

**FILED**

04 APR 24 PM 01:57

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
Dallas, Texas**

REGIONAL HEARING CLERK  
EPA REGION 6

<b>In the Matter of</b>	§	
	§	
<b>Sasol Chemicals USA, LLC</b>	§	<b>Docket No. CAA-06-2024-3326</b>
	§	
	§	
<b>Respondent.</b>	§	

---

**ADMINISTRATIVE ORDER ON CONSENT**

**Preliminary Statement**

1. The U.S. Environmental Protection Agency, Region 6 (“EPA” or “Complainant”), and Sasol Chemicals USA, LLC (“Respondent”) have agreed to voluntarily enter into this Administrative Order on Consent (“Order”) for the purposes of carrying out the goals of Section 112(r) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68.

**Jurisdiction**

2. This Order is entered into pursuant to the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B). Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), provides that 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 other requirement or prohibition of Subchapter I of the CAA, which includes, among other things, the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder, the Administrator may issue an order requiring compliance with such requirement or prohibition.

### **Parties**

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

4. Respondent is Sasol Chemicals USA, LLC a corporation incorporated in the state of Delaware and authorized to conduct business in the state of Louisiana.

### **Statutory and Regulatory Background**

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r). The objective of Section 112(r) 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.

6. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate 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. Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), mandates that the Administrator establish a threshold quantity for any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). The list of regulated substances and respective threshold quantities is codified at 40 C.F.R. § 68.130.

7. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for stationary sources with threshold quantities of regulated substances listed

pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). On June 20, 1996, EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68 – Chemical Accident Prevention Provisions, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

8. The regulations at 40 C.F.R. Part 68 require owners and operators to develop and implement a Risk Management Program at each stationary source with over a threshold quantity of regulated substances. The Risk Management Program must include, among other things, a hazard assessment, a prevention program, and an emergency response program. The Risk Management Program is described in a Risk Management Plan (RMP) that must be submitted to the EPA.

9. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source subject to 40 C.F.R. Part 68 no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

10. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68 apply to each program level of covered processes. Pursuant to 40 C.F.R. § 68.10(i), a covered process is subject to Program 3 requirements if the process does not meet the requirements of Program 1, as described in 40 C.F.R. § 68.10(g), and if it is in a specified North American Industrial Classification System code or is subject to the OSHA process safety management standard, 29 C.F.R. 1910.119.

#### **Definitions**

11. 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.

12. 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.

13. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C) and the regulation at 40 C.F.R. § 68.3 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.

14. Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B), and the regulation at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

15. The regulation at 40 C.F.R. § 68.3 defines “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

16. 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.<sup>1</sup> 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.<sup>2</sup>

17. The regulation at 40 C.F.R. § 68.3 defines “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

18. The regulation at 40 C.F.R. § 68.3 defines “covered process” as a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

#### **EPA Findings of Fact and Conclusions of Law**

19. 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).

20. Respondent is the owner and operator of the facility located at: 2201 Old

---

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

<sup>2</sup> Id.

Spanish Trail, Westlake, Louisiana 70669 (the “Facility”).

21. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, the EPA conducted a Virtual Partial Compliance Evaluation of the Facility from January 26, 2021, to July 19, 2021, 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 Inspection”).

22. On January 24, 2022, the EPA sent Respondent a Notice of Potential Violation and Opportunity to Confer letter.

23. On June 23, 2022, the EPA responded to the documentation and information received from Respondent as a result of the opportunity to confer and articulated the EPA’s position concerning Respondent’s compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

24. On October 15, 2022, there was an incident at the Facility that resulted in an accidental release of approximately 17,598 pounds of Aluminum Triethyl (ATE) (“Incident”).

25. The Incident resulted in an on-site chemical fire at the Facility and a shelter-in-place for the surrounding community.

26. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, on multiple occasions, the EPA requested, and the Respondent provided, further documentation and information concerning the Incident and the Respondent’s compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68.

