

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

This form was originated by: Donna MASTRO 8-11-10  
Name of Contact person Date

in the ORC Reg 3 EPA at 215-814-2777  
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS  
 Administrative Order/Consent Agreement FMD COLLECTS PAYMENT  
 SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt  This is a modification

Name of Company making payment: Koppers Inc.

The Total Dollar Amount of Receivable: \$27,000  
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number CAA-03-2010-0290  
The Site-Specific Superfund Acct. Number \_\_\_\_\_  
The Designated Regional/HQ Program Office ARD

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_  
If you have any questions call: \_\_\_\_\_  
Name of Contact Date  
in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:**

- 1. Rosemarie Pacheco  
Environmental Enforcement Section  
Lands Division, Room 130044  
1425 New York Avenue, N.W.  
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

**ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:**

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103

In the Matter of

Koppers Inc.  
Clairton Tar Plant  
300 North State Street  
Clairton, PA 15025

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Docket No. CAA-03-2010-0290

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Consent Agreement and Final Order with Koppers Inc. (re: Docket No. CAA-3-2010-0290) was hand-delivered to the Regional Hearing Clerk, EPA Region III, and that a true and correct copy was sent to the following:

Kenneth Komoroski, Esq.  
K&L Gates Center  
210 Sixth Avenue  
Pittsburgh, Pennsylvania 15222-2613

8-11-2010  
Date

  
\_\_\_\_\_  
Donna L. Mastro  
Sr. Assistant Regional Counsel

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103**

**In the Matter of**

Koppers Inc.  
Clairton Tar Plant  
300 North State Street  
Clairton, PA 15025

Docket No. CAA-03-2010-0290

**CONSENT AGREEMENT**

**I. Preliminary Statement**

1. This Consent Agreement is entered into by the Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency ("EPA"), Region III, and Koppers Inc. ("Koppers" or "Respondent"), and is filed with the accompanying Final Order pursuant to Section 113 of the Clean Air Act ("CAA" or the "Act"), as amended, 42 U.S.C. § 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice, at 40 C.F.R. § 22.13, provide in pertinent part that when parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
2. This Consent Agreement and the accompanying Final Order address the specifically alleged violations by Respondent of 40 C.F.R. Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production ("Subpart MMM"); 40 C.F.R. Part 61, Subpart L, National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants ("Subpart L"); and 40 C.F.R. Part 61, Subpart V, National Emission Standard for Equipment Leaks (Fugitive Emission Sources) ("Subpart V").

**II. General Provisions**

3. Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order,

waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.

4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
5. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order and agrees to comply with the terms and conditions set forth therein.
6. Respondent neither admits nor denies the specific findings of fact and conclusions of law set forth in this Consent Agreement and the accompanying Final Order except as otherwise stated in Paragraph 4.
7. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.
8. For the purposes of this proceeding, Respondent hereby expressly waives its right to a hearing with respect to any issue of law or fact set forth in this Consent Agreement and the accompanying Final Order, including the finality and/or validity thereof. Respondent hereby expressly waives its right to contest the factual allegations and legal conclusions set forth in Section III, "Findings of Fact and Conclusions of Law," of this Consent Agreement and any right to appeal the accompanying Final Order.

### **III. Findings of Fact and Conclusions of Law**

9. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
10. Koppers is a Pennsylvania corporation with headquarters at 436 Seventh Avenue, Suite 1750, Pittsburgh, PA, 15219-1800. Koppers owns and operates a facility located at 300 North State Street, Clairton, PA ("Facility").
11. The Facility is a coke by-product facility engaged in the distilling of crude coke oven tar ("CCOT") into various products including refined chemical oil, carbon black feedstock oil, and liquid pitch. The Facility includes a creosote manufacturing area where carbon black oil and naphthalene still residue are combined in process tanks to produce creosote.
12. Koppers is a "person" within the meaning of Section 113(a) of the Act, 42 U.S.C. § 7413(a), and as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

