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

REPLY TO THE ATTENTION OF:

FEB 29 2008

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeryl L. Olson
Seyfarth, Shaw, LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603-5577

Re: Consent Agreement and Final Order
In the Matter of Henkel Corporation, Docket No.: RCRA-05-2008-0003

Dear Ms. Olson:

Enclosed please find one of two original copies of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. We filed the originals with the Regional Hearing Clerk on FEB 29 2008.

Please pay the civil penalty of $141,700 in accordance with paragraph 92 of this CAFO, and reference your check with the number BD 27508 42004 and docket number RCRA-05-2008-0003. Your payment is due within 30 days of the effective date of this CAFO.

Thank you for your cooperation in resolving this matter.

Sincerely,

Willie H. Harris

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: John Craig, MDEQ
Larry AuBuchon, MDEQ-SEDO
Richard Murawski, C-14J

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	**Docket No. RCRA-05-2008-0003**
Henkel Corporation	)	
23343 Sherwood Avenue	)	
Warren, Michigan 48091	)	
	)	
U.S. EPA ID: MID 005 362 223	)	
	)	
Respondent.	)	
	)	

CONSENT AGREEMENT AND FINAL ORDER

I. JURISDICTION

1. This is a civil administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. § 6928(a). RCRA was amended in 1984 by the Hazardous Waste and Solid Waste Amendments of 1984 (HSWA). This action is also simultaneously commenced and concluded under Sections 22.1(a)(4); 22.13(b); 22.14(a)(1)-(3) and (8); 22.18(b)(2) and (3); and 22.37 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

2. Jurisdiction for this action is conferred upon the United States Environmental Protection Agency (U.S. EPA) by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b) and 6928.

3. The Complainant is, by lawful delegation, the Director, Land and Chemicals Division, Region 5, U.S. EPA.

4. Pursuant to Sections 3001 - 3005 of RCRA, 42 U.S.C. §§ 6921 - 6925, the Administrator has promulgated regulations governing generators and transporters of hazardous waste, and governing facilities that treat, store and dispose of hazardous waste. At all times relevant to this Consent Agreement and Final Order, those regulations were codified at 40 C.F.R. Parts 260 through 279.

5. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or of any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986). U.S. EPA granted Michigan final authorization to administer certain HSWA and additional RCRA requirements effective January 23, 1990, 54 Fed. Reg. 48608 (November 24, 1989); June 24, 1991, 56 Fed. Reg. 18517 (April 23, 1991); November 30, 1993, 58 Fed. Reg. 51244 (October 1, 1993); April 8, 1996, 61 Fed. Reg. 4742 (February 8, 1996); and December 28, 1998, 63 FR 57912 (October 29, 1998) (stayed and corrected effective June 1, 1999, 64 Fed. Reg. 10111 (March 2, 1999)); 67 Fed. Reg. 49617 (July 31, 2002); and 71 Fed. Reg. 12141 (March 9, 2006). The U.S. EPA-authorized Michigan

regulations are codified at Michigan Administrative Code Rule (MAC R) 299.9101 *et seq.* See also 40 C.F.R. § 272.1151 *et seq.* MAC R 299.9301 *et seq.* sets forth the standards applicable to generators of hazardous waste.

7. U.S. EPA provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

8. Respondent is Henkel Corporation ("Henkel" or "Respondent"), which is, and was at all times relevant to this Consent Agreement and Final Order, a Delaware corporation which is licensed to conduct business in the State of Michigan.

II. FACTUAL ALLEGATIONS

9. Respondent is the owner and operator of a "facility" as defined by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 40 C.F.R. § 260.10; and MAC R 299.9106(i), located at 23343 Sherwood Avenue, Warren, Michigan.

10. Respondent is a "person" as defined by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 40 C.F.R. § 260.10; and MAC R 299.9106(i).

11. At all times relevant to this Consent Agreement and Final Order, Respondent did not have a RCRA permit or interim status.

12. At all times relevant to this Consent Agreement and Final Order, Respondent manufactured chemicals and generated hazardous wastes including, but not limited to, chrome wash water.

