



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 25 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Clara Poffenberger
Clara Poffenberger Environmental Law
and Policy LLC
2933 Fairhill Road
Fairfax, Virginia 22031

Re: Westlake Vinyls, Inc.
Consent Agreement and Final Order
CAA-04-2019-8004(b)

Dear Ms. Poffenberger:

Enclosed please find an executed copy of the Consent Agreement and Final Order (CAFO) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2019-8004(b)) involving Westlake Vinyls, Inc. The CAFO was filed with the Regional Hearing Clerk, as required by 40 C.F.R. Part 22 and became effective on the date of the filing. As specified by the penalty payment instruction in Paragraph 28 of the CAFO, Westlake Vinyls, Inc., has agreed to pay the civil penalty within 30 calendar days of the effective date of the CAFO.

If you have any questions, please call Ms. Ellen Rouch at (404) 562-9575.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Rubini".

Suzanne G. Rubini
Acting Director
Enforcement and Compliance Assurance Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF:)
)
Westlake Vinyls, Inc.)
)
Respondent.)
_____)

Docket No.
CAA-04-2019-8004(b)

2019 JUN 25 AM 8:31

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (CAA or the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing 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 United States Environmental Protection Agency, Region 4 (the "EPA"). The Director of the Enforcement and Compliance Assurance Division, EPA Region 4, is delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act.
3. Respondent is Westlake Vinyls, Inc., a corporation doing business in the Commonwealth of Kentucky. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement and the attached Final Order without adjudication of any issue of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order ("CAFO").

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are of Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7) and the implementing regulations at 40 C.F.R. Part 68.
6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d).

7. The EPA sent a Notice of Potential Violations letter dated February 14, 2018, providing Respondent notice that the EPA found that Respondent had potentially committed the alleged violations in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On April 17, 2018, and on May 22, 2018, representatives of the Respondent and the EPA held meetings to discuss the alleged violations described in Section E of this CAFO and the CAFO terms described in Section F.
8. The Department of Justice, acting on behalf of the EPA, and the Respondent entered into an agreement to toll the period from September 10, 2015, to September 10, 2019 in computing any statute of limitations potentially applicable to the alleged violations in this matter.
9. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes settlement between Complainant and Respondent. 40 C.F.R. § 22.4(b) and 22.18(b).
10. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

11. Section 112(r) of the Act, 42 U.S.C. § 7412(r), addresses the prevention of releases of substances listed pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), and other extremely hazardous substances. The purpose of this section is to prevent the accidental release of extremely hazardous substances and to minimize the consequences of such releases. Pursuant to Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), the EPA is authorized to promulgate regulations for accidental release prevention.
12. Pursuant to Sections 112(r)(3) and 112(r)(7) of the Act, 42 U.S.C. §§ 7412(r)(3) and 7412(r)(7), the EPA promulgated rules codified at 40 C.F.R. Part 68, Chemical Accident Prevention Provisions. These regulations are collectively referred to as the “Risk Management Program” (RMProgram) and apply to an owner or operator of a stationary source that has a threshold quantity of a regulated substance in a process. Pursuant to Sections 112(r)(3) and 112(r)(5) of the Act, 42 U.S.C. §§ 7412(r)(3) and 7412(r)(5), the list of regulated substances and threshold levels are codified at 40 C.F.R. § 68.130.
13. Pursuant to Section 112(r)(7)(B)(iii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(iii), and 40 C.F.R. §§ 68.10 and 68.150, the owner or operator of a stationary source that has a regulated substance in an amount equal to or in excess of the applicable RMProgram threshold in a “process” as defined in 40 C.F.R. § 68.3, must develop an RMProgram accidental release prevention program, and submit and register a single Risk Management Plan (RMPlan) to the EPA.

D. FACTUAL ALLEGATIONS

14. Respondent operates a “stationary source” as that term is defined by Section 302(z) of the Act, 42 U.S.C. § 7602(z). The Respondent’s stationary source is located at 2468 Industrial Parkway, Calvert City, Kentucky (stationary source).

15. Respondent has registered an RMPlan with the EPA for its stationary source, and has developed an RMProgram accidental release prevention program for the stationary source.

16. For the purpose of this CAFO:

- (a) At its stationary source, the Respondent operates a petrochemical manufacturing facility (NAICS Code 32511) that produces vinyl chloride for use in the plastics industry. The production areas represent a single RMProgram covered process involving sixteen (16) RMProgram regulated chemicals.
- (b) At its stationary source, the Respondent has 27,000,000 pounds of vinyl chloride and 6,700,000 pounds of chlorine.
- (c) At its stationary source, the Respondent has one RMProgram level 3 covered process, which stores or otherwise uses regulated toxic and flammable substances in amounts exceeding applicable thresholds.

17. The EPA began an investigation into releases of hazardous chemicals at the Respondent’s Westlake Vinyls, Inc. (Westlake), Calvert City, Kentucky, operation after EPA received a referral from the Commonwealth of Kentucky’s Department of Environmental Protection concerning a September 12, 2011, Westlake Vinyls, Inc., release of 11,000 pounds of vinyl chloride. In an CAA Section 114 letter dated March 15, 2016, EPA requested the Respondent to provide information on all chemical releases occurring after January 1, 2011, that the Respondent reported to the National Response Center, and/or to the State Emergency Response Commission and the Local Emergency Planning Committee. In its response, in addition to the September 12, 2011, vinyl chloride release, the Respondent provided information on reportable releases occurring on April 11, 2011; April 25, 2012; August 22, 2013; and June 20, 2014.

18. On April 11, 2011, an accidental release of vinyl chloride occurred due to a valve failure on Westlake’s #2 quench bottoms line. Respondent had conducted non-destructive testing (NDT) on related piping but had not been performing NDT on the valves. Additionally, Respondent did not follow management of change (MOC) procedures when changes were made to the material of construction of the piping system.

19. On September 12, 2011, an accidental release of vinyl chloride and 1,2-dichloroethane occurred at the North Cracking HCL columns bottoms line when a piping elbow fitting failed. Respondent had not been performing NDT on such piping. Additionally, Respondent failed to identify, evaluate and control the hazards associated with turbulent flow, even though this area of piping was subject to high turbulent flow. Finally, Respondent failed to perform inspections and testing in this area of piping to ensure process mechanical integrity.

20. On April 25, 2012, an accidental release of vinyl chloride and 1,2-dichloroethane occurred during startup of #13 Furnace and #7 Quench after routine maintenance. Factors contributing to the release included operator error and the Respondent's failure to consider differences in the design specifications and materials of construction when a gasket was replaced as part of a maintenance process. Respondent failed to implement MOC procedures for the gasket, did not perform any inspection or testing on piping in this area to ensure mechanical integrity and failed to document all the factors that contributed to the incident.

21. On August 22, 2013, an accidental release of chlorine occurred in Westlake's VCL Tank Farm (i.e., Chlorine Bullet Area) when a rupture disc failed four days after it had been installed. Factors contributing to the release included Respondent's failure to conduct tests and inspection to determine whether a required fitting plug had been installed in the new rupture disc holder assembly.

22. On June 20, 2014, an accidental release of 1,2-dichloroethane and vinyl chloride occurred on Westlake's East Cracking #4 Quench bottoms piping. Respondent had performed NDT on quench bottom piping but did not perform NDT on draw off lines immediately following which are subjected to turbulent flow. Additionally, Respondent failed to identify, evaluate and control the hazards associated with turbulent flow.

23. EPA's National Enforcement Investigations Center (NEIC) conducted an onsite inspection at Westlake Vinyls, Inc., on December 8th through December 11, 2015, to determine the Respondent's compliance with the Act's chemical accident prevention provisions.

24. At the time of the inspection, the Respondent's NDT did not follow API Recommended Practice 574. This API establishes that non-destructive inspection/testing must be repeated at specified Condition (or thickness) Monitoring Locations (CMLs). The CMLs are designated locations (i.e., known/specified examination points) so designated for the purpose of repetitive thickness examinations over time on pressure vessels and piping to monitor the presence and rate of damage and corrosion.

E. ALLEGED VIOLATIONS OF LAW

25. Based on EPA's compliance monitoring investigation, the EPA alleges that the Respondent violated the CAA Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7) and the implementing regulations at 40 C.F.R. Part 68 when:

In association with the April 2011 release, it failed to perform inspections and tests on its covered process piping system to ensure process mechanical integrity as required by 40 C.F.R. § 68.73(d)(1), and failed to implement management of change procedures when changing piping system materials of construction, as required by 40 C.F.R. § 68.75(a);

In association with the September 2011 release, it failed to determine and evaluate the hazards associated with turbulent flow as required by 40 C.F.R. § 68.67(b), failed to address the engineering and administrative controls applicable to turbulent flow as required by

40 C.F.R. § 68.67(c)(3), and failed to perform inspections and tests on covered process piping systems and their component parts to ensure process mechanical integrity as required by 40 C.F.R. § 68.73(d)(1);

In association with the April 2012 release, it failed to perform inspections and tests on covered process piping systems and their component parts, including failure to ensure process mechanical integrity as required by 40 C.F.R. § 68.73(d)(1), failed to implement management of change procedures when changing piping system component parts' materials of construction and design specifications, as required by 40 C.F.R. § 68.75(a), and failed, as part of its incident investigation, to document all of the factors that contributed to the incident as required by 40 C.F.R. § 68.81(d)(4);

In association with the August 2013 release, it failed to perform inspections and tests on covered process piping systems and their component parts to ensure process mechanical integrity as required by 40 C.F.R. § 68.73(d)(1);

In association with the June 2014 release, it failed to determine and evaluate the hazards associated with turbulent flow as required by 40 C.F.R. § 68.67(b), and failed to address the engineering and administrative controls applicable to turbulent flow as required by 40 C.F.R. § 68.67(c)(3); and

In relation to the December 2015, NEIC inspection, it failed to follow recognized and generally accepted good engineering practices when performing inspections and tests on covered process piping systems and their component parts to ensure process mechanical integrity as required by 40 C.F.R. § 68.73(d)(2).

F. TERMS OF CAFO

26. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO.
 - (b) neither admits nor denies the factual allegations stated above;
 - (c) consents to the assessment of a civil penalty as stated below;
 - (d) consents to the issuance of any specified compliance or corrective action order;
 - (e) consents to the conditions specified in this CAFO;
 - (f) consents to any Permit Action;
 - (g) waives any rights to contest the alleged violations of law set forth in Section E of this CAFO; and
 - (h) waives its rights to appeal the Final Order accompanying this CAFO.
27. For the purpose of this CAFO, Respondent:
- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement 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 the Clean Air Act, 42 U.S.C. §§ 7401-7671q. and/or the Administrative Procedures Act, 5 U.S.C. §§ 701-706.
- (d) consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Western District of Kentucky;
- (e) 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 such noncompliance, and agrees that federal law shall govern in any such civil action; and
- (f) certifies that as of its execution of this CAFO, it is in compliance with all relevant requirements of 40 C.F.R. Part 68.

28. Penalty Payment. Respondent agrees to:

- a) pay the civil penalty of **FORTY-EIGHT THOUSAND NINE HUNDRED SIXTY-EIGHT DOLLARS (\$48,968)** (“EPA Penalty”) within 30 calendar days of the Effective Date of this CAFO;
- b) pay the EPA Penalty by forwarding a cashier's or certified check payable to the “Treasurer, United States of America,” or by electronic transfer to one of the following addresses:

For payment sent via electronic transfer

Federal Reserve Bank of New York
 ABA = 021030004
 Account = 68010727
 SWIFT address = FRNYUS33
 33 Liberty Street
 New York, New York 10045
 Beneficiary: “U.S. Environmental Protection Agency”;

For payment sent via standard delivery

U.S. Environmental Protection Agency
 Cincinnati Finance Center Box 979077
 St. Louis, MO 63197-9000; or

For payment sent for signed receipt confirmation (FedEx, DSL, UPS, USPS Certified)

U.S. Environmental Protection Agency
 Cincinnati Finance Center Box 979077
 1005 Convention Plaza
 SL-MO-C2-GL
 St. Louis, MO 63101
 (Delivery Location Phone Number: 314-425-1819).

The check shall reference on its face the name and the Docket Number of the CAFO. Within 24 hours of payment of the EPA Penalty, Respondent shall send a separate copy of the check or confirmation of electronic transfer, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Jordan Noles
U.S. EPA, Region 4
Enforcement and Compliance Assurance Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

29. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

- a) request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
- b) refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- c) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
- d) suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

30. Supplemental Environmental Project.

- a) Respondent shall undertake and complete the following Emergency Planning and Preparedness project within 45 days of the effective date of this CAFO. Respondent shall expend no less than **ONE HUNDRED EIGHTY-THREE THOUSAND FIVE HUNDRED (\$183,500)** for the purchase of two (2) AutoRAE 2 Kits with inCase Calibration configured with standalone AutoRAE 2 cradle for QRAE3 and custom foam for up to 3 instruments [kits include 2 QRAE 3s (O2/LEL/CO/H2S) with wireless, 1 cylinder of calibration gas, 1 regulator and supporting accessories], and two (2) EchoView Host Mini Controllers, 900 MHz, for the Marshall County Emergency Management Agency, Marshall County, Kentucky; and ten (10) MSA G1 Control Modules with integrated thermal imaging cameras, twenty-four (24) MSA G1 SCBAs

with spare low carbon wrapped cylinder with GSA quick connect remote cylinder connection and spare G1 facepiece with speed-on head harness and nose cup, and one (1) MSA G1 rechargeable battery charging station for the Livingston County Office of Emergency Management, Livingston County, Kentucky.

- b) Respondent agrees, in the event that Respondent's actual purchase of equipment deviates from the equipment specified above, Respondent shall provide information to EPA explaining the reason(s) for any such deviation. So long as the amount that Respondent spends equals or exceeds **\$183,500**, and the explanation for the deviation is acceptable to EPA, this provision shall be deemed to be satisfied.
- c) This CAFO shall not be construed to constitute EPA endorsement of the equipment or technology to be purchased by Respondent in connection with the SEP undertaken pursuant to this CAFO.
- d) Respondent certifies the truth and accuracy of each of the following:
 - (1) That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is **\$183,500**;
 - (2) That, as of the effective date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law, regulation, permit, order or agreement and is not required to perform or develop the SEP by agreement, grant or as injunctive relief awarded in any other action in any forum;
 - (3) That the SEP is not a project the Respondent was planning or intending to construct, perform or implement other than in settlement of the claim resolved in this CAFO;
 - (4) That Respondent has not received and will not receive credit for the SEP in any other enforcement action of any kind;
 - (5) That Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
 - (6) That for federal income tax purposes, Respondent agrees it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP;
 - (7) That Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP; and
 - (8) That Respondent has inquired of the Marshall County Emergency Management Agency and the Livingston County Office of Emergency Management whether either is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP, and has been informed by the Marshall County Emergency Management Agency and the Livingston County Office of Emergency Management that neither is a party to such a transaction.
- e) Respondent agrees that in order to receive credit for the SEP, it must fully and timely complete the SEP project in accordance with Paragraph 30(a). If Respondent does not fully and timely complete the SEP, it shall be required to pay stipulated penalties pursuant to Paragraph 30(h).

- f) Respondent shall submit to EPA a SEP Completion Report, no later than sixty (60) calendar days after the effective date of this CAFO. The Report shall be sent to the Enforcement and Compliance Assurance Division, to the attention of Mr. Jordan Noles at the address provided in Paragraph 28(b). The Report shall include the following:
- (1) an affidavit from an authorized company official, attesting that the SEP has been completed or explaining in detail any failure to complete it; and
 - (2) copies of appropriate documentation, including invoice and receipts, showing a total expenditure of no less than **\$183,500**, was spent on the Emergency Planning and Preparedness SEP described in Paragraph 30(a).

Upon request, Respondent shall send EPA any additional documentation requested by EPA.

- g) In making any reference to the SEP, any public statement, oral or written, Respondent shall include the following language:
- “This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental protection Agency for violations of Section 112(r)(7) of the Clean Air Act (CAA) and implementing regulations at 40 C.F.R. Part 68”
- h) Respondent shall pay to the United States a stipulated penalty of the difference between **\$183,500** and the actual SEP expenditure if Respondent fails to timely and fully complete the activities described in Paragraph 30(a), including failure to spend the minimum amount of **ONE HUNDRED EIGHTY-THREE THOUSAND FIVE HUNDRED (\$183,500)**.
- i) For purposes of Paragraph 30(e), whether Respondent has fully and timely completed the SEP shall be in the sole discretion of EPA.
- j) Respondent shall pay to the United States a stipulated penalty of \$100 for each calendar day that the report is late if Respondent fails to timely submit a SEP Completion Report as required by this CAFO.

31. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

32. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

33. By signing this CAFO, both parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

34. By signing this CAFO, Respondent certifies that 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 there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

35. Except as qualified by Paragraph 29, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CAFO

36. 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 above.

37. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

38. 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 the subject matter hereof.

39. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon written agreement of both parties, and approval of the Regional Judicial Officer.

40. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), and pursuant to 40 C.F.R. Part 19, as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

41. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

42. 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 the public health, welfare, or the environment.

43. 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 the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

H. EFFECTIVE DATE


44. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY.

The foregoing Consent Agreement in the Matter of Westlake Vinyls, Inc., Docket No. CAA-04-2019-8004(b), is Hereby Stipulated, Agreed, and Approved for Entry.


FOR RESPONDENT:

Westlake Vinyls, Inc.

By:  Date: 5/10/19
Name: DAVID HUYCK (Typed or Printed)
Title: PLANT MANAGER (Typed or Printed)

FOR COMPLAINANT:

U.S. Environmental Protection Agency

By:  Date: 6/10/19
Suzanne G. Rubini
Acting Director
Enforcement and Compliance Assurance Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF:)
)
 Westlake Vinyls, Inc.)
)
 Respondent.)
 _____)

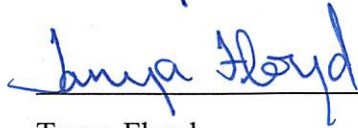
Docket No.
CAA-04-2019-8004(b)

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b) of the EPA's Consolidated Rules of Practice and section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent in ORDERED to comply with all terms of the Consent Agreement, effective immediately.

SO ORDERED this 24th day of June, 20 19.



Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, in the matter of Westlake Vinyls, Inc., CAA-04-2019-8004(b), on the parties listed below in the manner indicated:

Victor Weeks (Via EPA's internal mail)
U. S. EPA, Region 4
Superfund and Emergency
Management Division

Ellen Rouch (Via EPA's internal mail)
U. S. EPA, Region 4
Office of Regional Counsel

Ms. Clara Poffenberger (Via Certified Mail - Return Receipt Requested)
Clara Poffenberger Environmental Law
and Policy LLC
2933 Fairhill Road
Fairfax, Virginia 22031

Date:

6-25-19



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511