

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven Viggiani 1/30/17
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA-01-2017-0020

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Paul F Teta
American Green Fuels, LLC
100 Waterfront Street
New Haven, CT 06512

Total Dollar Amount of Receivable \$ 192,000 Due Date: 3/2/17

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

January 30, 2017

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

JAN 30 2017

EPA ORC
Office of Regional Hearing Clerk

Re: In the Matter of: American GreenFuels, LLC
Docket No. CAA-01-2017-0020

Dear Ms. Santiago:

Please accept for filing the attached original and one copy of a Consent Agreement and Final Order ("CAFO") settling the above-captioned Clean Air Act case against American GreenFuels, LLC at its biodiesel manufacturing facility in New Haven, Connecticut. The CAFO has been executed by the parties and was signed by the Regional Judicial Officer on January 30, 2017.

Please note that this enforcement action has no accompanying administrative complaint. Instead, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), this CAFO simultaneously commences and settles the action.

If you have any questions regarding the CAFO, please call me at (617) 918-1729. Thank you for your assistance with this matter.

Sincerely,

Steven J. Viggiani
Senior Enforcement Counsel
EPA Region 1

Attachments (original and one copy)

cc: Paul F. Teta, Esq.
Counsel for American GreenFuels, LLC

In the Matter of: American GreenFuels, LLC, Docket No. CAA-01-2017-0020

CERTIFICATE OF SERVICE

I certify that I hand-delivered to the office of the Regional Hearing Clerk of EPA Region 1 the original and one copy of the final Consent Agreement and Final Order (“CAFO”) in the above-captioned case, together with a cover letter, and arranged to send a copy of the CAFO and letter via mail to Respondent at the address set forth below:

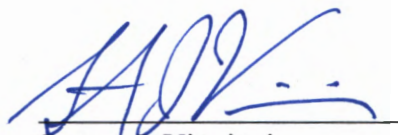
HAND-DELIVERY: (original and one copy)

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

VIA FIRST CLASS MAIL:

Paul F. Teta
Vice President and Senior Counsel
Kolmar Americas, Inc.
10 Middle Street - PH
Bridgeport, CT 06604

Date: 1/30/17



Steven J. Viggiani
Senior Enforcement Counsel
EPA Region 1

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:

American GreenFuels, LLC
100 Waterfront Street
New Haven, Connecticut 06512

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

Docket No. CAA-01-2017-0020

RECEIVED

JAN 30 2017

EPA ORC
Office of Regional Hearing Clerk

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This is an administrative penalty action brought pursuant to 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 U.S. Environmental Protection Agency (“EPA”), Region 1. On EPA’s behalf, Susan Studlien, Director of EPA Region 1’s Office of Environmental Stewardship, is delegated the authority to settle civil administrative penalty proceedings pursuant to Section 113(d) of the CAA.

3. Respondent is American GreenFuels, LLC (“American GreenFuels”), a wholly-owned subsidiary of Kolmar Americas, Inc. Respondent is a corporation doing business in the state of Connecticut, and is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

RECEIVED

JAN 30 2017

EPA ORC
Office of Regional Hearing Clerk

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement (“Consent Agreement” or “Agreement”) and the attached final order (“Final Order” or “Order”) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order.

II. JURISDICTION

5. This Consent Agreement is entered into pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22.

6. EPA and the United States Department of Justice have jointly determined that this matter is appropriate for an administrative penalty assessment pursuant to Section 113 (d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

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

8. The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. See 40 C.F.R. § 22.13(b).

III. GOVERNING LAW

9. Section 111 of the CAA, 42 U.S.C. § 7411, requires EPA to promulgate regulations establishing new source performance standards (“NSPS”) for various categories of stationary sources.

10. Pursuant to Section 111 of the CAA, EPA has promulgated the following NSPS regulations:

- (a) Standards of Performance for Equipment Leaks of Volatile Organic Compounds (“VOC”) in the Synthetic Organic Chemicals Manufacturing Industry (“SOCMI”) for which Construction, Reconstruction, or Modification Commenced after November 7, 2006, set out at 40 C.F.R. Part 60, Subpart VVa (“Subpart VVa”);
- (b) Standards of Performance for VOC Emissions from SOCMI Distillation Operations, set out at 40 C.F.R. Part 60, Subpart NNN (“Subpart NNN”); and
- (c) Standards of Performance for VOC Emissions from SOCMI Reactor Processes, set out at 40 C.F.R. Part 60, Subpart RRR (“Subpart RRR”).

