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EPA REGION VI

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

IN THE MATTER OF:

Graphic Packaging International, LLC  
Queen City, Texas

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DOCKET NO. CAA 06-2022-3365

RESPONDENT

**CONSENT AGREEMENT**

**A. PRELIMINARY STATEMENT**

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the "CAA" or "the Act"), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Compliance Assurance and Enforcement Division has been delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

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3. Respondent, Graphic Packaging International, LLC, is a limited liability company doing business in the state of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

#### **B. JURISDICTION**

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(3)(A), 42 U.S.C. § 7413(a)(3)(A).

6. EPA and the United States Department of Justice jointly determined that this matter, although it involves the alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1), on May 10, 2021, EPA issued to Respondent a notice of violation (“NOV”) and provided a copy of the NOV to the State of Texas, providing notice to both that EPA found that Respondent committed the alleged violations described of Section E of this CAFO and providing Respondent an opportunity to confer with EPA.

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).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

### C. GOVERNING LAW

10. The Act is designed to protect and enhance the quality of the nation's air so as to promote public health and welfare and the productive capacity of its population. CAA § 101(b)(1), 42 U.S.C. § 7401(b)(1).

#### National Emission Standards for Hazardous Air Pollutants

11. Section 112 of the CAA, 42 U.S.C. § 7412, sets forth a national program for the control of hazardous air pollutants ("HAPs"). Under Section 112(b), Congress listed 188 HAPs believed to cause adverse health or environmental effects. 42 U.S.C. § 7412(b)(1).

12. Congress directed EPA to publish a list of all categories and subcategories of, *inter alia*, major sources of HAPs. CAA § 112(c), 42 U.S.C. § 7412(c).

13. Congress directed EPA to promulgate regulations establishing emission standards for each category or subcategory of, *inter alia*, major sources of HAPs. CAA § 112(d)(1), 42 U.S.C. § 7412(d)(1). These emission standards must require the maximum degree of reduction in emissions of HAPs that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for the new or existing sources in the category or subcategory to which the emission standard applies. CAA § 112(d)(2), 42 U.S.C. § 7412(d)(2).

14. To the extent that it is not feasible to prescribe or enforce an emission standard for the control of a HAP, Congress authorized EPA to promulgate "design, equipment, work practice, or operational" standards, which are to be treated as emission standards. CAA § 112(h), 42 U.S.C. § 7412(h).

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15. The emission standards promulgated under Section 112 of the 1990 Amendments of the CAA, 42 U.S.C. § 7412, are known as the National Emission Standards for Hazardous Air Pollutants (“NESHAPs”) for Source Categories or “MACT” (“maximum achievable control technology”) standards. These emission standards are found in Part 63 of Title 40 of the Code of Federal Regulations.

16. After the effective date of any emission standard, limitation, or regulation promulgated pursuant to Section 112 of the CAA, no person may operate a source in violation of such standard, limitation, or regulation. 42 U.S.C. § 7412(i)(3).

17. Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), defines a “major source” to mean “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” *See also* 40 C.F.R. § 63.2.

#### NESHAPs Subpart S

18. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA has promulgated NESHAPs for the Pulp and Paper Industry. 40 C.F.R. Part 63, Subpart S, §§ 63.440-63.459 (“NESHAPs Subpart S”).

19. NESHAPs Subpart S applies to “the owner or operator of processes that produce pulp, paper, or paperboard; that are located at a plant site that is a major source pursuant to 40 C.F.R. § 63.2 . . . ; and that uses the following processes and materials: (1) [k]raft, soda, sulfite, or semichemical pulping processes using wood; or (2) [m]echanical pulping processes using wood; or (3) [a]ny process using secondary or non-wood fibers.” 40 C.F.R. § 63.440(a).

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20. NESHAPs Subpart S contains standards for kraft pulping process condensates, *see* 40 C.F.R. § 63.446, and standards for enclosures and closed-vent systems, *see* 40 C.F.R. § 63.450.

21. Section 63.453 of NESHAPs Subpart S contains monitoring requirements applicable to owners and operators subject to certain standards for kraft pulping process condensates and enclosures and closed-vent systems. 40 C.F.R. § 63.453(a).

22. The pulping system includes “all process equipment, beginning with the digester system, and up to and including the last piece of pulp conditioning equipment prior to the bleaching system.” 40 C.F.R. § 63.441.

23. Pursuant to 40 C.F.R. § 63.443(a)(i) and (c), total HAP emissions from each low volume, high concentration equipment system must be controlled by enclosing the equipment and venting gases into a closed-vent system that routes to a control device. 40 C.F.R. § 63.441 defines “low volume, high concentration system” to mean the collection of equipment that includes the digester, turpentine recovery, evaporator, and steam stripper systems.

