that

Respondent failed to complete the compilation of process safety information in the following instances:

- a. The Respondent failed to develop consequences of deviation for its chlorine system detection and monitoring devices, as required by 40 C.F.R. § 68.65(c)(1)(v).
- b. The Respondent's P&IDs did not match the field conditions for its chlorine storage systems, as required by 40 C.F.R. § 68.65(d)(1)(ii).
- c. The Respondent lacked documentation that equipment complies with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2) and (3), such as a lack of consistent labeling and signage, a missing U-1A form for a vessel, inadequate ventilation system documentation, missing panic hardware on doors, and equipment corrosion.

28. Accordingly, EPA alleges that by failing to include accurate information concerning the technology and equipment of a process, and by failing to comply with RAGAGEP or document that its existing equipment was safe, Respondent violated the process safety information requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. §§ 68.65(c)(1), 68.65(d)(1), 68.65(d)(2) and 68.65(d)(3).

### **COUNT III**

(Failure to Comply with Process Hazard Analysis Requirements)

29. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

30. Under 40 C.F.R. § 68.67(e), the owner or operator must establish a system to promptly

address the findings and recommendations of a PHA; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees who may be affected by the recommendations or actions.

31. Based on evidence gathered during the investigation, EPA determined that Respondent failed to adequately track its PHA recommendations to completion.

32. Accordingly, EPA alleges that by failing to adequately track its PHA recommendations to completion, Respondent violated the process hazard analysis requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.67(e).

#### **COUNT IV**

##### **(Failure to Comply with Training Requirements)**

33. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

34. Under 40 C.F.R. § 68.71(c), the owner or operator must ascertain that each employee involved in operating a process has received and understood the training, and is required to prepare a record containing the identity of the employee, the date of the training, and the means used to verify that the employee understood the training.

35. Based on evidence gathered during the investigation, EPA determined that Respondent failed to adequately train its chlorine delivery truck drivers to operate the chlorine storage tank filling valves.

36. Accordingly, EPA alleges that by failing to properly train its chlorine delivery truck

drivers, Respondent violated the training requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.71(c).

**Count V**

(Failure to Ensure Mechanical Integrity)

37. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

38. Under 40 C.F.R. § 68.73(e), the owner or operator of a facility must correct deficiencies in covered equipment that are outside acceptable limits before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

39. Based on evidence gathered during the investigation, EPA determined that the chlorine piping had missing paint in multiple locations.

40. Accordingly, EPA alleges that by failing to correct deficient equipment that are outside acceptable limits before further use, or in a safe and timely manner when necessary means are taken to assure safe operation, Respondent violated the mechanical integrity requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.73(e).

**Count VI**

(Failure to Comply with Management of Change Requirements)

41. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

42. Under 40 C.F.R. §§ 68.75(a), (c), (d), and (e), the owner or operator of a facility must establish and implement written procedures to manage changes (except for “replacements in kind”) to process chemicals, technology, equipment, and procedures; and changes to stationary

sources to affect a covered process; must inform and train employees and contract employees whose job tasks will be affected by a change in process prior to the start-up of the process or the affected part of the process; and must update its process safety information and operating procedures or practices accordingly.

43. Based on evidence gathered during the investigation, EPA determined that Respondent failed to properly implement its management of change program.

44. Accordingly, EPA alleges that by failing to properly implement a management of change program, respondent violated the management of change requirements set forth at CAA Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and 40 C.F.R. §§ 68.75(a), (c), (d), and (e).

#### **F. CIVIL PENALTY**

45. Respondent agrees to pay a civil penalty in the amount of **SEVENTY-FIVE THOUSAND DOLLARS** (\$75,000) (“Assessed Penalty”) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO as defined in Section L, below, is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

46. Respondent shall pay the Assessed Penalty and any interest, fees, and other changes due using any method, combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

47. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement, CAA(112r)-09-2026-0024.

- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons via electronic mail:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
[R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

Bridget Johnson  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 9  
[Johnson.Bridget@epa.gov](mailto:Johnson.Bridget@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Department  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment,” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

48. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid

portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interest of the United States, the rate of interest is set at the IRS standard underpayment rate; any lower rate would fail to provide Respondent adequate incentive for timely payment.

- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

49. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

50. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

51. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

**G. ADMISSIONS AND WAIVERS OF RIGHTS**

52. In accordance with 40 C.F.R. § 22.18(b), for the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of this CA/FO; (b) neither admits nor denies specific factual allegations contained in this CA/FO; (c) consents to the assessment of the civil penalty Set forth in Section F above and to any conditions specified in this CA/FO; and (d) waives any right to contest the allegations and its right to appeal the final order accompanying this consent

agreement. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

#### **H. CERTIFICATION OF COMPLIANCE**

53. In executing this CAFO, Respondent certifies under penalty of law to EPA that it has taken all steps necessary to return to full compliance with CAA Section 112(r), 42 U.S.C. § 7412(r), and its implementing regulations, that formed the basis for the violations alleged in this CA/FO.

#### **I. RESERVATION OF RIGHTS**

54. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations specifically alleged herein and does not in any case affect the right of EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

55. This CA/FO is not a permit or modification of any existing permit issued pursuant to any federal, state, or local laws or regulations. This CA/FO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

#### **J. OTHER CLAIMS**

56. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation,

storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

**K. MISCELLANEOUS**

57. This CA/FO can be signed in counterparts.

58. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

59. Each party to this action shall bear its own costs and attorneys' fees.

60. EPA and Respondent consent to entry of this CA/FO without further notice.

61. By signing this CA/FO, Respondent acknowledges that this CA/FO will be available to the public and agrees that this CA/FO does not contain any confidential business information or personally identifiable information.

62. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject

Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-

1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Dana Sherrer in EPA's Cincinnati Finance Department at [Sherrer.Dana@epa.gov](mailto:Sherrer.Dana@epa.gov), on or before the date the Respondent's penalty payment is due, pursuant to Paragraph 45, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

#### **L. EFFECTIVE DATE**

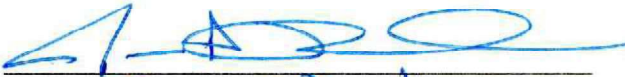
63. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the final order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

In the TST, Inc.  
Consent Agreement and Final Order

IT IS SO AGREED.

FOR RESPONDENT, TST, Inc.:

1/14/2026  
DATE

  
NAME: James A Davidson  
TITLE: VP - General Manager

In the TST, Inc.  
Consent Agreement and Final Order

FOR COMPLAINANT, U.S. Environmental Protection Agency, REGION IX:

**AMY MILLER-  
BOWEN**

Digitally signed by AMY  
MILLER-BOWEN  
Date: 2026.01.22 08:23:39  
-08'00'

---

Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division

**FINAL ORDER**

**IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ("CA/FO") in the Matter of TST, Inc. (Docket No. CAA(112r)-09-2026-0024) be entered, and that Respondent shall pay a civil administrative penalty in the amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) in accordance with all terms and conditions of this CA/FO.

Beatrice Wong Digitally signed by Beatrice Wong  
Date: 2026.01.29 10:43:30 -08'00'

---

Beatrice Wong  
Regional Judicial Officer  
U.S. EPA, Region IX

### **CERTIFICATE OF SERVICE**

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of TST, Inc., (Docket No. CAA(112r)-09-2026-0024) was filed with Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

**RESPONDENT:** James Davidson  
VP – General Manager  
TST, Inc.  
11601 S Etiwanda Ave  
Fontana, CA, 92337  
Jdavidson@tst-inc.com

**COMPLAINANT:** Ylan Nguyen  
Assistant Regional Counsel  
U.S. EPA – Region IX  
Hazardous Waste Section III (ORC-3-3)  
75 Hawthorne Street  
San Francisco, CA 94105  
Nguyen.Ylan@epa.gov

**PONLY TU**

 Digitally signed by PONLY TU  
Date: 2026.01.29 11:29:07 -08'00'

---

Ponly Tu  
Regional Hearing Clerk  
U.S. EPA – Region IX