11. 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”).

12. Sections 113(a) and 113(d)(1) of the CAA, 42 U.S.C. §§ 7413(a) and 7413(d)(1), provide, among other things, that EPA may commence an administrative penalty action against any person found in violation of CAA provisions and regulations promulgated thereunder, including the NSPS regulations. Pursuant to Section 113(d)(1) of the CAA, the Debt Collection Improvement Act of 1996 (as amended in 2015 by Section 701 of Pub. L. 114-74, 31 U.S.C. § 3701), and EPA regulations set out at 40 C.F.R. Part 19, EPA may assess penalties of up to \$37,500 per day for each violation of the CAA and CAA regulations that occurs on or before November 2, 2015, and up to \$44,539 for each violation that occurs on November 3, 2015 and thereafter.

IV. FACTUAL AND LEGAL BACKGROUND

13. Greenleaf Biofuels, LLC (“Greenleaf”), which merged into American GreenFuels in December 2015, started construction of a biodiesel manufacturing facility located at 100 Waterfront Avenue in New Haven, Connecticut (“Facility”) in or about October 2011.

14. Greenleaf began producing biodiesel at the Facility in April 2013, and reached its maximum biodiesel production rate in or about August 2014.

15. On July 9, 2013, EPA Region 1 inspected the Facility.

16. On December 5, 2013, EPA Region 1 issued Greenleaf a CAA Notice of Violation (“NOV”) stating EPA Region 1’s findings and alleging that Greenleaf violated certain requirements of NSPS Subparts NNN, RRR and VVa.

17. On November 3, 2014, EPA Region 1 issued Greenleaf a CAA Testing Order that required emissions testing to assess Greenleaf’s compliance with Subparts NNN and RRR.

18. From April 2013 to the present, Greenleaf and its successor American GreenFuels have produced biodiesel at the Facility from used vegetable oil and co-ingredients including methanol, sulfuric acid and sodium methoxide.

V. ALLEGED VIOLATIONS OF LAW

A. NSPS Applicability

1. Subpart NNN

19. Pursuant to 40 C.F.R. § 60.660(a), Subpart NNN applies 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.

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

21. Pursuant 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.

22. The Facility's biodiesel production process includes a distillation unit that is vented through a methanol recovery system.

23. The Facility's distillation unit and recovery system is an "affected facility" pursuant to NSPS Subpart NNN.

2. Subpart RRR

24. Pursuant 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 the 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.

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

26. Pursuant to 40 C.F.R. § 60.700(b)(1), an affected facility is each reactor process not discharging its vent stream into a recovery system, for which construction, modification, or reconstruction commenced after June 29, 1990.

27. The Facility's biodiesel production processes include a pre-treatment process performed in a reactor ("pre-treatment reactor") not discharging into a recovery system.

28. The Facility's pre-treatment reactor is an "affected facility" pursuant to NSPS Subpart RRR.

3. Subpart VVA

29. Pursuant to 40 C.F.R. § 60.480a(a)(1), the provisions of NSPS Subpart VVa apply to affected facilities in the synthetic organic chemicals manufacturing industry.

30. Pursuant to 40 C.F.R. § 60.481a, the synthetic organic chemicals manufacturing industry is an industry that produces, as an intermediate or final product, one or more of the chemicals listed in 40 C.F.R. § 60.489.

31. The Facility's biodiesel production process produces glycerol, a substance listed in 40 C.F.R. § 60.489, as an intermediate or final product.

32. Pursuant to 40 C.F.R. §§ 60.480a(b) and 60.481a, an affected facility is a group of all equipment (including pumps, compressors, pressure relief devices, sampling connection systems, valves, lines, or other connectors in VOC service, and any devices or systems required by Subpart VVa) within a process unit that commenced construction, reconstruction, or modification after November 7, 2006.

33. Pursuant to 40 C.F.R. § 60.481a, a process unit is the components assembled and connected by pipes or ducts to process raw materials and to produce as intermediate or final products one or more of the chemicals listed in 40 C.F.R. § 60.489 (including glycerol). A process unit includes feed, intermediate and final product storage vessels, product and transfer racks, connected ducts and piping, and all equipment as defined in Subpart VVa.

34. The components, storage vessels, racks, piping and equipment associated with the Facility's biodiesel production process are a "process unit" pursuant to Subpart VVa, and the Facility's equipment (including all equipment described in Paragraph 32 above) within the process unit is an "affected source" pursuant to Subpart VVa.