27. The Facility is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3.

28. The Respondent’s facility uses natural gas and by-products from refinery

operations to produce specialty chemicals for detergents and cosmetics. The facility uses or produces several regulated flammables such as ethylene, propane, butane, propylene, ethane, hydrogen, methane, and pentane. The Respondent's processes meet the definition of "process" and "covered process", as defined by 40 C.F.R. § 68.3. The Respondent's RMP program level 3 covered processes store or otherwise use a regulated substance in an amount exceeding the applicable threshold.

29. Ethylene Oxide, Hydrogen Flouride, and Chlorine are "regulated substances" pursuant to Section 112(r)(2)(B) of the CAA, and the regulation at 40 C.F.R. § 68.3. The threshold quantity for the regulated substance, Ethylene Oxide, as listed in 40 C.F.R. § 68.130 is 10,000 pounds. The threshold quantity for the regulated substance, Hydrogen Flouride, as listed in 40 C.F.R. § 68.130 is 1,000 pounds. The threshold quantity for the regulated substance, Chlorine, as listed in 40 C.F.R. § 68.130 is 2,500 pounds.

30. Respondent has greater than a threshold quantity of Ethylene Oxide, Hydrogen Flouride, and Chlorine in processes at the Facility, meeting the definition of "covered process" as defined by 40 C.F.R. § 68.3.

31. From the time Respondent first had on-site greater than a threshold quantity of Ethylene Oxide, Hydrogen Flouride, and Chlorine, in its processes, Respondent was subject to the requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68 because it was the owner or operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

32. From the time Respondent first had on-site greater than a threshold quantity of Ethylene Oxide, Hydrogen Flouride, and Chlorine, in its processes, Respondent was required to

submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with the Program 3 prevention requirements because pursuant to 40 C.F.R. § 68.10(i), the covered process at the Facility did not meet the eligibility requirements of Program 1 and is in North American Industry Classification System code 32511 (petrochemical manufacturing) and is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

**EPA Findings of Violation**

33. The facts stated in the EPA Findings of Fact and Conclusions of Law above are herein incorporated.

34. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as follows:

**Count 1 – Process Hazard Analysis**

35. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.67(e) provides that the owner or operator shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

36. At the time of the Inspection, Respondent failed to assure that nineteen



(19) recommendations of the 2016 Process Hazard Analysis were resolved in a timely manner and the actions were completed as soon as possible.

37. Respondent's failure to assure that the nineteen (19) recommendations of the 2016 Process Hazard Analysis were resolved in a timely manner, pursuant to 40 C.F.R. § 68.67(e), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

### **Count 2 – Mechanical Integrity**

38. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(b) provides that the owner or operator shall establish and implement written procedures to maintain the on-going integrity of process equipment.

39. At the time of the Inspection, Respondent failed to implement the inspection schedule required of its written procedures to maintain the on-going integrity of various process equipment (mixing tees, injection points, the corrosion under insulation inspection, dead leg inspection, the soil/air interface system).

40. Respondent's failure to implement written procedures to maintain the on-going integrity of process equipment, pursuant to 40 C.F.R. § 68.73(b), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

### **Count 3 – Mechanical Integrity**

41. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention

requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(d)(1) provides that inspections and tests shall be performed on process equipment.

42. At the time of the Inspection, Respondent failed to perform external visual inspections and thickness examinations on various process equipment (circuits and piping lines).

43. Respondent's failure to perform inspections and tests on various process equipment, pursuant to 40 C.F.R. § 68.73(d)(1), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Count 4 – Mechanical Integrity**

44. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(d)(2) provides that inspection and testing procedures shall follow recognized and generally accepted good engineering practices (RAGAGEP).

45. At the time of the Inspection, Respondent failed to perform and complete external piping inspections on Class 1 and Class 2 piping in the Alcohol and Ethoxylate (ETO) units as required by American Petroleum Institute (API) 570, failed to complete all Corrosion Under Insulation and Soil-Interface inspections for pressure vessels in the Alcohol Unit in accordance with API 510, and failed to perform internal inspections of pressure vessels T6-677-FB-613A, T6-663-FB-805, and D7-324-FA-410, in accordance with API 510 and API 653.

