

IN THE MATTER OF:)
)
BASF Catalysts, LLC) EPCRA-04-2009-2001
)
Respondent.)
_____)

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HEARING CLERK
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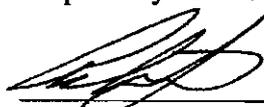
JOINT STATEMENT BY COMPLAINANT AND RESPONDENT
NOTIFYING THE COURT OF SETTLEMENT

The parties to this action hereby notify the Court that a settlement in principle has been reached for resolution of the above captioned matter. Complainant and Respondent desire to resolve this matter without a formal hearing, pursuant to 40 C.F.R. Part 22, and without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter. Respondent waives its right to a hearing on any allegation in the Complaint. Respondent agrees to pay to the United States a civil penalty of THIRTY-SIX THOUSAND ONE HUNDRED AND NINETY DOLLARS (\$36,190).

Consistent with 40 C.F.R. § 22.18(b)(2), the parties are working to record the terms and conditions of this settlement agreement in a written consent agreement. The parties agree that entering into such a consent agreement shall constitute full settlement of this proceeding with respect to all civil and administrative claims and causes of action which arose, or could have arisen, with respect to the allegations in the Complaint. The parties expect to finalize the consent agreement by June 19, 2009.

Dated: June 12, 2009

Respectfully Submitted,



Adam Dilts, Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Tel (404) 562-9581/Fax (404) 562-9486

and



Nancy Lake Martin, Senior Counsel
BASF Catalysts LLC
100 Campus Drive
Florham Park, New Jersey 07932
Tel (973) 245-6055

CERTIFICATE OF SERVICE

I certify that, on the date indicated below, I hand-delivered the original and one copy of the JOINT STATEMENT BY COMPLAINANT AND RESPONDENT NOTIFYING THE COURT OF SETTLEMENT, In the Matter of BASF Catalysts, LLC, Docket No. EPCRA-04-2009-2001, to the Regional Hearing Clerk at the following address:

Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

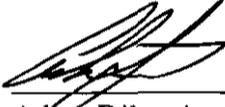
I also certify that, on the date indicated below, I sent by facsimile and regular mail, copies of the above STATEMENT to the following addressee:

Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20005
Facsimile: (202) 565-0044

A copy of the executed STATEMENT was sent via electronic mail to:

Nancy Lake Martin
Senior Counsel
BASF Catalysts LLC
Nancy.martin@basf.com

6/12/2009
Date


Adam Dilts, Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303