



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

**November 13, 2020**

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Mary Ellen Hogan  
Associate General Counsel  
Environmental, Health and Safety  
Law Department  
Tenneco Automotive Operating Company Inc.  
500 North Field Drive  
Lake Forest, Illinois 60045  
[mhogan@driv.com](mailto:mhogan@driv.com)

Re: Expedited Settlement Agreement and Final Order  
Tenneco Automotive Operating Company Inc.  
MID 980 995 773  
Docket No: **RCRA-05-2021-0004**

Dear Ms. Hogan:

Attached, please find a signed, fully executed Expedited Settlement Agreement and Final Order (ESAFO) in resolution of the above case. The ESAFO was filed on November 13, 2020, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$8,000 in the manner prescribed in paragraphs 8 and 9 of the ESAFO, and reference all checks with the docket number RCRA-05-2021-0004. Your payment is due within 30 calendar days of the effective date of the ESAFO. Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Walt Francis, of my staff, at [francis.walt@epa.gov](mailto:francis.walt@epa.gov) or 312-353-4921.

Sincerely,

**JULIE**  
**MORRIS**

Digitally signed by JULIE  
MORRIS  
Date: 2020.11.02  
12:25:56 -06'00'

Julie Morris, Chief  
RCRA Compliance Section 2

Attachments

cc: Krista Hettich, EGLE ([hettichk@michigan.gov](mailto:hettichk@michigan.gov))  
Alexandra Clark, EGLE ([clarka37@michigan.gov](mailto:clarka37@michigan.gov))  
Lonnie Lee, EGLE ([leel@michigan.gov](mailto:leel@michigan.gov))  
Thomas Turner, EPA ([turner.thomas@epa.gov](mailto:turner.thomas@epa.gov))



7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) that Respondent will pay the civil penalty in accordance with this Agreement.
8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of eight thousand dollars (\$8,000) for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:
  - a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

- i. For checks sent by regular U.S. Postal Service mail:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

- ii. 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, Missouri 63101

The face of the check must state the case title ("In the Matter of: Tenneco") and the docket number of this Agreement.

- b. Or 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  
SWIFT address FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message is  
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "In the Matter of: Tenneco" and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

d. Or by paying online and following the instructions found here:

[WWW.PAY.GOV](http://WWW.PAY.GOV)

Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.  
Open form and complete required fields.

9. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604  
[whitehead.ladawn@epa.gov](mailto:whitehead.ladawn@epa.gov)

Walt Francis  
Land Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
[francis.walt@epa.gov](mailto:francis.walt@epa.gov) and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Thomas Turner  
Office of Regional Counsel  
U.S. EPA, Region 5  
[turner.thomas@epa.gov](mailto:turner.thomas@epa.gov)

10. The civil penalty is not deductible for federal tax purposes.
11. 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.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue 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, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
13. Upon the effective date of this Agreement, payment of the civil penalty shall constitute

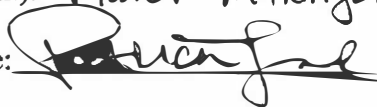
full settlement of the civil claim alleged herein.

14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
16. Each party shall bear its own costs and fees, if any.
17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.
18. The parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: [turner.thomas@epa.gov](mailto:turner.thomas@epa.gov) (for Complainant), and [mhogan@driv.com](mailto:mhogan@driv.com) (for Respondent).

IT IS SO AGREED,

Name (print): Patrick Smith

Title (print): Plant Manager

Signature:  \_\_\_\_\_

Date 10/16/2020

APPROVED BY EPA:

MICHAEL  
HARRIS

Digitally signed by  
MICHAEL HARRIS  
Date: 2020.11.04  
16:51:41 -06'00'

Date \_\_\_\_\_

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

**In the Matter of:**  
**Tenneco Automotive Operating Company Inc.**  
**Docket Number:** RCRA-05-2021-0005

**FINAL ORDER**

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

\_\_\_\_\_  
Date

ANN COYLE Digitally signed by ANN  
COYLE  
Date: 2020.11.10  
11:09:35 -06'00'

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

In the matter of: Tenneco Automotive Operating Company Inc.  
Docket Number: RCRA-05-2021-0004

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on November 13, 2020, this day in the following manner to the addressees:

Copy by email to Respondent's Representative:  
(Delivery Receipt Requested)      Mary Ellen Hogan  
Associate General Counsel  
Environment, Health and Safety  
Law Department  
Tenneco Automotive Operating Company  
Inc.  
Lake Forest, Illinois 60045  
mhogan@driv.com

Copy by email to Attorney for Complainant:      Thomas Turner  
turner.thomas@epa.gov

Copy by email to Regional Judicial Officer:      Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Copy by email to EGLE Contacts:      Krista Hettich [hettichk@michigan.gov](mailto:hettichk@michigan.gov)  
Alexandra Clark, [clarka37@michigan.gov](mailto:clarka37@michigan.gov)  
Lonnie Lee, [leel@michigan.gov](mailto:leel@michigan.gov)

Copy by email to Case Assignee:      Walt Francis  
francis.walt@epa.gov

LADAWN WHITEHEAD

Digitally signed by LADAWN  
WHITEHEAD  
Date: 2020.11.13 10:48:59 -06'00'

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 5

\_\_\_\_\_  
Date