

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

**Arkema, Inc.**

**Respondent,**

**601 Tightsqueeze Industrial Road  
Chatham, Virginia 24531**

**Facility.**

**EPA Docket No. CAA-03-2020-0129**

**Proceeding under Section 113(d) of the  
Clean Air Act, as amended,  
42 U.S.C. § 7413(d)**

**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This administrative Consent Agreement is entered into by and between the Director, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region III (“Complainant”), and Arkema, Inc. (“Arkema” or “Respondent”), pursuant to Section 113(d), 42 U.S.C. § 7413(d), of the Clean Air Act, 42 U.S.C. §§ 7401-7671q (the “Act” or “CAA”), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“*Consolidated Rules of Practice*”), as codified at 40 C.F.R. Part 22.
2. Section 113(d) of the Act authorizes the Administrator of the United States Environmental Protection Agency (“EPA”) to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the EPA Region III Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter collectively referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.
3. 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.

**B. JURISDICTION**

4. EPA has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
5. The *Consolidated Rules of Practice* govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a).

**C. GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
7. Except as provided in paragraph 6, immediately above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of 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.
9. 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.
10. 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.
11. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
12. Pursuant to Section 113(d)(1), 42 U.S.C § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate in this matter.

**D. EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law.
14. Respondent is a Pennsylvania corporation with facilities worldwide and with United States headquarters located at 900 1st Ave., King of Prussia, Pennsylvania 19406.
15. Respondent is licensed to do business in the Commonwealth of Virginia and operates a chemical manufacturing plant located at 601 Tightsqueeze Industrial Road, Chatham, Virginia 24531 (hereinafter, the "Facility").
16. Respondent is a "person" within the meaning of Section 113(a) of the CAA, 42 U.S.C § 7413(a), and as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
17. In early 2014, the Facility's prior owner, Sartomer USA, LLC, of Exton, Pennsylvania ("Sartomer"), merged with, and into, Arkema. With that merger, Sartomer ceased to exist as a legal entity and the Facility now operates as a business unit of Arkema, known as the Sartomer Americas Business Unit of Arkema. This organization primarily operates in the industrial inorganic chemicals industry within the chemicals and allied products sector.

18. Arkema engages in chemical manufacturing activities at the Facility, which include monomers manufacturing, oligomers manufacturing and associated wastewater processing.
19. At all times relevant to the violations alleged in this CAFO, Respondent has been, and currently is, the “owner or operator,” as defined in Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), of the Facility, which is a minor source located in an attainment area for all pollutants.
20. The Facility is subject to the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, 9VAC5 Chapter 80 “Permits for Stationary Sources.” These requirements have been incorporated in the federally approved Virginia State Implementation Plan (“Virginia SIP”). *See* 40 C.F.R. § 52.2420(c).
21. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a State implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Act.
22. Pursuant to 9VAC5-80-50A.3., the provisions of 9VAC5 Chapter 80 “Permits for Stationary Sources” apply to “[a]ny source, including an area source, subject to a standard, limitation, or other requirement under § 112 [Hazardous Air Pollutants] of the federal Clean Air Act.” This requirement has been incorporated in the federally approved Virginia SIP.
23. Pursuant to 9VAC5-80-1100A., the provisions of 9VAC5-80-1100 “Permits for New and Modified Stationary Sources,” apply to (i) the construction of any new stationary source or any project (which includes any addition or replacement of an emissions unit, any modification to an emissions unit or any combination of these changes), and (ii) the reduction of any stack outlet elevation at any stationary source. Pursuant to 9VAC5-80-1180D., “[m]inor NSR permits will contain . . . any of the following elements to ensure the permits are enforceable as a practical matter: . . . Specifications for air pollution control equipment operating parameters and the circumstances under which such equipment shall be operated, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but need not be limited to, any of the following: . . . Temperature indicators and required temperature.” These requirements have been incorporated in the federally approved Virginia SIP.
24. The Facility is a not a Title V “major source.” However, it is engaged in the production of monomer and oligomer chemicals whose uncontrolled Hazardous Air Pollutant (“HAP”) emissions would be greater than major source threshold (“MST”) restrictions. As a result, and pursuant to Section 112 of the Act, 42 U.S.C. § 7412, the Facility is subject to the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, found at 40 C.F.R. Part 63, Subpart VVVVVV- Chemical Manufacturing Process Units (“CMPU”), which require Arkema to obtain a Title V permit and to use federally enforceable control devices to maintain Facility HAP emissions below MST restrictions.

25. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), requires that each state submit to the Administrator a permit program meeting the requirements of Title V, and that EPA act to approve or disapprove each program.
26. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations providing for the establishment of Title V permitting programs at 40 C.F.R. Part 70.
27. EPA granted full approval of the State of Virginia Title V operating permit program and the program became effective on November 30, 2001. *See*, 40 C.F.R. Part 70, Appendix A.
28. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide 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 except in compliance with a Title V permit.
29. The Virginia Department of Environmental Quality (“VDEQ”) is a “permitting authority” for Title V purposes, as defined in Section 501(4) of the CAA, 42 U.S.C. § 7661(4).
30. Provisions included by State permitting authorities in Title V permits issued under a program approved by EPA are enforceable by EPA unless denoted in the permit as a State or local requirement that is not federally enforceable. 40 C.F.R. § 70.6(b).
31. The Commonwealth of Virginia issued Arkema a Title V Operating Permit (Permit # BRRO-30954) for the Facility, effective from September 11, 2014 through September 10, 2019 (the “Title V Permit”).
32. The Facility’s Title V Permit contains oligomers CMPU process equipment requirements and limitations that are applicable to volatile organic compound (“VOC”) emissions from three reactor systems (R-0301, R-501, and R-2001), acrylic acid storage, toluene storage, acrylate storage, heavy waste storage, light waste storage, a blender/reactor system (BL-2015), and five feed tanks (V-0320, V-532, V-2030, V-2032, and V-2034) used in oligomers production.
33. *Condition 1* of the Facility’s Title V Permit cites *9VAC 5-80-110* and provides that VOC “emissions from three (3) reactor systems (R-0301, R-501, and R-2001), acrylic acid storage, toluene storage, acrylate storage, heavy waste storage, light waste storage, a blender/reactor system (BL-2015), and five feed tanks (V-0320, V-532, V-2030, V-2032, and V-2034) [(collectively, the “Oligomers CMPU Process Equipment”)] shall be controlled by thermal oxidation.” The Title V Permit further provides that the Facility’s two associated thermal oxidizers (TO-2540a or TO-2540b) shall maintain a minimum temperature of 1,400°F when in use.”
34. *Condition 25* of the Facility’s Title V Permit, entitled “General Conditions – Federal Enforceability,” cites *9VAC 5-80-110N* and provides that “[a]ll terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.”

35. The Commonwealth of Virginia issued the Facility's prior owner, Sartomer, a Stationary Source Permit to Modify and Operate the Facility on September 27, 2007 (the "Minor NSR Permit"). The Minor NSR Permit, which supersedes a prior (August 20, 1997) State-issued permit, remains in effect and applicable to Arkema and the Facility.
36. The Facility's Minor NSR Permit contains emission control requirements that are applicable to VOC emissions from three reactor systems (R-1125, R-1110, and R-1120), washing (W-1135 and W-1130), stripping (S-1150), heptane/toluene recovery (C5010), process water treatment (R-5510) systems and associated piping and storage tanks (collectively, the "Monomers Production Equipment") used in the production of acrylic acid/methacrylic acid based esters (hereinafter, "monomers").
37. *Condition 3* of the Facility's Minor NSR Permit cites *9 VAC 5-80-1180 and 9 VAC 5-50-260* and provides, in relevant part, that VOC emissions from the Facility's Monomers Production Equipment must be controlled by thermal oxidation. According to this permit, a thermal oxidizer "shall maintain a minimum temperature of 1,400°F," and shall be in operation when the Monomers Production Equipment is operating.
38. Upon review of Arkema's Title V Annual Compliance Certifications from calendar years 2016 through 2018, EPA identified numerous instances, over varying periods of time, during which Arkema reported operating the thermal oxidizers employed to control VOC emissions from the Facility's Oligomers CMPU Process Equipment at temperatures below 1400°F while the Oligomers CMPU Process Equipment was in use.
39. On November 29, 2018, EPA issued an information request letter ("IRL") to Arkema under Section 114 of the CAA, 42 U.S.C. § 7414, seeking information regarding the length of time associated with, and the operating temperature registered during, instances of Oligomers CMPU Process Equipment thermal oxidizer temperature threshold deviations and malfunctions that occurred at the Facility between January 1, 2017 and June 30, 2018, as previously identified in prior Title V Annual Compliance Certifications that Arkema submitted to EPA for the Facility.
40. Arkema responded to EPA's IRL on December 14, 2018 ("IRL Response") with a submission that summarized Facility Oligomers CMPU Process Equipment thermal oxidizer temperature threshold deviations and malfunctions, and responsive actions taken at the Facility, from January 1, 2017 to June 20, 2018 and by providing information regarding those projects and investigations initiated by Arkema at the Facility to improve the reliability of this VOC emission control equipment.
41. On August 20, 2019, EPA issued a second information request letter ("2<sup>nd</sup> IRL") to Arkema under Section 114 of the CAA, 42 U.S.C. § 7414. In its 2<sup>nd</sup> IRL, EPA requested additional information about the operation and maintenance of the VOC emissions control equipment installed on both the Facility's oligomers and monomers manufacturing and blending reactor systems, including information regarding all thermal oxidizer VOC control equipment temperature threshold deviations, malfunctions, and responsive actions taken at the Facility during the period of January 1, 2016 through June 30, 2019.

42. Arkema responded to EPA's 2<sup>nd</sup> IRL with submissions dated September 23, 2019 and October 23, 2019, respectively (collectively, the "2<sup>nd</sup> IRL Response"), and certified, under penalty of perjury, that all submitted statements and information therein and all documents and attachments thereto were, to the best of Respondent's knowledge and belief, true, correct, accurate and complete.
43. In Attachments A and C, respectively, to the October 23, 2019 portion of its 2<sup>nd</sup> IRL Response, Arkema provided EPA with recorded lists of its "Oligomer Thermal Oxidizer Deviations" and of its "Monomer Thermal Oxidizer Deviations" that occurred at the Facility during the period of January 1, 2016 through June 30, 2019.
  - a. In its Attachment A "Oligomer Thermal Oxidizer Deviations" list, the Respondent identified each occasion when it failed to maintain a minimum 1,400°F temperature in a Facility Oligomers CMPU Process Equipment thermal oxidizer (TO-2540a and/or TO-2540b) while operating associated Facility Oligomers CMPU Process Equipment.
  - b. In its Attachment C "Monomer Thermal Oxidizer Deviations" list, the Respondent similarly identified each occasion when it failed to maintain a minimum 1,400°F temperature in a Facility Monomers Production Equipment thermal oxidizer while operating associated Facility Monomers Production Equipment.
  - c. In each of these Attachment A and Attachment C lists, the Respondent additionally provided the date, start and end time of each of its Facility Oligomers CMPU Process Equipment and Monomers Production Equipment thermal oxidizer 1,400°F temperature maintenance failures or "Deviations," and the average and low temperature thermal oxidizer readings recorded during each period of "Deviation."
  - d. Arkema maintains that some of the temperature Deviations identified in Attachments A and C to the October 23, 2019 portion of its 2<sup>nd</sup> IRL Response do not accurately portray the extent of each Deviation because they include periods during which process and/or production equipment emissions were not vented to the thermal oxidizers for VOC treatment, either because the Facility had stopped operating the process/production equipment or because gases from such equipment were diverted to knock-out pots for storage until such time as the temperature of the thermal oxidizers went back above 1,400°F.

**Count I**

**Failure to Comply with Title V Permit**

**Oligomers CMPU Process Equipment VOC Emission Requirements and Limitations**

44. The allegations of Paragraphs 1 through 43 of this Consent Agreement are incorporated herein by reference as if fully set forth at length.
45. *Condition 1* of the Facility's Title V Permit (referenced in Paragraph 33, above) provides that VOC emissions from Facility reactor systems R-0301, R-501, and R-2001, acrylic acid storage, toluene storage, acrylate storage, heavy waste storage, light waste storage, blender/reactor system BL-2015, and feed tanks V-0320, V-532, V-2030, V-2032, and V-2034 must be

controlled by thermal oxidation and requires the maintenance of a minimum 1,400°F operating temperature within Facility thermal oxidizers TO-2540a and/or TO-2540b when in use.

46. Based upon the information provided to EPA in Attachment A to the Respondent's October 23, 2019 portion of its 2<sup>nd</sup> IRL Response, Respondent failed to maintain a minimum temperature of 1,400°F in thermal oxidizers TO-2540a and/or TO-2540b while operating Facility Oligomers CMPU Process Equipment:
- (a) on 526 occasions during calendar year 2016;
  - (b) on 229 occasions during calendar year 2017;
  - (c) on 144 occasions during calendar year 2018; and,
  - (d) on 16 occasions, through June 8th, of calendar year 2019.
47. Respondent's failure to maintain a minimum temperature of 1,400°F in thermal oxidizers TO-2540a and/or TO-2540b while operating Facility Oligomers CMPU Process Equipment on each of the 915 occasions identified in Attachment A to the Respondent's October 23, 2019 portion of its 2<sup>nd</sup> IRL Response, as enumerated in Paragraph 46, immediately above, of this Consent Agreement, constitutes 915 violations of *Condition 1* of the Facility's Title V Permit, Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and of 40 C.F.R. § 70.7(b), which subjects Respondent to the assessment of penalties under CAA Section 113(e), 42 U.S.C. §7413(e).

### **Count II**

#### **Failure to Comply with Minor NSR Permit Monomers Production Equipment VOC Emission Requirements and Limitations**

48. The allegations of Paragraphs 1 through 47 of this Consent Agreement are incorporated herein by reference as if fully set forth at length.
49. *Condition 3* of the Facility's Minor NSR Permit (referenced in Paragraph 37, above) provides that VOC emissions from the Facility's three Monomers production reactor systems, wash systems, stripper system, heptane/toluene recovery system, and associated tanks (except the process water treatment system tanks) must be controlled, via thermal oxidation, by a thermal oxidizer that is required to be in operation, and to maintain a minimum temperature of 1,400°F, when the Monomers Production Equipment is operating.
50. Based upon the information provided to EPA in Attachment C to the Respondent's October 23, 2019 portion of its 2<sup>nd</sup> IRL Response, Respondent failed to maintain a minimum temperature of 1,400°F in one or both of its Facility Monomers Production Equipment thermal oxidizers while operating associated Monomers Production Equipment:
- (a) on 241 occasions during calendar year 2016;
  - (b) on 296 occasions during calendar year 2017;

- (c) on 49 occasions during calendar year 2018; and,
- (d) on 9 occasions, through June 28<sup>th</sup>, of calendar year 2019.

51. Respondent's failure to maintain a minimum temperature of 1,400°F in one or both of its Facility Monomers Production Equipment thermal oxidizers while operating associated Monomers Production Equipment on each of the 595 occasions identified in Attachment C to the Respondent's October 23, 2019 portion of its 2<sup>nd</sup> IRL Response, as enumerated in Paragraph 50, immediately above, of this Consent Agreement, constitutes 595 violations of *Condition 3* of the Facility's Minor NSR Permit and of 40 C.F.R. § 52.23, which subjects Respondent to the assessment of penalties under CAA Section 113(e), 42 U.S.C. §7413(e).

### **E. CIVIL PENALTY**

52. In settlement of 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 **ONE HUNDRED SIX THOUSAND FIVE HUNDRED DOLLARS (\$106,500.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
53. The civil penalty is based upon 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), which include the size of the business, economic impact of the penalty, 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 same violation, the seriousness of 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 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.
54. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, Docket No. CAA-03-2020-0129;
  - b. All checks shall be made payable to the "United States Treasury";
  - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

A.J. D'Angelo  
Senior Assistant Regional Counsel  
U.S. EPA, Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[dangelo.aj@epa.gov](mailto:dangelo.aj@epa.gov)

55. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
56. 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 CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
57. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
58. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives – Case Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
59. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

60. If Respondent fails to make a full and complete payment of the civil penalty in accordance with this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this CAFO may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
61. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

#### **F. GENERAL SETTLEMENT CONDITIONS**

62. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
63. Except as noted in Paragraph 43.d., above, 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 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 CAFO, 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.

#### **G. CERTIFICATION OF COMPLIANCE**

64. Respondent certifies to 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 this Consent Agreement.

#### **H. OTHER APPLICABLE LAWS**

65. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict 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 CAFO does not constitute a waiver, suspension or modification of the requirements of the Clean Air Act, or any regulations promulgated thereunder.

**I. RESERVATION OF RIGHTS**

66. This CAFO resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which 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). EPA reserves any rights and remedies available to it under the Clean Air Act, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

**J. EXECUTION /PARTIES BOUND**

67. This CAFO 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 CAFO.

**K. EFFECTIVE DATE**

68. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, 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.

**L. ENTIRE AGREEMENT**

69. This CAFO 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 CAFO.

**For Respondent, Arkema Inc.:**

Date: 08/24/2020

By:   
Len Mazzanti, President  
Sartomer Americas at Arkema

**For Complainant:**

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, 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.

Date: 8/27/20

**KAREN  
MELVIN** Digitally signed by  
KAREN MELVIN  
Date: 2020.08.27  
13:37:10 -04'00'

By: \_\_\_\_\_  
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: \_\_\_\_\_

**ANGELO  
D'ANGELO** Digitally signed by  
ANGELO  
D'ANGELO  
Date: 2020.08.24  
13:39:37 -04'00'

By: \_\_\_\_\_  
A.J. D'Angelo  
Senior Assistant Regional Counsel  
U.S. EPA – Region III

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the Matter of:</b>	)	
	)	<b>EPA Docket No. CAA-03-2020-0129</b>
<b>Arkema, Inc.</b>	)	
	)	
<b>Respondent,</b>	)	<b>Proceeding under Section 113(d) of the</b>
	)	<b>Clean Air Act, as amended,</b>
<b>601 Tightsqueeze Industrial Road</b>	)	<b>42 U.S.C. § 7413(d)</b>
<b>Chatham, Virginia 24531</b>	)	
	)	
<b>Facility.</b>	)	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Arkema, 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 penalty criteria set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. §7413(e), together with EPA’s Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), 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.

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the Clean Air Act, 42 U.S.C. §7413(d) 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 **ONE HUNDRED SIX THOUSAND FIVE HUNDRED DOLLARS (\$106,500.00)** in accordance with the payment provisions set forth in the Consent Agreement, 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.

*In the Matter of:*  
*Arkema, Inc.*

*Final Order*  
*Docket No. CAA-03-2020-0129*

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.

8/28/20

\_\_\_\_\_  
Date

**JOSEPH LISA** Digitally signed  
by JOSEPH LISA  
Date: 2020.08.28  
09:02:29 -04'00'

\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In the Matter of: )  
Arkema, Inc. ) EPA Docket No. CAA-03-2020-0129  
Respondent, )  
601 Tightsqueeze Industrial Road ) Proceeding under Section 113(d) of the  
Chatham, Virginia 24531 ) Clean Air Act, as amended,  
Facility. ) 42 U.S.C. § 7413(d)

**CERTIFICATE OF SERVICE**

I certify that on August 28, 2020, the original and one (1) copy of foregoing **Consent Agreement** and of the associated **Final Order**, each were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I **electronically** served true and correct copies of the same to each of the following persons, **via E-Mail**, at the E-mail addresses specified below:

Matthew W. Morrison, Esq.  
Pillsbury Winthrop Shaw Pittman LLP  
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E-Mail: [matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)  
(Counsel for Respondent)

and

A.J. D'Angelo, Esq.  
Sr. Assistant Regional Counsel (3RC30)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
E-Mail: [dangelo.aj@ep.gov](mailto:dangelo.aj@ep.gov)  
(Attorney for Complainant)

August 28, 2020

Date

**BEVIN ESPOSITO**

Digitally signed by BEVIN  
ESPOSITO

Date: 2020.08.28 10:52:00 -04'00'

Regional Hearing Clerk (3RC00)  
Office of Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029