

**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
)	
Axiall, L.L.C.)	Docket No. TSCA-HQ-2020-5006
)	

FINAL ORDER

On February 25, 2020, the U.S. Environmental Protection Agency’s Office of Civil Enforcement, Waste and Chemical Enforcement Division, filed a complaint against Axiall, L.L.C., alleging that Axiall had violated section 12(b) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2611(b), and the Notice of Export rule requirements at 40 C.F.R. part 707, subpart D. The complaint sought a penalty of \$49,000.

EPA’s Consolidated Rules of Practice, codified at 40 C.F.R. part 22, govern this administrative enforcement proceeding. Pursuant to these rules, a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. 40 C.F.R. § 22.18(a)(1)-(2). The rules further provide that, upon payment of the penalty in full, in cases initiated at EPA Headquarters, the Environmental Appeals Board must issue a final order. *Id.* § 22.18(a)(3).

On April 2, 2020, EPA’s Office of Enforcement and Compliance Assurance (“OECA”) notified the Board that EPA received a copy of the instrument of payment for the full amount of the penalty (\$49,000) from Axiall to resolve the above-captioned matter. In this context, we understand OECA’s notification and submission to be a representation that EPA has received full payment of the penalty. Payment by Axiall constitutes a waiver of Axiall’s right to contest the

allegations in the complaint and to appeal this Final Order. *See id.* In accordance with 40 C.F.R. § 22.18(a)(3), the above-captioned matter is hereby **RESOLVED**.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: April 9, 2020

By: 

Aaron P. Avila
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the **Final Order** in the matter of *Axiall, L.L.C.*, Docket No. TSCA-HQ-2020-5006, were sent to the following persons in the manner indicated:

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Dated: **Apr 09 2020**



Eurika Durr
Clerk of the Board