46. Respondent's failure to perform and complete inspections that follow RAGAGEP, pursuant to 40 C.F.R. § 68.73(d)(2), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

**Count 5 – Mechanical Integrity**

47. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(d)(3) provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

48. At the time of the Inspection, Respondent failed to conduct the frequency of inspections and testing of process equipment consistent with applicable manufacturers' recommendations and good engineering practices (various piping lines, piping circuits, and pumps were overdue for testing and inspections).

49. Respondent's failure to conduct the frequency of inspections and tests of process equipment consistent with applicable manufacturers' recommendations and good engineering practices, pursuant to 40 C.F.R. § 68.73(d)(3), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

**Count 6 – Mechanical Integrity**

50. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(e)

provides that the owner or operator shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in 40 C.F.R. § 68.65) before further use or in a safe and timely manner, when necessary, means are taken to assure safe operation.

51. At the time of the Inspection, Respondent failed to correct deficiencies in the piping circuit equipment and the leaking flange located on the condensate line in the process unit, before further use or in a safe and timely manner, when necessary, means are taken to assure safe operation.

52. Respondent's failure to correct deficiencies in the piping circuit equipment and the leaking flange located on the condensate line in the process unit, before further use or in a safe and timely manner, pursuant to 40 C.F.R. § 68.73(e), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Count 7 – Compliance Audits**

53. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.79(d) provides that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

54. At the time of the Inspection, Respondent failed to promptly determine an appropriate response for finding number thirty-five (35) and finding number thirty-

eight (38) for the 2016 Compliance Audit and failed to document that the deficiencies had been corrected for the 2019 Compliance Audit findings.

55. Respondent's failure to promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that the deficiencies have been corrected, pursuant to 40 C.F.R. § 68.79(d), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

### **Count 8 – Mechanical Integrity**

56. The regulation at 40 C.F.R. § 68.12(d)(3), requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. The regulation at 40 C.F.R. § 68.73(b) provides that the owner or operator shall establish and implement written procedures to maintain the on-going integrity of process equipment.

57. At the time of the Incident, Respondent failed to establish a written maintenance procedure for the drying of equipment after cleaning and hydrotesting of a trombone cooler and associated piping using water, which would maintain the on-going integrity of the process equipment.

58. Respondent's failure to establish a written maintenance procedure for the drying of equipment after cleaning and hydrotesting of a trombone cooler and associated piping using water, which would maintain the on-going integrity of the process equipment, pursuant to 40 C.F.R. § 68.73(b), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

### **Count 9 – Operating Procedures**

59. The regulation at 40 C.F.R. § 68.12(d)(3), requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.69(a)(1)(vii), the owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements: (vii) startup following a turnaround.

60. At the time of the Incident, Respondent failed to develop and implement an operating procedure, prior to, and during startup following a turnaround, which provided clear instructions and the steps necessary for drying of equipment before safely introducing aluminum triethyl into regulated process.

61. Respondent's failure to develop and implement an operating procedure, prior to, and during startup following a turnaround, which provided clear instructions and the steps necessary for drying of equipment before safely introducing aluminum triethyl into regulated process, pursuant to 40 C.F.R. § 68.69(a)(1)(vii), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Count 10 – Operating Procedures**

62. The regulation at 40 C.F.R. § 68.12(d)(3), requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.69(d), the owner or operator shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process

equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

63. At the time of the Incident, Respondent failed to develop and implement safe work practices relating to the drying of equipment to provide for the control of hazards associated with aluminum triethyl following the opening of process equipment and the subsequent introduction of aluminum triethyl to the process.

64. Respondent's failure to develop and implement safe work practices relating to the drying of equipment in this regard, pursuant to 40 C.F.R. § 68.69(d), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Count 11 – Operating Procedures**

65. The regulation at 40 C.F.R. § 68.12(d)(3), requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.69(a)(1)(vii), the owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements: (vii) startup following a turnaround.

