

FILED

May 19, 2025

5:29 am

**U.S. EPA REGION 4
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2025-0305(b)

This Expedited Settlement Agreement is issued to:

**Harcros Chemical Inc.
300 Pepi Drive
Muscle Shoals, Alabama 35662**

For alleged violations of 40 C.F.R. Part 68 and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Harcros Chemical Inc. (Respondent) (collectively, the Parties), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18.

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 300 Pepi Drive, Muscle Shoals, Alabama, on August 21, 2024, the EPA alleges that the Respondent violated the Act's Section 112(r)(7) Chemical Accident Prevention Provisions, 42 U.S.C. § 7412(r)(7), when at the time of inspection, Respondent did not provide evidence that:

It established a system to promptly address the team's findings and recommendations; assured that the recommendations were resolved in a timely manner and that the resolution was documented; documented what actions were taken; completed actions as soon as possible; and developed a written schedule of when these actions were to be completed, as required by 40 C.F.R. § 68.67(e), because the 2023 process hazard analysis did not include due dates as part of the action item tracking page;

It certified annually that its operating procedures were current and accurate, as required by 40 C.F.R. § 68.69(c), because the standard operating procedures (SOPs) were not reviewed in 2024 until the "Notification of Inspection" email sent August 7, 2024, a year and six months after the SOPs were previously reviewed and certified; and

It's inspections and testing procedures followed recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.73(d)(2), because the facility's

own procedure requires that the chlorine sensors are calibrated every six months and the last calibration of the chlorine sensors occurred on February 15, 2024, more than six months before the RMP inspection took place.

Pursuant to 42 U.S.C. § 7413(d)(1), the EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment.

SETTLEMENT

In consideration of such factors as Respondent's size, its full compliance history, its good faith efforts to comply, the duration and seriousness of the violation, and other factors as justice may require, the Parties enter into this ESA to settle the violation(s) cited above, for the total penalty amount of **\$3,600**.

Within thirty (30) calendar days of receiving a copy of the fully executed ESA, Respondent shall: (1) pay the penalty and (2) send proof of payment as described below.

1. Pay Penalty

Pay using any method, or 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>.

When making a payment, Respondent shall identify every payment with Respondent's name and the docket number of this ESA, **CAA-04-2025-0305(b)**.

2. Send Proof of Payment

Concurrently with any payment or within 24 hours of any payment, Respondent shall **send proof of such payment** to the following persons:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov,

and

Jordan Noles, Case Development Officer
noles.jordan@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
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.

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of state or federal taxes.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits that EPA has jurisdiction over the subject matter alleged in this ESA, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final Order or otherwise contest the allegations contained in this ESA; 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 each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that as of the date of its execution of this ESA, it is in compliance with all relevant requirements of Section 112(r)(7) of the Act and 40 C.F.R. Part 68.

Respondent’s full compliance with this ESA shall only resolve Respondent’s liability for federal civil penalties for the violation(s) alleged in this ESA. This ESA, the Final Order, and Respondent’s full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. The EPA also does not waive any other enforcement action for any other violations of the Act or any other statute.

Late payment of the penalty may subject Respondent to interest, administrative costs, and late payment penalties in accordance with 40 C.F.R. § 13.11.

This ESA is binding on the Parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

FOR RESPONDENT:

Signature: Ryan P. Doyle Date: 5/13/25

Name (print): Ryan P. Doyle

Title (print): Sr. Dir. Regulatory Affairs

FOR COMPLAINANT:

Keriema S. Newman, Director Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the Matter of *Harcros Chemical Inc.*, Docket No. CAA-04-2025-0305(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Ryan Doyle, Dir. Eng. & Env.
Harcros Chemical Inc.
300 Pepi Drive
Muscle Shoals, Alabama 35662
ryan.doyle@harcros.com
(816) 813-4799

To EPA: Jordan Noles, Case Development Officer
noles.jordan@epa.gov
(404) 562-9105

Marirose Pratt
Senior Attorney, Clean Air Act Enforcement
pratt.marirose@epa.gov
(404) 562-9023

Regional Hearing Clerk, U.S. EPA Region 4
r4_regional_hearing_clerk@epa.gov