B. Alleged Violations

1. Failure to Provide Notice of Initial Startup and Compliance Option Election

35. Owners and operators of affected facilities subject to Subparts NNN and RRR must provide EPA with written notification of the date of initial startup of the facility and the choice of the general emission standard with which the facility will comply. See 40 C.F.R. §§ 60.665(a), 60.705(a), and 60.7(a)(3). Such written notification must be postmarked within 15 days of the date of initial startup. Id.

36. The Facility first produced biodiesel sometime in April 2013. Thus, the Facility initially started up by no later than April 30, 2013, and the written notification of initial startup and compliance election should have been sent to EPA by no later than May 15, 2013.

37. Neither American GreenFuels nor its predecessor GreenLeaf has provided written notification of initial startup and compliance election for the Facility as required by 40 C.F.R. §§ 60.665(a), 60.705(a), and 60.7(a)(3). Accordingly, American GreenFuels has violated Subparts NNN and RRR.

2. Failure to Comply with NNN/RRR General Standards

38. Under Subparts NNN and RRR, owners and operators of affected facilities must comply with one of three general emissions standards. Specifically, facilities must either (a) reduce VOC emissions (less methane and ethane) by 98% by weight, or to a VOC concentration of 20 ppmv; (b) combust emissions in a flare that meets the requirements of Subpart A; or (c) maintain a total resource effectiveness (“TRE”) index calculation greater than 1.0 without using VOC control devices. See 40 C.F.R. §§ 60.662 and 60.702.

39. The above-described Subpart NNN/ RRR general emissions standards must be complied with on and after the date that the facility's initial performance test required by Subparts NNN and RRR (and Subpart A at 40 C.F.R. § 60.8) is completed, but no later than 60 days after achieving the maximum production rate at which the affected facility will be operated or 180 days after initial start-up, whichever date comes first. Id.

40. The Facility started up by no later than the end of April 2013, achieved its maximum production rate in or about August 2014, and has conducted no Subpart NNN/RRR performance tests. Accordingly, the Facility was required to comply with the Subpart NNN/RRR general emissions standards by no later than October 27, 2013, i.e., 180 days after initial startup on or before April 30, 2013.

41. Neither American GreenFuels nor its predecessor GreenLeaf has complied with any of Subpart NNN/RRR general emission standards set out in 40 C.F.R. §§ 60.662 and 60.702. Accordingly, American GreenFuels has violated Subparts NNN and RRR.

3. Failure to Conduct Monitoring of Emissions and Operations

42. Subparts NNN and RRR, at 40 C.F.R. §§ 60.663 and 60.703 respectively, require the installation and operation of various monitoring devices depending on the facility's choice of general emissions standard. For example, a facility using a catalytic incinerator to comply with VOC emission limits must install inlet and outlet temperature monitoring and inlet flow monitoring. See 40 C.F.R. §§ 60.663(a)(1) and (2), and 60.703(a)(1) and (2).

43. 40 C.F.R. § 60.13(b) requires that NSPS sources install all required continuous monitoring systems and monitoring devices prior to conducting performance tests under 40 C.F.R. § 60.8, which in turn requires a source to conduct its performance test no later than 60

days after achieving the affected facility's maximum production rate, or 180 days after initial start-up, whichever date comes first. See 40 C.F.R. § 60.8(a).

44. The Facility was required to install its required monitoring devices by no later than October 27, 2013, i.e., no later than 180 days after initial startup on or before April 30, 2013.

45. Neither American GreenFuels nor its predecessor GreenLeaf has installed monitoring equipment as required by Subparts NNN and RRR at 40 C.F.R. §§ 60.663 and 60.703, respectively. Accordingly, American GreenFuels has violated Subparts NNN and RRR.

4. Failure to Implement Subpart VVa Equipment Leak Detection

46. Pursuant to 40 C.F.R. § 60.482-1a(a), owners and operators of affected facilities subject to Subpart VVa must demonstrate compliance with Subpart VVa requirements within 180 days of initial startup.

47. Accordingly, the Facility was required to demonstrate compliance with Subpart VVa requirements by no later than October 27, 2013, i.e., 180 days after initial startup on or before April 30, 2013.

