

EXPEDITED SETTLEMENT AGREEMENT



DOCKET NO: CAA (112r)-09-2025-0013

This ESA is issued to: Matheson Tri-Gas – Newark, CA Branch
6775 Central Avenue
Newark, CA 94560

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Matheson Tri-Gas, 6775 Central Avenue, Newark, CA 94560]

This Expedited Settlement Agreement (“ESA”) is being entered into by the United States Environmental Protection Agency (“EPA”), Region IX, by its duly delegated official, Amy Miller, Director, Enforcement and Compliance Assurance Division, and Matheson Tri-Gas, Inc. (“Respondent”) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 2 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

Following its March 1, 2023 inspection, EPA alleges Respondent failed to:

1. Keep operating procedures readily accessible to employees who work in or maintain a process. Since physical copies of operating procedures are not maintained, operating procedures are unavailable in the event of loss of power or internet.
2. Promptly determine and document an appropriate response to each of the findings of the 2018 compliance audit, and document that deficiencies have been corrected. Recommendation 2018AUD-01 was initially incorrectly documented as completed and not actually completed until 2023.

SETTLEMENT

The parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$900**.

This settlement is subject to the following terms and conditions:

1. In signing this Agreement, Respondent: (1) admits that Respondent is subject to CAA 112(r) and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A); and (7) consents to electronic service of the filed ESA. By signing this consent agreement, 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 the consent agreement.
2. Each party to this action shall bear its own attorney's fees and costs, if any.
3. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$900 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
4. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
R9HearingClerk@epa.gov

Kiya Opstrup
Program Analyst
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
opstrup.kiya@epa.gov

5. The payment should reference Respondent's name and a copy of this ESA must be included with the check/online payment.
6. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above. Pursuant to CAA § 114(a)(1)(B) [42 U.S.C. § 7414(a)(1)(B)] **please provide documentation to USEPA Region IX describing how each area of identified non-compliance has been addressed.** Such documentation is due to EPA within 45 calendar days

of your receipt of this letter.

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed ESA with an attached copy of the payment is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of the proposed ESA and EPA has not granted an extension of its offer to settle, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT: Matheson Tri-Gas, Inc.

Signature: James Murphree Date: 01/24/2025

Name (print): James Murphree

Title (print): Director Environmental

FOR COMPLAINANT: Environmental Protection Agency

JOEL
JONES

Digitally signed by JOEL
JONES
Date: 2025.01.29
17:04:57 -08'00'

Date: _____

Joel Jones, Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

It is hereby ORDERED that this ESA be entered.

BEATRICE
WONG

Digitally signed by
BEATRICE WONG
Date: 2025.02.05
16:21:19 -08'00'

Date: _____

Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of Matheson Tri-Gas, Newark, CA Branch (Docket No. CAA(112r)-09-2025-0013) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Matheson Tri-Gas - Newark, CA Branch
6775 Central Avenue
Newark, CA 94560
JMurphree@mathesongas.com

COMPLAINANT: Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
Hazardous Waste Section I (ORC-3-1)
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

PONLY TU Digitally signed by
PONLY TU
Date: 2025.02.05
16:30:39 -08'00'

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX