

U.S. ENVIRONMENTAL PROTECTION AGENCY – REGION 5
PUBLIC NOTICE

IN RE:

BASF Corporation
1000 Harvard Avenue
Cleveland, Ohio



The U.S. Environmental Protection Agency, Region 5, is providing this notice of its intent to file a proposed Consent Agreement and Final Order (proposed CAFO) against BASF Corporation (Respondent) for its discharge of pollutants from Outfall 007 into the Cuyahoga River on specific dates from 2012 to 2014, in violation of section 301 of the Clean Water Act, (the Act), 33 U.S.C. § 1311. In the proposed CAFO, EPA and Respondent would agree that Respondent would pay a civil penalty of \$112,500 to resolve the alleged violations of the Act.

A copy of the proposed CAFO may be viewed at <http://www.epa.gov/region5/newsevents/> and by clicking on *BASF Corporation*. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

OPPORTUNITY FOR COMMENT: Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), requires that interested persons be given notice of any proposed penalty regarding alleged violations of the Act and a reasonable opportunity to comment on it.

Any person who wishes to comment on the proposed CAFO may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 22.45 (40 C.F.R. § 22.45), particularly subpart (c) *Comment by a person who is not a party*. This regulation may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>.

Comments should be made in writing to the Regional Hearing Clerk at:

In the Matter of: BASF Corporation
Docket No. CWA-05-2018-0008
LaDawn Whitehead
Regional Hearing Clerk
Mail Code E-19J
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, Illinois 60604
whitehead.ladawn@epa.gov

Written comments may be submitted to the Regional Hearing Clerk electronically, by delivery to her above street or e-mail address. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://www.epa.gov/region5/newsevents/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that EPA requires your regular mailing address since we must use the U.S. Postal Service should we need to contact you to reply, request additional information, or notify you of a hearing. If you wish to include any attachments with your comment, please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them, **all written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Public Notices home page for this docket number.** <http://www.epa.gov/region5/newsevents/>

Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by Respondent or by the public) are available for public inspection by appointment only between 9:00 a.m. and 4:30 p.m. (Central Time), Monday through Friday, at the EPA Regional Office. You may make an appointment for such an inspection by calling (312) 886-3713, or by writing the Regional Hearing Clerk at the address above.

If the proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, the time and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed civil penalty by following the instructions of 40 C.F.R. § 22.45(c)(1).

EPA will send a copy of the proposed CAFO assessing a penalty to any person who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who submit written comments, or ask to participate in any hearing held in this matter, and during this comment period, preserve a right to petition the Regional Administrator to set aside the proposed civil penalty portion of the proposed CAFO on the basis that material evidence was not considered, as described at 40 C.F.R. § 22.45(c)(4).