

Findings of Fact and Conclusions of Law). Respondent is entering into this Order and agreeing to comply therewith in order to resolve this matter amicably and will not contest EPA's authority or jurisdiction to issue or enforce the provisions of this Order.

6. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'." 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(12).
7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States except in compliance with, *inter alia*, a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
8. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.
9. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are "point sources" subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
10. "Stormwater" is defined as "stormwater runoff, snow melt runoff and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13).
11. An NPDES permit is required for discharges of stormwater associated with industrial activity. Section 402(p) of the Act, 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26(a); 40 C.F.R. § 122.21.
12. Facilities under Standard Industrial Classification 2869 (Industrial Organic Chemicals) are engaged in "industrial activity." 40 C.F.R. § 122.26(b)(14)(xi).
13. EPA approved Virginia to administer the NPDES program in the State on March 31, 1975.
14. Wastewater and stormwater discharges at the AdvanSix property located at 905 East Randolph Road, Hopewell, Virginia (the "Facility") are regulated by four permits, including an individual Virginia Pollutant Discharge Elimination System ("VPDES") permit (VA0005291); the VPDES General Permit for Stormwater Discharges Associated with Industrial Activity (VAR052505); an industrial user permit for discharges to the Hopewell Water Renewal Facility ("Industrial Wastewater Discharge Permit Number 1"), and the General Permit for Total Nitrogen and Total Phosphorus discharges and Nutrient Trading in the Chesapeake Watershed in Virginia (VAN040082).

Permit Number	Permitted Outfall Number	Description of Authorized Discharges	Notes
VA0005291 (Individual VPDES Permit)	Outfall 001	Once through, non-contact cooling water; Outfalls 101; 301; and 401; stormwater	
	Outfall 101	Contact cooling water from ammonium fertilizer manufacturing	Combined discharges from two barometric condensers
	Outfall 999		Not an actual discharge location. Calculation of discharges from Outfalls 001, 002, and 003 <u>or monitoring of incoming River Water.</u>
	Outfall 998		Not an actual discharge location. Calculation of discharges from Outfalls 001 and 002.
	Outfall 301	Stormwater collected by the #6 fuel oil storage containment dike	
	Outfall 401	Discharge from the oil/water separator on the floor drain system from steam generation	
	Outfall 002	Once through, non-contact cooling water, cooling tower blowdown; emergency deluge system; and stormwater	
	Outfall 003	Once through, non-contact cooling water, cooling tower blowdown; regeneration wastewater from ion exchange units; and stormwater	
	Stormwater Outfall 904	Stormwater	Marine Operations Area, to James River
	Stormwater Outfall 905	Stormwater	Marine Operations Area, to James River
	Stormwater Outfall 906	Stormwater	Marine Operations Area, to James River
	Stormwater Outfall 907	Stormwater	Discharge to Poythress Run
	Stormwater Outfall 908	Stormwater	Discharge to Gravelly Run
	Stormwater Outfall 909	Stormwater	Discharge to Gravelly Run
	Stormwater Outfall 910	Stormwater	Discharge to Gravelly Run
Stormwater Outfall 911	Stormwater	Marine Operations Area, to James River	
VAR005205 (General Stormwater Permit)	Stormwater Outfall 912	Stormwater	Discharge to Poythress Run
VAR050553 (General Stormwater Permit)	Stormwater Outfall 913	Stormwater	CPEC facility
Industrial User Discharge Permit	Outfall H-1	Process wastewater	Facility refers to this outfall as "Outfall 004".

Permit Number	Permitted Outfall Number	Description of Authorized Discharges	Notes
(Industrial Wastewater Discharge Permit Number 1)	Outfall H-1B	Domestic wastewater (south)	
	Outfall H-1C	Domestic wastewater (north)	Process and domestic wastewaters from Praxair and Airgas (separate neighboring industrial entities that lease property from AdvanSix) combine with the AdvanSix discharge at Outfall H-1C.
VAN040082 (Bay Total Maximum Daily Load Permit)	Outfall 500		Calculated total of 501, 502, and 503
	Outfall 501		Outfall 001 VA0005291
	Outfall 502		Outfall 002 VA0005291
	Outfall 503		Outfall 003 VA0005291

