



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 6**  
**1445 Ross Avenue, Suite 1200**  
**Dallas, Texas 75202 - 2733**  
**DEC 11 2015**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 9345**

Ciro Ruggiero  
Vice President  
Lamberti USA Inc  
P.O. Box 1000  
Hungerford, TX 77448

**RE: In the Matter of Lamberti USA, Inc**  
**Docket No. EPCRA-06-2016-0501**

Dear Mr. Ruggiero:

Enclosed is the fully executed Complaint and Consent Agreement and Final Order (CAFO) filed with the Regional hearing Clerk. Lamberti, USA, Inc. has 30 days from the effective date of the CAFO to pay the \$5,816 civil penalty, as set forth in section IV beginning on page 5. In addition to the civil penalty and as part of the Supplemental Environmental Project (SEP), Lamberti USA, Inc. is also required to submit a permit application to the Texas Commission on Environmental Quality (TCEQ) for a methanol scrubber within ninety (90) days of the effective date of this CAFO. The schedule for the SEP is outlined in detail in Paragraph 30 of the CAFO. The effective date is the date the CAFO is stamped in the top right corner of the document.

If you have any questions, or concerns regarding this matter, please contact Stan Lancaster at 214.665.8034. Your cooperation in the settlement of this case is most appreciated.

Sincerely

A handwritten signature in black ink, appearing to read "John Blevins", written over a horizontal dashed line.

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure (1)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED  
2015 DEC 16 11:10:15  
REGIONAL HEARING ROOM  
EPA REGION VI

---

IN THE MATTER OF:

LAMBERTI USA, INC  
HUNGERFORD, TEXAS

§  
§  
§  
§ DOCKET NO. EPCRA-06-2016-0501  
§  
§  
§  
§  
§  
§  
§

RESPONDENT

---

**CONSENT AGREEMENT AND FINAL ORDER**

The Director, Compliance and Enforcement Division, United States Environmental Protection Agency (EPA), Region 6 (Complainant), and Lamberti USA, Inc (Respondent), in the above-referenced proceeding, hereby agree that settlement of this proceeding is in the public interest and that entry of this Consent Agreement and Final Order (CAFO) without further litigation is the most appropriate means of settling this matter.

**I. PRELIMINARY STATEMENT**

1. This proceeding for the assessment of civil penalties pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045(c), is simultaneously commenced and concluded by the issuance of this CAFO against Respondent pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. For the purposes of this proceeding, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO.

3. Respondent explicitly waives any right to contest the factual allegations or conclusions of law contained in this CAFO, as well as its right to appeal the Final Order set forth herein, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

4. EPA and Respondent agree that the settlement of the relevant matters without litigation will save time and resources, that it is in the public's interest, and that the entry of this CAFO is the most appropriate means of resolving such matters. This CAFO resolves all violations under Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. Part 372, for the 2007 through 2012 period.

5. Respondent consents to the issuance of this CAFO and to the assessment and payment of the stated civil penalty in the amount and by the method set forth in this CAFO.

6. Respondent represents that it is duly authorized to execute this CAFO and that the party signing this CAFO on behalf of Respondent is duly authorized to bind Respondent to the terms and conditions of this CAFO.

7. Respondent agrees that the provisions of this CAFO shall be binding on its officers, directors, employees, agents, servants, authorized representatives, successors, and assigns.

8. Respondent hereby certifies that as of the date of the execution of this CAFO, Lamberti USA, Inc has corrected the violations alleged in this CAFO, and is now, to the best of its knowledge, in compliance with all applicable requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. Part 372.

## **II. STATUTORY AND REGULATORY BACKGROUND**

9. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that: (a) has ten or more full-time employees; (b) is an

establishment with a primary Standard Industrial Classification (SIC) major group or industry code listed in 40 C.F.R. § 372.23(a), or a primary North American Industry Classification System (NAICS) subsector or industry code listed in 40 C.F.R. §§ 372.23(b) or (c); and (c) “manufactured, processed, or otherwise used” a toxic chemical listed under Subsection 313(c) of EPCRA and 40 C.F.R. § 372.65, in excess of the threshold quantity established under Subsection 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, or 372.28 during the calendar year, to complete and submit a toxic chemical release inventory Form R to the Administrator of EPA and to the State in which the subject facility is located by July 1 of the following year, for each toxic chemical known by the owner or operator to be “manufactured, processed, or otherwise used” in quantities exceeding the established threshold quantity during that preceding calendar year.