24. 40 C.F.R. § 63.453 establishes various monitoring requirements for owners or operators of pulp and paper mills.

25. Pursuant to 40 C.F.R. § 453(k)(2), “[e]ach closed-vent system required by [40 C.F.R.] § 63.450(a) shall be visually inspected every 30 days and at other times as requested by the Administrator.” Such visual inspections “shall include inspection of ductwork, piping, enclosures, and connections to covers for visible evidence of defects.” *Id.*

NESHAPs Subpart MM

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26. NESHAPs Subpart MM applies to “the owner or operator of each kraft, soda, sulfite or stand-alone semichemical pulp mill that is a major source of hazardous air pollutants (HAP) emissions as defined in 40 C.F.R. § 63.2.” 40 C.F.R. § 63.860.

27. NESHAPs Subpart MM applies to “affected sources” at kraft pulp mills. Under 40 C.F.R. § 63.860(b)(1) an “affected source” includes each existing chemical recovery system located at a kraft pulp mill.

28. 40 C.F.R. § 63.861 defines “chemical recovery system” as “all existing [direct contact evaporator] and [non-direct contact evaporator] recovery furnaces, smelt dissolving tanks, and lime kilns at a kraft pulp mill.

29. 40 C.F.R. § 63.867 establishes reporting requirements for owners and operators of kraft pulp mills.

30. 40 C.F.R. § 63.867(c)(1)(viii) requires the submission of semiannual excess emission reports that include a Continuous Monitoring Systems (CMS) performance summary and the total duration of CMS downtime during the reporting period.

31. 40 C.F.R. § 63.867(c)(1)(vii) requires the submission of excess emission reports that include periods of parameter monitoring exceedances.

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

32. Graphic Packaging International, LLC (“GPI”) owns and operates the Texarkana Mill located at 9978 FM 3129, Queen City, Cass County, Texas (the “Facility”) and operates the Facility under Title V Permit No. O1378, issued September 28, 2020, and expiring September 28, 2025, issued by the Texas Commission on Environmental Quality.

33. At all times relevant to this proceeding, Respondent has owned and/or operated the Facility.

34. Respondent is the owner and/or operator of the Facility within the meaning of the Act, Section 112(a)(9), 42 U.S.C. § 7412(a)(9), and 40 C.F.R. § 63.2.

35. At all times relevant to this proceeding, Respondent owned and/or operated units that emit HAPs at the Facility.

36. The Facility is a kraft pulp and paper mill that produces solid bleached sulfate paper products.

37. The Facility is a “stationary source” as that term is defined in Section 112(a)(9), 42 U.S.C. § 7412(a)(9), and 40 C.F.R. § 63.2.

38. At all times relevant to this proceeding, the Facility was a “major source” under Section 112(a)(1), 42 U.S.C. § 7412(a)(1) of the Act.

39. The Facility is subject to NESHAPs Subparts S and MM.

40. The Facility is required to control HAP-containing gases emitting from digesters, pursuant to 40 C.F.R. § 63.443(a)(1)(i) and (c).

41. The Facility is required to visually inspect every closed vent system for evidence of defects, pursuant to 40 C.F.R. § 63.453(k)(2).

42. The Facility is required to submit excess emission reports and include a Continuous Monitoring System (“CMS”) performance summary, including the total duration of CMS downtime during the reporting period, pursuant to 40 C.F.R. § 63.867(c)(1)(viii).

43. The Facility is required to submit excess emission reports and include periods of parameter monitoring exceedances, pursuant to 40 C.F.R. § 63.867(c)(1)(vii).

44. From October 29 to October 31, 2019, EPA inspectors conducted an on-site inspection at the facility. On December 19, 2019, EPA issued a final inspection report.

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45. On September 29, 2020, EPA and the Facility met to discuss areas of concern noted during the subsequent off-site compliance review and the Facility provided additional information on November 2, 2020.

46. Based on the October 29-31, 2019, on-site inspection, a subsequent review of documents provided by the Facility during and after the inspection, and other disclosures made by Respondent, EPA identified alleged violations of the CAA at the Facility as described in Section E of this CAFO.

#### **E. ALLEGED VIOLATIONS**

##### **Claim 1: Failure to control HAP emissions from Digesters.**

47. The Facility is subject to NESHAPs Subpart S, under which Respondent must control total HAP emissions of each low volume, high concentration system by enclosing the equipment and venting gases into a closed-vent system that routes to a control device. See 40 C.F.R. § 63.443(a)(1)(i) and (c).

48. On information and belief, on October 29, 2019, during the on-site inspection, the team observed visible emissions emitting from multiple digesters, releasing HAP-containing gases into the atmosphere.

49. Respondent's failure to control HAP emissions from the digesters violated 40 C.F.R. § 63.443(c).

##### **Claim 2: Missed Visual Inspections**

50. The Facility is subject to NESHAPs Subpart S, under which Respondent is required to visually inspect every closed vent system for evidence of defects. See 40 C.F.R. § 63.453(k)(2).



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51. On information and belief, the Facility failed to visually inspect for evidence of defects for 57 components within the Facility's closed vent system in 2017 and 2018.

52. Respondent's failure to visually inspect all components within the closed vent system for evidence of defects violated 40 C.F.R. § 63.453(k)(2).

Claim 3: Failure to report Continuous Monitoring System ("CMS") Downtime at the Smelt Dissolving Tanks ("SDT") and Lime Kilns ("LK")

53. The Facility is subject to NESHAPs Subpart MM, under which the Respondent must submit excess emission reports and include a CMS performance summary, including the total duration of CMS downtime during the reporting period, pursuant to 40 C.F.R. § 63.867(c)(1)(viii).

54. Based on information and belief, the Facility did not include seven (7) instances of CMS downtime between January 2016 and August 2019 at SDT2, LK1, and LK2 in the semiannual reports.

55. Respondent's failure to include the instances of CMS downtime violated 40 C.F.R. § 63.867(c)(1)(viii).

Claim 4: Failure to report wet scrubber operating parameter exceedances at the LK

56. The Facility is subject to NESHAPs Subpart MM, which requires the Facility to submit excess emission reports and include periods of parameter monitoring exceedances, pursuant to 40 C.F.R. § 63.867(c)(1)(vii).

57. Based on information and belief, the Facility failed to include in the semiannual reports one (1) exceedance in August 2018 of LK1's established wet scrubber parameters.

58. The Respondents failure to include the exceedance of LK1's established parameters in August 2018 violated 40 C.F.R. § 63.867(c)(1)(vii).

**F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT**

General

59. 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 the CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the issuance of any specified compliance or corrective action order<sup>1</sup>;
- e. consents to the conditions specified in this CAFO;
- f. consents to any stated Permit Action<sup>2</sup>;
- g. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
- h. waives its rights to appeal the Final Order included in this CAFO.

60. For the purpose of this proceeding, Respondent:

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

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<sup>1</sup> Although 40 CFR 22.18(b)(2) requires each subbullet, (d) and (f) is not applicable to the particular case.

<sup>2</sup> *Id.*,

- 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 Clean Air Act, 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 Eastern District of Texas;
- e. waives any right 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 this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and
- f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States

were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

Penalty Assessment and Collection

61. 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 size of the business, the economic impact of the penalty on the business, the Respondent's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of one hundred ninety-two thousand seven hundred twenty-six dollars (\$192,726) ("EPA Penalty"). The EPA Penalty has been determined in accordance with the Section 113 of the Act, 42, U.S.C. § 7413 and at no time exceeded EPA's statutory authority.

62. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO, and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving US currency; or (5) Online Payment.

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For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g., FedEx), payment should be remitted to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 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"

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: Jesse White  
(301) 887-6548

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For On Line Payment:

<https://www.pay.gov/paygov/>

Enter sfo 1.1 in search field

Open form and complete required fields.

PLEASE NOTE: The docket number CAA 06-2022-3365 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA 06-2022-3365. Respondent's adherence to this request will ensure proper credit is given when penalties are received for the Region. Respondent shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following addresses:

Justin Chen  
U.S. EPA Region 6  
Chen.Justin@epa.gov

And

Lorena Vaughn  
Region 6 Hearing Clerk  
U.S. EPA Region 6  
vaughn.loreana@epa.gov

63. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).
  - b. Nonpayment Penalty. On any portion of a civil penalty more than 90 calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph a. of this paragraph.

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64. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including but not limited to attorneys' fees incurred by the United States for collection proceedings.

65. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- b. collect the above-referenced debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
- 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, 40 C.F.R. § 13.17.

Conditions of Settlement

66. As a Condition of Settlement, Respondent agrees to the following:

a. Within ninety (90) days of the Effective Date of this CAFO, Respondent shall submit to EPA:

1. A copy of the digester inspection standard operating procedure and inspection schedule adopted by Respondent, which, collectively, must:

- i. Include the inspecting, testing, and, as needed, the rebuilding or replacement of internal wear parts of the capping valves located on all digesters; and
- ii. Specify that at least once every two (2) years, when a digester is pulled out of service, the capping valves shall be inspected and tested: the testing shall include both a visible inspection with the digester under pressure prior to being taken out of service and a water gravity flow test where the capping valve is not under pressure. If capping valve wear parts rebuilds or replacements are warranted based on identification of defects through these tests, the capping valve wear parts will be rebuilt or replaced prior to returning the digester into service in a manner consistent with safety and good air pollution control practices for minimizing emissions.

2. Updated Facility LDAR Site-Specific Inspection Plan (“LDAR Plan”). Respondent must review and update the LDAR Plan,



making any updates necessary to support compliance with all applicable federal, state, and local LDAR regulations. The Facility's LDAR Plan will include procedures for checking for accuracy of component listings and schematics.

3. LDAR Training Protocol and Program, which requires initial and annual training for the following employees in the Pulp and Power areas who have duties relevant to LDAR:
  - i. The Environmental Department Air Specialist;
  - ii. The Pulp and Power process area Manufacturing Managers and their superintendents; and
  - iii. The maintenance planners and maintenance superintendents for both areas.
4. Updated reporting protocols to ensure downtime and deviations relating to CMS downtime are timely reported in accordance with 40 C.F.R. § 63.867(c)(1)(viii) and Lime Kiln excess emission events are timely reported in accordance with § 63.867(c)(1)(vii).

67. At such time as the Respondent believes that it has complied with all terms and conditions of this CAFO, Respondent agrees to certify to EPA completion of the Conditions of Settlement in Paragraph 65 above and provide any necessary documentation. Respondent represents that the signing representative will be fully authorized by Respondent to certify that the terms and conditions of this CAFO have been met. The certification should include the following statement:

"I certify under penalty of law that I have examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals

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immediately responsible for obtaining the information, I believe that the information is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment.”

EPA has 90 days to respond with (a) questions or disagreement that the conditions of the CAFO have been satisfied, or (b) upon request from Respondent, correspondence confirming that Respondent has completed all requirements under the CAFO satisfactorily.

68. Any information or correspondence submitted by Respondent to EPA under this CAFO shall be submitted by email to:

James Leathers, Section Chief  
Air Toxics Enforcement Section (ECDAT)  
U.S. EPA Region 6  
Leathers.James@epa.gov

69. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 65 are completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the “Tolled Claims”). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

70. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 65, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in

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the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment, or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

71. 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.

72. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

73. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each 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.

74. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: [Richsteinmetz.Lindsay@epa.gov](mailto:Richsteinmetz.Lindsay@epa.gov)

To Respondent: [lauren.tashma@graphicpkg.com](mailto:lauren.tashma@graphicpkg.com)

with a copy to [paulina.williams@bakerbotts.com](mailto:paulina.williams@bakerbotts.com)

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75. 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. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

**G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER**

76. 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 violations and facts specifically alleged above.

77. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraph 65 (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraph 65, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

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

79. 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.

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

81. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$109,024 per day of violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in

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Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

82. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, 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, or a determination of, any issue related to any federal, state, or local permit.

83. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

84. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of the Conditions of Settlement and payment of the civil penalty are restitution, remediation, or required to come into compliance with the law.

#### **H. EFFECTIVE DATE**

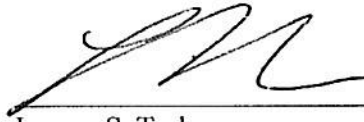
85. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

Re: Graphic Packaging International, LLC  
Docket No. CAA 06-2022-3365

The foregoing Consent Agreement In the Matter of Graphic Packaging International, LLC,  
Docket No. CAA 06-2022-3365, is Hereby Stipulated, Agreed, and Approved for Entry.

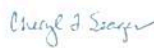
FOR RESPONDENT:

Date : 8/31/2022



Lauren S. Tashma  
EVP, General Counsel, and Secretary  
Graphic Packaging International, LLC

FOR COMPLAINANT:



Digitally signed by CHERYL  
SEAGER  
Date: 2022.09.06 13:15:09  
-05'00'

Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6



Re: Graphic Packaging International, LLC  
Docket No. CAA 06-2022-3365

CERTIFICATE OF SERVICE

I hereby certify that on the date in the electronic signature below, an electronic copy of the foregoing Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite #500, Dallas, Texas 75270-2102, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cynthia Gwinn  
Environmental Manager  
Graphic Packaging International, LLC  
Texarkana Mill  
9978 FM 3129  
Queen City, Texas 75572

Paulina Williams  
Baker Botts L.L.P.  
98 San Jacinto Blvd., Ste. 1500  
Austin, Texas 78701

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U.S. EPA, Region 6  
Dallas, Texas