

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

FILED

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8:45 AM

U.S. EPA REGION 1
HEARING CLERK

In the Matter of:

American GreenFuels, LLC

Respondent

Proceeding under Section 113(d) of the
Clean Air Act

Docket No. CAA-01-2025-0057

**CONSENT AGREEMENT AND
FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The issuance of this Consent Agreement and Final Order (“CAFO”), in accordance with 40 C.F.R. § 22.13(b), simultaneously commences and concludes an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d), 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”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 1 (“EPA”).

3. Respondent is American GreenFuels, LLC (“AGF”), a Delaware company doing business in Connecticut.

4. Complainant and Respondent (together, the “Parties”), having agreed that settlement of this action is in the public interest, consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

5. Respondent agrees to comply with the CAFO’s terms and conditions set out below.

II. JURISDICTION

6. This CAFO is issued under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules at 40 C.F.R. Part 22.

7. 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 administrative penalty action in accordance with Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

8. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

III. STATUTORY AND REGULATORY AUTHORITY

New Source Performance Standards

8. Section 111 of the CAA, 42 U.S.C. § 7411, directs EPA to promulgate federal standards of performance for new or substantially modified stationary sources of pollution that EPA has listed because they cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. These “New Source Performance Standards” (“NSPS”) apply nationwide, regardless of where the stationary source is located or how clean the air is in the stationary source’s location. The primary purpose of the NSPS is to attain and maintain ambient air quality by ensuring the use of the best demonstrated emission control technologies.

9. Pursuant to Section 111 of the CAA, EPA has promulgated the following NSPS for stationary sources, among others:

- a. Standards of Performance for Volatile Organic Compound (“VOC”) Emissions from Synthetic Organic Chemical Manufacturing Industry (“SOCMI”) Distillation Operations. 40 C.F.R. Part 60, Subpart NNN (“Subpart NNN”);
- b. Standards of Performance for VOC Emissions from SOCMI Reactor Processes. 40 C.F.R. Part 60, Subpart RRR (“Subpart RRR”).

10. Pursuant to Section 111 of the CAA, EPA has also promulgated general NSPS provisions, set out at 40 C.F.R. Part 60, Subpart A (“Subpart A”).

11. After the effective date of standards of performance promulgated under CAA Section 111, 42 U.S.C. § 7411, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source. See CAA Section 111(e), 42 U.S.C. § 7411(e).

CAA Civil Penalties

12. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), allow EPA to assess civil penalties for violations of Part 68. Forty C.F.R. Part 19 sets out the statutory penalties as adjusted for inflation.

IV. FACTUAL BACKGROUND

13. AGF is the owner or operator of a stationary source that produces biodiesel, using used vegetable oil, animal fats and the co-ingredients methanol, sulfuric acid, and sodium methoxide, at its 30 Waterfront Street facility ("Facility").

14. AGF also produces glycerol (glycerin) as a co-product at the Facility.

15. The Facility was originally constructed in 2011 and began producing biodiesel and glycerol on or before April 15, 2013.

16. Greenleaf Biofuels, LLC ("Greenleaf") was the original owner of the Facility. Greenleaf merged into AGF in December 2015.

17. AGF utilizes flash evaporators at various locations in the production process to remove moisture and excess methanol. The extracted moisture and methanol are then treated by a distillation system.

18. Emissions from the distillation system are combined with emissions from various storage and process tanks/reactors located at the Facility, including process tanks/reactors 103, 221 and 224, and storage tanks 901, 902, and 903, then are fed through a condenser to recover the methanol for reuse, and then the condensed methanol is collected in Tank 1013 (the "recovery system").

19. The emission stream from the condenser recovery system is combined with emissions streams from the feedstock and glycerin tri-canisters, and the combined streams are vented to a control device.

20. Beginning in March 2017, the emissions from the exhaust of condenser recovery system and from the feedstock and glycerin tri-canisters were treated using a catalytic thermal oxidizer manufactured by Catalytic Combustion (Model SRCO 750G) ("CTO").

V. ALLEGED VIOLATIONS OF LAW

Subpart NNN Applicability

21. Pursuant to 40 C.F.R. § 60.660(a), the provisions of Subpart NNN apply to an affected facility, as designated in 40 C.F.R. § 60.660(b), if that facility is part of a process unit that produces any of the chemicals listed in 40 C.F.R. § 60.667 as a product, co-product, by-product, or intermediate.

