

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
12 MAR 26 PM 02:03
REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of	§	
	§	
Heritage Pool Supply Group, Inc.	§	Docket No. CAA-06-2026-3512
Frisco, Texas	§	
	§	
Respondent	§	

CONSENT AGREEMENT AND FINAL ORDER

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 Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. Heritage Pool Supply Group, Inc. (“Respondent”) is a corporation 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 the “CAFO” without the adjudication of any issues of law or fact herein.

5. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

B. JURISDICTION

6. This CAFO is entered into under Section 113(d) of the CAA, 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) of the Act, 42 U.S.C. § 7413(a)(3)(A).

7. EPA and the United States Department of Justice jointly determined that this matter, although it involves an alleged violation that occurred more than 12 months before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d).

8. On August 11, 2025, EPA issued to Respondent a letter, providing notice to Respondent that EPA has information that suggests Respondent may be in violation of the CAA as described in Section E of this CAFO and providing Respondent an opportunity to confer with EPA (the “Notice Letter”). On August 20, 2025, Respondent responded to EPA’s opportunity to confer and on September 15, 2025, representatives of Respondent provided EPA with a written response to the Notice letter.

9. 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).

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

C. STATUTORY AND REGULATORY BACKGROUND

Clean Air Act, Section 112(r)

11. The objective of Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), is to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance.

12. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), requires the Administrator to promulgate, not later than 24 months after November 15, 1990, a list of regulated substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

13. Pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

14. Pursuant to Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), whenever the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations, the Administrator may issue an administrative order and a civil administrative penalty.

15. The Administrator may assess a civil penalty of up to \$59,114 per day of violation up to a total of \$472,901. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

General Duty Clause

16. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), commonly referred to as the “General Duty Clause,” owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and the same extent as the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 654 *et. seq.*, to (a) identify hazards which may result from accidental releases of such substances, using appropriate hazard assessment techniques; (b) design and maintain a safe facility, taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur.

Definitions

17. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

18. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and the regulation at 40 C.F.R. § 68.3 defines “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

19. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

20. The term “extremely hazardous substance” means an extremely hazardous substance within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1). Such substances include any chemical which may, as a result of short-term exposures associated with releases to the air, cause death, injury, or property damage due to its toxicity, reactivity, flammability or corrosivity.¹ The term includes, but is not limited to, regulated substances listed in Section 112(r)(3), 42 U.S.C. § 7412(r)(3), and 40 C.F.R. 68.130. Also, the release of any substance that causes death or serious injury because of its acute toxic effect or as a result of an explosion or fire or that causes substantial property damage by blast, fire, corrosion, or other reaction would create a presumption that such substance is extremely hazardous.²

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

21. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

22. Respondent is the owner and operator of a facility located at 10550 John W. Elliot Drive, Frisco, Texas 75033 (the “Facility”).

¹ Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Sen. Report No. 228, 101st Congress, 1st Session 211 (1989).

² *Id.*

23. On September 25, 2024, there was an incident at the Facility that resulted in an accidental release (the "Incident"). Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent an informal questionnaire to Respondent on April 17, 2025. Respondent provided documentation and information on June 9, 2025.

24. Based on the response provided on June 9, 2025, EPA conducted an investigation of the Facility to determine Respondent's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 (the "Investigation").

25. On August 11, 2025, EPA sent Respondent a Notice letter. On September 15, 2025, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials. EPA responded to the documentation and information received from Respondent as a result of the opportunity to confer and articulated EPA's position concerning Respondent's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

26. The Facility is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

27. Calcium hypochlorite is stored in high-density polyethylene containers at the Facility, which are in turn stored in large steel cargo containers. One or more calcium hypochlorite containers, that were staged outside for transportation, were compromised by hail and subjected to moisture from rain early in the morning on September 25, 2024, causing a reaction and release of chlorine compounds.

28. In its response provided on June 9, 2025, to EPA, Respondent confirmed that after the Incident, Respondent changed its staging process and parking requirements.

Respondent no longer stages calcium hypochlorite containers outside for customer shipments and no longer allows trucks to be parked overnight in the unloading dock area.

29. Calcium hypochlorite is a substance due to its ability, when exposed to heat or moisture, to decompose into chlorine compounds, can be defined as an extremely hazardous substance for the purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

30. From the time Respondent first produced, processed, handled, or stored calcium hypochlorite at the Facility, Respondent was subject to the requirements of the General Duty Clause in Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

31. Based upon the information gathered during the Investigation, EPA determined that Respondent violated certain provisions of the CAA.

E. ALLEGED VIOLATIONS

32. The facts alleged by EPA in its Findings of Fact and Conclusions of Law above are herein incorporated.

33. Complainant hereby alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as stated below.

General Duty Clause

34. The statute at Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), Prevention of Accidental Releases, Purpose and General Duty, requires the owner or operators of stationary sources producing, processing, handling or storing such substances [i.e., a chemical in 40 C.F.R. § 68 or any other extremely hazardous substance] have a general duty [in the same manner and to the same extent as the general duty clause in the Occupational Safety and Health Act (OSHA)] to identify hazards which may result from (such) releases using appropriate hazard assessment

techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur.

35. EPA alleges that Respondent failed to design and maintain a safe facility. EPA sent Respondent an informal questionnaire on April 17, 2025, regarding the Incident. In response to the informal questionnaire received by EPA on June 9, 2025, and in EPA's communications with Respondent regarding the Incident, Respondent informed EPA that the Incident may have occurred as a result of containers of granular calcium hypochlorite being compromised by hail and subjected to moisture from rain. Additionally, a truck parked adjacent to the staged calcium hypochlorite caught fire, which may have been related to the containers of calcium hypochlorite being compromised.

36. According to the Heritage Family of Companies' Hazardous Materials Transportation & Storage Procedure (Revision June 3, 2024, pg. 8 of 16):

11. STORAGE BEST PRACTICES FOR OXIDIZING AND CORROSIVE PRODUCTS

11.1 Product should be stored off the floor (on pallets) and away from any water sources.

11.2. Keep product in a dry cool environment and out of direct sunlight and under 90 degrees.

37. EPA alleges that Respondent failed to store hazardous substances indoors and away from water sources by staging the calcium hypochlorite containers outside for transportation.

38. EPA alleges that Respondent's failure to maintain a safe facility by staging an extremely hazardous substance outdoors and not away from water sources is a violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1)

F. CONSENT AGREEMENT AND CIVIL PENALTY

General

39. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this CAFO.

40. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;

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 CAA, 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;

f. consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein; and

g. 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 the 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.

41. By signing this CAFO, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any

right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying this CAFO.

42. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Assessment and Collection

43. 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, Respondent's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of any 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 \$37,240.00 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

44. Respondent agrees to pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO. Respondent shall pay the EPA Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. In accordance with the March 25, 2025, Executive Order on *Modernizing Payments To and From America's Bank Account*, Respondent shall pay using one of the electronic payments and will not pay with a paper check.

45. When making a payment, Respondent shall:

h. Identify every payment with Respondent's name and the docket number of this CAFO, Docket No. CAA-06-2026-3512. 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-06-2026-3512. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6.

a. Concurrently with any payment, email proof of such payment and the transmittal letter to the following email addresses:

Carlos Flores
U.S. EPA Region 6
Flores.Carlos@epa.gov

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

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due.

46. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the EPA Penalty per this CAFO, the

entire unpaid balance of the EPA Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this CAFO. If the EPA Penalty is paid in full within 30 days, interest accrued is waived. If the EPA Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the EPA Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.

c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

47. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the EPA Penalty per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.:

a. refer the debt to a credit reporting agency, a collection agency, or request that the Attorney General bring civil action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the EPA 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 and 13.14;

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.

Additional Terms of Settlement

48. 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. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

49. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

50. 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. *See* 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

51. 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.

52. By signing this CAFO, Respondent certifies that it is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

53. By signing this CAFO, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party it represents to this CAFO.

54. Respondent and EPA agree to the use of electronic signatures for this matter. EPA and Respondent consent to service of a final order by email at the following valid email addresses: Sharma.Ravi@epa.gov (for EPA) and Clarissa.Mills@haynesboone.com (for Respondent).

55. 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. Except as qualified by Paragraph 45.b of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CONSENT AGREEMENT AND RESERVATION OF RIGHTS

56. 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 alleged in Sections D and E above.

57. The terms, conditions and 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.

58. Penalties paid pursuant to this CAFO shall not be deductible for purposes of Federal, State, and local taxes.

59. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b) and adjusted for inflation pursuant to 40 C.F.R. Part 19, as well as criminal sanctions as provided in 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.

60. 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. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the Clean Air Act, 42 U.S.C. § 7401, *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

61. 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.

H. EFFECTIVE DATE

62. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective on the last date after execution of the Final Order by the Regional Judicial Officer, filing with the Regional Hearing Clerk by EPA, and transmittal of the filed CAFO by EPA to Respondent. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

The foregoing Consent Agreement In the Matter of Heritage Pool Supply Group, Inc., Docket No. CAA-06-2026-3512, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

HERITAGE POOL SUPPLY GROUP, INC.

Date: 3/11/2026

DocuSigned by:
Dustin Gunderson
BFFB00073FEC406

Signature

Dustin Gunderson

Print Name

Vice President

Title

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

Cheryl T. Seager
Digitally signed by CHERYL SEAGER
Date: 2026.03.11 13:18:27 -05'00'

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

FINAL ORDER

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Heritage Pool Supply Group, Inc., is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective on the last date after execution of the Final Order by the Regional Judicial Officer, filing of the Final Order with the Regional Hearing Clerk by EPA, and transmittal of the filed CAFO by EPA to Respondent.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Dated 12 March 2026


Renea Ryland
Acting Regional Judicial Officer

CERTIFICATE OF SERVICE

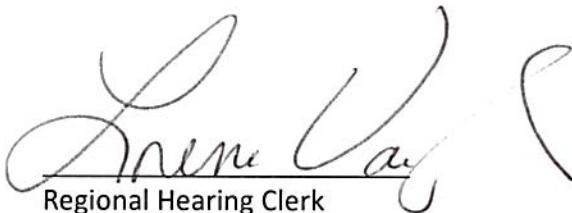
I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to EPA:

Sharma.Ravi@epa.gov
Flores.Carlos@epa.gov

Copy via Email to Respondent:

Clarissa.Mills@haynesboone.com
Clarissa Mills, Counsel for Respondent
Chris Bachman, Vice President of Safety, Risk and Regulatory Compliance
Chris.Bachman@srsdistribution.com
SRS Distribution, Inc.
Heritage Family of Companies
7440 S. Highway 121
McKinney, Texas 75070

A handwritten signature in black ink, appearing to read "Loren Kay", is written over a horizontal line. The signature is fluid and cursive.

Regional Hearing Clerk
U.S. EPA, Region 6