

FILED

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2024-0060
)	
Chase Products Co.)	Proceeding to Assess a Civil Penalty
Broadview, Illinois)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
_____)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action 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. Part 22.
2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Chase Products Co., a corporation doing business in Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

Clean Air Act, Subsection 112(r)

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

10. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), provides that the 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.

11. Section 112(r)(7)(A) of the Act, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the 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.

12. Section 112(r)(7)(B)(i) of the Act, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the 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.

13. Section 112(r)(7)(B)(ii) of the Act, 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.

14. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), 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.

40 C.F.R. Part 68: Chemical Accident Prevention Provisions

15. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the 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).

16. 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 a 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.

17. Section 112(r)(7)(E) of the Act, 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 Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

Applicability

18. 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.

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

20. Section 68.3 of the CAPP 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 the purposes of that 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.

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

22. Table 3 at Section 68.130(a) of CAPP lists difluoroethane (Ethane, 1,1-difluoro-) as a regulated flammable substance with a threshold quantity of 10,000 pounds.

23. Table 3 at Section 68.130(a) of CAPP lists propane as a regulated flammable substance with a threshold quantity of 10,000 pounds.

24. Table 3 at Section 68.130(a) of CAPP lists butane as a regulated flammable substance with a threshold quantity of 10,000 pounds.

25. Section 68.3 of the CAPP provides that “public” means any person except employees or contractors at the stationary source.

26. Section 68.3 of the CAPP provides that a “public receptor” means offsite residences, institutions (e.g., schools, hospitals), industrial, commercial, and office buildings, parks, or recreational areas inhabited or occupied by the public at any time without restriction by the stationary source where members of the public could be exposed to toxic concentrations, radiant heat, or overpressure, as a result of an accidental release.

27. Section 68.12 of the CAPP defines three “Program” levels based on processes’ relative potential for public impacts and the level of effort needed to prevent accidents. For each Program level, the rule defines requirements that reflect the level of risk and effort associated with the processes at that level.

28. Section 68.10(j) of the CAPP provides that a covered process is subject to Program 1 requirements if all of the following conditions are met: 1) for five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance that lead to offsite death, injury, or response or restoration activities for an exposure of an environmental receptor; 2) the distance to a toxic or flammable endpoint for a worst-case release assessment is less than the distance to any public

receptor; and 3) emergency response procedures have been coordinated between stationary source and local emergency planning and response organizations.

29. Section 68.10(l) of the CAPP provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the Program 1 eligibility requirements at 40 C.F.R. § 68.10(g) and if either of the following conditions is met: 1) the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or 2) the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.

30. Sections 68.12(a) and (d) of the CAPP identify the CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 must meet, which include, among other provisions, to develop and implement a management system as provided in § 68.15; conduct a hazard assessment as provided in §§ 68.20 through 68.42; implement the prevention requirements of §§ 68.65 through 68.87; coordinate response actions with local emergency planning and response agencies as provided in § 68.93; develop and implement an emergency response program, as provided in §§ 68.90 through 68.96; submit a single RMP, as provided in §§ 68.150 to 68.185, that includes a registration that reflects all covered processes; and submit as part of the RMP the data on prevention program elements for Program 3 processes as provided in § 68.175.

Hazard Assessment

31. Section 68.25(a)(2)(ii) of CAPP provides, in part, that the owner or operator of a stationary source with processes subject to Program 3 shall analyze and report in the RMP one worst-case release scenario that is estimated to create the greatest distance in any direction to a defined

endpoint resulting from an accidental release of regulated flammable substances from covered processes.

Process Safety Information

32. Section 68.65(c)(1)(iv) of CAPP provides, in part, that the owner or operator of a stationary source with processes subject to Program 3 shall complete a compilation of written process safety information that shall include the safe upper and lower limits for such items as temperatures, pressures, flows or compositions.

33. Section 68.65(d)(1)(ii) of CAPP provides, in part, that the owner or operator of a stationary source with processes subject to Program 3 shall complete a compilation of written process safety information that shall include accurate information pertaining to the piping and instrument diagrams for the covered process.

Process Hazard Analysis

34. Section 68.67(a) of CAPP provides, in part, that the owner or operator of a stationary source with processes subject to Program 3 shall perform a process hazard analysis appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process.

35. Section 68.67(c)(2) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall perform a process hazard analysis that identifies any previous incident which had a likely potential for catastrophic consequences.

36. Section 68.67(c)(4) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall perform a process hazard analysis which addresses consequences of failure of engineering and administrative controls.