22. The Facility's biodiesel production process produces glycerol, a substance listed in 40 C.F.R. § 60.667, as a co-product.

23. Forty C.F.R. § 60.661 defines a process unit as equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one or more of the chemicals in § 60.667.

24. The process equipment described in paragraphs 17, 18, and 19 are part of a process unit that produces glycerol as a co-product, byproduct or intermediate.

25. According to 40 C.F.R. § 60.660(b)(2), an affected facility is each combination of a distillation unit and recovery system into which its vent stream is discharged, for which construction, modification, or reconstruction commenced after December 30, 1983, and on or before April 25, 2023.

26. The operation of the distillation unit and recovery system does not involve the addition of a discrete quantity or batch of liquid feed into the unit that is then distilled at one time; therefore, the process does not meet the definition of a batch distillation operation. See 40 C.F.R. § 60.661.

27. The distillation unit and recovery system, owned and operated by AGF at the Facility, is part of a process unit that produces a chemical listed in 40 C.F.R. § 60.667, was constructed after December 30, 1983, and before April 25, 2023, is not considered to be a batch distillation operation, and is not part of a process unit which produces coal tar or beverage alcohols, or which uses, contains, and produces no VOC.

28. Therefore, the distillation unit and recovery system are an "affected facility" under Subpart NNN, and AGF must meet the requirements of Subpart NNN.

Subpart RRR Applicability

29. According to 40 C.F.R. § 60.700(a), the provisions of Subpart RRR apply to an affected facility as designated in 40 C.F.R. § 60.700(b) if that facility is part of a process unit that

produces any of the chemicals listed in 40 C.F.R. § 60.707 as a product, co-product, by-product, or intermediate.

30. The Facility's biodiesel production process produces glycerol, a substance listed in 40 C.F.R. § 60.707, as a co-product.

31. Forty C.F.R. § 60.701 defines a process unit as equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one or more of the chemicals in § 60.707.

32. The process equipment described in paragraphs 17, 18, and 19 are part of a process unit that produces glycerol as a co-product, by-product or intermediate.

33. According to 40 C.F.R. § 60.700(b), three types of reactor processes, with and without recovery systems, can be "affected facilities" for purposes of Subpart RRR, including, among others, "each combination of a reactor process and the recovery system into which its vent stream is discharged," for which construction, modification, or reconstruction commenced after June 29, 1990, and on or before April 25, 2023. The reactor processes and recovery system that are part of the Facility's biodiesel production meets the criteria of § 60.700(b)(2).

34. The Facility's biodiesel production process contains continuous reactor processes, including tanks/reactors 103, 221, 224 that are characterized by steady-state conditions and in which reactants are added and products are removed simultaneously. Therefore, the process does not meet the definition of a batch operation. See 40 C.F.R. § 60.701.

35. The process tanks/reactors 103, 221, 224 and the recovery system owned and operated by AGF at the Facility are part of a process unit that produces a chemical listed in 40 C.F.R. § 60.707, were constructed after June 29, 1990, and on or before April 25, 2023:

- a. Are not considered to be part of a batch operation;
- b. Have vent streams that are not routed to a distillation unit subject to Subpart NNN;
- c. Are not part of a process unit which produces beverage alcohols, or which uses, contains, and produces no VOCs; and
- d. Are not involved in the manufacture of polypropylene, polyethylene, polystyrene, or poly (ethylene terephthalate), which would be subject to 40 C.F.R. Part DDD.

36. Therefore, the Facility's process tanks/reactors 103, 221, 224 and recovery system are an "affected facility" under Subpart RRR and AGF must meet the requirements of Subpart RRR.

Subpart A Applicability

37. As the owner and operator of affected facilities under Subparts NNN and RRR, AGF must also comply with the General Provisions of the Standards of Performance for New Stationary Sources, 40 C.F.R. § 60, Subpart A. See 40 C.F.R. § 60.1(a).

Violation: Failure to Maintain and Operate the Affected Facility Subject to Subpart NNN and Subpart RRR in a Manner Consistent with Good Air Pollution Practices for Minimizing Emissions

38. The allegations in Paragraphs 1 through 37 are hereby realleged and incorporated herein by reference.

39. Forty C.F.R § 60.11, which includes general compliance and maintenance standards applicable to all NSPS, states in § 60.11(d) that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

40. On July 13, 2022, EPA inspectors performed an inspection at the Facility.

41. On August 5, 2022, EPA issued AGF a reporting requirement and a testing order. The August 5, 2022 testing order required that AGF conduct performance testing of the CTO.

42. On August 25, 2022, AGF provided a response to the August 5, 2022 reporting requirement.

43. The data included in the August 25, 2022 response described that for the period of August 1, 2020, through August 12, 2022, at least 92 bypass events of the CTO occurred that averaged 11.4 hours in duration. At least 56 of the bypass events were to allow for maintenance, and the majority of these instances appeared to be to conduct hydro blast cleaning of the CTO heat exchanger.

44. Documents included in the August 25, 2022 response describe the following recommendations and observations made by the contractor, Catalytic Combustion Emissions Technologies, which was contracted to maintain the CTO:

- a. On April 23, 2021, the contractor documented that the heat exchanger of the CTO was being hydro blasted approximately every two weeks to remove buildup, and that the buildup was coming from liquids in the vapor stream. The contractor recommended, and AGF subsequently installed, a secondary stage vapor liquid separator to remove liquid from the vapor stream to the CTO.
- b. On May 17, 2022, the contractor documented that during operation of the system, black smoke was witnessed coming from the CTO. It was also identified that repeated washing had saturated the unit's insulation and caused it to come into contact with the outer shell of the reactor and heat exchanger, causing the insulation to begin to smolder. The contractor also documented that the system was not designed to process liquids, especially not the heat exchanger, as it is prone to plugging.
- c. On June 14, 2022, the contractor documented that it was very important not to have liquid carryover into the CTO, as the oxidizer wasn't designed to handle liquids. The contractor also documented that discussions were held regarding possible system additions or upgrades to reduce liquid carryover and possibly replacing this style of oxidizer with a different model that would be more applicable for the current process.

45. On August 25, 2022, an EPA inspector performed another inspection at the Facility. During the inspection, AGF representatives informed the EPA inspector that a portable thermal oxidizer ("TTO") had been installed on August 19, 2022, to control the final emissions from the condenser.

46. On September 15, 2022, EPA issued AGF a second reporting requirement and testing order.

47. On October 6, 2022, AGF provided a response to the September 15, 2022 reporting requirement.

48. The October 6, 2022 response provided details on the process and frequency of the hydro blasting conducted on the heat exchanger. Starting in 2020, the CTO was shut down prior to performing the hydro blasting work which was performed every two weeks.

49. AGF conducted a performance test on the TTO on June 29, 2023. During the performance test, EPA learned from Facility representatives that it had been necessary to bypass control devices when they were being cleaned; however, the production process was not necessarily stopped during these events.

50. On August 28, 2024, EPA issued a Notice of Violation ("NOV") to AGF, shared a copy with the Connecticut Department of Energy and Environmental Protection, and held an

NOV conference with the company on October 2, 2024. During and immediately following this conference, AGF representatives provided information on the Facility's multiple efforts to prevent and mitigate the potential adverse impacts of liquid carryover into the CTO.

51. Based on the information provided by AGF and observations from EPA's inspections, summarized in paragraphs 40 through 49, to the extent practicable, AGF failed to maintain and operate its affected facility subject to Subpart NNN and Subpart RRR in a manner that is consistent with good air pollution practices for minimizing emissions. Specifically:

- a. During the period of August 1, 2020, through August 12, 2022, approximately every two weeks for an average of 11 hours at a time, AGF bypassed its control device when AGF shut down the device to conduct cleaning and maintenance. Based on information provided by the Facility, the production process was not necessarily halted during these bypass events, resulting in uncontrolled emissions of VOC compounds, including methanol.
- b. In addition, the CTO was not designed to operate with entrained liquids in the inlet to the device. Failing to take steps to eliminate liquid carryover into the CTO risked (and contributed to) fire in the device.

52. Therefore, AGF has violated 40 C.F.R. § 60.11(d).

VI. CONSENT AGREEMENT TERMS

53. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),
Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the conditions specified in this CAFO;
- e. waives any right to contest the alleged violations of law set forth in Sections V and VI of this CAFO; and
- f. waives its rights to appeal the Final Order accompanying this Consent Agreement.