15. Pursuant to the authority of the Act, the NPDES program approval, and the Virginia State Water Control Law, Virginia issued VPDES Permit No. VA0005291 with an effective date of August 1, 2016, and an expiration date of July 21, 2021 (“Permit VA0005291”) to Honeywell Resins and Chemicals LLC for their facility located at 905 East Randolph Road in Hopewell, Virginia 23860. A permit change transferring permittee status to AdvanSix as owner of the facility became effective on October 20, 2016. Permit VA0005291 has been administratively extended.
16. The Facility is classified under Standard Industrial Classification (“SIC”) Codes 2819 (Industrial Inorganic Chemicals), 2869 (Industrial Organic Chemicals), and 2873 (Agricultural Chemicals) and NAICS Codes 325998 (“All Other Miscellaneous Chemical Product and Preparation Manufacturing”) and 325211 (“Plastics Material and Resin Manufacturing”).
17. EPA has provided the Virginia Department of Environmental Quality (“VDEQ”) with a copy of this fully executed Order.

II. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

18. Effective August 4, 2016, Honeywell Resins and Chemicals LLC was renamed AdvanSix Resins & Chemicals LLC, which is a wholly-owned subsidiary of AdvanSix Inc. Effective October 1, 2016, AdvanSix Inc. spun-off from Honeywell International Inc. AdvanSix is the manufacturer of Nylon 6, a polymer resin used to produce engineered plastics, fibers, filaments, and films that are used in consumer end products including automotives, electronics, sporting gear, carpet, and industrial and food packaging, among other things, as well as fertilizers and chemical intermediaries such as ammonium sulfate, cyclohexanone, cyclohexanol, and other specialty chemicals. They are among the largest producers of caprolactam in the country.
19. At all times relevant to this Order, AdvanSix was the owner and operator of the Facility.

20. Section 502(5) of the Act, 33 U.S.C. §1362, provides: “[t]he term ‘person’ means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body.” AdvanSix is a corporation and a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
21. Section 502(6) of the Act, 33 U.S.C. § 1362(6), defines the term “pollutant” to include, *inter alia*: solid waste, sewage, garbage, chemical wastes, biological materials, radioactive materials, and industrial waste discharged into water.
22. Section 502(14) of the Act, 33 U.S.C. § 1362(14), defines the term “point source” to mean “any discernible, confined and discrete conveyance [...]” Outfalls at the Facility are discernible, confined and discrete conveyances and are, therefore, “point sources” within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14).
23. The Facility is located along the banks of the James River and has Outfalls that discharge directly to the James River as well as Gravelly Run and Poythress Run. Gravelly Run is located along the southern border and Poythress Run to the north, both of which are hydrologically connected tributaries of the James River. The James River is a “navigable water” as that term is defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7). The James River, Gravelly Run and Poythress Run are, therefore, waters of the United States.
24. The Facility encompasses 483 acres, approximately 53 percent of which is used for industrial purposes. The remaining 227 acres of the site are undeveloped. The Facility’s Stormwater Pollution Prevention Plan (“SWPPP”) covers 256 acres. AdvanSix operates multiple separate manufacturing units at the Facility that produce a variety of organic chemical products.
25. Eight of the Facility’s nine stormwater outfalls (Outfalls 904 through 911) and the Facility’s three clear water sewer system outfalls (Outfalls 001 through 003) are permitted under the Facility’s Individual Permit, VA0005291. The ninth stormwater outfall (Outfall 912) is permitted under the Facility’s General Stormwater Permit, VAR52505. The drainage area for Outfall 912 generally flows north and is collected via seven inlets which contain subsurface piping that flows to Outfall 912. The actual discharge point from Outfall 912 is located north of the Facility’s north perimeter fence.

April 27, 2021 Inspection:

26. On April 27, 2021, representatives from U.S. Environmental Protection Agency (“EPA”) Region 3, and EPA’s contract inspector from Eastern Research Group (“ERG”), Inc., (collectively “EPA Inspection Team”), conducted a compliance evaluation inspection at the Facility for compliance with Permit Nos. VAR052505 (General Permit) and VA0005291 (Individual Permit). AdvanSix is identified as the Permittee and owns and operates the Facility. A representative from VDEQ also attended the inspection.

