



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

REPLY TO THE ATTENTION OF:

JAN 08 2007

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Reinhold Brand  
Goldschmidt Chemical Corporation  
c/o Eric Boyd, Esq.  
Seyfarth Shaw LP  
131 S. Dearborn St, Suite 2400  
Chicago, IL 60603

Re: Goldschmidt Chemical - Administrative Consent Order and  
Consent Agreement and Final Order

Dear Mr. Brand:

Enclosed are a file-stamped Consent Agreement and Final Order (CAFO) and an Administrative Order that resolves the case regarding Goldschmidt Chemical Corporation. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on JAN 08 2007.

Pursuant to paragraph 33 of the CAFO, Goldschmidt must pay the \$25,000 civil penalty within 30 days of receiving this document.

Degussa's check must display the case docket number, CAA-05-2007-0004, and the billing document number, 2750703A004.

Please direct any questions regarding this case to Luis Oviedo, Associate Regional Counsel, (312) 353-9538.

Sincerely yours,

William L. MacDowell, Chief  
Air Enforcement and Compliance Assurance Section MN/OH

Enclosure

cc: Julie Armitage, Section Manager  
Compliance and Systems Management Section

Wayne O. Kahila, District Engineer  
Bureau of Air, Peoria Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Goldschmidt Chemical Corporation  
Mapleton, Illinois

**Respondent.**

---

) Docket No. *CAA-05-2007-0004*  
)  
)  
) **Proceeding to Assess an**  
) **Administrative Penalty**  
) **under Section 113(d) of the**  
) **Clean Air Act,**  
) **42 U.S.C. § 7413(d)**  
)

*bbw*  
2007 JUN -8 AM 11:49  
REGIONAL OFFICE

**CONSENT AGREEMENT AND FINAL ORDER**

The United States Environmental Protection (U.S. EPA or Complainant) and Goldschmidt Chemical Corporation in Mapleton, Illinois (Goldschmidt or Respondent) have agreed to a settlement of this action before the filing of a complaint. Therefore, this action is simultaneously commenced and concluded pursuant to 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), 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3).

**PRELIMINARY STATEMENT**

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7413(d).

2. Complainant, by delegation from the Administrator of U.S. EPA and the Regional Administrator, U.S. EPA, Region 5, is the Director of the Air and Radiation Division.

3. Respondent is Goldschmidt Chemical Corporation, a Delaware corporation with a place of business at 8300 West Route 24, Mapleton, Peoria County, Illinois (the Facility).

#### JURISDICTION AND WAIVER OF RIGHT TO A HEARING

4. Respondent admits the jurisdictional allegations in this Consent Agreement and Final Order (CAFO) and neither admits nor denies the factual allegations or legal conclusions in this CAFO.

5. 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

6. The CAA is designed to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

7. Title V of the Act, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.

8. EPA promulgated final interim approval of the Illinois Title V program on March 7, 1995 (60 Fed. Reg. 12478), effective March 7, 1995. The Illinois Title V program was granted final full approval by EPA on December 4, 2001. 66 Fed. Reg. 62946, effective November 30, 2001. Illinois' Title V operating permit program is currently codified in the Illinois Administrative Code at 35 IAC Part 270.

9. Section 503(c) of the Act, 42 U.S.C. § 7661b(c), has at all relevant times provided that any person required to have a permit shall submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official who shall certify the accuracy of the information submitted. Section 503(b) of the Act, 42 U.S.C. § 7661b(b), requires a compliance plan to include, among other things, a "schedule of compliance." Section 501(3) of the Act, 42 U.S.C. § 7661(3), defines a "schedule of compliance" as "a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition."

10. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), has at all relevant times required that each Title V permit include, among other things, enforceable emission limitations and standards, a schedule of compliance, and such other conditions as are necessary to assure compliance with applicable requirements of the Act and the requirements of the applicable SIP.

11. Section 70.1(b) of the Title V permit regulations, 40 C.F.R. § 70.1(b), requires all subject sources to have a permit to operate that assures compliance with all applicable requirements. Section 70.2 of the Title V permit regulations, 40 C.F.R. § 70.2, defines "applicable requirement" as ". . . (1) Any standard or other requirement provided for in the

applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter; (2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act; . . .”

12. On March 7, 1996, Respondent applied for a Title V permit pursuant to the CAA Permit Program, application no. 96030145. On May 9, 2003, the Illinois Environmental Protection Agency (IEPA) issued Respondent a Title V CAA Permit for the Mapleton, Illinois Facility. This Permit expires on May 9, 2008.

13. Condition 7.1.3.c of Respondent’s Permit states, in part, “Each process or operation identified in Condition 7.1.2 is subject to 35 IAC 215.301 or 215.302. Section 215.301 requires that VOM emissions not exceed 8 lb/hr if the VOM is a photochemically reactive material, pursuant to the definition in 35 IAC 211.4690 and there is no odor nuisance.”

14. 35 IAC 201.102 defines an emission source as any equipment or facility capable of emitting specified air contaminants into the atmosphere.

15. Condition 5.2.2.c of Respondent’s Permit, citing 35 IAC 215.141(a), states, in part, that, “No person shall use any single or multiple compartment effluent water separator which received effluent water containing 757 l/day (200 gal/day) of organic material ... unless such effluent water separator is equipped with air pollution control equipment that is capable of reducing by 85% or more the uncontrolled organic material emitted to the atmosphere.

Exception: If no odor nuisance exists the limitations of this subparagraph shall not apply if the vapor pressure of the organic material is below 17.24kPa (2.5 psia) at 249.3° K (70° F).”

16. 35 IAC 211.1870 defines an effluent water separator as any tank, box, sump or other apparatus in which any organic material floating on or entrained or contained in water entering such tank, sump or other apparatus is physically removed and separated from such water prior to the outfall, drainage or recovery of such water.

#### Enforcement Provisions

17. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for SIP, PSD and Title V permit violations that occurred from January 31, 1997 to March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004 under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19, as amended by 69 Fed. Reg. 7121 (Feb. 13, 2004).

18. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

19. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

### FACTUAL ALLEGATIONS

20. At all times relevant to this CAFO, Respondent was and is the owner and operator of the Goldschmidt Chemical Plant at 8300 West Route 24, Mapleton, Peoria County, Illinois.

21. Respondent operates at least two Dissolved Air Flotation (DAF) tanks that meet the definition of effluent water separators. The DAF tanks receive organic material, including but not limited to, fatty amines and methyl chloride, in excess of 200 gallons per day. The tanks do not currently employ air emission control equipment.

22. The Permit defines Respondent's quaternary reactors nos. 1, 2, and 3 as emission units. These quaternary reactors meet the definition of emission sources and release organic materials including, but not limited to, fatty amines and methyl chloride, to the atmosphere.

23. IEPA has documented complaints of nuisance odors prior to May 9, 2003, generated by emissions of organic material, including amines and ammonia, from the Facility. The wastewater Respondent processes contains amines and methyl chloride and Respondent processes amines, methyl chloride, and isopropyl alcohol in its quaternary reactors nos. 1, 2, and 3.

24. U.S. EPA has documented complaints of odors emanating from the Facility. A U.S. EPA representative visited the Facility on July 27, 2004, and detected odors at the wastewater treatment operations of the Facility.

25. U.S. EPA has determined that an odor nuisance exists at the Facility caused by emissions from the quaternary reactors and the DAF tanks.



26. On June 29, 2005, U.S. EPA issued a Notice of Violation/Finding of Violation to Respondent for violations of the Title V permit and the Illinois SIP.

### VIOLATIONS

#### Count I - 35 IAC 215.141

27. U.S. EPA has determined that the DAF tanks receive organic material at an average rate of 720 gallons per day based on information provided by Goldschmidt to U.S. EPA on October 12, 2004, in response to an Information Request issued under Section 114 of the CAA.

28. Respondent has violated 35 IAC 215.141 and condition 5.2.2.c of its Permit by failing to control organic material emissions from the DAF tanks by 85%.

#### Count II - 35 IAC 215.301

29. U.S. EPA has determined that the organic material emissions from the quaternary reactors nos. 1, 2, and 3 are 14.9 lbs./hour, 21.8 lbs./hour and 20.4 lbs./hour, respectively, based on information provided to U.S. EPA on October 12, 2004 in response to an Information Request issued under Section 114 of the CAA.

30. U.S. EPA has determined that the organic material emissions from the quaternary reactors nos. 1, 2, and 3 during nitrogen sparging are 10.7 lbs/hour, 13.6lbs./hour and 54.5 lbs./hour, respectively, based on information provided to U.S. EPA on January 14, 2005 in response to an Information Request issued under Section 114 of the CAA

31. Respondent has violated 35 IAC 215.301 and condition 7.1.3.c of its Permit by emitting more than 8 lbs./ hour of organic material from quaternary reactors 1, 2, and 3.

CIVIL PENALTY

32. Based upon an analysis of the penalty assessment criteria provided in Section 113(e) of the Act, 42 U.S. C. § 7413(e), U.S. EPA has determined that an appropriate civil penalty to settle this matter is \$25,000.00.

33. Respondent must pay the \$25,000.00 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

34. Respondent must send the check to:

U.S. Environmental Protection Agency  
Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

35. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Luis Oviedo,(C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5

77 West Jackson Blvd.  
Chicago, Illinois 60604-3509

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

37. If Respondent does not pay timely the civil penalty, or any stipulated penalties due, 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 under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

38. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717(a)(1). Respondent will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

39. Respondent must complete a supplemental environmental project (SEP) involving the Sludge lagoon remediation and closure, as described below and in Attachment "A," and which is designed to protect the environment and public health. The SEP consists of eliminating sludge/skimmings from the DAF units going to the Sludge Lagoon, removing and disposing off-site material currently inventoried in the Sludge Lagoon, and closing-remediating the Sludge Lagoon. The SEP is intended to secure significant environmental protection and public health benefits by eliminating a potential source of odors.

40. Respondent must complete the SEP as described in Exhibit A - SEP Scope of Work and Schedule, incorporated herein by reference.

41. Respondent must spend at least \$600,000 to plan, implement and operate the SEP.

42. Respondent must maintain the SEP permanently following its implementation.

43. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

44. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements within no more than one year from the date of this CAFO..

45. Respondent must submit to U.S. EPA a SEP completion report to U.S. EPA by April 31, 2008. This report must contain the following information:

- a. detailed description of the SEP as completed;
- b. description of any operating 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 or other documents 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).

46. Respondent must submit all notices and reports required by this CAFO by first class mail to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

47. 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 the information contained in or accompanying this submission is true, accurate and complete. This certification is based on my personal preparation, review, or analysis of the submission, and/or supervision of persons who, acting on my direct instructions, made the verification that the submitted information is true, accurate and complete.

48. Following receipt of a timely SEP completion report as described in paragraph 45 above, U.S. EPA may 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 51, below.

49. If U.S. EPA exercises the option in paragraph 48. b. 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, stipulated penalties shall be due and payable by Respondent to the United States under paragraph 50 below.

50. If Respondent violates any requirement of this CAFO relating to the SEP,

Respondent shall be liable for stipulated penalties to the United States as follows:

a. If Complainant determines that the Respondent (i) made good faith and timely efforts to complete the SEP; and (ii) certifies, with supporting documentation, that at least 90 percent of the amount of money that was required to be spent under paragraph 41 was expended on the SEP, then Respondent shall not be liable for any stipulated penalty associated with the completion of the SEP project as provided in this subparagraph (a).

b. If Respondent does not complete the SEP satisfactorily pursuant to requirements of this CAFO or halts or abandons work on the SEP, Respondent shall pay a stipulated penalty of \$223,217.

c. If Respondent completes the SEP satisfactorily pursuant to the requirements of this CAFO, but the Respondent spends less than 90 percent of the amount of money that was required to be spent on the SEP, then Respondent shall pay a stipulated penalty equal to the lesser of (i) the difference between 90 percent of what was required to be spent under paragraph 41 and what was actually expended, or (ii) \$223,217. The penalty will accrue as of the date for completing the SEP or the date performance ceases, whichever is earlier.

d. If Respondent fails to comply with the schedule for implementing the SEP in paragraph 40 and in Attachment A to this CAFO, or fails to timely submit the annual report required by paragraph 46, above, and such failure does not result from a Force Majeure event as defined in paragraph 54, Respondent must pay stipulated penalties for each failure to meet an applicable milestone, as follows:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100.00	1 <sup>st</sup> through 14 <sup>th</sup> day
\$200.00	15 <sup>th</sup> through 30 <sup>th</sup> day
\$300.00	31 <sup>st</sup> day and beyond

These penalties will accrue from the date Respondent was required to meet each milestone until it achieves compliance with the milestone, and is in addition to any other applicable penalty under this paragraph 50.

51. The determinations of whether the SEP has been satisfactorily completed and whether Respondent made good faith, timely efforts to complete the SEP will be in the sole discretion of U.S. EPA.

52. 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 paragraph 33, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

53. Any public statement that Respondent makes referring to the SEP must include the following language, "Goldschmidt undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Goldschmidt for violations of 35 IAC 215.301 and condition 7.1.3.c of its Permit and 35 IAC 215.141 and condition 5.2.2.c of its Permit."

54. Force Majeure

a. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Agreement, Respondent shall notify Complainant in writing not more than 10 days after the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. The Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to

the particular incident involved and constitute a waiver of the Respondent's right to request an extension of its obligation under this Agreement based on such incident.

b. If the parties agree that the delay or anticipated delay in compliance with this Agreement has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

c. In the event that U.S. EPA does not agree that a delay in achieving compliance with the requirements of this CAFO has been or will be caused by circumstances beyond the control of the Respondent, U.S. EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.

d. The burden of proving that any delay is caused by circumstances entirely beyond the control of the Respondent shall rest with the Respondent. Increased costs or expenses associated with the implementation of actions called for by this Agreement shall not, in any event, be a basis for changes in this Agreement or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

#### GENERAL PROVISIONS

55. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Violations Section of this CAFO.

56. Respondent agrees to implement the compliance program set forth in Administrative Consent Order, Docket No. EPA-5-07-113(a) IL-01, between U.S. EPA and Respondent (ACO).



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

58. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 56 above, compliance with this CAFO will not be a defense to any action subsequently commenced pursuant to federal laws and regulations administered by Complainant.

59. This CAFO is effective immediately upon filing with the Regional Hearing Clerk.

60. Respondent shall certify that it is complying with conditions 5.2.2.c and 7.1.3.c of its Permit and 35 IAC 215.141 and 35 IAC 315.301, as provided in the ACO.

61. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

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

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

64. Each party agrees to bear its own costs and fees in this action.

65. This CAFO and the ACO constitute the entire agreement between the parties regarding this matter.

**CONSENT AGREEMENT AND FINAL ORDER**

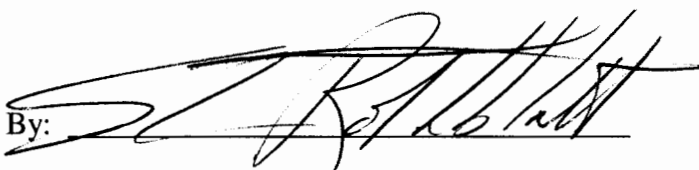
**Goldschmidt Chemical Corporation**

Docket No. CAA-05-2007-0004 *(H)*

**U.S. Environmental Protection**

**Agency, Complainant**

Date: 12/29/2006

By: 

Stephen Rothblatt, Director

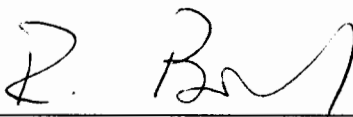
Air and Radiation Division

U.S. Environmental Protection

Agency, Region 5 (A-18J)

**Goldschmidt Chemical Corporation, Respondent**

Date: 12/18/06

By: 

Reinhold Brand, President

Goldschmidt Chemical Corporation

REGIONAL CLERK  
SEP 23 11:49

**CONSENT AGREEMENT AND FINAL ORDER**


**Goldschmidt Chemical Corporation**

Docket No. *CAA-05-2007-0004*  
*bbw*

**Final Order**

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: *1-04-07*

*for* 

Mary A. Gade  
Regional Administrator  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

REGIONAL HEARING CLERK  
2007 JUN -3 AM 11:49

## **Exhibit A**

### **Supplemental Environmental Project (SEP) Scope of Work and Schedule**

#### Sludge Lagoon Removal Plan

Respondent shall plan and implement the Sludge Lagoon remediation and closure for Goldschmidt Chemical Corporation's Mapleton, Illinois Plant. Sludge/skimmings from the Mapleton Plant's DAF unit are currently placed in the on-site Sludge Lagoon when they are removed from the DAF. The Sludge Lagoon covers approximately 2 acres, and currently contains approximately 20,000 cubic yards of material. Goldschmidt shall discontinue placing the material from the DAF in the Sludge Lagoon by December 31, 2007. Remediation and closure will entail removing and disposing off-site of material inventoried in the Sludge Lagoon at that time. The work needs to occur during the winter months because of the nature of the material in the Sludge Lagoon. The area will thereafter be contoured, stabilized, fixed to divert rain run-on and run-off, and hydro seeded.

#### Sludge Lagoon Removal Plan Schedule

Initiation of remediation and closure of the Sludge Lagoon	December 31, 2007.
Sludge Lagoon closure completion	March 31, 2008.

#### SEP COST

One-time costs associated with the project are estimated to be \$600,000. No additional annual maintenance costs are anticipated.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I hand delivered the original Consent Agreement and Final Order (CAFO), docket number CAA-05-2007-0004 <sup>LDW</sup> to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed a correct copy by first-class, postage prepaid, certified mail, return receipt requested, to Goldschmidt by placing it in the custody of the United States Postal Service addressed as follows:

Mr. Reinhold Brand  
Goldschmidt Chemical Corporation  
c/o Eric Boyd, Esq.  
Seyfarth Shaw LP  
131 S. Dearborn St, Suite 2400  
Chicago, IL 60603

I also certify that I sent copies of the CAFO to:

Wayne O. Kahila, P.E.  
District Engineer, Bureau of Air  
Illinois Environmental Protection Agency  
5415 N. University  
Peoria, Illinois 61614

and

Julie Armitage, Section Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794-9506

on the 8 day of January, ~~2006~~ <sup>2007</sup> ~~SR~~

Loretta Shaffer for  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 03200006 0198 8485

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JAN 11 11:49  
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