54. For the purpose of this proceeding, Respondent further:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

- b. acknowledges that this CAFO 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 CAA, 42 U.S.C. § 7607(b)(1);
- d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Connecticut;
- e. waives any rights it may possess at law or in equity to challenge the authority of 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 such noncompliance, and agrees that federal law shall govern in any such civil action; and
- f. 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.

55. Respondent certifies that it has corrected the violation alleged in this CAFO and is currently in compliance with the CAA regulations cited in this CAFO.

56. Penalty Payment:

- a. Respondent agrees to pay a civil penalty of \$143,000 ("Assessed Penalty") within thirty (30) calendar days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").
- b. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of methods, provided on the EPA website <https://www.epa.gov/financial/makepayment>. For additional instructions see: <http://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on EPA's [How to Make a Payment website](#) and will not pay with a paper check.
- c. When making a payment, Respondents shall:
 - i. Identify every payment with "*In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2025-0057*"; and
 - ii. Concurrently with any payment or within 24 hours of any payment, serve proof of such payment to the following via email:

Kassandra Kometani
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
kometani.kassandra@epa.gov

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Santiago.Wanda@epa.gov
and
R1_Hearing_Clerk_Filings@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, confirmation of credit card or debit card payment, 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 “*In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2025-0057.*”

- d. 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 CAFO, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.
- i. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, accrued interest 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 underpayment rate equal to the Federal short-term rate plus three percentage points.
 - ii. Handling Charges. The United States’ enforcement expenses, including, but not limited to, attorney’s fees and costs of handling collection.
 - iii. Late Payment Penalty. A ten (10%) quarterly non-payment penalty.

57. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondents fail to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions 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 enforce the Final Order and recover the full remaining balance of the Assessed Penalty in addition to interest and the amounts discussed above pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalties and Final Order shall not be subject to review.

58. 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.

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

60. W-9 Form

- a. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS"), 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 each Respondent herein agrees, that:

- i. 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>;
- ii. 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;
- iii. Respondent shall email its completed IRS Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, on or before the date the Respondent's penalty payment is due, pursuant to Paragraph 59, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence; and
- iv. 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 Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VII. ADDITIONAL PROVISIONS

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

62. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

63. By signing this CAFO, each undersigned representative of the Parties certifies that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party that he or she represents. The Parties consent to the use of digital signatures on this CAFO, and Respondent further consents to receipt of service of the CAFO, once filed, by electronic mail at legal@kolmar-americas.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

64. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic

Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

65. By signing this CAFO, the Parties agree that each party's obligations under this CAFO and EPA's compromise of statutory maximum penalties constitute sufficient consideration for the other party's obligations.

66. By signing this CAFO, Respondent certifies that 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 there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

VIII. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

67. 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 violation alleged in Section V above.

68. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

69. 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 the subject matter hereof.

70. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). EPA may use any information submitted by Respondent pursuant to this CAFO in an administrative, civil judicial, or criminal action.

71. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, and nothing in this CAFO shall restrict EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

72. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent

in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.


73. Except as qualified by Paragraphs 56 and 57, each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

IX. EFFECTIVE DATE


74. Respondent and Complainant agree to issuance of the attached Final Order. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Regional Hearing Clerk.

In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2025-0057
Consent Agreement and Final Order

FOR RESPONDENT:



Kevin M. Luddy
Executive Vice President and Chief Financial Officer
American GreenFuels, LLC



Date



In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2025-0057
Consent Agreement and Final Order

FOR COMPLAINANT:

 FOR 8/28/2025
James Chow, Director Date
Enforcement and Compliance Assurance Division
EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

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Clean Air Act

Docket No. CAA-01-2025-0057

**CONSENT AGREEMENT AND
FINAL ORDER**

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of EPA's Consolidated Rules and Sections 113(d)(1) and (d)(2)(B) of the CAA, 42 U.S.C. §§ 7413(d)(1) and (d)(2)(B), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Respondent American GreenFuels, LLC is ORDERED to comply with all terms of the Consent Agreement, which shall become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED:

Michael J. Knapp
Regional Judicial Officer
EPA Region 1

Date