13. MAC R 299.9212(4) [40 C.F.R. § 261.24] provides that a solid waste exhibits the toxicity characteristic of chromium (EPA Hazardous Waste Number D007), if a representative sample contains a chromium concentration of equal to or greater 5 mg/L.

14. A sample of the chrome wash water collected in January 2006 contained 3,500 mg/L of chromium.

15. The chrome wash water waste generated by Respondent was hazardous waste as defined at MAC R 299.9104(d) and 299.9203 [40 C.F.R. § 261.3].

16. At all times relevant to this Consent Agreement and Final Order, Respondent generated more than 1,000 kilograms of hazardous waste per month at the facility.

17. The Respondent is a "generator" as defined by MAC R 299.9104(a) [40 C.F.R. § 260.10].

18. In generating hazardous waste incident to conducting its business at the facility, Respondent is subject to the requirements of Subchapter III of RCRA, 42 U.S.C. §§ 6921-6939e; 40 C.F.R. Part 260 *et seq.*; and MAC R 299.9301 *et seq.*

19. On January 25, 2005, representatives of U.S. EPA and the Michigan Department of Environmental Quality (MDEQ) conducted a RCRA compliance evaluation inspection at the facility.

20. At the time of the inspection, Respondent generated chrome wash water from a process unit (318 Blender) and an air pollution control device (030 Scrubber). The units were located in the Powder Chrome Mixer Area (chrome manufacturing area).

21. The 318 Blender and 030 Scrubber were both installed prior to Henkel acquiring the facility in 1980.

22. At the time of the inspection, between batches of differing products, Respondent rinsed the 318 Blender with water and/or citric acid. Respondent drained the chrome wash water

from the cleaning process into an open top drum then conveyed the chrome wash water via a gravity-fed hose toward linear floor drains and Sump #5.

23. At the time of the inspection, the 030 Scrubber was an air pollution control device. Respondent periodically rinsed the unit and discharged chrome wash water from the 030 Scrubber through piping / linear floor drains and Sump #5. The 030 Scrubber also had an overflow discharge which allowed a deminimus amount of chrome wash water to discharge to the floor of the facility.

24. At the time of the inspection, Respondent used a sump pump to pump the chrome wash water from Sump #5 through piping to Tank 502.

25. At the time of the inspection, Tank 502 was an approximately 3,000 gallon tank used to accumulate chrome wash water prior to shipment for disposal. Tank 502 was located in Respondent's Waste Treatment and Waste Storage Room. Tank 502 was installed sometime before 1978.

26. Respondent periodically pumped hazardous waste from Tank 502 through piping to the facility loading dock, where it was picked up for disposal.

27. Tank 502 was a "tank" under MAC R 299.9108(a).

28. Sump #5 was a "sump" under MAC R 299.9107(ee).

29. The open top drum into which chrome wash water from the 318 Blender drained was "ancillary equipment" under MAC R 299.9101(r).

30. The hose used to convey chrome wash water from the open top drum to the linear floor drains and Sump #5 was "ancillary equipment" under MAC R 299.9101(r).

31. The linear floor drains, sump pump, and piping used to convey chrome wash water was "ancillary equipment" under MAC R 299.9101(r).

32. Tank 502, Sump #5, and Respondent's ancillary equipment and containment system were part of an "existing tank system" as defined at MAC 299.9103(n).

33. At the time of the inspection, Respondent managed hazardous waste in its tank system from the time the hazardous waste exited the 318 Blender and 030 Scrubber until it was shipped off-site.

34. Between January 2002 and August 2005, Respondent generated approximately 40,076 gallons of chrome wash water.

35. Respondent took the tank system out of operation on or about September 9, 2005.

36. Respondent demolished and disposed of Tank 502 on or about March 13, 2006.

37. Respondent completed a Closure Report for the Hazardous Waste Chrome Wash Water Tank and Ancillary Equipment and Structures on June 2, 2006 which was submitted to the U.S. EPA and MDEQ.

38. Respondent submitted supplemental information to the Closure Report to the MDEQ on August 16, 2007.

39. MDEQ notified Respondent that the Tank Closure met the requirements of MAC R 299.9306(1) in a letter dated September 4, 2007.

