

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Cynthia T. Weiss 12/10/10
Name of Contact person Date

in the ORC at (215) 814-2659
Office Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- This is a modification

Name of Person and/or Company/Municipality making the payment
BASF, Inc.

The Total Dollar Amount of Receivable \$21,746 (96,448 CERC, 915,296 EPCRA)
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number CERC-03-2011-0006, EPCRA-03-2011-0006

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office HSCD

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk
- 3. Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 10 2010

Linda M. Brenneman, Esquire
BASF Corporation
100 Campus Drive
Florham Park, New Jersey 07932

Re: **In the Matter of BASF Corporation**
U.S. EPA Docket Nos. CERC-03-2011-0006; EPCRA-03-2011-0006

Dear Linda:

Enclosed please find a copy of Consent Agreement, which has been filed with the Regional Judicial Officer today.

Sincerely yours,

A handwritten signature in cursive script that reads "Cynthia T. Weiss".

Cynthia T. Weiss
Senior Assistant Regional Counsel

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of	)	U.S. EPA Docket Nos.: CERC-03-2011-
	)	0006; EPCRA-03-2011-0006
BASF, Inc.)	
100 Campus Drive)	
Florham Park, New Jersey 07932,)	
)	
Respondent.)	
	)	Proceedings Pursuant to Sections 103 and
BASF, Inc.	)	109 of the Comprehensive Environmental
370 Frankfort Road	)	Response, Compensation and Liability
Monaca, Pennsylvania 15601,	)	Act, 42 U.S.C. §§ 9603 and 9609, and
	)	Sections 304, 312 and 325 of the
Facility.	)	Emergency Planning and Community
	)	Right-to-Know Act, 42 U.S.C. §§ 11004, 11022
	)	and 11045
)	

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the President of the United States by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9609, as re-delegated to the Administrator of the U.S. Environmental Protection Agency ("EPA") and under the authority vested in the Administrator of EPA by Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, and under the authority provided by 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 ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

FINDINGS OF FACT

1. BASF Corporation ("BASF") is a Delaware corporation with its principal place of business located at 100 Campus Drive in Florham Park, New Jersey.
2. As a corporation, BASF is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3, 355.61, and 370.66.
3. BASF owns a plastic materials and resin, and synthetic rubber manufacturing facility located at 370 Frankfort Road in Monaca, Pennsylvania (hereinafter the "Facility").
4. Beginning in approximately 1988, and at all times relevant to this CA/FO, BASF was the owner or operator of the Facility within the meaning of Sections 304 and 312 of EPCRA, 42 U.S.C. §§ 11004 and 11022, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
5. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3, 355.61, and 370.66.
6. On October 21, 2009, EPA conducted an inspection of the Facility to determine compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA.
7. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.
8. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances ("EHSs") and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), ("Reportable Quantity" or "RQ"). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.
9. The State Emergency Response Commission ("SERC") for the Facility, for purposes of release reporting required under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), is, and at all times relevant to this CA/FO has been, the Pennsylvania Emergency Management Agency located at 2605 Interstate Drive in Harrisburg, Pennsylvania.

10. The SERC for the Facility for purposes of community right-to-know reporting required under Section 312 of EPCRA, 42 U.S.C. § 11022, is, and at all times relevant to this CA/FO has been, the Pennsylvania Department of Labor and Industry, Bureau of PENNSAFE, located at 7th and Forster, Room 155-E, L&I Building, Harrisburg, Pennsylvania.

11. The Local Emergency Planning Committee ("LEPC") for the Facility is, and has been at all times relevant to this CA/FO, the Beaver County Department of Emergency Services. At all times relevant to this CA/FO, the LEPC was located at 250 East End Avenue in Beaver, Pennsylvania. The LEPC is now located at 351 14th Street in Ambridge, Pennsylvania.

12. The Local Fire Department for the Facility is, and has been at all times relevant to this CA/FO, the Potter Township Fire Department, located at 206 West Mowry Road, Monaca, Pennsylvania.

13. At all times relevant to this CA/FO, the Facility was a facility at which a hazardous chemical was produced, used or stored.

