



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 13 2009

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Robert S. Miller, CHB-CEO
Delphi Corporation
5825 Delphi Drive
Troy, MI 48098

Re: Delphi Automotive Systems, LLC, Saginaw, Michigan Consent Agreement and Final Order, Docket Nos.

MM-05-2009-0004 EPCRA-05-2009-0013 CERCLA-05-2009-0004

Dear Mr. Miller:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on FEB 13 2009

Please pay the CERCLA civil penalty in the amount of \$10,478.00 in the manner prescribed in paragraph 84, and reference you check with the billing document number 27509308005 MG and the docket number _____

CERCLA-05-2009-0004

Please pay the EPCRA civil penalty in the amount of \$56,409.00 in the manner prescribed in paragraph 85, and reference you check with the billing document number 2750944E014 MG and the docket number _____

EPCRA-05-2009-0013

Your payments are due on MAR 13 2009 within 30 days of filing date.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Joanna Glowacki, Associate Regional Counsel, at (312) 353-3757. Thank you for your assistance in resolving this matter.

Sincerely yours,

Mark J. Horwitz, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

**cc: Regional Hearing Clerk
U.S. EPA Region 5**

Joanna Glowacki (w/ enclosure)

**Captain Thomas Sands, Chairperson (w/ enclosure)
Susan Parker (w/ enclosure)
MI SERC**

**Marcy Toney (w/ enclosure)
Regional Judicial Officer**

**William Schikora, Attorney (w/ enclosure)
Delphi Corporation
5825 Delphi Drive
Mail Code 480-410-166
Troy, MI 48098-2815 (certified)**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

EPCRA-05-2009-0013

MM-05-2009-0004

In the Matter of:)	Docket No. CERCLA-05-2009-0004
)	
Delphi Automotive Systems, LLC)	Proceeding to Assess a Civil Penalty Under
3900 Holland Road)	Section 109(b) of the Comprehensive
Saginaw, Michigan)	Environmental Response, Compensation,
)	and Liability Act, and Section 325(b)(2), (c)(1)
Respondent.)	and (c)(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), Sections 325(b)(2), (c)(1), and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11045(b)(2), (c)(1), and (c)(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 Emergency Response Branch 2, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Delphi Automotive Systems, LLC, a Delaware corporation doing business in the State of Michigan.

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.

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V
FEB 13 AM 9:48

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 hazardous substance's reportable quantity.

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)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), 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 an extremely hazardous substance in quantities equal to or greater than a reportable quantity 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 planning commission (SERC) of any state likely to be affected by a release.

13. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

14. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the SERC, community emergency coordinator for the LEPC, and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

15. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations

at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC, and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier 1 or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the TPQ designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

16. Section 311 of EPCRA, 42 U.S.C. § 11021 and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a) assist state and local committees in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

17. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

18. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. § 1910, Subpart Z are hazardous.

19. 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, and its implementing regulations at 40 C.F.R. Part 19 increased

these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

20. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occur on or after January 31, 1997.

21. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

Factual Allegations and Alleged Violations

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

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

24. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 3900 Holland Road, Saginaw, Michigan 48601 (the Facility).

25. At all times relevant to this CAFO, Respondent was an employer at the Facility.

26. At all times relevant to this CAFO, Respondent was in charge of the Facility.

27. Respondent's Facility consists of buildings, structures, installations, equipment, pipe or pipeline, storage container, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.

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

29. 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.

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

31. Chlorine (CAS #7782-50-5) is a "hazardous substance" as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

32. Chlorine (CAS #7782-50-5) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

33. Chlorine is listed as a toxic and hazardous substance under Occupational Safety and Health Administration (OSHA) regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

34. Chlorine (CAS #7782-50-5) 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).

35. Chlorine (CAS #7782-50-5) has a minimum threshold level of 100 pounds, as provided in 40 C.F.R. Part 370.

36. At all times relevant to this CAFO, chlorine was produced, used or stored at Respondent's Facility.

37. Chlorine (CAS #7782-50-5) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

38. Chlorine (CAS #7782-50-5) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

39. As of November 1, 2005, chlorine was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

40. During at least one period of time in calendar year 2005, chlorine was present at the facility in an amount equal to or greater than the minimum threshold level.

41. During at least one period of time in calendar year 2006, chlorine was present at the facility in an amount equal to or greater than the minimum threshold level.

42. OSHA requires Respondent to prepare, or have available, a MSDS for chlorine.

43. Respondent was required to submit to the SERC, LEPC, and fire department on or before January 29, 2006, an MSDS for chlorine or a list including chlorine.

44. Respondent was required to submit to the SERC, LEPC, and fire department a completed emergency and hazardous chemical inventory form including chlorine on or before March 1, 2006, for calendar year 2005.

45. Respondent was required to submit to the SERC, LEPC, and fire department a completed emergency and hazardous chemical inventory form including chlorine on or before March 1, 2007, for calendar year 2006.

46. On June 13, 2007, at or about 8:20 p.m., a release occurred from Respondent’s facility of up to 100 pounds of chlorine (the Release).

47. In a 24 hour time period, the release of chlorine exceeded the 10 pound RQ.

48. During the release, up to 100 pounds of chlorine spilled, leaked, emitted, emptied,

or escaped into the land surface or subsurface strata, or ambient air and/or the air or land.

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

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

51. Respondent had knowledge of the Release on June 13, 2007, at approximately 8:20 p.m.

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

53. The Release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

54. The Release was likely to affect Michigan.

55. At all times relevant to this CAFO, the Michigan State Emergency Response Commission was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

56. The release was likely to affect Saginaw County, Michigan.

57. At all times relevant to this CAFO, the Saginaw County Local Emergency Planning Committee was the LEPC for Saginaw County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

58. At all times relevant to this CAFO, the Buena Vista Township Fire Department was the fire department with jurisdiction over the facility.

59. Respondent notified the NRC of the Release on June 13, 2007, at 11:59 p.m.

60. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the Release.

61. 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).

62. Respondent notified the Michigan SERC of Release on June 14, 2007, at 12:15 a.m.

63. Respondent did not immediately notify the SERC after Respondent had knowledge of the Release.

64. 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).

65. Respondent notified the LEPC through a written follow-up emergency notice of the Release on June 27, 2007.

66. Respondent did not immediately notify the LEPC after Respondent had knowledge of the Release.

67. 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).

68. Respondent provided written follow-up emergency notice of the Release to the SERC on June 27, 2007.

69. Respondent did not provide the SERC written follow-up emergency notice of the Release as soon as practicable after the Release occurred.

70. Respondent's failure to provide written follow-up emergency notice to the SERC as soon as practicable after the Release occurred is a violation Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

71. Respondent provided written follow-up emergency notice of the Release to the LEPC on June 27, 2007.

72. Respondent did not provide the LEPC with written follow-up emergency notice of

the Release as soon as practicable after the Release occurred.

73. Respondent's failure to provide written follow-up emergency notice to the LEPC as soon as practicable after the Release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

74. As of September 28, 2007, Respondent had not submitted to the SERC, LEPC, and Buena Vista Township Fire Department an MSDS for chlorine or a list showing chlorine.

75. Respondent's failure to submit to the SERC an MSDS or a list for chlorine by January 29, 2006 is a violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

76. Respondent's failure to submit to the LEPC an MSDS or a list for chlorine by January 29, 2006 is a violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

77. Respondent's failure to submit to the Buena Vista Township Fire Department an MSDS or a list for chlorine by January 29, 2006 is a violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

78. As of September 28, 2007, Respondent had not submitted to the SERC, LEPC, and the Buena Vista Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including chlorine for calendar years 2005 and 2006.

79. Respondent's failure to submit to the SERC, the LEPC, and the Buena Vista Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including chlorine by March 1, 2006, for calendar year 2005 is a violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

80. Respondent's failure to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including chlorine by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

81. Respondent's failure to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including chlorine by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

82. Respondent's failure to submit to the Buena Vista Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including chlorine by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

83. In consideration of Respondent's willingness to quickly resolve this matter, cooperation, and other matters as justice may require, U.S.EPA has agreed to mitigate the proposed penalty of \$129,783.80 to \$66,887.00.

84. Within 30 days after the effective date of this CAFO, Respondent must pay a \$10,478.00 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:
for checks sent by regular U.S. postal service

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

for checks sent by express mail

U.S. Bank
Government Lockbox 979076 U.S. EPA Superfund Payments
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: Delphi Automotive Systems, LLC, the docket number of this

CAFO and the billing document number 2750930B005.

[for electronic funds transfer] 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: Delphi Automotive Systems, LLC, the docket number of this CAFO and the billing document number _____.

85. Within 30 days after the effective date of this CAFO, Respondent must pay a \$56,409.00 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:
for checks sent by regular U.S. postal service

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

for checks sent by express mail

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: Delphi Automotive Systems, LLC, the docket number of this CAFO and the billing document number 2750944E014.

Respondent may also 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: Delphi Automotive Systems, LLC, the docket number of this CAFO and the billing document number _____.

Respondent may also pay online using ACH debit or credit card. For payments online using ACH debit or credit card please visit www.pay.gov. Using the Search Public Forms option on the tool bar (left side of page), enter SFO 1.1 in the search field. Open the form and complete the information requested.

86. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the checks and transmittal letter to:

Regional Hearing Clerk, (E-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

James Entzminger
Chemical Emergency Preparedness
and Prevention Section (SC-6J)
U.S. EPA, Region 5

77 West Jackson Boulevard
Chicago, IL 60604

Joanna Glowacki
Office of Regional Counsel (C-14J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

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

88. If Respondent does not timely pay the civil penalty, 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.

89. 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.

General Provisions

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

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

92. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), Section 304 of EPCRA, 42 U.S.C. § 11004, Section 311 of EPCRA,

42 U.S.C. § 11021, and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), at its Saginaw, Michigan facility, located at 3900 Holland Road.

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

94. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 103 of CERCLA and Sections 304, 311 and 312 of EPCRA.

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

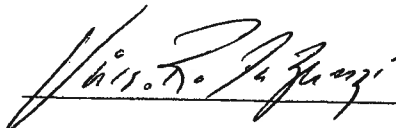
96. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

97. Each party agrees to bear its own costs and fees, including attorneys' fees, in this action.

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

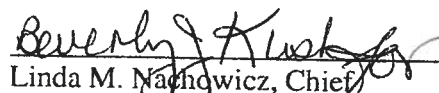
Delphi Automotive Systems, LLC, Respondent

1-20-2009
Date

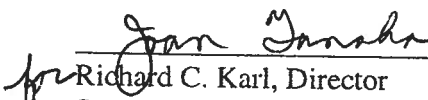

Delphi Automotive Systems, LLC

U.S. Environmental Protection Agency, Complainant

2/11/09
Date


Linda M. Nachwicz, Chief
Emergency Response Branch 2
Superfund Division

2/12/09
Date


Richard C. Karl, Director
Superfund Division

In the Matter of:

Delphi Automotive Systems, LLC, Saginaw, Michigan

Docket No. _____

MM-05-2009-0004

CERCLA-05-2009-0004

EPCRA-05-2009-0013

In the Matter of:

Delphi Automotive Systems, LLC, Saginaw, Michigan

Docket No.

~~MM-05-2009-0004~~

~~EPCRA-05-2009-0013~~

~~CERCLA-05-2009-0004~~

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.

2/12/09
Date

Walter W. Kovalick Jr
for
Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the Matter of:
Delphi Automotive Systems, LLC, Saginaw, Michigan

Docket No. ~~MM-05-2009-0004~~

EPCRA-05-2009-0013 CERCLA-05-2009-0004
Certificate of Service

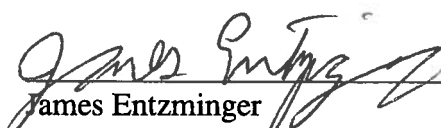
I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number _____ to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Delphi Automotive Systems, LLC's Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Robert S. Miller, CHB-CEO
Delphi Corporation
5825 Delphi Drive
Troy, MI 48098

William Schikora, Attorney
Delphi Corporation
5825 Delphi Drive
Mail Code 480-410-166
Troy, MI 48098-2815

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V
2009 FEB 13 AM 10:47

on the 13 day of February, 2009


James Entzminger
U.S. Environmental Protection Agency
Region 5