40. On August 17, 2005, U.S. EPA issued a Section 3007 "Request for Information" ("Information Request") to Henkel, which required Henkel to submit certain information relating to hazardous waste activities at its facility.

41. On October 25, 2005, and December 5, 2005, Henkel submitted responses to the Information Request.

42. On February 8, 2006, U.S. EPA issued Henkel a Notice of Violation.

43. On March 23, 2006, Henkel responded to the Notice of Violation.

44. On June 18, 2007, U.S. EPA issued Henkel a Pre-Filing Notice and Opportunity to Confer Letter.

45. On August 8, 2007, U.S. EPA and Henkel met to discuss the allegations.

46. On September 7, 2007, respondent supplied U.S. EPA with additional factual information regarding the violations identified in U.S. EPA's June 18, 2007, pre-filing notice letter.

COUNT 1: STORAGE OF HAZARDOUS WASTE IN HAZARDOUS WASTE STORAGE TANK 502 FOR MORE THAN 90 DAYS WITHOUT AN EXTENSION OF TIME FROM MDEQ OR A CONSTRUCTION PERMIT OR OPERATING LICENSE

47. Complainant incorporates paragraphs 1 through 46 of this Consent Agreement and Final Order as though set forth fully in this paragraph.

48. Under MAC R 299.9306(3), a generator who accumulates hazardous waste on-site for 90 days or more is an operator of a storage facility and is subject to, among other things, permit and licensing requirements, unless the generator has been granted an extension of time by MDEQ.

49. On May 17, 2004, Tank 502 contained approximately 450 gallons of chrome wash water hazardous waste.

50. On or about September 2, 2004, Respondent shipped, or caused to be shipped, 2,049 gallons of hazardous waste chrome wash water from Tank 502 off-site for disposal.

51. Respondent did not receive an extension of time from MDEQ to store hazardous waste in Tank 502 for more than 90 days.

52. Respondent accumulated hazardous waste in Tank 502 for 108 days.

53. Respondent accumulated hazardous waste on-site for more than 90 days without receiving an extension of time from MDEQ and, consequently became an operator of a storage facility under MAC R 299.9306(3). Respondent was not exempt from the requirement to obtain a construction permit or operating license for the storage of hazardous waste. Therefore, Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

COUNT 2: STORAGE OF HAZARDOUS WASTE WITHOUT A CONSTRUCTION PERMIT OR OPERATING LICENSE AND FAILURE TO MEET THE SECONDARY CONTAINMENT REQUIREMENTS FOR THE HAZARDOUS WASTE TANK STORAGE SYSTEM, FAILURE TO DOCUMENT DAILY INSPECTIONS OF ANCILLARY EQUIPMENT ASSOCIATED WITH HAZARDOUS WASTE STORAGE TANK 502 AND FAILURE TO OBTAIN A TANK CERTIFICATION

Failure to Meet Secondary Containment Requirements

54. Complainant incorporates paragraphs 1 through 53 of this Consent Agreement and Final Order as though set forth fully in this paragraph.

55. Under MAC R 299.9306(1)(a)(ii), a generator may accumulate hazardous waste on-site without obtaining a construction permit or operating license if the hazardous waste is

placed in tanks and the generator complies with 40 C.F.R. part 265, subpart J (40 C.F.R. §§ 265.190 through 265.202).

56. 40 C.F.R. § 265.193(a)(4) provides that for existing tank systems the age of which cannot be documented, secondary containment that meets the requirements of 40 C.F.R. § 265.193 must be provided within eight years of January 12, 1988; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1988, whichever comes later.

57. Tank 502 was installed at the facility sometime prior to 1978; however, Respondent does not know the exact age of Tank 502.

58. At all times relevant to this Consent Agreement and Final Order, the hazardous waste tank system for Tank 502 was subject to the secondary containment requirements of 40 C.F.R. § 265.193.

59. At the time of the U.S. EPA and MDEQ inspection, Respondent had not applied for or received a variance from the secondary containment requirements for its tank system as provided for by 40 C.F.R. § 265.193(g).

60. Pursuant to 40 C.F.R. § 265.193(c)(1), secondary containment systems for tank systems must be constructed or lined with materials that are compatible with the waste in the tank system.

61. At the time of the inspection, the concrete floor surrounding Tank 502 was not lined with materials compatible with chrome wash water.

62. Respondent failed to comply with the secondary containment requirements at 40 C.F.R. § 265.193(c)(1). By failing to comply with the secondary containment requirements set

forth at 40 C.F.R. § 265.193(a)(4), (b)(1) and (c)(1), Respondent failed to meet conditions for an exemption from licensing provided under MAC R 299.306(1)(a)(ii).

Failure to Document Daily Inspections

63. Pursuant to 40 C.F.R. § 265.195(a)(4), the owner or operator must inspect, where present, at least once each operating day the construction materials and area immediately surrounding the externally accessible portion of the tank system including secondary containment structures to detect erosion or signs of releases of hazardous waste. Pursuant to 40 C.F.R. § 265.195 (c), the owner of operator must document in the operating record of the facility an inspection of those items listed in 40 C.F.R. § 265.195(a)(4).

64. At the time of the U.S. EPA and MDEQ inspection, Respondent failed to document inspections for the secondary containment system for the sump and ancillary equipment in the chrome manufacturing area. Therefore, Respondent failed to comply with 40 C.F.R. §§ 265.195(c).

65. By failing to comply with 40 C.F.R. §§ 265.195(c), Respondent failed to meet conditions for an exemption from licensing provided under MAC R 299.306(1)(a)(ii).

Failure to Obtain a Tank Certification

66. 40 C.F.R. § 265.191(a) requires that for each existing tank system that does not have secondary containment meeting the requirements of 40 C.F.R. § 265.193, the owner or operator must determine that the tank is not leaking or unfit for use. The owner and operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with 40 C.F.R. § 270.11(d), that attests to the tank system's integrity by January 12, 1988.

67. At the time of the U.S. EPA and MDEQ inspection, Respondent did not have an assessment of the tank system's integrity reviewed and certified by an independent, qualified, registered professional engineer.

68. Because Respondent did not have an assessment of the tank system's integrity reviewed and certified by an independent, qualified, registered professional engineer, Respondent did not comply with 40 C.F.R. § 265.191(a).

69. By failing to comply with 40 C.F.R. § 265.191(a), Respondent failed to meet a condition for an exemption from licensing provided under MAC R 299.306(1)(a)(ii).

70. Subsequent to the inspection, Respondent obtained an Integrity Assessment of Aboveground Storage Tank 502 (Tank 502 assessment) and a Secondary Containment Assessment for Aboveground Storage Tank 502 (Tank 502 secondary containment assessment).

71. Respondent did not meet all of the requirements of 40 C.F.R. Part 265, Subpart J; therefore, Respondent did not satisfy the conditions at MAC R 299.9306(1)(a)(ii) necessary to exempt it from the requirement to obtain construction permit or operating license for the storage of hazardous waste. Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

COUNT 3: STORAGE OF HAZARDOUS WASTE WITHOUT A CONSTRUCTION PERMIT OR OPERATING LICENSE AND FAILURE TO PROPERLY LABEL CONTAINERS OF HAZARDOUS WASTE

72. Complainant incorporates paragraphs 1 through 71 of this Consent Agreement and Final Order as though set forth fully in this paragraph.

73. Under MAC R 299.9306(1)(b), a generator may accumulate hazardous waste on-site for 90 days or less without obtaining a construction permit or operating license if the date upon which each period of accumulation begins and the hazardous waste number of the waste are clearly marked and visible for inspection on each container.

74. At the time of the U.S. EPA and MDEQ inspection, there was one drum in the Waste Storage Area that was labeled hazardous waste but did not have an accumulation date marked on the container.

75. Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have a construction permit or operating license by failing to mark the accumulation date on a drum of hazardous waste, as required by MAC R 299.9306(1)(b).

76. At the time of the inspection, one drum in the Waste Storage Area was labeled hazardous waste but did not have a hazardous waste number marked on the container.

77. Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have a construction permit or operating license by failing to mark the hazardous waste number on a drum of hazardous waste, as required by MAC R 299.9306(1)(b).