66. At the time of the Incident, Respondent failed to develop and implement an operating procedure, prior to start-up following a turnaround, which provided clear instructions and the steps necessary for safely drying the trombone cooler following hydrotesting and prior to start-up of the olefin system.

67. Respondent's failure to develop and implement an operating procedure, prior to startup following a turnaround, which provided clear instructions and the steps necessary for safely drying the trombone cooler following hydrotesting and prior to start-up of the olefin system, pursuant to 40 C.F.R. § 68.69(a)(1)(vii), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

**Order for Compliance**

68. Based on the EPA Findings of Fact and Conclusions of Law and the EPA Findings of Violation set forth above, and pursuant to the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), as amended, Respondent is hereby ORDERED and agrees to comply with the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68.

69. The EPA and Respondent agree that Respondent shall, expeditiously, but in no event later than three hundred and sixty-five (365) calendar days from the effective date of this Order, complete the following actions (Compliance Actions):

- a. In accordance with 40 C.F.R. § 68.67(e), Respondent shall ensure the resolution of all nineteen (19) overdue 2016 Process Hazard Analysis recommendations and submit to EPA a certification of resolution, which shall include all supporting documentation related to said resolution.
- b. In accordance with 40 C.F.R. § 68.73(d), Respondent shall perform inspections and tests on all overdue Class 1 and Class 2 piping in the ETO unit, pressure vessels, and pumps in covered processes in accordance with standards set forth in the American Petroleum Institute Piping and Inspection Code (API 570, API



653, and API 510), as applicable.

- c. In accordance with 40 C.F.R. § 68.79(d), Respondent shall verify that the open findings in the 2016 RMP Compliance Audit Report have been appropriately addressed and document an appropriate resolution for each of the findings of the 2016 and 2019 Compliance Audits.
- d. In accordance with 40 C.F.R. § 68.73(e), Respondent shall correct the alleged deficiencies in the piping circuit and flange located on the condensate line in the ETO unit, allowing for removal of the pipe clamp, to assure safe operation.
- e. In accordance with 40 C.F.R. § 68.69(a)(1)(vii), Respondent shall update the operating procedure for startup following a turnaround, which provides clear instructions and the steps necessary for drying of equipment before safely introducing aluminum triethyl into regulated processes.
- f. In accordance with 40 C.F.R. § 68.69(d), Respondent shall evaluate the use of various pressure testing media (including water, solvents, and gases) to develop and implement safe work practices for the pressure testing of trombone coolers following the opening of related process equipment.

#### **Submissions**

70. Respondent must provide documentation of completion of the compliance actions described above to the EPA within three hundred and sixty-five (365) calendar days of the effective date of this Order. All documentation shall be submitted as set forth in this subsection.

71. All submissions to EPA required by this Order shall contain the following

certification signed by an authorized representative of Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

72. All submissions to EPA required by this Order shall be sent by electronic mail to:

Kayla Buchanan  
Enforcement and Compliance Assurance Division  
Air Enforcement Branch  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDAC)  
Dallas, Texas 75270-2101  
Buchanan.Kayla@epa.gov

73. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified and determined to be confidential business information pursuant 40 C.F.R. Part 2, Subpart B.

### **Stipulated Penalties**

74. Respondent shall be liable for stipulated penalties for failure to comply with the requirements of this Order. The following stipulated penalties shall accrue per violation per day for failure to comply with the Compliance Actions or Submissions requirements above:

<u>Penalty per Violation per Day</u>	<u>Period of Noncompliance</u>
\$7,500	1st through 30th day
\$15,000	31st day and beyond

75. All penalties shall begin to accrue on the day after the complete performance is due, or on the day a violation occurs and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity required by this Order.

76. The payment of penalties shall not alter in any way Respondent's obligation to comply with the provisions of this Order.

