

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:) Docket No. CAA-05-2026-0023
)
PVS Technologies, Inc.) Proceeding to Assess a Civil Penalty
Detroit, Michigan,) 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) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.1(a)(2), 22.13(b) and 22.18(b).

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 PVS Technologies, Inc (PVS), a corporation doing business in Michigan. 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) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) 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 March 15, 2023, the EPA issued to Respondent a Finding of Violation (FOV) and provided a copy of the FOV to Michigan Department of Environment, Great Lakes, and Energy (EGLE), providing notice to Respondent and EGLE 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 May 30, 2023, representatives of Respondent and the EPA conferred regarding the March 15, 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

I. Clean Air Act (CAA)

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.* 4493 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

16. 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). The Administrator promulgated the most recent amendment to CAPP on March 11, 2024, See 89 FR 17685.

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 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.

18. 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 CAA, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

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

Applicability

19. 40 C.F.R. § 68.10(a)(1) 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 June 21, 1999.

20. 40 C.F.R. § 68.3 of the CAPP provides 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.

21. 40 C.F.R. § 68.3 of the CAPP 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. 40 C.F.R. § 68.3 of the CAPP provides that “threshold quantity” means the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

23. Table 1 at 40 C.F.R. § 68.130(a) of the CAPP lists chlorine as a regulated toxic substance with a threshold quantity of 2,500 pounds.

24. 40 C.F.R. § 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.

25. 40 C.F.R. § 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 40 C.F.R. § 68.115.

26. 40 C.F.R. § 68.10(g) of the CAPP provides that a covered process is subject to Program 1 requirements if the distance to a toxic or flammable endpoint for a worst-case release assessment

conducted under CAPP Subpart B and 40 C.F.R. § 68.25 is less than the distance to any public receptor, as defined in 40 C.F.R. § 68.3.

27. 40 C.F.R. § 68.3 of the CAPP provides that “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.

28. 40 C.F.R. § 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(j)¹ 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 (PSM) standard, 29 C.F.R. § 1910.119.

29. 40 C.F.R. § 68.12(a) of the CAPP provides that the owner or operator of a stationary source subject to 40 C.F.R. Part 68 shall submit a single RMP, as provided in 40 C.F.R. §§ 68.150 to 68.185; and that the RMP shall include a registration that reflects all covered processes.

¹ 40 C.F.R. § 68.10(l) was amended in 2024 and its reference to the location of the Program 1 eligibility requirements within 40 C.F.R. § 68.10 was not updated accordingly. 40 C.F.R. § 68.10(l) erroneously references Program 1 eligibility requirements as being listed at 40 C.F.R. § 68.10(g) when Program 1 eligibility requirements are currently found at 40 C.F.R. § 68.10(j).

30. 40 C.F.R. § 68.12(d) of the CAPP identifies additional 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 40 C.F.R. § 68.15; conduct a hazard assessment as provided in 40 C.F.R. §§ 68.20 through 68.42; implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87; coordinate response actions with local emergency planning and response agencies as provided in 40 C.F.R. § 68.93; develop and implement an emergency response program, as provided in 40 C.F.R. §§ 68.90 through 68.96; and submit as part of the RMP the data on prevention program elements for Program 3 processes as provided in 40 C.F.R. § 68.175.

Operating Procedures

31. Section 68.69(a) of the CAPP provides, in part, that the owner or operator of a stationary source with a process 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 and that address at least the elements in 40 C.F.R. § 68.69(a)(1) through (4).

32. Section 68.69(a)(2) of the CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures that address operating limits.

Mechanical Integrity

33. Section 68.73(d)(1) of the CAPP provides that inspections and tests shall be performed on process equipment.

Management of Change

34. Section 68.75(a) of the CAPP provides that the owner or operator shall establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process.

D. Stipulated Facts

35. The Respondent owns and operates a ferric chloride manufacturing facility at 10825 Harper Ave, Detroit, Michigan 48213 (Facility).

36. The Facility maintains a maximum inventory of 3,000,000 pounds of the regulated toxic substance chlorine, as stated in the December 21, 2021, RMP that was submitted to and reviewed by EPA.

37. Chlorine is a regulated toxic substance under Section 112 of the CAA with a threshold quantity of 2,500 pounds as set forth in Table 1 at 40 C.F.R. § 68.130.

38. The Respondent 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.

39. The Respondent's ferric chloride manufacturing process at the Facility was and is a "process," as that term is defined at 40 C.F.R. § 68.3.

40. The Respondent's ferric chloride manufacturing process at the Facility was and is a "covered process," as that term is defined at 40 C.F.R. § 68.3.

41. The Respondent's process at the facility has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

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

43. There are public receptors within the distance to endpoint for the Facility's covered process.

44. The Respondent's ferric chloride manufacturing process at the Facility does not meet the Program 1 requirements at 40 C.F.R. § 68.10(g).

45. The covered process at the Facility is subject to the OSHA process safety management standard because the covered process contains greater than the threshold quantity of 2,500 pounds of chlorine that is a highly hazardous chemical as defined in 29 C.F.R. § 1910.119(b).

46. 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(i), and does not meet the Program 1 eligibility requirements at 40 C.F.R. § 68.10(g).

Facility Inspection

47. On June 14 – June 15, 2022, EPA conducted an announced inspection of the Respondent's facility (June 2022 inspection).

48. During the June 2022 inspection, EPA inspectors reviewed numerous documents provided by the Respondent. The documents included aspects of its RMP involving the management system, process safety information, process hazard analysis, operating procedures, training, mechanical integrity, management of change, pre-startup safety review, compliance audits, hot work permits, employee participation, and contractors.

49. The Respondent's written operating procedures included operating limits for pressure and level but did not include the operating limit for temperature or the consequences of deviation.

50. The Respondent did not have records of calibrating the pressure and temperature sensors on any of the oxidizers. The Respondent did not have records of calibrating the level sensors on oxidizers A or C.

51. During the June 2022 inspection, EPA requested the written procedures for Management of Change (MOC), in response the Respondent provided EPA with a document titled “PVS EHSS Corporate Policy Guideline.docx” (*PVS Guidelines*). This document is a general guidance document related to Respondent’s corporate environment, health, safety and security policy, and did not meet the MOC requirements.

52. From October 6, 2022 to June 1, 2023, Respondent completed the following actions:

- a. Provided “Critical Operating Parameter” operating procedure that included temperature operating limits.
- b. Provided a spreadsheet that lists calibration frequency requirements for its equipment and a copy of the Respondent’s new policy requiring any equipment that does not otherwise have a manufacture calibration frequency requirement to be calibrated once per year.
- c. Provided a copy of revised MOC procedures that describe MOC approval procedures which includes MOC requirements under 40 C.F.R. § 68.75.

E. Allegations

Operating Procedures

53. As explained in Paragraph 49, the Respondent failed to develop and implement written operating procedures that address operating limits, specifically temperature, in violation of 40 C.F.R. § 68.69(a)(2).

Mechanical Integrity

54. As explained in Paragraph 50, the Respondent failed to perform inspections and tests on process equipment, in violation of 40 C.F.R. § 68.73(d)(1).

Management of Change

55. As explained in Paragraph 51, the Respondent failed to establish written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process, in violation of 40 C.F.R. § 68.75(a).

F. Terms of Consent Agreement

56. 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. neither admits nor denies the allegations stated in Section E of this CAFO;
- 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 allegations set forth in Section E of this CAFO;
and
- f. waives its right to appeal this CAFO.

57. 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);
- d. waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c);
- e. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement; and
- f. 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 this CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

58. 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 the Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$20,350.70.

59. Respondent agrees to pay a civil penalty in the amount of \$20,350.70 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Consent Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

60. 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>.

61. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this CAFO: CAA-05-2026-0023
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall 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

Ariel Macmillan-Sanchez
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
MacmillanSanchez.Ariel@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.

62. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 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 CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately owing, and the EPA is authorized to recover 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. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is, the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handing collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

63. 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 CAFO, 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. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the

Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

64. 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.

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

66. 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 Consent 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 receipt of a TIN issued by the IRS.

67. 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.

68. 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 authority to bind the party they represent to this CAFO.

69. 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 there may be significant penalties for knowingly submitting false information, including the possibility of fines and/or imprisonment under 18 U.S.C. §§ 1001 and 1519.

70. 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 Final Order

71. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: MacMillanSanchez.Ariel@epa.gov (for the EPA), and cthompson@pvschemicals.com (for Respondent).

72. 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 specifically alleged in this CAFO.

73. 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.

74. 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.

75. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, authorized representatives, successors, and assigns.

76. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 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.

77. 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.

78. 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.

79. 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

80. This CAFO will be effective on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

PVS Technologies Inc., Respondent

3/18/2026

Date

Chris
Thompson

Digitally signed by Chris
Thompson
Date: 2026.03.18
12:54:18 -05'00'

Christopher Thompson
President

Consent Agreement in the Matter of PVS Technologies Inc., Docket No. CAA-05-2026-0023

For United States Environmental Protection Agency, Complainant

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: PVS Technologies Inc.
Docket No. CAA-05-2026-0023

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