



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 15 2016

Electronic Submittal Via Email

REPLY TO THE ATTENTION OF:

Edwin Williamson
Vice-President
Solutia, Inc.
575 Marysville Centre Drive
St. Louis, Missouri 63141

Re: Solutia Inc., Sauget, Illinois, Consent Agreement and Final Order,
Docket Nos. **MM-05-2016-0006** **CERCLA-05-2016-0009** **EPCRA-05-2016-0016**

Dear Mr. Sago:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on June 15, 2016.

Please pay the CERCLA civil penalty in the amount of \$6,640 in the manner prescribed in paragraphs 45 and 46, and reference your check with the billing document number 2751630B009 and the docket number(s) CERCLA-05-2016-0009.

Please pay the EPCRA civil penalty in the amount of \$13,280 in the manner prescribed in paragraphs 48 and 49, and reference your check with the docket number(s) EPCRA-05-2016-0016.

Your payments are due on July 15, 2016.

Please feel free to contact Ginger Jager at (312) 886-0767 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jillian Rountree, Associate Regional Counsel, at (312) 353-3849. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Kelly Horn (w/ enclosure)
IEMA
kellyhorn@illinois.gov

Jon England (w/enclosure)
IEMA
jengland@iema.state.il.us

Brett A. Sago (w/enclosure)
Director, HSE Legal Services & Senior Counsel
bsago@eastman.com

Edwin Williamson
Vice-President, Solutia, Inc.
ewilliamson@eastman.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Solutia Inc.
Sauget, IL

Respondent.



) Docket Nos.

) CERCLA: CERCLA-05-2016-0009

) EPCRA: EPCRA-05-2016-0016

) MM: MM-05-2016-0006

) Proceeding to Assess a Civil Penalty Under
) Section 109(b) of the Comprehensive
) Environmental Response, Compensation and
) Liability Act and Section 325(b)(2) of the
) Emergency Planning and Community Right-
) to-Know Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(2), and Sections 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. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Solutia Inc., a corporation doing business in the State of 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 the terms of the 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

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance in any 24-hour period.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

11. Section 304(a)(3)(A) of EPCRA, 42 U.S.C. § 11004(a)(3)(A), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b)

of EPCRA, 42 U.S.C. § 11004(b), if a release of a hazardous substance in quantities equal to or greater than a reportable quantity in any 24-hour period occurs from a facility at which hazardous chemicals are produced, used or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by a release.

13. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), and Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorize U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103 and EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$37,500 per day of violation for violations that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

14. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

15. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of a soil vapor vacuum extraction system and associated thermal oxidizer at the W.G. Krummrich Plant

located at 500 Monsanto Avenue, Sauget, Illinois, 62206 (the facility) that was installed and operated pursuant to an order from the U.S. EPA under the Resource Conservation and Recovery Act Section 3008.

17. At all times relevant to this CAFO, Respondent was in charge of the facility.

18. Respondent's facility consists of an installation, equipment, storage container, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

19. Respondent's facility is a "facility" as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

20. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

21. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. Benzene, CAS #71-43-2, (benzene) is a "hazardous substance" as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

23. Benzene, CAS #71-43-2, has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

24. Benzene, CAS #71-43-2, is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

25. At all times relevant to this CAFO, benzene was produced, used or stored at Respondent's facility.

26. On July 20, 2012, at or about 9:00 a.m., the thermal oxidizer at Respondent's facility shutdown but the soil vapor extraction system continued operating. These incidents initiated a release at Respondent's facility of approximately 135 pounds of benzene into the ambient air, in addition to the amount released that was allowable under Respondent's permit (the release). The release occurred over approximately 74 hours until it was discovered and manually stopped on July 23, 2012.

27. In a 24 hour time period, the release of benzene exceeded 10 pounds.

28. The release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

29. The release is a "release" as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

30. Respondent had knowledge of the release on July 23, 2012, at approximately 3:30 p.m.

31. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

32. The release was likely to affect Illinois.

33. At all times relevant to this CAFO, the Illinois Emergency Management Agency was the SERC for Illinois under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

34. The release was likely to affect St. Clair County.

35. At all times relevant to this CAFO, the St. Clair County LEPC was the LEPC for St. Clair County under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

36. Respondent notified the NRC of the release on July 26, 2012, at 1:23 p.m.

37. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

38. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

39. Respondent notified the Illinois SERC of release on July 26, 2012, at 2:30 p.m.

40. Respondent did not immediately notify the SERC as soon as Respondent had knowledge of the release.

41. Respondent's failure to immediately notify the SERC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

42. Respondent notified the LEPC of the release on July 26, 2012, at 1:40 p.m.

43. Respondent did not immediately notify the LEPC as soon as Respondent had knowledge of the release.

44. Respondent's failure to immediately notify the LEPC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Civil Penalty

45. Complainant has determined that an appropriate civil penalty to settle this action is \$6,640 for the CERCLA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violation and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and

Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

46. Within 30 days after the effective date of this CAFO, Respondent must pay a \$6,640 civil penalty for the CERCLA violation. Respondent must pay the penalty by electronic funds transfer, payable to "EPA Hazardous Substance Superfund," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: Solutia Inc., the docket numbers of this CAFO and the billing document number.

47. Complainant has determined that an appropriate civil penalty to settle this action is \$13,280 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

48. Within 30 days after the effective date of this CAFO, Respondent must pay a \$13,280 civil penalty for the EPCRA violations. Respondent must pay the penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following:
Solutia Inc. and the docket numbers of this CAFO.

49. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket numbers and the billing document number, must accompany the payment. Respondent must send the transmittal letter, confirming payment of the full penalty amount and by what payment method, to:

Regional Hearing Clerk, (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Ginger Jager, (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Jillian Rountree, (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

51. If Respondent does not timely pay the civil penalties or any stipulated penalties due under paragraph 61, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement

expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

52. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

53. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by providing the following emergency response equipment to the St. Clair Special Emergency Services Association:

Description	Estimated Cost Each	Qty	Estimated Subtotal
Vetter Bag Used for sealing leaks on tank trucks / trailers	\$4,100	1	\$4,100
Chlorine plugging/sealing A-Kit by Indian Springs Kit "A" is designed to mitigate various leak types associated with 125 lb. chlorine cylinders	\$2,335	1	\$2,335
Chlorine plugging/sealing B-Kit by Indian Springs Kit "B" is designed to mitigate various leak types associated with 1 ton chlorine cylinders	\$2,350	1	\$2,350
Chlorine plugging/sealing B-Kit by Indian Springs Kit "C" is designed to mitigate various leak types associated with 90 ton chlorine railcars	\$2,695	1	\$2,695
Sulfur Dioxide Gasket Kits – A Kit Designed to complement existing Chlorine Institute Emergency Kits for use on sulfur dioxide 125 lb. cylinders. This gasket kit provides compatible gaskets for the "A" kit.	\$288	1	\$288
The Sulfur Dioxide Gasket Kit – B Kit Designed to complement existing Chlorine Institute Emergency Kits for use on sulfur dioxide 1 ton containers. This gasket kit provides compatible gaskets for the "B" kit.	\$395	1	\$395

Sulfur Dioxide Gasket Kit – C Kit Designed to complement existing Chlorine Institute Emergency Kits for use on sulfur dioxide 90 ton railcars. This gasket kit provides compatible gaskets for the “C” kit.	\$340	1	\$340
Chlorine Training Dome Designed to simulate chlorine leaks in a rail car dome when applying the Chlorine Emergency Kit “C.”	\$2,995	1	\$2,995
Midland’s Emergency Response Kit (ERK) Designed to allow for the quick and safe capping of leaking fittings on the top of pressurized railcars in various commodity services.	\$10,000	1	\$10,000
MultiRae multi-gas sampler (has PID, LEL, Oxygen, Ammonia, and Chlorine detectors) w/ confined space sampling kit Used to monitor oxygen, combustible gases, toxic gases and organic vapors during hazmat response incidents	\$5,200	2	\$10,400
Rae ammonia calibration gas Used to calibrate ammonia gas sensors in monitor instruments	\$320	1	\$320
Rae chlorine calibration gas Used to calibrate chlorine gas sensors in monitor instruments	\$320	1	\$320
ProRae Guardian Software Used to remotely monitor toxic gas detectors	\$80	1	\$80
ProRae Guardian Licenses Used with the ProRae Guardian software to monitor toxic gas detectors	\$1,000	4	\$4,000
RaeLink 3 Host Modem Used with the ProRae Guardian software to receive signals from remote toxic gas detectors	\$2,550	1	\$2,550
Panasonic Toughbook CF-31 Used with the ProRae Guardian software to remotely monitor toxic gas detectors	\$3,800	1	\$3,800
ToxiRae Pro Ammonia Monitor Used to monitor ammonia gas levels during ammonia leak incidents	\$520	2	\$1,040
Sensor Module, NH3, 4R, No Bias Replacement ammonia sensor for ammonia monitor	\$470	2	\$940
Reflective Emergency Response Team Vests (Regular) Used to identify response personnel and to increase visibility of response personnel during incidents	\$20	12	\$240
Reflective Emergency Response Team Vests (X-Large) Used to identify response personnel and to increase visibility of response personnel during incidents	\$20	12	\$240
Bacarach Informant 2 Refrigerant/Combustible Gas Detector Used to detect refrigerant and combustible gas leaks during hazmat incidents	\$800	1	\$800
Reeves sleeve Used to package and transport injured personnel	\$650	2	\$1,300
Hazmat Training props – pipe leak trainer Provides pipe leak scenarios to allow responders to train on applying pipe	\$5,000	1	\$5,000
Wolf pack load bearing vest Used by responders to carry PPE and response equipment	\$300	10	\$3,000

