



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

REPLY TO THE ATTENTION OF: DM-7J

CERTIFIED MAIL #7001 0320 0006 1559 0070
RETURN RECEIPT REQUESTED

Mr. Robert Schmude
Millennium Inorganic Chemicals, Inc.
2900 Middle Road
Ashtabula, Ohio 44004

**Re: Notice of Violation and Compliance Order/Settlement Agreement for the
USTs located at Millennium Inorganic Chemicals, Inc., 2900 Middle Road,
Ashtabula, Ohio**

RUST-05-2007-0004

Dear Mr. Schmude:

On September 28, 2006, the Underground Storage Tank Section issued a Notice of Violation (NOV) and a Compliance Order/Settlement Agreement concerning a release detection violation found at the Millennium Inorganic Chemicals facility located at 2900 Middle Road, Ashtabula, Ohio. This letter is to inform you that we have received your signed original copies of the Settlement Agreement dated October 24, 2006. It stated that the UST violation was addressed (i.e., release detection monitoring reports) and supporting documentation was enclosed. In addition, we also received your check for \$50.00 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in the U.S. EPA files. We also have accepted and processed your check as part of the settlement process. If you have any further questions, please feel free to contact Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

Willie H. Harris, P.E.
Chief, Program Management Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Case Officer Enforcement File
U.S. EPA Lock Box
Tom Kenney, ORC
Shelly Bradley, OSFM

**United States Environmental Protection Agency
Region 5 - UNDERGROUND STORAGE TANK SECTION
77 West Jackson Boulevard, Chicago, Illinois 60604-3590**

**NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT**

BD#: 29507064004

Part I: Notice of Violation

On 9-28-06 Time 11:30 a.m.
(Date of Violation) (a.m. or p.m.)

At Millennium Chemicals, 2900 Middle
(Name of Facility)
road, Ashtabula, OH 44004
(Address of Facility)

Facility Identification Number _____

Name of Owner, Operator or
On-Site Representative Mr. Richard Hughes
(Circle One)

(Same as above)
(Address of Owner, Operator, or On-Site Representative)

An authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.). During this inspection, the following violations of the underground storage tank regulations were identified:

40 CFR 280.34(b)(4) Proposed Penalty: \$ 50.00

Nature of Violation: failure to maintain release
detection monitoring records every 30 days

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

40 CFR _____ Proposed Penalty: \$ _____

Nature of Violation: _____

TOTAL PROPOSED PENALTY: \$ 50.00

I have personally observed the above violations of the underground storage tank regulations.
[Signature] Date: 9-28-06
(Signature of EPA Inspector)

Receipt:
I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions
Richard Hughes Date: 9/28/06
(Signature of Owner, Operator or On-Site Representative)

Part II: Compliance Order/Settlement Agreement

Compliance Order No. RUST-05-2007-0004

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and by EPA. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the Settlement Agreement by EPA. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and acceptance on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion of the Regional Administrator, Region 5, or authorized delegate.

Compliance Order:
Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), EPA finds that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and **ORDERS** the owner or operator signing below to correct the violations and pay penalties in the amounts described in the Notice of Violation.

Settlement Agreement:
In order to expeditiously settle violations described in the Notice of Violation found herein, EPA AND THE OWNER OR OPERATOR SIGNING BELOW HEREBY ENTER INTO THIS SETTLEMENT AGREEMENT, subject to the following terms and conditions:

1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below; 2. The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations and has presented to EPA with this Settlement Agreement a certified check to pay the full amount of penalties, as described in the Notice of Violation, and in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement; 3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement and the violations, and consents to EPA's final approval of this Settlement Agreement without further notice; 4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act; 5. Upon EPA final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violations described in the Notice of Violation; 6. EPA does not waive any enforcement action by EPA, the State where the facility is located or any local agencies for any other past, present or future violations of the underground storage tank requirements or any other violations under any other statute not described in the Notice of Violation; 7. This Settlement Agreement is effective upon EPA's final approval below. Upon EPA final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided; and 8. Final approval of this Settlement Agreement is in the sole discretion of the Regional Administrator, EPA Region 5, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:
Name: Richard Hughes Title: Env. Supt.
Richard Hughes Date: 10/24/06
Signature

Address: 2900 Middle Rd, Ashtabula, Ohio 44004

FINAL APPROVAL BY EPA:
Name: Willie H. Harris Title: Chief, PMB
Willie H. Harris Date: 11/14/06
Signature