

Department of Environmental Protection (“WVDEP”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. At its facility, located at 1100 Science Park Drive, South Charleston, WV 25303 (“Facility”), Respondent manufactures organometallic catalysts that are used by other facilities in polymerization processes for the production of polyethylene, and generates hazardous waste in the form of excess organometallic catalyst material (D001, D003, D018, F005). On December 22, 2010, Respondent submitted a notification to WVDEP that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and WVDEP assigned RCRA ID No. WVR000523720 to the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a Limited Liability Corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and W.V. Code R. § 33-20-2.1.a, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.V. Code R. § 33-20-2.1.a.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” waste excess organometallic catalyst material (D001, D003, D018, F005), which is “hazardous waste” at the Facility, as the terms “stored,” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.V. Code R. § 33-20-2.1.a.
8. On July 29, 2024, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized WVHWMR, W.Va. Code R. § 33-20-1 – 33-20-15 and 45-25-1 – 45-25-8.
10. Complainant has identified the following violations at the Facility:
 - a. From at least July 29, 2019 to July 29, 2024, Respondent operated the Facility without a permit or interim status, in violation of WVHWMR § 33-20-11, which incorporates 40 CFR § 270.1(b) by reference. At the time of the inspection, Respondent failed to comply with the conditions for the temporary storage of hazardous waste by a generator that are required pursuant to W.Va. Code R. § 33-

20-5.1, which incorporates by reference 40 C.F.R. § 262.34¹, and therefore failed to qualify for an exemption from the permitting/interim status requirements. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at WVHWMR § 33-20-5.1:

- (1) Respondent failed to monitor each valve that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight for leaks on a monthly basis, as required by 40 C.F.R. § 264.1057(a).
 - b. From at least July 29, 2019 to July 29, 2024, Respondent failed to monitor four (4) valves that contain or contact hazardous wastes with organic concentrations of at least 10 percent by weight for leaks on a monthly basis, as required by 40 C.F.R. § 264.1057(a).
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **FIVE THOUSAND DOLLARS (\$5,000.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.
 12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **FIVE THOUSAND DOLLARS (\$5,000.00)** to "**United States Treasury**" with the case name, address and docket number of this Agreement (RCRA-03-2025-0072), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
 13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Eric Greenwood, Inspector/Enforcement Officer (3ED22)
U.S. EPA, Region 3

¹ At the time of the Inspection (July 29, 2024), West Virginia's approved hazardous waste program incorporated by reference the federal regulations which were in effect as of June 16, 2010, including, among other things, incorporation of 40 C.F.R. § 262.34. (Accumulation Time, which lists the requirements for the generator permit exemption). As a result, 40 C.F.R. § 262.34 (2010) was the federally enforceable version of that RCRA regulation in West Virginia at the time of the Inspection. On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17.

greenwood.eric@epa.gov

and

Regional Hearing Clerk (3RC00)

U.S. EPA, Region 3

R3_Hearing_Clerk@epa.gov

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. 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) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Univation Technologies LLC.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: greenwood.eric@epa.gov (for Complainant), and iris.songeri@dow.com (for Respondent).
23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Univation Technologies LLC

Date: 4/3/25

By:


Christine Westgate
Production Leader

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Melvin,
Karen

Digitally signed by Melvin,
Karen
Date: 2025.04.16
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[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2025-0072
)	
Univation Technologies LLC)	
)	
Respondent,)	EXPEDITED SETTLEMENT AGREEMENT AND
)	FINAL ORDER
)	
Univation Technologies LLC - SCCP Plant)	Proceeding under Section
1100 Science Park Drive)	3008(a) and (g) of the Resource
South Charleston, WV 25303,)	Conservation and Recovery Act, as
)	amended, 42 U.S.C. § 6928(a) and (g)
Facility)	
)	
)	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Univation Technologies LLC, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate

injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.04.16
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[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:	:	DOCKET NO.: RCRA-03-2025-0072
	:	
Univation Technologies LLC	:	EXPEDITED SETTLEMENT AGREEMENT AND
	:	FINAL ORDER
Respondent,	:	
	:	Proceeding under Section 3008(a) and (g) of
	:	the Resource and Recovery Act, as amended,
Univation Technologies LLC - SCCP Plant	:	42 U.S.C. § 6928(a) and (g)
1100 Science Park Drive	:	
South Charleston, WV 25303,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Iris Songer, EHS & S Manager
Univation Technologies LLC - SCCP Plant
iris.songerj@dow.com
1100 Science Park Drive
South Charleston, WV 25303

Eric Greenwood
Inspector/Enforcement Officer
U.S. EPA, Region 3
greenwood.eric@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.04.16 14:09:07 -0400

[*Digital Signature and Date*]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3