37. Section 68.67(c)(5) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall perform a process hazard analysis which shall address stationary source siting.

38. Section 68.67(d) of CAPP provides that the process hazard analysis shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated and the specific process hazard analysis methodology being used.

39. Section 68.67(f) provides, in part, that the process hazard analysis shall be updated and revalidated by a team meeting every five years to assure that the process hazard analysis is consistent with the current process.

Operating Procedures

40. Section 68.69(a) of CAPP provides, in part, that the owner or operator of a stationary source with processes subject to Program 3 shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information.

41. Section 68.69(a)(1)(vii) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall develop and implement written operating procedures that include startup following a turnaround, or after an emergency shutdown.

42. Section 68.69(a)(2)(i-ii) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall develop and implement written operating procedures that include consequences of deviation and steps required to correct or avoid deviation.

43. Section 68.69(c) of CAPP provides that the operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources and the owner or operator shall certify annually that these operating procedures are current and accurate.

Training

44. Section 68.71(a) of CAPP provides, in part, that each employee involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

Mechanical Integrity

45. Section 68.73(c) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

46. Section 68.73(d)(3) of CAPP 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.

47. Section 68.73(d)(4) of CAPP provides that the owner or operator of a stationary source with processes subject to Program 3 shall document each inspection and test that has been performed

on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

Incident Investigation

48. Section 68.81(d)(2) of CAPP provides, in part, that the owner or operator shall investigate each incident that resulted in or could reasonably have resulted in a catastrophic release and prepare a report at the conclusion of the investigation which includes the date the investigation began.

Contractors

49. Section 68.87(b)(1) of CAPP provides that the owner or operator, when selecting a contractor, shall obtain and evaluate information regarding the contract owner or operator's safety performance and programs.

50. Section 68.87(b)(5) of CAPP provides, in part, that the owner or operator shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in section 68.87(c) of CAPP.

Administrative Authority

51. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$57,617 per day of violation up to a total of \$460,926 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

52. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action,

except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

53. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

40 C.F.R. Part 68: Chemical Accident Prevention Provisions

Applicability

54. Chase owns and operates a propellant system for aerosols at its chemical manufacturing facility at 2727 Gardner Road, Broadview, Illinois 60155 (Facility).

55. Chase has three 18,000-gallon underground storage tanks of propellant. The total maximum inventory at the Facility is 45,900 gallons and the Facility receives approximately 9,000 gallons of propellant per day.

56. The propellants are a flammable mixture of butane, difluoroethane, and propane, which are all contained at the Facility above the threshold quantity of 10,000 pounds listed in Table 1 at 40 C.F.R § 68.130(a).

57. Chase conducts a process, as defined in 40 C.F.R. § 68.3, that includes the use, storage, handling, and on-site movement of chlorine, which is a regulated substance.

58. Chase's propellant system at the Facility was and is a "process," as that term is defined at 40 C.F.R. § 68.3.

59. Chase's propellant system process at the Facility was and is a "covered process," as that term is defined at 40 C.F.R. § 68.3.

60. The Facility is subject to the requirements of the CAPP in accordance with 40 C.F.R. § 68.1 et seq.

61. There are public receptors within the distance to endpoint; therefore, the covered process is not eligible for Program 1.

62. The covered process at the Facility does not meet the Program 1 requirements at 40 C.F.R. § 68.10(g).

63. The covered process at the Facility is subject to the OSHA process safety management standard because it contains greater than the threshold quantity of 10,000 pounds of butane, difluoroethane, and propane, which are gasses that form flammable mixtures with air at concentrations less than or equal to 13%.

64. The facility is subject to Program 3 because the process is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119, in accordance with 40 C.F.R. § 68.10(l), and does not meet the Program 1 eligibility requirements at 40 C.F.R. § 68.10(g).

65. Chase is subject to the requirements of Section 114(a)(1).

Facility Inspection

66. On July 8, 2021, EPA conducted an announced inspection of Chase's Broadview, Illinois facility.

67. During the July 8, 2021 inspection, EPA inspectors reviewed numerous documents provided by Chase. The documents included various aspects of its RMP involving the management system, process hazard analysis (PHA), operating procedures, training, mechanical integrity, management of change, hot work, and contractors.

68. During the July 8, 2021 inspection, EPA inspectors observed piping above the pump area that was vibrating significantly as the pumps were running. Chase acknowledged that they were concerned about the vibration and had previously installed supports on the piping to reduce vibration. When asked about the vibration of piping that EPA observed while on the facility tour, Chase confirmed that the amount of vibration that EPA inspectors saw was typical for normal operation.