14. Beginning on or about June 11, 2008, at or about 4:33 p.m. an estimated 14.1 pounds of 1,3 butadiene, Chemical Abstracts Service ("CAS") Registry No. 106-99-0, was released from the Facility (the "Release").

**FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA**

15. The findings of fact contained in Paragraphs 1 through 14 of this CA/FO are incorporated by reference herein as though fully set forth at length.

16. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ.

17. The chemical 1,3 butadiene is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 10 pounds, as listed in 40 C.F.R. § 302.4.

18. The Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

19. The Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

20. Respondent should have determined that the Release was in a quantity equal to or exceeding its applicable RQ and notified the NRC, prior to midnight on June 11, 2008.

21. Respondent did not notify the NRC of the Release until approximately 3:06 p.m. on June 12, 2008, when it had actual knowledge that the Release was in a quantity equal to or exceeding the applicable RQ.

22. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA**

23. Respondent’s failure to immediately notify the NRC of the Release is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603, and is, therefore, subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

**FINDINGS OF FACT RELATED TO THE VIOLATION
OF SECTION 304(a) AND (b) OF EPCRA – SERC**

24. The findings of fact contained in Paragraphs 1 through 23 of this CA/FO are incorporated by reference herein as though fully set forth at length.

25. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the SERC and LEPC immediately following a release of a hazardous substance or an EHS in a quantity equal to or exceeding the RQ for the hazardous substance or EHS. The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

26. The chemical 1,3 butadiene is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 10 pounds, as listed in 40 C.F.R. § 302.4.

27. The Release required immediate notification to the SERC, specifically the Pennsylvania Emergency Management Agency, pursuant to Section 304(a)(3) and (b) of EPCRA, 42 U.S.C. § 11004(a)(3) and (b), and 40 C.F.R. Part 355, Subpart C.

28. Respondent did not notify the Pennsylvania Emergency Management Agency of the Release; however, Respondent notified the Pennsylvania Department of Environmental Protection of the Release at 3:25 p.m. on June 12, 2008.

29. Respondent failed to immediately notify the SERC of the Release of 1,3 Butadiene as soon as Respondent knew that a release of a hazardous substance had occurred at the facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(a) AND (b) OF EPCRA – SERC**

30. Respondent's failure to notify the SERC immediately of the Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 304(c) OF
EPCRA – SERC**

31. The findings of fact and conclusions of law contained in Paragraphs 1 through 30 of this CA/FO are incorporated by reference herein as though fully set forth at length.

32. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the SERC and the LEPC as soon as practicable.

33. The Release constitutes a release of a hazardous substance in a quantity equal to or exceeding its RQ requiring immediate notification of the SERC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and, consequently, requiring submission of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

34. Respondent did not provide a written follow-up report regarding the Release to the Pennsylvania Emergency Management Agency; however, Respondent submitted a written follow-up report to the regional air program manager of the Pennsylvania Department of Environmental Protection on June 26, 2008.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(c) OF EPCRA – SERC**

35. Respondent's failure to provide a written follow-up report regarding the Release to the SERC is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA
CALENDAR YEAR 2006**

36. The findings of fact and conclusions of law contained in Paragraphs 1 through 35 of the CA/FO are incorporated by reference herein as though fully set forth at length.

37. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet ("MSDS") for a hazardous chemical in accordance with the Occupational Safety and Health Administration ("OSHA") Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an EHS) is present at any one time during a calendar year in a quantity equal to or greater than its applicable minimum threshold level ("MTL") or threshold planning quantity ("TPQ") established by 40 C.F.R. § 370.10, to submit by March 1st of the following calendar year, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and Local Fire Department with jurisdiction over the facility.

38. The following six chemicals, Antifoam and Diol Ester Drewplus I108; benzene 1,1-oxybis, tetrapropylene derivatives, sulfonated, sodium salt; benzenesulfonic acid, C10-16 alkyl derivatives, sodium salt; poly(oxy-1,2-ethanediyl); sodium bisulfite; and sodium lauryl sulfate, are "hazardous chemicals" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66.