13. Section 112 of the Act, 42 U.S.C. § 7412, requires the Administrator of EPA to publish a list of air pollutants determined to be hazardous and to promulgate regulations establishing emission standards or, where necessary, design, equipment, work practice, or operational standards for each listed hazardous air pollutant.
14. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated Subpart MMM, Subpart L, and Subpart V.
15. A "major source" pursuant to Section 112(a) of the Act, 42 U.S.C. § 7412(a), is a stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant ("HAP") or 25 tons per year or more of any combination of HAPs. The term HAP means any air pollutant listed pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b).
16. Subpart MMM applies to the facility-wide collection of pesticide active ingredient manufacturing process units ("PAI process units") that process, use or produce a HAP, and are at a plant site that is a major source as defined in Section 112(a) of the Act, 42 U.S.C. § 7412(a), and also applies to the waste management units, heat exchange systems, and cooling towers associated with PAI process units. 40 C.F.R. § 63.1360(a).
17. A "Pesticide Active Ingredient manufacturing process unit (PAI process unit)" means a process unit used to produce a material that is primarily used as a pesticide active ingredient ("PAI") or integral intermediate and consists of the process (as defined in Subpart MMM), associated storage vessels, equipment, connected piping and ducts, and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems. 40 C.F.R. § 63.1361.
18. "Process" is defined in 40 C.F.R. § 63.1361 as a logical grouping of processing equipment which collectively function to produce a product. For Subpart MMM, a PAI process includes all, or a combination of, reaction, recovery, separation, purification, treatment, cleaning and other activities or unit operations which are used to produce a PAI or integral intermediate. 40 C.F.R. § 63.1361. "Process Unit" is defined in 40 C.F.R. § 63.1361 to mean the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product.
19. "Pesticide Active Ingredient" or "PAI" means any material that is an active ingredient within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act section 2a; that is used to produce an insecticide, herbicide, or fungicide end use pesticide product; that consists of one or more organic compounds; and that must be labeled in accordance with 40 C.F.R. part 156 for transfer, sale or distribution. 40 C.F.R. § 63.1361.
20. 40 C.F.R. § 63.1363(b) of Subpart MMM requires monitoring of equipment, defined as "each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended

valve or line, valve, connector, and instrumentation system in organic hazardous air pollutant service," associated with the PAI process unit in accordance with 40 C.F.R. Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks ("Subpart H"). Subpart H and 40 C.F.R. § 63.1363 of Subpart MMM provide leak definitions and monitoring frequencies for each component or equipment type. Subpart H at 40 C.F.R. § 63.180(b)(1) requires monitoring of components in accordance with Method 21 of 40 CFR Part 60, Appendix A.

21. "Equipment" for the purposes of 40 C.F.R. § 63.1363 means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in organic hazardous air pollutant service. 40 C.F.R. § 63.1361.
22. "In organic hazardous air pollutant service" (or "in organic HAP service") means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP as determined according to 40 C.F.R. § 63.180(d). 40 C.F.R. § 63.1361.
23. "Organic HAP" means those HAP listed in Section 112(b) of the Act, 42 U.S.C. § 7412(b), that are measured according to the procedures of Method 18 or Method 25A, 40 C.F.R. Part 60, Appendix A.
24. Pursuant to 40 C.F.R § 63.1363(a)(7), each piece of equipment as defined in 40 C.F.R § 63.1361 which is subject to LDAR monitoring pursuant to Subpart MMM and Subpart H shall be identified such that it can be distinguished readily from equipment that is not subject to the section. Identification does not require physical tagging of equipment. For example, the equipment may be identified on a plant site plan, in log entries, or by designation of process boundaries by some form of weatherproof identification.
25. Pursuant to 40 C.F.R § 63.1363(d)(1)(i) and (ii), each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, and the cap, blind flange, plug, or a second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line or during maintenance or repair.
26. "Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping. 40 C.F.R. § 63.1361.
27. Subpart L applies to the following sources at furnace and foundry coke by-product recovery plants: tar decanters, tar storage tanks, tar-intercepting sumps, flushing-liquor circulation tanks, light-oil sumps, light-oil condensers, light-oil decanters, wash-oil decanters, wash-oil circulation tanks, naphthalene processing, final coolers, final-cooler cooling towers and the following equipment that are intended to operate in benzene service: pumps, valves,

exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 40 C.F.R. § 61.135.

28. "Coke by-product recovery plant" means any plant designed and operated for the separation and recovery of coal tar derivatives (by-products) evolved from coal during the coking process of a coke oven battery. 40 C.F.R. § 61.131.
29. "Foundry coke by-product recovery plant" means a coke-by product recovery plant connected to coke batteries whose annual coke production is at least 75 percent foundry coke. 40 C.F.R. § 61.131. "Foundry coke" means coke that is produced from raw materials with less than 26% volatile material by weight and that is subject to a coking period of 24 hours or more. 40 C.F.R. § 61.131.
30. "Furnace coke by-product recovery plant" means a coke by-product recovery plant that is not a foundry coke by-product recovery plant. 40 C.F.R. § 61.131. "Furnace coke" means coke produced in by-product ovens that is not foundry coke. 40 C.F.R. § 61.131.
31. "Equipment" for Subpart L means each pump, valve, exhauster, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in benzene service. 40 C.F.R. § 61.131.
32. "In benzene service" means a piece of equipment, other than an exhauster, that either contains or contacts a fluid (liquid or gas) that is at least 10 percent benzene by weight or any exhauster that either contains or contacts a fluid (liquid or gas) that is at least 1 percent benzene by weight as determined by 40 C.F.R. § 63.137(b). 40 C.F.R. § 61.131.
33. Pursuant to Subpart L at 40 C.F.R. § 61.135(a), each owner or operator of equipment in benzene service shall comply with the requirements of 40 C.F.R. Part 61, Subpart V except 40 C.F.R. §§ 61.242-3 and 61.242-9.
34. Pursuant to Subpart L at 40 C.F.R. § 61.135(c), each piece of equipment in benzene service to which Subpart L applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment in benzene service.
35. Pursuant to Subpart V at 40 C.F.R. § 61.242-1(d), each piece of equipment subject to Subpart V shall be marked in such a manner that it can be distinguished readily from other pieces of equipment in benzene service.
36. Duly authorized EPA personnel inspected the Facility and reviewed equipment diagrams and lists for the Facility on December 9, 10 and 11, 2008.
37. Koppers is a major source as defined in Section 112(a) of the Act, 42 U.S.C. § 7412(a), because it is a stationary source that emits or has the potential to emit 10 tons or more per

year of a HAP or more than 25 tons per year of a combination of HAPs, including, but not limited to, benzene and naphthalene.

38. In its May 20, 2004 Notification of Compliance Status Report ("NOCSR"), Koppers stated its Facility is an existing source that manufactures coal tar products and that the Facility is subject to Subpart MMM because Koppers is a major source of HAPs and because Koppers manufactures creosote, which is a PAI.
39. In the May 20, 2004 NOCSR, Koppers stated that "the PAI process units at the Clairton Tar Plant consist of two (2) creosote blend tanks, specifically Tanks 3 and 4" and identified that group of tanks as the Creosote Processing Unit. In addition, Koppers stated in the May 20, 2004 NOCSR that the process tanks (Tanks 3 and 4) and associated equipment (pumps, valves, connectors, and instrumentation systems in organic HAP service) make up the PAI process unit at the Facility.
40. Koppers' Tanks 3 and 4 and associated equipment are PAI process units and PAI manufacturing process units that process and use a HAP, including, but not limited to, benzene and naphthalene, and that produce creosote, a PAI.
41. During the EPA inspection on December 9-11, 2008, EPA personnel observed that the Sampling Port on Tank 3 is an open-ended line as defined in 40 C.F.R. § 63.1361 and is "in organic HAP service" as defined in 40 C.F.R. § 63.1361 because the Sampling Port on Tank 3 contains or contacts a fluid that is at least 5% by weight total organic HAP. The open-ended line at Sampling Port on Tank 3 is therefore "equipment" as defined in 40 C.F.R. § 63.1361. The EPA personnel observed during the inspection that the open-ended line at the Sampling Port on Tank 3 at the Facility was not identified for the monitoring program Koppers is required to conduct pursuant to Subparts MMM and H and could not be distinguished readily.
42. During the EPA inspection on December 9-11, 2008, EPA personnel also observed the open-ended line at the Sampling Port on Tank 3 at the Facility was without a cap, blind flange, plug or second valve. The open-ended line at the Sampling Port at Tank 3 was also not sealed at all times as required by Subpart MMM.
43. During the EPA inspection on December 9-11, 2008, EPA personnel observed that the Sampling Port at the Tank 2 reboiler is also an open-ended line as defined in 40 C.F.R. § 63.1361 and is "in organic HAP service" as defined in 40 C.F.R. § 63.1361 because the Sampling Port on the Tank 2 reboiler contains or contacts a fluid that is at least 5% by weight total organic HAP. The open-ended line at the Sampling Port on Tank 2 reboiler is therefore "equipment" as defined in 40 C.F.R. § 63.1361. During the inspection, the EPA personnel observed that the open-ended line at the Sampling Port at Tank 2 reboiler had one open ball valve and one closed valve and the second valve did not seal the open-ended line at all times at the Sampling Port at Tank 2 reboiler as required by Subpart MMM.



44. During the EPA inspection on December 9-11, 2008, EPA personnel observed that the Sampling Port at Tank 4 is an open-ended line as defined in 40 C.F.R. § 63.1361 and is "in organic HAP service" as defined in 40 C.F.R. § 63.1361 because the Sampling Port at Tank 4 contains or contacts a fluid that is at least 5% by weight total organic HAP. During the inspection, the EPA personnel observed that the open-ended line at the Sampling Port at Tank 4 had one open and one closed valve and the second valve did not seal the open-ended line at all times at Sampling Port at Tank 4 as required by Subpart MMM.
45. At the Facility, Koppers uses tags to identify components subject to Subpart L and Subpart MMM.
46. Koppers is a furnace coke by-product recovery plant. Koppers is subject to Subpart L and has equipment subject to Subpart L that are intended to operate in benzene service because the equipment contains or contacts a fluid that is at least 10% benzene.
47. In its December 12, 1989 "Initial NESHAP Report for the Tarben Plant – Clairton, Pennsylvania," Aristech Chemical Corporation (which owned the Facility prior to Koppers) identified portions of the Facility subject to Subpart L including the "tarben plant" (which included Tanks 7, 8 and 9) and the light oil system at the Facility.
48. During the EPA inspection on December 9-11, 2008, EPA personnel observed that an open-ended line (as defined at 40 C.F.R. § 61.241) near component 0098 (at the bottom of Tank V-110 which is in benzene service) at the Facility was not marked by Koppers so that it could be distinguished readily. The open-ended line near component 0098 is "equipment" as defined in 40 C.F.R. § 61.131 and is "in benzene service" as defined in 40 C.F.R. § 61.131 because the open-ended line contains or contacts a fluid (Light Oil) that is at least 10% by weight benzene.
49. In December 2008, Koppers failed to identify an open-ended line at the Sampling Port on Tank 3 which is subject to Subpart MMM as required by and in violation of the Act and Subpart MMM at 40 C.F.R. § 63.1363(a)(7).
50. In December 2008, Koppers failed to equip an open-ended line with the required cap, blind flange, plug, or a second valve at the Sampling Port on Tank 3 in violation of the Act and Subpart MMM at 40 C.F.R. § 63.1363(d)(1)(i).
51. In December 2008, Koppers failed to ensure the second valve sealed the open-ended line at the Sampling Port on Tank 3, the open-ended line at the Sampling Port at Tank 2 reboiler, and the open-ended line at the Sampling Port on Tank 4 in violation of the Act and Subpart MMM at 40 C.F.R. § 63.1363(d)(1)(ii).
52. In December 2008, Koppers failed to tag equipment so each piece of equipment in benzene service was marked in a manner to distinguish it readily for the open-ended line near

component 0098 (at the bottom of Tank V-110) in violation of the Act, Subpart L at 40 C.F.R. § 61.135(a) and (c), and Subpart V at 40 C.F.R. § 61.242-1(d).

#### **IV. Settlement Recitation, Settlement Conditions and Civil Penalty**

53. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle fully and resolve all violations set forth in Section III (Paragraphs 9 through 52) of this Consent Agreement.
54. In full and final settlement of the allegations in Section III, Findings of Fact and Conclusions of Law, of this Consent Agreement and in consideration of each provision of this Consent Agreement and the accompanying Final Order, Respondent consents to the assessment and payment of a civil penalty in the amount of Twenty-seven Thousand Dollars (\$27,000.00) within the time and manner specified herein.
55. The settlement amount of Twenty-seven Thousand Dollars (\$27,000.00) is based upon Complainant's consideration and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e) (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
56. Respondent shall pay the civil penalty of Twenty-seven Thousand Dollars (\$27,000.00) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
57. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to 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, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
58. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to

accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. 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).

59. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$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 \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
60. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
61. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
62. Payment of the penalty in Paragraph 54 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P. O. Box 979077  
St. Louis, MO 63197-9000  
Contact: Eric Volck (513) 487-2105.

Overnight deliveries shall be sent to:

U.S. Bank  
Government Lockbox 979077  
U.S. Environmental Protection Agency  
Fines and Penalties

1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: (314) 418-1028.

All electronic wire transfer payments shall be directed 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"

Payments through ACH (also known as REX or remittance express) shall be directed to:

U.S Treasury REX/Cashlink ACH Receiver  
ABA = 051036706  
Account 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - checking  
33 Liberty Street  
New York, N.Y. 10045

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field. Open form and complete required fields.

63. All payments made by check also shall reference the above case caption and docket number, CAA-03-2010-0290. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Donna L. Mastro, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Erin Smith (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
64. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.

65. Each party to this action agrees to pay its own costs and attorney fees.
66. Payment of the penalty specified in Paragraph 54 in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute full and final satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
67. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

#### **V. Reservation of Rights**

68. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

#### **VI. Effective Date**

69. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order is filed with the Regional Hearing Clerk of EPA Region III.

#### **VII. Entire Agreement**

70. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between

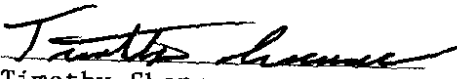
the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

**VIII. Execution**

71. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

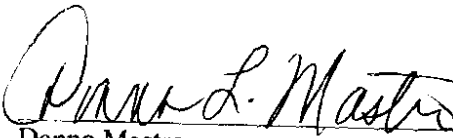
For Respondent Koppers Inc.:

7/14/2010  
Date

  
Timothy Shannon  
Plant Manager, Clairton Plant

For Complainant:

7/28/2010  
Date

  
Donna Mastro  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the accompanying Final Order and thereby ratify this Consent Agreement and the terms and provisions herein.

8/4/2010

Date



Diana Esher, Director  
Air Protection Division  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103

In the Matter of

Koppers Inc.  
Clairton Tar Plant  
300 North State Street  
Clairton, PA 15025

Docket No. CAA-03-2010-0290

**FINAL ORDER**

The Preliminary Statement, General Provisions, Findings of Fact and Conclusions of Law, and other sections and terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

**NOW THEREFORE**, pursuant to Section 113 of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413, and 40 C.F.R. Part 22, Koppers Inc. is hereby ordered to pay a civil penalty in the amount Twenty-seven Thousand Dollars (\$27,000.00). Payment of the aforesaid civil penalty shall be made within thirty (30) days of the effective date of this Final Order.

The effective date of the accompanying Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk of U.S. EPA Region III.

Date:

8/11/10

*Renee Sarajian*

Renee Sarajian  
Regional Judicial Officer  
U.S. EPA Region III