Wolf pack fanny pack Used by responders to carry PPE and response equipment	\$65	10	\$650
Wolf pack load bearing harness belt Used by responders to carry PPE and response equipment	\$45	10	\$450
Yates Spec Pak Retrieval harness used to rescue injured personnel	\$1,500	2	\$3,000
Kappler Level A Suits PPE used by hazmat technicians to protect from liquids and vapors	\$1,400	2	\$2,800
Lowe 14 foot Jon Boat with Mercury 9.9hp motor Used on the river or creeks to deploy boom for spills that may get into the	\$4,140	1	\$4,140
Petzl I'D Large Self-Breaking Descender Used by technicians to control descent on rope based access systems	\$255	2	\$510
CMC Multi-Purpose Device (MPD) for 13mm Rope (1/2") Used by technicians to manage multiple features of rope based access systems	\$800	2	\$1,600
Honda Diaphragm Pump WDP-30 X Used to pump water and other fluids during hazmat responses	\$2,100	1	\$2,100

54. Respondent must spend at least \$74,778 to purchase the above equipment.

55. Respondent certifies to the best of its knowledge and belief after reasonable inquiry

as follows:

I certify that Solutia Inc. is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Solutia Inc. has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that neither Solutia Inc. nor the St. Clair Special Emergency Services Association is a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to U.S. EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

56. Respondent must submit a SEP completion report to U.S. EPA no later than 120

days after the effective date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

57. Respondent must submit all notices and reports required by this CAFO by first class mail to Ginger Jager of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 49, above.

58. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge and belief after reasonable inquiry. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

59. Following receipt of the SEP completion report described in paragraph 56, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or

- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 61.

60. If U.S. EPA exercises option b in paragraph 59, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 61, below.

61. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 56, Respondent must pay a penalty of \$65,736.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 54, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 54, Respondent must pay a penalty equal to the difference between \$67,300 and the amount Respondent spent on the SEP.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$250	1st through 14th day
\$500	15th through 30th day
\$750	31st day and beyond

62. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

63. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 46, 48 and 49, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

64. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a)."

65. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the

SEP will not be excused.

- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

66. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

67. Consistent with the “Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: rountree.jillian@epa.gov (for Complainant) and ewilliamson@eastman.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

68. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in the CAFO.

69. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

70. Respondent certifies to the best of its knowledge and belief after reasonable inquiry that it is currently complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004.

71. This CAFO does not affect Respondent’s responsibility to comply with CERCLA, EPCRA and other applicable federal, state and local laws and regulations.

72. This CAFO is a “final order” for purposes of U.S. EPA’s EPCRA/CERCLA Enforcement Response Policy.

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

74. 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.


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

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

77. The CAFO is effective upon filing with the Regional Hearing Clerk.

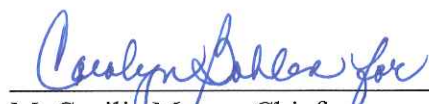
Solutia Inc., Respondent

5-20-2016
Date

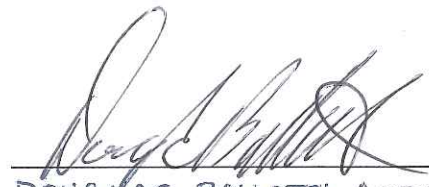

Edwin Williamson
Vice President
Solutia Inc.

U.S. Environmental Protection Agency, Complainant

6-9-16
Date


M. Cecilia Moore, Chief
Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5

6/13/2016
Date


DOUGLAS BALLOTTI, ACTING DIRECTOR
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Solutia Inc.
Docket No. [MM-05-2016-0006

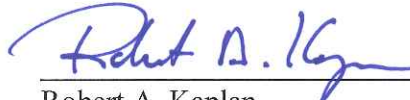
CERCLA-05-2016-0009

EPCRA-05-2016-0016

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.

6/15/16
Date


Robert A. Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the Matter of: Solutia Inc.
Docket No. [MM-05-2016-0006

CERCLA-05-2016-0009

EPCRA-05-2016-0016

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on June 15, 2016 in the following manner to the following addressees:

Copy by E-Mail

Return Receipt Requested:

Edwin Williamson
ewilliamson@eastman.com

Brett Sago
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Dated: June 15, 2016



LaDawn Whitehead
Regional Hearing Clerk
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