April 25-27, 2022 Inspection:

27. On April 25 through 27, 2022, representatives from EPA, and EPA's contract inspectors from PG Environmental (collectively, "EPA Inspection Team 4/25-27/22"), conducted a compliance evaluation inspection for compliance with Permit Nos. VAR052505 (General Permit) and VA0005291 (Individual Permit). AdvanSix was identified as the Permittee and owner and operator of the Facility. Representatives from the VDEQ were present for the inspection.

July 20, 2022 Inspection:

28. On July 20, 2022, representatives from EPA, and EPA's contract inspectors from PG Environmental (collectively, "EPA Inspection Team – 7/20/22"), conducted a compliance sampling inspection at the Facility for compliance with Permit No. VA0005291 (Individual Permit). AdvanSix was identified as the Permittee and owner and operator of the Facility.
29. At the various inspections, the EPA Inspection Teams collected, among other things, dry weather samples from four permitted stormwater outfalls and one permitted process wastewater outfall, stormwater samples, and reviewed monitoring data required by the Permit. Based on observations made at the various inspections discussed in more detail below, EPA has identified the following alleged violations of the Clean Water Act and the Facility's Permits.

Count 1 – Failure to Update SWPPP to Address Benchmark Exceedances

30. The allegations in the preceding paragraphs are incorporated by reference.
31. Part I.F.2 of VA0005291 states, "Agricultural Chemicals facilities are required to monitor their stormwater discharges for Total Nitrogen, Iron, Zinc, and Total Phosphorus as pollutants of concern. Industrial Organic Chemicals facilities are required to monitor their stormwater discharges for Aluminum, Iron, and Total Nitrogen as pollutants of concern. Additional benchmark concentrations included in Table 1, below, are listed in the VAR05 Industrial Stormwater General Permit regulation (9VAC25-151-10 et seq.). Benchmark concentrations are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred. However, benchmark exceedances do signal that modifications to the SWPPP may be necessary unless justification is provided in the comprehensive site compliance evaluation (Part I.D.2.d). In addition, exceedance of benchmark concentrations may indicate the requirement for more specific pollution prevention controls. The permittee is expected to minimize (reduce or eliminate) the pollutants listed below in the stormwater to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice."

Table 1. Benchmark Monitoring Requirements (Part I.F.2 of Permit)

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/L
Total Suspended Solids (TSS)	100 mg/L
Total Kjeldahl Nitrogen (TKN)	1.5 mg/L
Total Nitrogen (TN)	2.2 mg/L
Total Phosphorus (TP)	2.0 mg/L
Total Recoverable Aluminum	750 µg/L
Total Recoverable Iron	1.0 mg/L

32. Part I.D.9.a.1 of VA0005291 states, “If the benchmark monitoring result exceeds the benchmark concentration value for that parameter, the permittee shall review the SWPPP and modify it as necessary to address any deficiencies that caused the exceedance. Revisions to the SWPPP shall be completed within 30 days after an exceedance is discovered. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in Part I.E.3, Maintenance), implementation shall be completed before the next anticipated storm event, if possible, but no later than 60 days after the exceedance is discovered, or as otherwise provided or approved by the DEQ Piedmont Regional Office. In cases where construction is necessary to implement control measures the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the exceedance is discovered. Where a construction compliance schedule is included in the SWPPP, the plan shall include appropriate nonstructural and temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure. Any control measure modifications shall be documented and dated, and retained with the SWPPP, along with the amount of time taken to modify the applicable control measure or implement additional control measures. Additional updates to the SWPPP for previously documented corrective actions are not necessary while the corrective actions are in progress.”
33. Respondent has had numerous stormwater benchmark and comparative value exceedances occurring between September 7, 2016 through March 9, 2022. Documentation provided by Respondent identifies 530 exceedances for Stormwater Outfalls 904, 905, 906, 907, 909, 911, and 912.
34. Respondent has presented information indicating that, since at least 2018, the SWPPP was regularly modified to address exceedances of a benchmark or comparative value and to document the installation of additional control measures.
35. Despite the SWPPP modifications and additional control measures referenced in the preceding paragraph, and the resulting, incremental improvements achieved through those measures, Respondent has not yet achieved the benchmark and/or comparative values.

36. The Permittee has violated the CWA by failing to minimize (reduce or eliminate) benchmark pollutants to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. This failure is a violation of Permit VA00005291 issued under 402 of the CWA, 33 U.S.C. § 1342 and Section 301 of the CWA, 33 U.S.C. § 1311.

Respondent has presented a conceptual plan to VDEQ to (a) capture, contain and treat stormwater in the Marine Operations area of the Facility, (b) implement additional targeted improvements to other stormwater drainage areas within the Facility, and (c) perform enhanced housekeeping, inspections and cleaning, all of which VDEQ proposes to incorporate as enforceable requirements of Permit VA0005291 in the pending reissuance proceeding.

Count 2

Unpermitted Dry Weather Discharges through Stormwater Outfalls

37. The allegations in the preceding paragraphs are incorporated herein by reference.
38. Permit No. VA0005291 Part I.A.9 authorizes stormwater discharges for outfalls 904 through 911. Part I.D.6.a authorizes the following non-stormwater discharges:
- (1) Discharges from firefighting activities;
 - (2) Fire hydrant flushings;
 - (3) Potable water, including water line flushings;
 - (4) Uncontaminated air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
 - (5) Irrigation drainage;
 - (6) Landscape watering, provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
 - (7) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
 - (8) Routine external building wash down which does not use detergents;
 - (9) Uncontaminated groundwater or spring water;
 - (10) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - (11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).
39. During the July 20, 2022 EPA Sampling Inspection, the EPA Inspection Team sampled dry weather flows at certain stormwater outfalls and corresponding catch basins.

40. The EPA Inspection Team collected a sample of dry weather flow from stormwater Outfall 911. The Team observed red staining on the impervious conveyance channel, attributed by Facility representatives to iron accumulation, and a dry weather flow discharging from Outfall 911 to the James River during the sampling event.
41. Respondent has presented EPA with information indicating the source of dry weather flow at Outfall 911 and believes it was a combination of a river water header leak and a groundwater seep. Respondent believes it has repaired the river water leak.
42. The EPA Inspection Team collected a sample of dry weather flow from a catch basin upgradient of stormwater Outfall 906 where they first observed dry weather flow discharging to the James River. Due to the low flow conditions at the Outfall, the Team collected a sample at the upgradient catch basin, observing two flows combining at the catch basin. the Team collected samples of the combined flow.
43. The EPA Inspection Team collected a sample of dry weather flow from a catch basin upgradient of stormwater Outfall 905. The Team first inspected stormwater Outfall 905 and observed dry weather flow discharging from a small outlet pipe to the James River. Due to the low flow conditions, the Team collected a sample at the upgradient catch basin.
44. The EPA Inspection Team collected a sample of dry weather flow from stormwater Outfall 904. Due to the low flow conditions at the Outfall, the EPA Inspection Team conducted instantaneous field measurements for pH, temperature, and total chlorine residual in addition to nutrients. The Team observed dry weather flow discharging from the Outfall to the James River and observed light foaming at the Outfall.
45. Respondent has violated the CWA by discharging pollutants that were not authorized by its NPDES permits. The Unpermitted Dry Weather Stormwater Discharges identified above are violations of the Permit VA 00005291 issued under Section 402 of the CWA, 33 U.S.C. § 1342 and Section 301 of the CWA, 33 U.S.C. § 1311.
46. In addition to the improvements in the Marine Operations area of the Facility, as described in paragraph 37, VDEQ proposes to incorporate a seep response plan and groundwater monitoring plan as enforceable requirements of Permit VA0005291 in the pending reissuance proceeding.

III. ORDER

AND NOW, pursuant to section 309(a) of the Act, 33 U.S.C. 33 U.S.C. § 1319(a), having taken into account the seriousness of the violations, Respondent is hereby ORDERED to take the following steps:

47. The Respondent shall take all actions necessary to comply with the Clean Water Act, including, but not limited to, complying with all requirements of Permits VA0005291, VAR052505, and VAN040082 or any subsequent permit or permit modifications.
48. Within 30 days of the Effective Date of this Order, Respondent shall submit a Source Identification and Dry Weather Discharge Elimination Plan, to include the following elements and may include requirements identified in Paragraph 46:
 - a. A process and schedule to identify, monitor, and characterize any unknown sources of water that contribute to the unpermitted, dry weather stormwater discharges.
 - b. A process and schedule to eliminate all unpermitted, dry weather stormwater discharges from the facility, which may include repair, replacement, or corrective action activities, as appropriate.
49. Upon review and approval by EPA, Respondent will immediately begin implementing the Source Identification and Dry Weather Discharge Elimination Plan in accordance with its terms.
50. Respondent shall submit quarterly reports in accordance with Section IV, below, on the progress made to implement the Source Identification and Dry Weather Discharge Elimination Plan on March 31, June 30, September 30 and December 31 of each year until termination of this Order pursuant to Section VI, below.
51. Within 45 days of the Effective Date of this Order, Respondent shall revise and submit electronically for EPA's review and comment, Respondent's SWPPP to implement additional control measures to address the Benchmark exceedances in Count 1, and may include requirements identified in paragraph 36 to minimize, reduce, or eliminate Benchmark pollutants. The SWPPP shall include a process to regularly inspect stormwater conveyance structures and outfalls to identify and eliminate unpermitted dry weather stormwater discharges.
52. Upon review and comments from EPA, Respondent shall evaluate and respond to EPA's comments and then immediately begin implementing the updated SWPPP in accordance with its terms and continue to evaluate and update the SWPPP as required by Permit No. VA0005291.
53. Within 30 days of the Effective Date of this Order, Respondent shall formally request that VDEQ permanently retire a portion of its Total Nitrogen waste load allocation (WLA) by 216,000 lbs/yr and amend the Watershed General Permit Registration List effective January 1, 2024.
54. Concurrently with the process set forth in paragraph 53 above, Respondent agrees to voluntarily limit the discharge of Total Nitrogen from the Facility to 874,798 lbs./yr,

216,000 lb/yr below the current WLA of 1,090,798, as noted in the scheduled WLA reduction described in Paragraph 53, until the process to permanently retire the WLA is complete.

IV. PROCEDURES FOR SUBMISSIONS

55. Respondent shall include with all documents required to be submitted by this ORDER' and any Request for Termination a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____

Title _____

56. Any submission or communication relating to this Order shall be submitted via electronic transmission) to:

Monica Crosby (3ED32)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3
Philadelphia, PA 19103
crosby.monica@epa.gov

and

Daniel E. Boehmcke
Senior Assistant Regional Counsel (3RC20)
U.S. EPA, Region 3
Philadelphia, PA 19103
boehmcke.daniel@epa.gov
R3_ORC_mailbox@epa.gov
[attn: Daniel E. Boehmcke, Dkt. No. CWA-03-2024-0039DN]

57. For each submission required pursuant to this Order, EPA will review the submission and provide comments. If EPA comments on a submission, Respondent agrees to respond in writing within 30 calendar days.

58. Respondent may assert a business confidentiality claim covering part or all of the information which this AOC requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. Information which is effluent data or a standard or limitation is not eligible for confidential treatment pursuant to 40 C.F.R. 2.302(e). If Respondent does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.

V. GENERAL PROVISIONS

59. The intent of this Order is to address the violations described herein. EPA reserves the right to commence action against any person, including AdvanSix, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment.
60. EPA reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251, *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Order, following its Effective Date (as defined below).
61. This Consent Order does not constitute a waiver or modification of the terms or conditions of the Respondent's VPDES Permits. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local law, regulation, or permit. In the event of any conflict between this Consent Order and Respondent's VPDES Permits, EPA will coordinate with Respondent in good faith to resolve the conflict.
62. Subject to Paragraph 66 below, Respondent 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 Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
63. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
64. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the party.

65. For the purpose of this proceeding only, Respondent admits each jurisdictional allegation set forth in this Order and agrees not to contest the jurisdiction of EPA with respect to the execution or enforcement of this Order.
66. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Order except as expressly provided herein, including but not limited to Paragraph 65 regarding admission to jurisdictional allegations. This waiver is not intended to be, nor should it be interpreted to be, an admission of fact or waiver of defenses in any proceeding brought by a third party against Respondent.
67. In any subsequent administrative or judicial proceeding initiated by the EPA or the United States for injunctive relief, civil penalties, or other relief relating to the AdvanSix Facility, AdvanSix will 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 upon any contention that the claims raised by the EPA or the United States in the subsequent proceeding were or should have been brought in the instant matter.
68. Respondent shall bear its own costs and attorney's fees in connection with this Order.
69. By signing this Order, Respondent acknowledges that this Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondent.
70. Respondent certifies that, any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete to its knowledge or reasonable belief and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
71. This Order shall apply to and be binding upon the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Order on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Order and to legally bind Respondent to the terms and conditions of this Order.

72. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the requirements of Section III of this Order, above, are restitution, remediation, or required to come into compliance with the law.
73. 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. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:
- 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 EPA’s Cincinnati Finance Center at Henderson.Jessica@epa.gov, within 30 days after the Effective Date of this Order as set forth in paragraph 77, and 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 has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order as set forth in paragraph 77; and
 - ii. provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email to Henderson.Jessica@epa.gov, within five (5) days of Respondent’s issuance and receipt of the TIN.

VI. TERMINATION AND SATISFACTION

74. After one (1) year of satisfactory implementation of Paragraphs 48, 49, 51, 52, and 54, above, Respondent shall submit to EPA a Request for Termination of this Order. With regard to Paragraph 53, Respondent may seek termination as to Paragraph 53 only once Respondent has formally requested that VDEQ permanently retire a portion of its Total Nitrogen waste load allocation (WLA) by 216,000 lbs/yr and amend the Watershed General Permit Registration List.
75. EPA reserves the right to unilaterally terminate this Order in its unreviewable discretion.
76. EPA shall provide Respondent with written notification of termination of this Order.

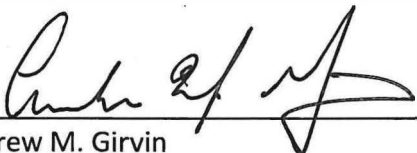
VII. EFFECTIVE DATE

77. This Order is effective after receipt by Respondent, or Respondent's counsel, of a fully executed document ("Effective Date").

SO ORDERED:

Karen Melvin
Director, Enforcement & Compliance Assurance Division
U.S. EPA Region 3
(signed and dated electronically)

AGREED TO FOR THE RESPONDENT

 2/21/2024

Andrew M. Girvin
Hopewell AdvanSix Site Leader
AdvanSix Resins & Chemicals LLC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852**

In the Matter of:	:	ADMINISTRATIVE ORDER
	:	ON CONSENT
AdvanSix Resins & Chemicals LLC	:	
300 Kimball Drive, Suite 101	:	
Parsippany, New Jersey 07054	:	
Respondent	:	Proceeding Under Section 309(a) of the
	:	Clean Water Act, 33 U.S.C. § 1319(a)
Facility located at:	:	
Hopewell Plant	:	EPA Docket No. CWA-03-2024-0039DN
	:	
905 East Randolph Road	:	
Hopewell, Virginia 23860	:	

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email and UPS to:

Andrew M. Girvin
Hopewell AdvanSix Site Leader
AdvanSix Resins & Chemicals LLC
andy.girvin@advansix.com
905 East Randolph Road
Hopewell, VA 23860

Brooks M. Smith, Esq.
Partner
Troutman Pepper
brooks.smith@troutman.com
1001 Haxall Point 15th Floor
Richmond, VA 23219

Copies served via email to:

Daniel E. Boehmcke
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 3
boehmcke.daniel@epa.gov

Monica Crosby
Physical Scientist
Enforcement and Compliance Assurance Division (ECAD)
Water Branch – NPDES & Wetlands Section
U.S. EPA, Region 3
crosby.monica@epa.gov

[*Digital Signature and Date*]
Regional Hearing Clerk, 3RC00
U.S. Environmental Protection Agency,
Region 3