78. Respondent did not comply with all of the provisions of MAC R 299.9306; therefore, Respondent was not exempt from the requirement to obtain a construction permit or operating license for the storage of hazardous waste. Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

III. TERMS OF SETTLEMENT

79. U.S. EPA and Respondent agree that the settlement of this matter pursuant to 22.13(b) of the Consolidated Rules, 40 C.F.R. §22.13(b), is in the public interest and that the

entry of this Consent Agreement and Final Order (CAFO) without engaging in litigation is the most appropriate means of resolving this matter.

80. Respondent admits the jurisdictional allegations of Section I of this CAFO.

81. Respondent neither admits nor denies the factual allegations of Section II of this CAFO.

82. Respondent consents to the issuance of this CAFO and the assessment of the civil penalty as outlined in Section IV of this CAFO.

83. Respondent consents to all of the conditions in this CAFO.

84. Respondent waives any and all rights under any provisions of law to a hearing on the allegations contained in this CAFO. Respondent also waives any right to contest or appeal the factual allegations in Section II of this CAFO and any right to appeal the terms and conditions of this Consent Agreement or the Final Order that accompanies this Consent Agreement.

85. If Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with this CAFO and/or seek an additional penalty for noncompliance with the CAFO.

86. Respondent has demonstrated, and hereby certifies, that it is now in compliance with the requirements that formed the basis of the allegations in Section II of this CAFO.

87. This CAFO constitutes a settlement by U.S. EPA of all claims for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a), for the violations alleged in Section II of this CAFO. Compliance with this CAFO shall not be a defense to any actions

subsequently commenced pursuant to federal laws and regulations administered by U.S. EPA, and it is the responsibility of the Respondent to comply with such laws and regulations.

88. Nothing in this CAFO shall be construed to relieve the Respondent from its obligation to comply with all applicable federal, state and local statutes and regulations, including the Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

89. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

90. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

IV. CIVIL PENALTY

91. Complainant determined the civil penalty in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928. In assessing a civil penalty, the Administrator of U.S. EPA must consider "the seriousness of the violation and any good faith efforts to comply with applicable requirements." Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy. Based on an analysis of the above factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is $141,700 to be paid as specified below. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

92. Within 30 days following the effective date of this CAFO, the Respondent shall pay a civil penalty in the amount of $141,700. Payment shall be made by certified or cashier's check, payable to "Treasurer, the United States of America", and shall be sent to

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall reference the name of the respondent and the Docket Number of this CAFO.

Interest and late charges shall be paid as specified below.

93. Upon payment of the civil penalty, Respondent shall send to each of the persons listed below a copy of the check and a transmittal letter referencing the name of Respondent and the docket number of this CAFO:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd. (E-13J)
Chicago, Illinois 60604-3590

Richard M. Murawski
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Paul Atkociunas
RCRA Branch (LR-8J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

94. Pursuant to 31 U.S.C. § 3717, respondent shall pay the following amounts on any amount overdue under this CAFO:

(a) **Interest.** Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will

be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of $15.00 on any late payment, with an additional charge of $15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.

(c) **Non Payment Penalty**. On any portion of a civil penalty more than 90 calendar days past due, Respondent shall pay a non payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) above.

V. SIGNATORIES

Each undersigned representative of a party to this Consent Agreement and Final Order certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order and to bind legally such party to this document.

Agreed to this 6th day of FEBRUARY, 2008

Randall J. Clement
Vice President, Operations
Henkel Corporation

Agreed to this 26th day of February, 2008

Margaret M. Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V
2008 FEB 29 PM 2:43

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this FINAL ORDER. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement, effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

Ordered this 28 day of February, 2008.

By: _____
Mary A. Gade
Regional Administrator
U.S. EPA Region 5

RCRA-05-2008-0003

CASE NAME: Henkel Corporation
DOCKET NO: RCRA-05-2008-0003

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Consent Agreement and Final Order (CAFO)** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

Jeryl L. Olson
Seyfarth, Shaw, LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603-5577

Return Receipt # **7001 0320 0006 1448 7197**

Dated: 2/29/08

Katrina Jones
Administrative Program Assistant
United States Environmental Protection Agency
Land and Chemicals Division -RCRA Branch
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5882