

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jun 11, 2025

10:48 am

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of: :
: :
Allnex USA Inc. : U.S. EPA Docket No. CAA-03-2025-0036
252 Heilman Avenue :
Willow Island, WV 26134 : Proceeding under Section 113 of the Clean Air
: Act
Respondent. :
: :
Allnex USA Inc. :
252 Heilman Avenue :
Willow Island, WV 26134, :
: :
Facility. :
: :

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Allnex USA Inc. (“Allnex” or “Respondent”) (collectively the “Parties”), pursuant to Section 113 of the Clean Air Act (“Act” or “CAA”), 42 U.S.C. § 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. §§ 22.1(a)(2), 22.13(b), and 22.18(b).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
11. Section 113(d)(1) of the CAA limits the Administrator’s authority to matters where the first alleged violation occurred no more than twelve (12) months prior to initiation of an administrative action and the total penalty does not exceed \$200,000 (now \$447,848, as adjusted for inflation, see 40 C.F.R. § 19.4), except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation or a larger penalty amount is appropriate for an administrative penalty action.
12. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

13. By signing the Consent Agreement, Respondent waives any rights to have this matter 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Section 112 of the Act, 42 U.S.C. § 7412, establishes a list of hazardous air pollutants (“HAPs”) and directs EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the Act, 42 U.S.C. § 7412(d), directs EPA to establish national emissions standards for hazardous air pollutants (“NESHAP”) for sources in each category. NESHAP established under the Act must require the maximum degree of reduction in emission of the HAPs, more commonly referred to as maximum available control technology (“MACT”). Pursuant to Section 112(c) of the CAA, “Not later than 12 months after November 15, 1990, the Administrator shall publish, and shall from time to time, but no less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources (listed under paragraph (3)) of the air pollutants listed pursuant to subsection (b) of this section.” 42 U.S.C. § 7412.
16. Furthermore, Section 112(d)(1) of the CAA states “The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation pursuant to subsection (c) of this section in accordance with the schedules provided in subsections (c) and (e) of this section.” 42 U.S.C. § 7412.
17. Pursuant to Section 112(f)(4) of the Act, 42 U.S.C. § 7412(f), no hazardous air pollutant may be emitted from any stationary source in violation of the standard established under Section 112(d) of the Act, that applies to that source.
18. Section 112(a) of the Act defines a major source as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. 42 U.S.C. § 7412(a). The Facility is a major source for purposes of CAA Section 112(a) because it has a potential to emit greater than 25 tons per year of any combination of hazardous air pollutants.

19. The Facility has the potential to emit a combined total of 62.27 tons per year of the following hazardous air pollutants: methanol and dimethyl formamide.
20. The Facility is a major source for purposes of CAA Section 112(a) because it has a potential to emit greater than 25 tons per year of any combination of hazardous air pollutants.
21. In 2003, EPA promulgated National Emission Standards for NESHAP for miscellaneous organic chemical manufacturing process units ("MCPU MACT"), 40 C.F.R. Part 63, Subpart FFFF, 40 C.F.R. §§ 63.2430-63.2550. 68 FR 63888, (November 10, 2003). The MCPU MACT establishes emissions limitations, operating limits, and work practice standards for organic hazardous air pollutants emitted from miscellaneous organic chemical manufacturing process units. 40 C.F.R. § 63.2430.
22. For the purposes of Subpart 40 C.F.R Part 63 Subpart FFFF, a miscellaneous organic chemical manufacturing process unit ("MCPU") includes equipment necessary to operate a miscellaneous organic chemical manufacturing process. 40 C.F.R. § 63.2435.
23. In relevant part, the MCPU MACT at 40 C.F.R. § 63.2435 states that the requirements of MACT Subpart FFFF apply to each existing affected source, which is defined as an MCPU that meets all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of § 63.2435, including those that:
 - (1) The MCPU produces material or family of materials that is described in paragraph (b)(1)(i), (ii), (iii), (iv), or (v) of this section.
 - (i) An organic chemical(s) classified using the 1987 version of SIC code 282, 283, 284, 285, 286, 287, 289, or 386,
 - (2) The MCPU processes, uses, or generates any of the organic HAP listed in section 112(b) of the CAA or hydrogen halide and halogen HAP, as defined in § 63.2550.
 - (3) The MCPU is not an affected source or part of an affected source under another subpart of this part 63, except for process vents from batch operations within a chemical manufacturing process unit (CMPU), as identified in § 63.100(j)(4). For this situation, the MCPU is the same as the CMPU as defined in § 63.100, and you are subject only to the requirements for batch process vents in this subpart.
24. Pursuant to 40 C.F.R. § 63.2480 of MACT Subpart FFFF, equipment that is in organic HAP service and part of any MCPU must comply with the requirements of Subpart H or, in the alternative, Subpart UU or Subpart F.

25. Effective April 22, 1994, EPA promulgated the “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks” found at 40 C.F.R. Part 63, Subpart H, 59 Fed. Reg. 19568 (April 22, 1994) and amended on December 14, 2000 (65 Fed. Reg. 78285) and December 22, 2008 (85 Fed. Reg 73888).
26. 40 C.F.R. Part 63, Subpart H applies to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by Subpart H that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 C.F.R. Part 63 that references Subpart H. This subpart will be referred to hereinafter as “MACT Subpart H.” As noted above, MACT Subpart H is referenced by MACT Subpart FFFF. 40 C.F.R. § 63.2480.
27. MACT Subpart H defines “in organic hazardous air pollutant service” as a piece of equipment that either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAPs as determined according to the provisions of § 63.180(d) of this subpart. The provisions of § 63.180(d) of this subpart also specify how to determine that a piece of equipment is not in organic HAP service. 40 C.F.R. § 63.161.
28. Compliance with MACT Subpart H is to be determined by review of the records required by 40 C.F.R. § 63.181 and the reports required by 40 C.F.R. § 63.182, review of performance test results, and by inspections. 40 C.F.R. § 63.162(a).
29. MACT Subpart H requires that the owner or operator of a source subject to this subpart shall monitor all valves in gas/vapor service and in light liquid service, except as provided in § 63.162(b) of Subpart H and paragraphs (h) and (i) of § 63.168, at the intervals specified in paragraphs (c) and (d) of § 63.168 and shall comply with all other provisions of § 63.168, except as provided in § 63.171, § 63.177, § 63.178, and § 63.179 of Subpart H. 40 C.F.R. § 63.168(b).
30. 40 C.F.R. § 63.168(d) requires that the owner or operator shall monitor valves for leaks once per month; or at process units with less than 2 percent leaking valves, the owner or operator shall monitor each valve once each quarter, except as provided in paragraphs (d)(3) and (d)(4) of § 63.168. 40 C.F.R. § 63.168(d)(1)(i) and § 63.168(d)(2).
31. MACT Subpart H states that “[i]n all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during each period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.” 40 C.F.R. §63.162(g)(4).

32. Allnex operates the Facility at Willow Island, West Virginia, where it manufactures industrial coatings, adhesives, textiles, and elastomers.
33. On February 5, 2019, EPA sent an information request seeking information related to the Facility under Section 114 of the Clean Air Act, 42 U.S.C. § 7414, and received responses from Allnex on February 19, 2019, and April 1, 2019.
34. On July 26, 2022, EPA sent another information request seeking additional information related to the Facility under Section 114 of the Clean Air Act, 42 U.S.C. § 7414, and received a response from Allnex on August 23, 2022.
35. Allnex held a Permit to Operate its Urethanes Manufacturing Unit at its Facility (Permit No. R30-07300030-2018) for the term beginning on September 5, 2018, and expiring on September 5, 2023, and renewed this Permit to Operate (Permit No. R30-07300030-2023) which now expires June 6, 2028.
36. Allnex's Permit to Operate incorporates 40 C.F.R. § 63.2480 (including Table 6).
37. Allnex elected to utilize the compliance methods of 40 C.F.R. Part 63, Subpart H to comply with Subpart FFFF in its October 3, 2008 Notification of Compliance Status Report.
38. The valves within Allnex's Urethanes Manufacturing Unit are in gas/vapor or light liquid service.

Count I

Failure to Conduct LDAR Monitoring of Valves

39. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
40. Because Allnex elected to comply with Subpart H, valves in light liquid or in gas/vapor service at the Facility are subject to the provisions of 40 C.F.R. § 63.168.
41. Pursuant to 40 C.F.R. § 63.168(d)(2), the owner or operator of a process unit complying with MACT Subpart H shall monitor each valve once per quarter.
42. After a review of the LDAR monitoring data submitted in response to the July 26, 2022 CAA Section 114 information request and subsequent discussions with Allnex, EPA has determined that Allnex failed to conduct the required quarterly monitoring of 54 valves in gas/vapor or light liquid service at the Facility between January 2020 and June 2022, in violation of 40 C.F.R. § 63.168(d)(2) and 40 C.F.R. § 63.2480.

43. In failing to comply with 40 C.F.R. § 63.168(d)(2), and 40 C.F.R. § 63.2480, Respondent is in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and is subject to the assessment of penalties under Section 113 (a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d).

CIVIL PENALTY

44. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **THIRTY-FOUR THOUSAND THREE HUNDRED AND SIXTY-FIVE DOLLARS (\$34,365.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
45. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for the same violation, the seriousness of the violation, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (dated October 25, 1991) which reflects the statutory penalty criteria and factors set forth at Section 113(e) of the Act, 42 U.S.C. § 7413(e), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
46. Respondent agrees to pay a civil penalty in the amount of \$34,365.00 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
47. 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>.
48. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, [*i.e.*, CAA-03-2024-0122],
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

T. Chris Minshall
Sr. Assistant Regional Counsel
minshall.chris@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@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 the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

49. 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 any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Effective 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. § 7524(c)(6), 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. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
 - c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.
50. 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 per this Consent 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 the EPA or engaging in programs the 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 enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.
51. 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.
 52. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
 53. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
 54. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [\[minshall.chris@epa.gov\]](mailto:minshall.chris@epa.gov) (for Complainant), and [\[dave.lieving@allnex.com\]](mailto:dave.lieving@allnex.com) (for Respondent).
 55. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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 the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 60; and
 - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

56. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order

does not contain any confidential business information or personally identifiable information from Respondent.

57. Based on information and belief after reasonable inquiry, Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final 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 the 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.

CERTIFICATION OF COMPLIANCE

58. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in Paragraph 43 of this Consent Agreement.

OTHER APPLICABLE LAWS

59. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

60. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and

remedies available to it under the CAA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

61. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, 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 Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

62. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

63. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Allnex USA Inc.

Date: 6/5/25



For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: **KAREN
MELVIN** Digitally signed by
KAREN MELVIN
Date: 2025.06.10
09:54:24 -04'00'

[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **THOMAS
MINSHALL** Digitally signed by
THOMAS MINSHALL
Date: 2025.06.10
07:48:03 -04'00'

[Digital Signature and Date]
T. Chris Minshall
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Jun 11, 2025

10:49 am

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of: :
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Allnex USA Inc. : **U.S. EPA Docket No. CAA-03-2025-0036**
252 Heilman Avenue :
Willow Island, WV 26134 : **Proceeding under Section 113 of the Clean Air**
 : **Act**
Respondent. :
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Allnex USA Inc. :
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Willow Island, WV 26134, :
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Facility. :
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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Allnex USA Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

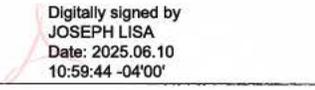
Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's *Clean Air Act Stationary Source Civil Penalty Policy* (dated October 25, 1991), and the statutory factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(e), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **THIRTY-FOUR THOUSAND THREE HUNDRED AND SIXTY-FIVE DOLLARS (\$34,365.00)**, in accordance with the payment provisions set forth in

the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **JOSEPH
LISA** 
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

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Allnex USA Inc.	:	U.S. EPA Docket No. CAA-03-2025-0036
252 Heilman Avenue	:	
Willow Island, WV 26134	:	Proceeding under Section 113 of the Clean
	:	Air Act
Respondent.	:	
	:	
Allnex USA Inc.	:	
252 Heilman Avenue	:	
Willow Island, WV 26134,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

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

Copies served via email to:

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Beveridge & Diamond PC
lmcafee@bdlaw.com
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T. Chris Minshall
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BEVIN
ESPOSITO 
Digitally signed by BEVIN ESPOSITO
Date: 2025.06.11 10:51:12 -0400'

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