48. Neither American GreenFuels nor its predecessor Greenfuels demonstrated compliance with the provisions of Subpart VVa until American Greenfuels submitted an initial Subpart VVa compliance report to EPA on December 29, 2015, for a Subpart VV leak detection and repair program that was initiated in November 2014.

49. Accordingly, American GreenFuels violated Subpart VVa at 40 C.F.R. § 60.482-1a(a).

5. Failure to Submit Semi-Annual Compliance Reports

50. Pursuant to 40 C.F.R. §§ 60.487a(a), 60.665(l) and 60.705(l), the Facility was required to submit semi-annual compliance reports for Subparts VVa, NNN and RRR beginning within six months after the initial startup date.

51. Accordingly, the Facility was required its first semi-annual compliance reports by no later than November 1, 2013, i.e., by no later than six months after initial startup at the end of April 2013.

52. American Greenfuels submitted the Facility's initial Subpart VVa compliance report on December 29, 2015. Neither American GreenFuels nor its predecessor Greenfuels has submitted any semi-annual compliance reports for Subparts NNN or RRR.

53. Accordingly, American GreenFuels has violated Subparts VVa, NNN and RRR at 40 C.F.R. §§ 60.487a(a), 60.665(l) and 60.705(l), respectively.

VI. TERMS OF CONSENT AGREEMENT

54. For the purpose of this proceeding, and 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 Agreement;
- (b) neither admits nor denies the specific factual allegations and alleged violations of law set out in Section V of this Agreement;
- (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;

- (e) consents to the conditions specified in this Agreement;
- (f) consents to any stated permit Action;
- (g) waives any right to contest the alleged violations of law set forth in Section V of this Consent Agreement; and
- (h) waives its rights to appeal the Order accompanying this Agreement.

55. For the purpose of this proceeding, Respondent:

- (i) agrees that this Agreement states a claim upon which relief may be granted against Respondent;
- (j) acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (k) 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 Order, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
- (l) consents to personal jurisdiction in any action to enforce this Agreement or Order, or both, in the United States District Court for the District of Connecticut; and
- (m) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Agreement or Order, or both, and to seek an

additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

56. Penalty Payment

- (a) EPA has compromised the maximum civil penalty of \$44,539 per day per violation authorized in this matter, applying Section 113(d)(2)(B) of the CAA, 42 U.S.C. § 7413(d)(2)(B), and the factors set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the 1991 Clean Air Act Stationary Source Civil Penalty Policy, including Respondent's significant cooperation in agreeing to perform the non-penalty obligations in Appendix 1 to this Agreement.
- (b) In light of the particular facts and circumstances of this matter, with specific reference to Section 113(d)(2)(B) of the CAA, 42 U.S.C. § 7413(d)(2)(B), and the relevant penalty factors set out in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e), and considering Respondent's significant cooperation in agreeing to perform the non-penalty obligations in Appendix 1, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in the Complaint and Section V of this Agreement in the amount of \$192,000.
- (c) Respondent agrees to pay the civil penalty of \$192,000 within 30 calendar days of the Effective Date of this Agreement.

- (d) Respondent agrees to make payment by submitting a bank, cashier's, or certified check, to the order of the "Treasurer, United States of America," in the amount of \$192,000 to:

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

Respondent shall note the case name and docket number of this action on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Suite 100, Mail Code ORA18-1
Boston, MA 02109-3912

and

Steven J. Viggiani
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Suite 100, Mail Code OES04-3
Boston, MA 02109-3912

57. If Respondent fails to timely pay any portion of the penalty assessed under this Agreement, EPA may:
- (a) request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement

expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);

- (b) refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- (c) collect the 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
- (d) 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.

58. Conditions. As a condition of settlement, Respondent agrees to comply with the non-penalty provisions of Appendix 1 (Terms of Compliance) as of the Effective Date of this Agreement. Appendix 1 is attached hereto and incorporated herein by reference. Respondent shall comply with Appendix 1 beginning with the Effective Date of this CAFO.

- (a) Respondent shall be liable for stipulated penalties in the amount of \$1,000 for each day for the first through thirtieth day for each failure to perform any action required under the provisions of Appendix 1, and \$2,000 for each day thereafter for each failure to perform any action required under the provision of Appendix 1.

- (b) Respondent shall pay stipulated penalties plus any interest due thereupon within fifteen (15) days of receipt of a written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 56(d) above. EPA may, in its sole discretion, elect not to seek stipulated penalties or to compromise any portion of stipulated penalties that accrue pursuant to this CAFO.