77. All penalties accruing under this section shall be due and payable to the United States within thirty (30) days of Respondent's receipt from the EPA of a demand for payment of stipulated penalties. Such payments shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

78. A copy of the check or other information confirming payment shall simultaneously be sent by electronic mail to:

Kayla Buchanan  
Enforcement and Compliance Assurance Division  
Air Enforcement Branch  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDAC)  
Dallas, Texas 75270-2101  
Buchanan.Kayla@epa.gov

79. Respondent understands that failure to timely pay any portion of the stipulated penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on the stipulated penalty from the date of delinquency until such stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will

be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

### **Other Terms and Conditions**

80. By entering into this Order, Respondent: (a) consents to and agrees to not contest the EPA's authority or jurisdiction to issue or enforce this Order; and (b) agrees to undertake all actions required by this Order.

81. Respondent neither admits nor denies the EPA Findings of Fact and Conclusions of Law and the EPA Findings of Violation.

82. Respondent and the EPA agree to bear their respective costs and attorney's fees. Respondent waives its right to seek reimbursement of their costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated thereunder.

### **General Provisions**

83. Respondent waives any and all remedies, claims for relief and otherwise available rights to jurisdictional or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), or under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

84. Any violation of this Order may result in an additional enforcement action under

Section 113 of the CAA, 42 U.S.C. § 7413. The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes the Administrator to:

- a. issue an administrative penalty order under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), assessing a civil penalty not to exceed \$55,808 (or amount as adjusted by the Civil Monetary Penalty Adjustment Rule) per day of violation, pursuant to Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B);
- b. bring a civil judicial enforcement action for permanent or temporary injunction, or to assess and recover a civil penalty not to exceed \$117,468 (or amount as adjusted by the Civil Monetary Penalty Adjustment Rule) per day of violation, or both, pursuant to Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2); or
- c. request the Attorney General to commence a criminal action pursuant to Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

85. This Order does not resolve any civil or criminal claims for violations alleged in this Order. In accordance with Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), issuance of this Order does not preclude EPA from assessing penalties, obtaining injunctive relief, or taking any other action authorized under the CAA, or other applicable federal laws or regulation. This Order does not affect the obligation of Respondent to comply with all federal, state, and local statutes, regulations, and permits.

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

87. Nothing in this Order shall limit EPA's right to obtain access to, and/or inspect the Facility, and/or to request additional information from Respondent pursuant to the authority of Section 114 of the CAA, 42 U.S.C. § 7414.

88. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Order for Compliance is restitution, remediation, or required to come into compliance with the law.

89. By signing this Order, the undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Order, and to execute and legally bind Respondent to this Order.

90. The provisions of this Order shall apply and be binding upon Respondent and its agents, officers, directors, employees, trustees, authorized representatives, successors, and assigns. Respondent shall ensure that any agents, officers, directors, employees, contractors, consultants, firms or other persons or entities acting under or for Respondent with respect to matters included herein comply with the terms of this Order. From the Effective Date until termination of this Order, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

91. Pursuant to Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), this Order shall

be effective when fully executed, shall not exceed the earlier of one year or the date of a determination by the EPA that Respondent has achieved compliance with all terms of this Order, and shall be nonrenewable.

92. The EPA and Respondent may subsequently amend this Order, in writing, in accordance with the authority of the CAA. In the event of any amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by the original Order.

93. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

94. The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this Order by electronic mail to the following:

To EPA:

Pittman.lawrence@epa.gov

Buchanan.kayla@epa.gov

To Respondent:

scott.janoe@bakerbotts.com

heather.kress@us.sasol.com

**RESPONDENT:**  
**SASOL CHEMICALS USA LLC,**

Date: March 7, 2024

\_\_\_\_\_  
Signature

Pieter Potgieter  
Name

Vice President, SHE and Risk  
Title

**COMPLAINANT:**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: \_\_\_\_\_

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



**CERTIFICATE OF SERVICE**

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

Copy via Email to Complainant:

pittman.lawrence@epa.gov

Copy via Email to Respondent:

scott.janoe@bakerbotts.com

heather.kress@us.sasol.com  
Sasol Chemicals USA, LLC  
12120 Wichchester Lane  
Houston, Texas 77079

---

Regional Hearing Clerk  
U.S. EPA, Region 6