Process Hazard Analysis

69. Chase failed to address consequences of failure of engineering and administrative controls in violation of 40 C.F.R. § 68.67(c)(4).

70. Chase failed to include a stationary source siting in the process hazard analysis in violation of 40 C.F.R. § 68.67(c)(5).

71. Chase failed to include an operator with expertise in process operations in the process hazard analysis for Node 15 in violation of 40 C.F.R. § 68.67(d).

72. Chase failed to update and revalidate the process hazard analysis for Node 15 by a team meeting every five years to assure that the process hazard analysis is consistent with the current process in violation of 40 C.F.R. § 68.67(f).

Operating Procedures

73. Chase failed to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information in violation of 40 C.F.R. § 68.69(a).

74. Chase failed to develop and implement a standard operating procedure for a startup following an emergency shutdown in violation of 40 C.F.R. § 68.69(a)(1)(vii).

Violations of the Clean Air Act

75. Pursuant to Section 112(r)(7)(E) of the Act, the above-described violations of the regulations and requirements of 40 C.F.R. Part 68, are violations of the Act.

76. On December 17, 2021, EPA issued to Chase a Finding of Violation (FOV) for the allegations and violations listed in paragraphs 54 –74.

77. On February 1, 2022, representatives of Chase and EPA discussed the December 17, 2021 Finding of Violation.

78. On August 2, 2022, EPA sent Chase, via email, injunctive relief requests. In response to the Finding of Violation and August 2, 2022 email, Chase updated and upgraded components of its propellant system and elements of its RMP Program. Chase updated its worst-case release scenario to accurately reflect current operations and chemicals and resubmitted its RMP on July 26, 2021. Chase updated its piping and instrumentation diagrams and standard operating procedures to accurately reflect valve numbers. Chase submitted updated operating procedures which provide clear instructions for safely conducting activities and includes emergency shutdown procedures and consequences of deviation and steps required to correct or avoid deviation. Chase submitted initial training documents for its one new employee involved in operating the covered process. Chase also submitted an updated contractor policy.

Civil Penalty

79. 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 cooperation, Complainant has determined that an appropriate civil penalty to settle this action is \$90,000.

80. Penalty Payment. Respondent agrees to:

a. pay the civil penalty of \$90,000 within 30 days after the effective date of this CAFO.

b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
Automated Clearinghouse (ACH) payments made through the US Treasury	US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.
Wire transfers made through Fedwire	Federal Reserve Bank of New York ABA: 021030004 Account Number: 68010727 SWIFT address: FRNYUS33 33 Liberty Street New York, NY 10045 Beneficiary: US Environmental Protection Agency In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.
Payments made through Pay.gov Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.	<ul style="list-style-type: none"> • Go to Pay.gov and enter “SFO 1.1” in the form search box on the top left side of the screen. • Open the form and follow the on-screen instructions. • Select your type of payment from the "Type of Payment" drop down menu. • Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field
Cashier’s or certified check payable to “Treasurer, United States of America.” Please notate the CAFO docket number on the check	<p>For standard delivery: U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979078 St. Louis, Missouri 63197-9000</p> <p>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc): U.S. Environmental Protection Agency Government Lockbox 979078 3180 Rider Trail S. Earth City, Missouri 63045</p>

81. Within 24 hours of the payment of the civil penalty, respondent must send a notice of payment and state Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Steven Kaiser
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Kaiser.steven@epa.gov

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

82. This civil penalty is not deductible for federal tax purposes.

83. If Respondent does not pay timely the civil penalty, or any stipulated penalties due under paragraph 84, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties, and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

84. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10

percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

85. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of a TIN issued by the IRS.

General Provisions

86. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: kaiser.steven@epa.gov (for Complainant), and ken@anspachlawoffice.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.
87. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.
88. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.
89. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 87, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.
90. Respondent certifies that it is complying fully with provisions of the Chemical Accident Prevention Provisions (CAPP), codified at 40 C.F.R. Part 68, as well as Section 112(r)(7)(E) of the Clean Air Act, 42 U.S.C. § 7412(r)(7)(E).
91. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

92. The terms of this CAFO bind Respondent, its successors, and assigns.

93. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

94. Each party agrees to bear its own costs and attorney's fees in this action.

95. This CAFO constitutes the entire agreement between the parties.

United States Environmental Protection Agency, Complainant

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: Chase Products Co.
Docket No. CAA-05-2024-0060**

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