59. Respondent agrees that the time period from the Effective Date of this Agreement until all of the conditions specified in Paragraph 58 and Appendix 1 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 (the “Tolled Claims”) set forth in Section V of this Agreement. 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.

60. The provisions of this Agreement 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 59, Respondent must give written notice and a copy of this Agreement to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA Region 1. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or

liabilities of this Agreement unless EPA has provided written approval of the release of said obligations or liabilities.

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

62. By signing this Agreement, 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 Agreement and has the legal capacity to bind the party he or she represents to this Agreement.

63. By signing this Agreement, both parties agree that each party's obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other party's obligations.

64. By signing this Agreement, 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.

65. Except as qualified by Paragraph 57, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

66. All notices and submissions required by this Order shall be sent to:

For EPA Region 1:

Steven J. Viggiani
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Suite 100 Mail Code OES04-3
5 Post Office Square
Boston, MA 02109-3912

or

viggiani.steven@epa.gov

For Respondent:

Paul F. Teta
Vice President & General Counsel
Kolmar Americas, Inc.
10 Middle Street - PH
Bridgeport, CT 06604

or

p.teta@kolmar-americas.com

VII. 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 Consent Agreement and Final Order resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above in Section V of this Agreement.

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

69. This Agreement 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 herein.

70. The terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties or the written agreement of Complainant and a successor or assign of Respondent, and approval of the Regional Judicial Officer.

71. Any violation of this Order may result in a civil judicial action for an injunction or civil penalties of up to \$44,539 per day per violation, or both, 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 under this Order in an administrative, civil judicial, or criminal action.

72. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CAA 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 determination of, any issue related to any federal, state, or local permit.

73. 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.

VIII. EFFECTIVE DATE

74. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, EPA Region 1 will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2017-0020, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:


Signature _____ Date January 16, 2017

Printed Name: Paul F. Teton

Title: Vice President & General Counsel

Address: Kolman Americas, Inc. 10 Middle Street - P# Bridgeport CT 06604

Respondent's Federal Tax Identification Number: 06-147-3189

on behalf of American Green Fuels, LLC

The foregoing Consent Agreement In the Matter of American GreenFuels, LLC, Docket No. CAA-01-2017-0020, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code OES04-3
Boston, MA 02109-3912

01/25/2017
Date

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

RECEIVED

JAN 30 2017

EPA ORC *WS*
Office of Regional Hearing Clerk

In the Matter of:

American GreenFuels, LLC
100 Waterfront Street
New Haven, Connecticut 06512

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

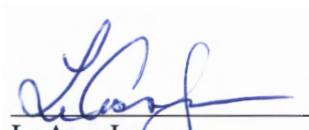
Docket No. CAA-01-2017-0020

FINAL ORDER

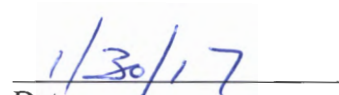
In accordance with 40 C.F.R. § 22.18(b) of the Consolidated Rules, the parties to this matter have forwarded the foregoing executed Consent Agreement for final approval. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), authorizes EPA to issue an administrative penalty to enforce the requirements of the CAA. In addition, Section 113(d)(2)(B) of the CAA, 42 U.S.C. § 7413(d)(2)(B), authorizes EPA to compromise the maximum civil penalty of \$44,539 per day per violation by applying the penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), to the facts and circumstances of this case, including Respondent American GreenFuels' significant cooperation to date and agreement to perform non-penalty conditions. Pursuant to these provisions, Complainant EPA Region 1 has modified the maximum civil penalty and imposed the conditions described in Section VI and Appendix 1 of the Consent Agreement. Respondent has consented to the terms of this Consent Agreement.

Pursuant to 40 C.F.R. § 22.18(b) of the Consolidated Rules and Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Consent Agreement is incorporated by reference into this Final Order and is hereby ratified. Respondent American GreenFuels will pay a civil penalty in the amount of \$192,000 in the manner indicated in the Consent Agreement. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED:



LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORC-18
Boston, MA 02109-3912



Date

APPENDIX 1: TERMS OF COMPLIANCE

1. Respondent shall comply with all applicable requirements of NSPS Subparts VVa, NNN and RRR, with all associated general requirements of NSPS Subpart A, and with the requirements set out below in this Appendix.

2. By no later seven days after the Effective Date of this CAFO, Respondent shall submit to EPA Region 1 notifications containing Respondent's elections of compliance options for NSPS Subparts NNN and RRR as required by 40 C.F.R §§ 60.665(a) and 60.705(a). These notices shall be combined with notices of date of initial startup as required by the above-cited sections and 40 C.F.R § 60.7(a)(3).

3. By no later than March 1, 2017, Respondent shall install and commence operation of an emissions control system with a catalytic thermal oxidizer (hereinafter, "catalytic incinerator") for controlling total organic compounds ("TOC") at the Facility and complying with the Subpart NNN and RRR emission standards set out at 40 C.F.R §§ 60.662(a) and 60.702(a), respectively.

Subpart NNN/RRR Emissions Control System Performance Testing Schedule

4. Respondent's emissions control system performance testing shall be conducted in accordance with a written site-specific test plan approved by EPA Region 1 on the schedule set out below.

5. By no later than 60 days after Respondent's emissions control system described in Paragraph 3 above commences operation, Respondent shall prepare and provide to EPA Region 1 a draft written site-specific test plan that meets the requirements of 40 C.F.R. §§ 60.8, 60.664 and 60.704.

6. Respondent shall include in the draft site-specific test plan a detailed description of the inlet and outlet temperature monitoring devices and the inlet flow monitoring device, and these devices' continuous recorders, that are required to be installed on the emission control system pursuant to 40 C.F.R. §§ 60.663 and 60.703. The draft plan shall confirm that the above-described temperature and flow monitors have been installed in the locations designated by these regulations, and that the monitors meet meets the regulations' accuracy, averaging, and recording requirements. The draft plan shall also include a detailed description of (i) how temperature and flow monitoring will be conducted during the performance test to comply with 40 C.F.R. §§ 60.663(a)(1) - (2), and 60.703(a)(1) - (2); and (ii) how temperature monitoring parameters will be recorded during and after the performance test to comply with 40 C.F.R. §§ 60.665(b)(1), (c) and (d), and with 40 C.F.R. §§ 60.705(b)(1), (c) and (d).

7. Respondent shall identify in the draft site-specific test plan all bypass lines that could divert some or all of the vent stream from being routed to the catalytic incinerator, and shall state how these lines are equipped with flow indicators or seal mechanisms for compliance with 40 C.F.R. §§ 60.703(a)(2) and 60.705(d). Respondent shall also identify all conservation vents on storage tanks attached to the common vent headers (which may unintentionally act as bypass vents), state whether each such conservation vent is acting as a bypass vent, and, if so, how such bypass is being addressed.

8. Within 60 days after the receipt of the draft site-specific test plan, EPA Region 1 shall approve or comment on it. During this 60-day period, Respondent and EPA Region 1 may hold a conference call or face-to-face meeting to discuss the draft plan. If EPA Region 1 comments on the draft plan, or on any revised plan, Respondent shall incorporate EPA Region 1's comments and re-submit a revised plan to EPA Region 1 within 30 days of receiving the comments. EPA Region 1 shall approve or comment on the revised plan within 30 days after receiving it. If EPA Region 1 does not provide comments within any of the time periods specified above, then the draft plan or revised plan shall be deemed approved by EPA Region 1.

9. Within 75 days after EPA Region 1's approval of the site-specific test plan, Respondent shall schedule and conduct the emissions control system performance test in accordance with the approved plan.

10. At least 60 days prior to the scheduled test, Respondent shall provide a notification of the performance test to EPA Region 1. EPA Region 1 may choose, in its discretion, to observe any or all aspects of the test.

11. Within 60 days after completing the emissions control system performance test, Respondent shall submit a test report to EPA Region 1 that includes all information required by 40 C.F.R. §§ 60.665(b), 60.705(b), and 60.8 and by any other applicable provisions of NSPS Subparts A, NNN, and RRR, any additional information necessary to determine the conditions of the performance test, and any other information required by the approved test plan. If Respondent's emissions control system does not meet the Subpart NNN and RRR emission limits set out in 40 C.F.R. §§ 60.662(a) and 60.702(a), Respondent shall provide EPA Region 1 with a detailed description of the actions Respondent has taken, or will take, to comply with these emission limits.

First Semi-Annual Compliance Reports for Subparts NNN and RRR

12. Respondent shall provide its first semi-annual compliance reports for Subparts NNN and RRR to EPA Region 1 by no later than July 30, 2017 for the reporting period from January 1, 2017 through June 30, 2017.

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