

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:) Docket No. CAA-05-2024-0039
)
SABIC Innovative Plastics US LLC) Proceeding to Assess a Civil Penalty
Ottawa, Illinois,) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)
_____)

Consent Agreement and Final Order

A. Preliminary Statement

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. §§ 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3).
2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.
3. Respondent is SABIC Innovative Plastics US LLC, a limited liability company doing business in Illinois. Respondent is a “person,” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) without the adjudication of any issues of law or fact.
5. Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

6. The alleged violations in this CAFO are pursuant to Section 113(a)(3)(A) of the CAA.

7. The EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. On December 6, 2023, the EPA issued to Respondent a Finding of Violation (FOV), providing notice to Respondent that the EPA found Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On January 23, 2024, representatives of Respondent and the EPA conferred regarding the December 6, 2023 FOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the consent agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. Statutory and Regulatory Background

10. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under Section 112(r) of the CAA to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance.

11. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), provides that the EPA Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 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.

12. Section 112(r)(7)(A) of the CAA, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the EPA Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

13. Section 112(r)(7)(B)(i) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the EPA Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

14. Section 112(r)(7)(B)(ii) of the CAA, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

15. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the EPA Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478, 4493 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

16. Pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), the EPA Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which is codified, as amended, at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions (CAPP).

17. The CAPP seek to prevent accidental releases of regulated substances, and minimize the consequences of those releases that do occur, by requiring owners and operators of certain stationary sources to, among other things: (1) develop and implement a management system to oversee the implementation of the risk management program elements; (2) develop and implement a risk management program that includes, but is not limited to, a hazard assessment, a prevention program, and an emergency response program; and (3) submit to EPA an RMP describing the risk management program for the source. *See* 40 C.F.R. Part 68, Subparts A-G, 40 C.F.R. §§ 68.1-68.195.

18. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the CAA, it shall be unlawful for any person to operate any stationary source subject to such regulation or requirement in violation of such regulation or requirement.

19. Section 68.10(a) of the CAPP provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of the CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process. *See* 40 C.F.R. § 68.10(a)(3).

20. Section 68.3 of the CAPP, 40 C.F.R. § 68.3, provides, in part, that “stationary source” means 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. The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this part. A stationary source includes transportation

containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading or unloading. Transportation includes, but is not limited to, transportation subject to oversight or regulation under 49 C.F.R. Parts 192, 193, or 195, or a state natural gas or hazardous liquid program for which the state has in effect a certification to the United States Department of Transportation under 49 U.S.C. § 60105.

21. Section 68.3 of the CAPP, 40 C.F.R. § 68.3, provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the CAA at 40 C.F.R. § 68.130.

22. Table 1 to Section 68.130 of the CAPP, 40 C.F.R. § 68.130, lists acrylonitrile as a regulated toxic substance with a threshold quantity of 20,000 pounds.

23. Table 3 to Section 68.130 of the CAPP, 40 C.F.R. § 68.130, lists 1,3-butadiene as a regulated flammable substance with a threshold quantity of 10,000 pounds.

24. Section 68.3 of the CAPP, 40 C.F.R. § 68.3, provides that “process” means “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 purposes of this definition, a single process includes “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”

25. Section 68.3 of the CAPP, 40 C.F.R. § 68.3, provides that a “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.”

26. Section 68.10(l) of the CAPP, 40 C.F.R. § 68.10(l), provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(j) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject

to the U.S. Occupational Safety and Health Administration (OSHA) Process Safety Management standard, 29 C.F.R. § 1910.119.

27. Sections 68.12(a) and (d) of the CAPP, 40 C.F.R. §§ 68.12(a) and (d), identify the CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 shall meet, which include, among other provisions, requirements regarding management systems, hazard assessments, prevention requirements, response actions, emergency response programs, and the submittal of a single RMP that includes a registration that reflects all covered processes.

28. Section 68.67(a) of the CAPP, 40 C.F.R. § 68.67(a), provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall perform an initial process hazard analysis (PHA) appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process.

29. Section 68.67(c)(1) of the CAPP, 40 C.F.R. § 68.67(c)(1), provides that the PHA shall address the hazards of the process.

30. Section 68.67(c)(3) of the CAPP, 40 C.F.R. § 68.67(c)(3), provides that the PHA shall address engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases.

31. Section 68.67(c)(4) of the CAPP, 40 C.F.R. § 68.67(c)(4), provides that the PHA shall address consequences of failure of engineering and administrative controls.

32. Section 68.67(c)(6) of the CAPP, 40 C.F.R. § 68.67(c)(6), provides that the PHA shall address human factors.

33. Section 68.67(f) of the CAPP, 40 C.F.R. § 68.67(f), provides, in part, that at least every five (5) years after the completion of the initial PHA, the PHA shall be updated and revalidated by a

team meeting the requirements in 40 C.F.R. § 68.67(d), to assure that the PHA is consistent with the current process.

D. Stipulated Facts

34. At all times relevant to this CAFO, Respondent owned and operated a plastics material and resin manufacturing plant at 2148 N. 2753rd Road, Ottawa, IL 61350 (Facility).

35. The Facility is a stationary source as defined at 40 C.F.R. § 68.3.

Butadiene Handling Process

36. At all times relevant to this CAFO, Respondent owned and operated a butadiene handling process at the Facility. The butadiene handling process was a group of interconnected vessels and equipment that used, stored, handled, and moved 1,3-butadiene, which is a regulated flammable substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3).

37. Pursuant to 40 C.F.R. § 68.10(l), the butadiene handling process at the Facility was a covered process subject to Program 3 requirements because it contained 1,3-butadiene above the 10,000 pound threshold quantity listed at 40 C.F.R. § 68.130, it did not meet the Program 1 eligibility requirements set forth at 40 C.F.R. § 68.10(j), it was in NAICS code 325211, and it was subject to the OSHA Process Safety Management standard, 29 C.F.R. § 1910.119.

38. 1,3-Butadiene has the potential to undergo hazardous chemical reactions during manufacture, storage, handling, distribution, and use.

39. At all times relevant to this CAFO, the butadiene handling processes at the Facility included equipment that contained both 1,3-butadiene that was inhibited as a safeguard against hazardous reactions (inhibited 1,3-butadiene) and 1,3-butadiene with the inhibitor removed to allow for the manufacture of synthetic rubbers (uninhibited 1,3-butadiene).

40. Respondent received liquified inhibited 1,3-butadiene at the Facility via barge and stored the material in two spherical tanks with a combined capacity of approximately one million gallons.

41. Respondent removed inhibitor from the 1,3-butadiene at the Facility by mixing inhibited material from the tank farm with caustic solution in the Butadiene Contactors and then allowing the uninhibited 1,3-butadiene to phase separate in the Butadiene Caustic Solution Tank. The uninhibited 1,3-butadiene subsequently flowed out of the top of the Butadiene Caustic Solution Tank to the North and South Charge Tanks for temporary storage prior to feeding the polymerization reactors. Vapors produced during the inhibitor removal and temporary storage process were recovered and routed to the BD Decant Tank.

42. Processing equipment and piping from the Butadiene Caustic Solution Tank to the polymerization reactors, including vapor recovery operations, were in uninhibited 1,3-butadiene service and had the potential to undergo hazardous reactions, such as peroxide formation and polymer formation.

43. Equipment containing inhibited 1,3-butadiene upstream of the inhibitor removal operations may have also been susceptible to hazardous reactions if the system was not properly inerted or the inhibitor was depleted.

44. If not properly identified and managed, the reactive hazards described above create the risk of an accidental release of 1,3-butadiene.

45. Respondent conducted a PHA redo for the butadiene handling process over thirteen meeting days from November 4–December 12, 2019 (2019 Latex PHA).

46. On September 6, 2024, Respondent provided the EPA with an updated and revalidated PHA for the butadiene handling process that it conducted over 15 meeting days from April 22, 2024 through May 10, 2024.

Acrylonitrile Rail Tank Car Storage Process

47. Respondent receives acrylonitrile, a regulated toxic substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), for use at the Facility via rail tank cars and unloads the cars into one of two 500,000-gallon tanks.

48. Respondent stores rail tank cars full of acrylonitrile in the railyard adjacent to the Facility fence line prior to moving the cars to the unloading rack.

49. The railyard storage of acrylonitrile in rail tank cars is a stationary source because the transportation containers are used for storage not incident to transportation.

50. Respondent is the owner of the acrylonitrile rail tank car storage process.

51. The acrylonitrile rail tank car storage process contained acrylonitrile above the 20,000 pound threshold quantity listed at 40 C.F.R. § 68.130.

52. Respondent's RMP for the Facility that it submitted to the EPA on May 7, 2021, lists three processes described as: (i) butadiene handling, (ii) acrylonitrile unloading, and (iii) Resin B, C.

53. From at least May 7, 2021 until June 27, 2024, Respondent's RMP filing did not list acrylonitrile rail tank car storage as a covered process.

54. On June 27, 2024, Respondent signed and certified its updated RMP submission for the Facility that included the acrylonitrile rail tank car storage process as a covered process.

E. Alleged Violations of Law

Failure to Address Inhibited 1,3-Butadiene Hazards in 2019 Latex PHA

55. For the storage and handling of inhibited 1,3-butadiene, Respondent's 2019 Latex PHA did not adequately address the hazardous reactions of 1,3-butadiene, and the associated engineering and administrative controls for those hazardous reactions, that could be caused by or result in the following deviations: high temperature deviations in the East and West Butadiene Spheres; and high concentration of contaminates deviations in the East and West Butadiene Spheres.

56. Respondent violated the CAPP at 40 C.F.R. § 68.67(c)(1), (3), and (4) by failing to adequately address reactive hazards, the engineering and administrative controls applicable to the hazards, and the consequences of failure of those engineering and administrative controls, in the 2019 Latex PHA for the storage and handling of inhibited 1,3-butadiene.

Failure to Address Uninhibited 1,3-Butadiene Hazards in 2019 Latex PHA

57. For the processing, handling, and storage of uninhibited 1,3-butadiene, Respondent's 2019 Latex PHA did not adequately address the hazardous reactions of 1,3-butadiene, and the associated engineering and administrative controls for those hazardous reactions, that could be caused by or result in the following deviations: low/no flow, high temperature, high pressure, and high concentration of contaminates deviations in the Charge Tank Feed Lines; low/no flow, high temperature, high pressure, and high concentration of contaminants deviations in the 1,3-Butadiene Phase Pump-Out Line from the BD Decant Tank; low/no flow, high temperature, high pressure, and high concentration of contaminates deviations in the Batch and Continuous 1,3-Butadiene Feeds to the Polymerization Reactors; high temperature, high pressure, and high concentration of contaminates deviations in the North and South Charge Tanks; and high temperature and high concentration of contaminates deviations in the BD Decant Tank.

58. Respondent violated the CAPP at 40 C.F.R. § 68.67(c)(1), (3), and (4) by failing to adequately address reactive hazards, the engineering and administrative controls applicable to the hazards, and the consequences of failure of those engineering and administrative controls, in the 2019 Latex PHA for the storage and handling of uninhibited 1,3-butadiene.

Failure to Address Human Factors in 2019 Latex PHA

59. The 2019 Latex PHA did not adequately address human factors by failing to include a “human factors review” of the following operating procedures for parts of the latex manufacturing processes for which the 2019 Latex PHA identified deviations that include “operator response” as a safeguard:

- a. Procedure LX010 (“Reactor Emergency Actions”);
- b. Procedure LX004 (“Penn Stopping a Latex Reactor”);
- c. Procedure LX270 (“Annual Inspection of BD Wash and Charge System”); and
- d. Procedure LX240 (“Recycling & Testing of Recovered BD & Oxygen Monitoring”).

60. Respondent violated the CAPP at 40 C.F.R. § 68.67(c)(6) by failing to adequately address human factors in the 2019 Latex PHA for safeguards identified in the PHA that require operator response.

Failure to Include Acrylonitrile Railyard Storage in RMP

61. By failing to include railyard storage of acrylonitrile as a covered process in its RMP filing from at least May 7, 2021 until June 27, 2024, Respondent violated the CAPP at 40 C.F.R. § 68.12(a) by failing to submit a single RMP, as provided in 40 C.F.R. §§ 68.150 to 68.185, that included a registration that reflected all covered processes.

F. Terms of Consent Agreement

62. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
 - b. admits to the stipulated facts stated above and neither admits nor denies the alleged violations of law stated above;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to any conditions specified in this CAFO;
 - e. waives any right to contest the alleged violations of law set forth in Section E of this CAFO; and
 - f. waives its right to appeal this CAFO.
63. For the purposes of this proceeding, Respondent:
- a. agrees this CAFO states a claim upon which relief may be granted against Respondent;
 - b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - 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 Clean Air Act, 42 U.S.C. § 7607(b)(1); and
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

64. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C.

§ 7413(e), the facts of this case, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$12,569.

65. Respondent agrees to pay a civil penalty in the amount of \$12,569 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

66. Respondent shall pay the Assessed 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>.

67. When making a payment, Respondent shall:

- a. identify every payment with Respondent's name and the docket number of this Agreement, CAA-05-2024-0039; and
- b. concurrently with any payment or within 24 hours of any payment, serve proof of such payment to the following person(s):

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Elyse Voyen
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
voyen.elyse@epa.gov

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

"Proof of payment" means, as applicable, a copy of the check, 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, and identified with the appropriate docket number and Respondent's name.

68. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed

Penalty per this Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

69. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

- 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, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

70. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

71. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

72. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

73. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this CAFO and have the legal capacity to bind the party they represent to this CAFO.

74. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that, under 18 U.S.C. § 1001, there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information.

75. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United States to recover unpaid penalties as described above.

G. Effect of Consent Agreement and Attached Final Order

76. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: voyen.elyse@epa.gov (for the EPA), and frank.monago@sabic.com (for Respondent).

77. 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 specifically alleged in this CAFO.

78. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to this matter.

79. The terms, conditions, and compliance 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.

80. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$121,275 per day per violation, or both, as provided in Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

81. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the EPA's

authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

82. Nothing in this CAFO limits 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 the public health, welfare, or the environment.

83. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

H. Effective Date

84. This CAFO will be effective after the Regional Judicial Officer executes the attached Final Order, on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

SABIC Innovative Plastics US LLC, Respondent
In the Matter of: SABIC Innovative Plastics US LLC
Docket No. CAA-05-2024-0039

Date

Frank Monago, Sr. Counsel, Litigation
SABIC Innovative Plastics US LLC

**United States Environmental Protection Agency, Complainant
In the Matter of: SABIC Innovative Plastics US LLC
Docket No. CAA-05-2024-0039**

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: SABIC Innovative Plastics US LLC
Docket No. CAA-05-2024-0039

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5