

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

FILED

Dec 19, 2024

6:44 am

**U.S. EPA REGION 5
HEARING CLERK**

In the Matter of:)	Docket No. CAA-05-2025-0021
)	
Ardagh Metal Beverage USA Inc.)	Proceeding to Assess a Civil Penalty
Chicago, Illinois,)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
_____)	

Consent Agreement and Final Order

A. Preliminary Statement

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 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. §§ 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3).
2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.
3. Respondent is Ardagh Metal Beverage USA Inc. ("Ardagh" or "Respondent"), a corporation doing business in Illinois. Respondent is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) without the adjudication of any issues of law or fact.
5. Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

6. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) and Section 113(a)(3)(A) of the CAA.

7. 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. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. In satisfaction of the notice requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), on April 13, 2022, the EPA issued to Respondent a Notice of Violation/Finding of Violation (NOV/FOV) and provided a copy of the NOV/FOV to Illinois EPA, providing notice to Respondent and Illinois EPA that the EPA found Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On June 9, 2022, representatives of Respondent and the EPA conferred regarding the April 13, 2022 NOV/FOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the consent agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. Statutory and Regulatory Background

10. The CAA, 42 U.S.C. § 7401, es seq., and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to protect public health and welfare and the productive capacity of its population.

11. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in each air quality control region (or portion thereof) within the state. Upon approval by EPA, the plan becomes a part of the applicable state implementation plan (“SIP”) for the state.

12. On May 31, 1972, EPA approved 35 Illinois Administrative Code (“IAC”) Part 201, “Permits and General Conditions,” into the federally enforceable SIP for Illinois. 37 Fed. Reg. 10862 (May 31, 1972) (codified at 40 C.F.R. § 52.722). Since then, EPA has approved several revisions of 35 IAC Parts 201 through 283 into the federally enforceable SIP. See 40 C.F.R. § 52.720.

13. On October 9, 1994, EPA approved 35 IAC Part 218, “Organic Material Emission Standards and Limitations For the Chicago Area,” into the federally enforceable SIP for Illinois. 59 Fed. Reg. 46562. Since then, EPA has approved several revisions of 35 IAC Part 218 into the federally enforceable SIP. See 40 C.F.R. § 52.720.

14. 35 IAC Part 218 contains standards and limitations for emissions of organic material and volatile organic material from stationary sources located in the Chicago area, which is comprised of Cook, DuPage, Kane, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

15. 35 IAC 218.114 provides that “no person shall violate any terms or conditions of a permit reflecting the requirements of this Part, operate any source except in compliance with its permit, or violate any other applicable requirements.”

16. On April 18, 2019, Illinois EPA issued Construction Permit #19030026 to Respondent. The permit description states:

This permit addresses changes to Can Coating Lines 1 and 2 to control emissions of volatile organic material (VOM) of the curing ovens for interior coatings with an existing regenerative thermal oxidizer (RTO), with construction of ductwork to connect these ovens to this RTO. This RTO, which presently controls the curing oven for internal coating on Can Coating Line 3, has available capacity to also control emissions of these ovens for interior coating on Lines 1 and 2. The control of VOM from these ovens will enable an increase in usage of VOM on Lines 1 and 2, which is resulting from changes in coating formulations and increases in production of larger cans, without a significant increase in VOM emissions.

17. Construction Permit #19030026 includes terms and conditions reflecting the requirements of 35 IAC Part 218.

18. Under Section 4-2 of Construction Permit #19030026 ("Operational and Emission Limits"), the permit provides:

- c. i. Following the initial startup of both affected ovens with the affected RTO, when an affected oven is being operated to cure coatings, the capture system and control system for the affected oven shall be operated to achieve at least 76 percent overall control efficiency for VOM, as demonstrated by maintaining:
 - A. The vacuum or negative pressure in the ductwork of the affected oven, as addressed by the instrumentation or monitoring devices required by Condition S(a) (i), at a level that is consistent with or above the level measured during the testing required by Condition 6 or, before such testing is conducted, a level that reflects good air pollution control practice.

Federal Title V Requirements

19. Title V of the CAA, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.

20. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), states that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.

21. 40 C.F.R. § 70.7(b) states that no source subject to Title V may operate the source except in compliance with a Title V permit.

22. EPA granted full approval of the Illinois Title V operating permit program, referred to as the “Clean Air Act Permit Program,” on December 4, 2001. 66 Fed. Reg. 62949.

Illinois EPA Clean Air Act Permit Program Permit

23. On November 20, 2019, the Illinois Environmental Protection Agency, Bureau of Air issued to Ardagh a Clean Air Act Permit Program (CAAPP) Permit, Permit No.95120133 (“CAAPP Permit”). This permit is effective until November 20, 2024.

24. Under Section 11.a. of the CAAPP Permit, if a timely and complete application to renew the CAAPP Permit has been submitted, the terms and all conditions of the most recent issued CAAPP permit will remain in effect until the issuance of a renewal permit. Ardagh certifies that it submitted a timely and complete application to renew the CAAPP Permit.

25. Section 4.1.2(e)(ii)(G) of the 2019 CAAPP Permit requires Ardagh to comply with the monitoring requirements of the Compliance and Assurance Monitoring (CAM) Plan.

26. Table 7.4.1 of the 2019 CAAPP Permit outlines the CAM Plan for the processes in Lines 1, 2, and 3 controlled by RTO-1. The CAM Plan states that differential pressure must be monitored in the duct of the Line 1 internal bake oven (IBO), Line 2 IBO, Line 3 Pin Oven, and Line 3 IBO by magnehelic gauges, and that the reading must be “less than zero or negative pressure” in order to provide a reasonable assurance of compliance. Gauge monitoring is required to be performed once per day, and

excursions or exceedances of the limit in the CAM Plan for duct pressure are determined based on review of the daily log.

D. Stipulated Facts

27. Respondent owns and operates a beverage can manufacturing and coating facility at 1101 West 43rd Street, Chicago, Illinois (“the Facility”).

28. The Facility contains three can printing/coating lines (“Lines 1, 2, and 3”). Cans receive an exterior coating, which is cured in a pin oven, and receive an interior coating which is cured in an internal bake oven. The curing of coatings in the pin ovens and IBOs results in the production and emission of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

29. Emissions from the IBOs of Lines 1, 2, and 3, as well as emissions from the pin oven in Line 3, are controlled by RTO-1.

30. On April 29 – 30, 2021, and August 6, 2021, EPA conducted CAA inspections of the Facility.

31. During the two CAA inspections of the Facility, Respondent stated that it operates and monitors magnehelic differential pressure gauges in the ducts of the Line 1 IBO and Line 2 IBO, but not in the ducts of the Line 3 IBO or Line 3 Printer Pin Oven.

32. On June 18, 2021, and August 9, 2021, Respondent provided EPA with, among other things, its most recent stack test report for capture and destruction efficiency of RTO-1 (“2019 RTO Stack Test”), and daily pressure readings from the previous twelve months of the magnehelic gauges on Can Coating/Printing Lines 1 and 2.

33. In the 2019 RTO Stack Test report, differential pressure in the ducts for Lines 1, 2, or 3 is not recorded.

34. According to the records of daily pressure readings on the Lines 1 and 2 IBOs that Respondent provided to EPA, the exhaust on the Line 1 IBO had the following magnehelic gauge readings on the following 19 dates:

Date	Line #1 Magnehelic Gauge Reading (inches of water column)
6/9/2020	0.00
6/10/2020	0.19
6/11/2020	0.53
6/12/2020	0.58
6/13/2020	0.59
6/14/2020	0.62
6/14/2021	0.00
6/15/2021	0.00
6/16/2021	0.00
6/17/2021	0.00
6/18/2021	0.00
6/19/2021	0.00
6/20/2021	0.00
6/21/2021	0.00
6/22/2021	0.00
6/23/2021	0.00
6/26/2021	0.00
6/27/2021	0.00
6/28/2021	0.00

35. According to the records of daily pressure readings on the Lines 1 and 2 IBOs that Respondent provided to EPA, the exhaust on the Line 2 IBO had the following magnehelic gauge readings on the following 30 dates:

Date	Line #2 Magnehelic Gauge Reading (inches of water column)
6/11/2020	0.50
6/12/2020	0.50
6/14/2020	0.50
8/11/2020	0.00
8/12/2020	0.00

8/13/2020	0.00
8/14/2020	0.00
8/15/2020	0.00
8/16/2020	0.00
8/17/2020	0.00
8/18/2020	0.00
8/19/2020	0.00
8/21/2020	0.00
8/22/2020	0.00
8/23/2020	0.00
8/30/2020	0.00
9/7/2020	0.00
6/14/2021	0.00
6/15/2021	0.00
6/16/2021	0.00
6/17/2021	0.00
6/18/2021	0.00
6/19/2021	0.00
6/20/2021	0.00
6/21/2021	0.00
6/22/2021	0.00
6/23/2021	0.00
6/26/2021	0.00
6/27/2021	0.00
6/28/2021	0.00

E. Alleged Violations of Law

36. By operating the ductwork on the Line 1 IBO above negative differential pressure, i.e. at an amount equal to or greater than zero, on 19 separate days starting June 9, 2020, Respondent violated Section 4-2.c.i.A. of Construction Permit #19030026, and thereby violated 35 IAC Part 218.

37. By operating the ductwork on the Line 2 IBO above negative differential pressure, i.e. at an amount equal to or greater than zero, on 30 separate days starting June 11, 2020, Respondent violated Section 4-2.c.i.A. of Construction Permit #19030026, and thereby violated 35 IAC Part 218.

38. By not monitoring duct differential pressure for the Line 3 IBO and the Line 3 Pin Oven, Respondents violated Section 4.1.2(e)(ii)(G) and the CAM Plan in Table 7.4.1 in the 2019 CAAPP Permit, and thereby violated CAA Title V.

F. Terms of Consent Agreement

39. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- a. admits to the jurisdictional allegations in this CAFO;
 - b. admits to the stipulated facts stated above and neither admits nor denies the alleged violations of law stated above;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to any conditions specified in this CAFO;
 - e. waives any right to contest the alleged violations of law set forth in Section E of this CAFO; and
 - f. waives its right to appeal this CAFO.
40. For the purposes of this proceeding, Respondent:
- a. agrees this CAFO states a claim upon which relief may be granted against Respondent;
 - b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1); and
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

41. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$135,000.

42. Respondent agrees to pay a civil penalty in the amount of \$135,000 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

43. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due 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>.

44. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, Docket No. CAA-05-2025-0021.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Christopher Grubb
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
grubb.christopher@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
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.

45. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 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, the 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 thirty (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. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - 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, the 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.

46. 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, the EPA may take additional actions. Such actions the 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. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

47. 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.

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

49. 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 wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, 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 does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

50. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

51. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this CAFO and have the legal capacity to bind the party they represent to this CAFO.

52. 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.

53. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that, under 18 U.S.C. § 1001, there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information.

54. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United States to recover unpaid penalties as described above.

G. Effect of Consent Agreement and Attached Final Order

55. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: grubb.christopher@epa.gov (for the EPA), and Sean.Griggs@btlaw.com (for Respondent).

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

57. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to this matter with the exception of the administrative compliance order, docket number EPA-5-24-113(a)-IL-10 issued concurrently.

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

59. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$121,275 per day per violation, or both, as provided in Section 113(b) of the CAA,

42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

60. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

61. Nothing in this CAFO limits the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

62. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

H. Effective Date

63. This CAFO will be effective after the Regional Judicial Officer executes the attached Final Order, on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

Ardagh Metal Beverage USA Inc., Respondent

GUSTAVO S. Rodriguez
Chief operations officer NA

9 December 2024
Date


[Name], [Title]
[Name of Respondent]

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order

In the Matter of: Ardagh Metal Beverage USA Inc.

Docket No. CAA-05-2025-0021

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.

Date

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