10. According to Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25, the threshold amount for reporting under Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.30, is 25,000 pounds for any toxic chemical “manufactured or processed,” and 10,000 pounds for any toxic chemical “otherwise used” for the applicable calendar year. Alternative reporting thresholds are set forth in 40 C.F.R. §§ 372.27 and 372.28.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

#### **A. PRELIMINARY ALLEGATIONS**

11. Respondent is incorporated under the laws of the State of Texas and is authorized to do business in the State of Texas.

12. Respondent is a “person” as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

13. Respondent owns and operates a facility at HWY 59 @ CR 212, Hungerford, Texas 77448.

14. Respondent owns and operates a "facility", as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.

15. Respondent's facility has ten (10) or more "full-time employees" as that term is defined by 40 C.F.R. § 372.3.

16. Respondent's facility is in NAICS subsector or industry code 325998, all other miscellaneous chemicals products & preparations manufacturing.

17. The chemicals diethanolamine, maleic anhydride, methanol, acrylic acid, formic acid and certain glycol ethers are "toxic chemicals" within the meaning of 40 C.F.R. §§ 372.3 and 372.65.

18. During the calendar year 2010 the chemicals listed in paragraph 17 were "manufactured", "processed", and/or "otherwise used" as those terms are defined by 40 C.F.R. § 372.3, at the Respondent's facility. As such, Respondent is subject to the regulatory and statutory provisions cited herein.

19. On August 21, 2012, an inspection of Respondent's facility was conducted by a duly authorized representative of EPA where the violations alleged below were discovered. The inspection covered the 2007 through 2012 time period.

## **B. ALLEGED VIOLATIONS**

### **Count One - Failure to timely File Form Rs for Calendar Year 2010**

20. During calendar year 2010, the Respondent "manufactured, processed and/or otherwise used" the following toxic chemicals at the Respondents facility in excess of the applicable threshold quantities:

- A. diethanolamine
- B. maleic anhydride
- C. methanol
- D. acrylic acid
- E. certain glycol ethers
- F. formic acid

21. The Respondent failed to file a Form Rs with EPA and the State of Texas for diethanolamine, maleic anhydride, methanol, acrylic acid, certain glycol ethers and formic acid by July 1, 2011, for the 2010 calendar year.

22. Therefore, the Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to submit a Form R for diethanolamine, maleic anhydride, methanol, acrylic acid, certain glycol ethers and formic acid for calendar year 2010, to EPA and to the State of Texas by July 1, 2011.

#### **IV. TERMS OF SETTLEMENT**

##### **A. CIVIL PENALTY**

23. For the reasons set forth above, Respondent has agreed to pay a civil penalty which has been determined in accordance with Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).<sup>1</sup> Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the nature, circumstances, extent and gravity of the alleged violations, and with respect to Respondent, ability to pay, lack of prior EPCRA Section 313 violations, the degree of culpability, economic benefit or savings (if any) resulting from the violations, agreement to perform a Supplemental

---

<sup>1</sup> The amount of penalty that can be assessed under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) was increased by the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. Part 19 to \$27,500 per day of violation, for violations occurring between January 30, 1997 and March 15, 2004; and \$32,500 per day of violation for violations which occurred between March 15, 2004 and January 12, 2009; and to \$37,500 per day of violation for violations which occurred after January 12, 2009.

Environmental Project (SEP), cooperation, institution of corrective actions, and other factors as justice may require, it is **ORDERED** that Respondent be assessed a civil penalty of **FIVE THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS AND NO CENTS (\$5,816)**, which will settle the violations as alleged herein.

24. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph and to the performance of a SEP as detailed in paragraph 30.

25. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay the fully-assessed civil penalty of \$5,816, by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal Service mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

**PLEASE NOTE: Docket number EPCRA-06-2016-0501 shall be clearly typed on the check, or other method of payment, to ensure proper credit.** If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference Respondent's name and address, the case name, and docket number of the CAFO. Respondent shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Stan Lancaster  
EPCRA 313 Enforcement Officer  
Toxics Section (6PD-T)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA and acknowledged in the Region.

26. The Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

27. If Respondent fails to submit payment within thirty (30) days of the effective date of this Order, Respondent may be subject to a civil action pursuant to Section 325(f) of EPCRA, 42 U.S.C. § 11045(f), to collect any unpaid portion of the assessed penalty, together with interest, handling charges and nonpayment penalties as set forth below.

28. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will 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. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. 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). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

29. EPA will also assess a fifteen dollar (\$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 fifteen dollar (\$15.00) for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue

from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

30. Description of SEP

a. Respondent shall complete the following SEP which the parties agree is intended to secure significant environmental or public health protection and improvements; or implement or improve emergency planning and preparedness. Not more than ninety (90) days from the effective date of this CAFO, Respondent will submit a permit application for a pollution reduction system at this facility as described in the SEP Scope of Work ("SEPSOW"). Construction will be initiated within 30 days of permit issuance and completed within 1 year of construction commencement. The pollution reduction project is comprised of a distillation column that will remove methanol from distillates and will be constructed and operated at the Wharton facility. Currently, methanol distillates are considered a waste stream and sent off-site for disposal. The distillation column will eliminate this waste stream at the facility as well as decrease the amount of methanol purchased by the facility.

b. Respondent shall perform the SEP activities in accordance with the terms and schedule of the SEPSOW specified in Attachment I, and incorporated herein by reference.

31. Cost of the SEP. The total expenditure for the SEP shall be no less than **\$21,810** to design, purchase and install the methanol distillation column as described in the attached SEPSOW. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

32. Respondent hereby certifies that, as the date of the Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive credit in any other enforcement action for this SEP.

33. SEP Reports

a. Respondent shall submit a final SEP Completion Report to EPA within 2 weeks of the completion of this project. The SEP Completion Report shall contain the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) A description of any operating or logistical problems encountered and the solutions thereto;
- (iii) Itemized final costs with copies of receipts for all expenditures;
- (iv) Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO (see Statement of Work, Attachment I, Certification Statement under item C, SEPSOW Completion Report); and
- (v) A description of the environmental, emergency preparedness, and/or public health benefits resulting from implementation of this SEP.

b. Respondent agrees that failure to submit the final SEP Completion Report or any Periodic Report required by subsections listed above shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to Paragraph 36.

c. Respondent shall submit all notices and reports required by this CAFO to Stan Lancaster (6PDT), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, by first class mail.

d. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

34. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation of any such underlying research and data to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

**[name of responsible party]**

**[title of responsible party]**

**[facility name]**

**[facility city/state]**

35. EPA's acceptance of SEP Report.

a. After receipt of the SEP Completion Report described in paragraph 33 a above, EPA will notify the Respondent, in writing, regarding: i) any deficiencies in the SEP Report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or (ii) indicate that EPA concludes that the project has been completed satisfactorily or (iii) determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 36 herein.

b. If EPA elects to exercise option (i) above, i.e., if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and

binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 36 herein.

36. Stipulated Penalties for Failure to Complete SEP/Failure to spend agreed-on amount.

a. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP described in paragraph 30 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 31 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this Consent Agreement and Order, Respondent shall pay a stipulated penalty to the United States in the amount of **\$21,810** (75% of the dollar for dollar mitigated penalty of \$23,264).

(ii) If the SEP is not completed in accordance with paragraphs 30 - 34, but the Complainant determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.

- (iii) If the SEP is completed in accordance with paragraphs 30 - 34, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$2,326 (10% of the dollar for dollar mitigated penalty of \$23,264).
  - (iv) If the SEP is completed in accordance with paragraphs 30 - 34, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
  - (v) For failure to submit the SEP Completion Report required by paragraph 33(a) above, Respondent shall pay a stipulated penalty in the amount of \$232 for each day after the report was originally due, until the report is submitted.
- b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall ~~be in the sole discretion of EPA.~~
- c. Stipulated penalties for subparagraph (v) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.
- d. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in

accordance with the provisions of paragraph 25 above. Interest and late charges shall be paid as stated in paragraph 27-29 herein.

c. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

37. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Section 313 of EPCRA."

38. This Consent Agreement and Order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP undertaken pursuant to this Agreement.

39. This document is a "Final Order" as that term is defined in the "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990)," dated August 10, 1992; Amended, April 21, 2001; for the purpose of demonstrating a history of "prior such violations".

## **B. RETENTION OF ENFORCEMENT RIGHTS**

40. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondent of Federal or State laws, regulations, or permitting conditions.

42. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. Part 372.

43. Except as specifically provided in this CAFO, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants on, at, or from Respondent's facility. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments, to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

**C. COSTS**

44. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

**D. AGREEMENT TO TERMS**

45. To agree to the terms of this CAFO, Respondent shall forward a copy of this CAFO, with original signature and date, to:

Stan Lancaster  
EPCRA 313 Enforcement Officer  
Toxics Section (6PD-T)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

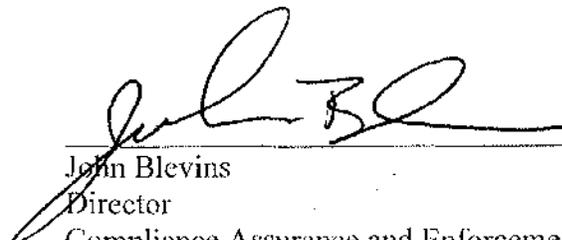
**FOR THE RESPONDENT:**

Date: 12/2/2015

  
\_\_\_\_\_  
Ciro Ruggiero, Vice President  
Lamberti USA, Inc.

**FOR THE COMPLAINANT:**

Date: 12.11.15

  
\_\_\_\_\_  
John Blevins  
Director  
Compliance Assurance and Enforcement Division  
U.S. EPA Region 6

**V. FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those violations addressed in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated 12/16/15



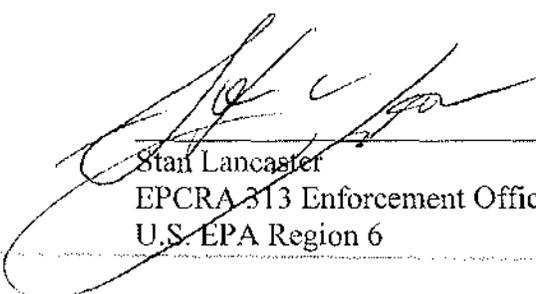
Thomas Rucki  
EPA Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of December, 2015, the original and one copy of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

**CERTIFIED MAIL - RETURN RECEIPT # 7014 0150 0000 2454 9345**

Ciro Ruggiero, Vice President  
Lamberti USA, Inc  
P.O. Box 1000  
Hungerford, TX 77448

  
\_\_\_\_\_  
Stan Lancaster  
EPCRA 313 Enforcement Officer  
U.S. EPA Region 6

## Attachment 1

### Supplemental Environmental Project Scope of Work

#### (SEPSOW)

**Lamberti USA, Inc.** ("Respondent") has designated Manuel Monedero, Plant Engineer, as its Project Manager to oversee the implementation of the SEPSOW, to be responsible for providing reports to EPA and to be the primary contact for all other communications to and from EPA in connection with the SEP. Respondent has agreed to provide funds in the amount of no less than \$21,810 for the performance of the SEP activities described below. The SEP is being implemented at the Wharton Chemical Complex located at Highway 59 @ County Road 212 in Hungerford, Texas. Cost estimates to perform the agreed upon SEP activities are included in this SEPSOW. Actual costs to perform the SEP activities described herein may differ from estimated costs. Should that occur, the fund allocation to the SEP activities will be adjusted accordingly to ensure a total expenditure of **\$21,810** for the agreed upon SEP activities, is expended.

#### A. SEPSOW Description

Respondent shall design and install a distillation column for recovery of methanol from distillates. Currently the distillates are shipped off site for disposal. The distillation column will significantly reduce if not eliminate the amount of distillates leaving the facility. In order to install this column the facility will have to apply for an air permit from Texas Commission on Environmental Quality (TCEQ) therefore the timeframe will be dependent on the time it takes to attain the permit.

#### B. SEP Implementation Plan

1. Within 90 days from the effective date of this CAFO, Respondent will apply for all required permits for the methanol distillation column. Respondent will submit paperwork to EPA at this time showing that the application has been made.
2. Within 30 days of issuance of the required permits from the TCEQ, Respondent will initiate construction of the methanol distillation column. Respondent will submit paperwork to EPA at this time showing that the permit has been issued and a certification that construction of the column has begun.
3. Within 12 months of construction commencement, the distillation column will be fully operational and in service. Respondent will submit the SEPSOW Completion Report as described below.

C. SEPSOW Completion Report

Upon completion of the SEP, a final SEPSOW Completion Report shall be submitted by Respondent to EPA within sixty (60) days after completion of all SEP activities. The SEPSOW Completion Report shall contain the following information:

1. A detailed description of the SEP activities as implemented;
2. A description of any problems encountered and solutions thereto;
3. Itemized costs, documented by copies of the purchase lists, purchase orders and receipts, or canceled checks;
4. A description of the environmental and public health benefits resulting from implementation of the SEP activities (with a quantification of the benefits and pollutant reductions, if feasible).
5. A certification that the SEPSOW has been fully implemented pursuant to the provisions of this CAFO, and;
6. A certification by Respondent's representative who is fully authorized to legally commit and bind Respondent, sign and certify under penalty of law that to the best of Respondent's knowledge the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that based on my inquiry of those individuals immediately responsible for obtaining the information, and to the best of my knowledge, I believe the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

**[name of responsible party]**  
**[title/position]**  
**[name of company]**