39. Respondent is the owner or operator of a facility that is required to prepare or have available MSDSs for the six hazardous chemicals listed above under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200.

40. Pursuant to 40 C.F.R. § 370.10, the MTL for each of the six hazardous chemicals is 10,000 pounds.

41. Upon information and belief, during calendar year 2006, Respondent had present at its Facility 14,182 pounds of Antifoam and Diol Ester Drewplus I108; 27,748 pounds of benzene 1,1-oxybis, tetrapropylene derivatives, sulfonated, sodium salt; 26,247 pounds of

benzenesulfonic acid, C10-16 alkyl derivatives, sodium salt; 14,967 pounds of poly(oxy-1,2-ethanediyl); 29,219 pounds of sodium bisulfite; and 13,694 pounds of sodium lauryl sulfate.

42. At any one time during calendar year 2006 Respondent had present at the Facility the six hazardous chemicals in quantities exceeding their respective MTLs.

43. During calendar year 2006, BASF had at its Facility an MSDS for each of the six hazardous chemicals.

44. By March 1, 2007, BASF was required to submit to the SERC, LEPC, and the Local Fire Department, an Emergency and Hazardous Chemical Inventory Form identifying the six hazardous chemicals as present at the Facility during calendar year 2006 in quantities greater than their respective MTLs and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

45. On or about March 1, 2007, BASF submitted an Emergency and Hazardous Chemical Inventory Form for calendar year 2006 to the SERC, LEPC, and Local Fire Department, as required by Section 312 of EPCRA, 42 U.S.C. § 11022.

46. BASF failed to submit to the SERC, LEPC, and Local Fire Department, by March 1, 2007, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the six hazardous chemicals as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2006 and providing the required information concerning the hazardous chemicals.

**CONCLUSIONS OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF
EPCRA CALENDAR YEAR 2006**

47. BASF's failure to submit to the SERC, LEPC, and Local Fire Department by March 1, 2007, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the six hazardous chemicals as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2006 and providing the required information concerning those chemicals constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**FINDINGS OF FACT RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA
CALENDAR YEAR 2007**

48. The findings of fact and conclusions of law contained in Paragraphs 1 through 47 of the CA/FO are incorporated by reference herein as though fully set forth at length.

49. The two chemicals, benzene 1,1-Oxybis, tetrapropylene derivatives, sulfonated, sodium salt and benzenesulfonic acid, C10-16 alkyl derivatives, sodium salt are "hazardous chemicals" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66.

50. Upon information and belief, during calendar year 2007, Respondent had present at its Facility 38,285 pounds of benzene 1,1-oxybis, tetrapropylene derivatives, sulfonated, sodium salt and 16,430 pounds of benzenesulfonic acid, C10-16 alkyl derivatives, sodium salt.

51. At any one time during calendar year 2007 Respondent had present at the Facility the two hazardous chemicals in quantities exceeding their respective MTLs.

52. During calendar year 2007, BASF had at its Facility an MSDS for each of the two hazardous chemicals.

53. By March 1, 2008, BASF was required to submit to the SERC, LEPC, and the Local Fire Department, an Emergency and Hazardous Chemical Inventory Form identifying the two hazardous chemicals as present at the Facility during calendar year 2007 in quantities greater than their respective MTLs and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

54. On or about March 1, 2008, BASF submitted an Emergency and Hazardous Chemical Inventory Form for calendar year 2007 to the SERC, LEPC, and Local Fire Department, as required by Section 312 of EPCRA, 42 U.S.C. § 11022.

55. BASF failed to submit to the SERC, LEPC, and Local Fire Department, by March 1, 2008, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the two hazardous chemicals as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2007 and providing the required information concerning the hazardous chemicals.

**CONCLUSIONS OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF
EPCRA CALENDAR YEAR 2007**

56. BASF's failure to submit to the SERC, LEPC, and Local Fire Department by March 1, 2008, a complete and accurate Emergency and Hazardous Chemical Inventory Form identifying the two hazardous chemicals as present at the Facility in quantities greater than their respective MTLs at any one time during calendar year 2007 and providing the required information concerning those chemicals constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

57. In full and final settlement and resolution of all allegations referenced in the foregoing EPA's Findings of Fact and EPA's Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Section 103 of CERCLA, 42 U.S.C. § 9603, in the amount of **\$6,448.00** ("CERCLA civil penalty"), and Sections 304(a) and (b), 304(c), and 312 of EPCRA, 42 U.S.C. §§ 11004(a) and (b), 11004(c), and 11022 set forth above, in the amount of **\$15,298.00** ("EPCRA civil penalty"), for a total penalty of **\$21,746.00**.

PAYMENT TERMS

58. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the CERCLA civil penalty of \$6,448.00 and the EPCRA civil penalty of \$15,298.00 no later than thirty (30) days after the effective date of the Final Order (the "final due date") by either cashier's check, certified check, or electronic wire transfer.

59. Payment of the CERCLA civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action;
- b. All checks shall be made payable to **EPA-Hazardous Substances Superfund**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. EPA
ATTN: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Natalie Pearson (314-418-4087)

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson (314-418-4087)

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

60. Payment of the EPCRA civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Eric Volck 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Eric Volck 513-487-2105

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York

ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX /Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

61. Respondent shall submit copies of the check, or verification of wire transfer or ACH to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

62. The CERCLA civil penalty and EPCRA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the following: the nature, circumstances, extent and gravity of the violation, and with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit (if any) resulting from the violation, and such matters as justice may require. The penalty is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999).

63. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

64. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

65. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalties remain unpaid.

66. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalties which remain delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

67. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

68. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

69. Respondent agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of the CA/FO.

70. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

71. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

72. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

73. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

74. Each party to this action shall bear its own costs and attorney's fees.

BASF Corporation

EPA Docket Nos. CERC-03-2011-0006
EPCRA-03-2011-0006

FOR BASF CORPORATION



SIGNATURE

11/17/10

DATE

Name: Chris Lorge

Title: Site Director

BASF Corporation

**EPA Docket Nos. CERC-03-2011-0006
EPCRA-03-2011-0006**

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Ronald J. Borsellino, Director
Hazardous Site Cleanup Division

11/30/10

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

In the Matter of)
)
 BASF Corporation)
 100 Campus Drive)
 Florham Park, New Jersey 07932,)

Respondent.)

BASF Corporation)
 370 Frankfort Road)
 Monaca, Pennsylvania 15601,)

Facility.)

U.S. EPA Docket Nos.: CERC-03-2011-0006; EPCRA-03-2011-0006

Proceedings Pursuant to Sections 103 and 109 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9603 and 9609, and Sections 304, 312 and 325 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 11004, 11022 and 11045

FINAL ORDER

Pursuant to Section 109 of the Comprehensive Emergency Response, Compensation and Liability Act, 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

Renee Sarajian

 Renee Sarajian
 Regional Judicial Officer
 EPA, Region III

12/9/10

 DATE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of) U.S. EPA Docket Nos.: CERC-03-2011-
) 0006; EPCRA-03-2011-0006
BASF Corporation)
100 Campus Drive)
Florham Park, New Jersey 07932,)
)
Respondent.)
)
BASF Corporation) Proceedings Pursuant to Sections 103 and
370 Frankfort Road) 109 of the Comprehensive Environmental
Monaca, Pennsylvania 15601,) Response, Compensation and Liability
) Act, 42 U.S.C. §§ 9603 and 9609, and
Facility.) Sections 304, 312 and 325 of the
) Emergency Planning and Community
) Right-to-Know Act, 42 U.S.C. §§ 11004,
) 11021 and 11045
)
)

CERTIFICATE OF SERVICE

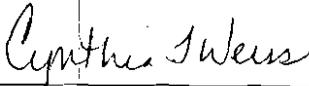
I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent:

Via certified mail, return receipt requested, to

Linda M. Brenneman, Esquire
BASF Corporation
100 Campus Drive
Florham Park, New Jersey 07932

DEC 10 2010

Date


Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel