

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CASE NO. 5:10-CV-168**

UNITED STATES OF AMERICA, ET AL.

PLAINTIFFS

v.

WESTLAKE VINYLs, INC., ET AL.

DEFENDANTS

JUDGMENT

This matter is before the Court upon the Motion of the United States and the Commonwealth of Kentucky to Enter the Consent Decree (Docket #8). Plaintiffs lodged a Consent Decree with the Court on September 17, 2010, which resolves all claims. In accordance with Department of Justice procedure, 28 C.F.R. § 50.7, the United States published notice of the proposed settlement in the Federal Register and solicited public comments. No comments were received, and the time period for commenting has now expired.

The United States and the Commonwealth of Kentucky filed a joint complaint in this Court on September 14, 2010. The Complaint alleges that Westlake Vinyls, Inc., and Westlake PVC Corporation (“Westlake”) violated the Clean Air Act, 42 U.S.C. § 7401 et seq., the Air Implementation Plan for the Commonwealth of Kentucky, and the Clean Water Act, 33 U.S.C. § 1251 et seq. The United States also alleged claims under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., the implementing regulations of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9603(a), 9609(c), and sections of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11004, 11013, 11045(b)(3).

As part of the Consent Decree, Westlake shall pay \$800,000.00 as a civil penalty to the United States and the Commonwealth. Westlake has also agreed to perform various injunctive

relief in connection with the violations, including implementation of a reroute of the vent streams, installation of flow meters, implementation of an enhanced LDAR program, remediation at various lift stations at the PVC plant, updating spill prevention control plans, and reviewing training procedures. The Consent Decree is entitled to a presumption of validity.

The Court has reviewed the Consent Decree and finds it to be fair, adequate, reasonable, and consistent with the public interest. There is no objection and no public comments were received. Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion is GRANTED and the Consent Decree lodged with the Court on September 17, 2010, is ENTERED.