



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2101

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: CAA 06-2019-3506

This complaint is issued to: Evonik Corporation – Pasadena PMD Plant

At: 1431 Pasadena Freeway, Pasadena Texas

for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its delegated official, the Director, Enforcement and Compliance Assurance Division, and by Evonik Corporation – Pasadena PMD Plant (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the United States Department of Justice have jointly determined that EPA may pursue this type of case as an administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

On April 15, 2019, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act 42 U.S.C. § 7412(r). EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act 42 U.S.C. § 7412(r) by failing to comply with the regulations as noted.

- 1) 40 C.F.R. § 68.73 (b) “Mechanical Integrity” States the owner or operator shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

Based on the EPA inspection, the facility failed to establish and implement written procedures to maintain the ongoing integrity of process equipment.

- 2) 40 C.F.R. § 68.95 (a) “Emergency Response” States the owner or operator shall develop and implement an emergency response program for protecting public health and the environment. The emergency response plan should be maintained at the stationary source.

The facility failed to provide required documentation of proper first-aid and emergency medical plan necessary to treat accidental human exposures in its emergency response plan.

SETTLEMENT

In consideration of factors set forth in Section 113 of the Act, 42 U.S.C. § 7413(e), including Respondent’s size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described above for the total penalty amount of **\$2,250.00**. This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413 (d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier’s check or certified check (payable to the “Treasurer, United States of America”) in the amount of **\$2,250.00** in payment of the full penalty amount to the following address:

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

The DOCKET NUMBER OF THIS ESA must be included on the certified check. (The DOCKET NUMBER is located at the top of this ESA). **The original Settlement Agreement and a copy of the certified check must be sent by mail to:**

Elizabeth Rogers
RMP Enforcement Officer
Enforcement and Compliance Assurance Division (ECDAC)
U. S. Environmental Protection Agency Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75202-2101

Respondent's full payment of the penalty as provided in this Settlement Agreement shall resolve Respondent's liability for Federal civil penalties for the violations and facts alleged above. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 30 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 C.F.R. § 22.41. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Act. 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon filing with the Regional Hearing Clerk.

SIGNATURE BY RESPONDENT:

Signature: 

Date: Aug 8, 2019

Name (print): Connie Buskness

Title (print): Site Manager

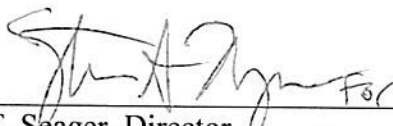
Cost of Corrective Actions: Negligible cost impact from updating existing procedures

Respondent's Brief Description of Complying Action: _____

See attached response


If you need additional space or would like to provide additional supporting documentation, please attach to this document.

SIGNATURE BY EPA:


Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Date: 9/11/19

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and ESA with the Regional Hearing Clerk.


Thomas Rucki
Regional Judicial Officer


Date: 9-16-19

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of Sept 2019, the original of the foregoing Clean Air Act, Section 112(r) Expedited Settlement Agreement (ESA) was hand delivered to the Regional Hearing Clerk, U. S. EPA, Region 6 (ORC), 1201 Elm, Suite 500, Dallas, Texas 75270, and that a true and correct copy of the ESA was placed in the United States mail, first class postage prepaid, addressed to the following:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: # 7009282000018284 2443

Ms. Connie Buskness
Plant Manager
Evonik Corporation - Pasadena PMD Plant
1431 Pasadena Freeway
Pasadena, TX 77506


Elizabeth Rogers (ECDAC)
RMP Enforcement Officer
Air Enforcement Branch
US EPA - Region 6