



1 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits  
2 ("Consolidated Rules"), 40 CFR Part 22. Complainant is the United States  
3 Environmental Protection Agency, Region IX. Respondent is a corporation organized  
4 under the laws of the State of Delaware.

5 2. At the time of the violations alleged, Respondent was managing waste at a facility located  
6 at 7225 W. Roosevelt St., Phoenix, Arizona 85043 (the "Facility").

7 3. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences  
8 and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous  
9 waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C.  
10 §§ 6921 - 6939c, the implementing regulations, and state regulations adopted pursuant to  
11 the federally authorized Arizona hazardous waste management program.

12 4. EPA is enforcing Arizona hazardous waste management program requirements as  
13 approved and authorized by the United States.

14 5. On November 20, 1985, the State of Arizona received initial authorization to administer  
15 the hazardous waste management program in lieu of the federal program pursuant to  
16 Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 CFR § 271, effective December 4,  
17 1985. The authorized program is established pursuant to the Arizona Laws Relating to  
18 Environmental Quality, Title 49 (The Environment) [Arizona Revised Statutes ("A.R.S.")  
19 §§ 49-921, et seq.], and the regulations promulgated thereunder in the A.A.C. Title 18,  
20 Chapter 8, Article 2. Additionally, revisions to Arizona's hazardous waste management  
21 program have been authorized occasionally, over the years, (*see* 56 Fed. Reg. 37290  
22 (Aug. 6, 1991), 57 Fed. Reg. 30905 (July 13, 1992), 57 Fed. Reg. 41699 (Sept. 11, 1992),  
23 57 Fed. Reg. 54932 (Nov. 23, 1992), and 69 Fed. Reg. 12544 (Mar. 17, 2004)). The State  
24 of Arizona has been authorized for all of the regulations referenced in this CA/FO. The  
25 State of Arizona has been authorized for all the regulations referenced in this CA/FO.

26 6. Citations in this CA/FO are to Arizona hazardous waste management program  
27

1 requirements, followed by the corresponding federal citations provided in brackets.  
2

3 **B. GENERAL ALLEGATIONS**

4 7. Respondent is, and at all times referred to herein was, a "person" as defined in A.R.S.  
5 § 49-921 and A.A.C. R18-8-260.F.5 [see 40 CFR § 260.10].

6 8. Respondent was the "owner" or "operator" of a facility as defined in A.A.C. R18-8-260.C  
7 [see 40 CFR § 260.10] at the time of the violations alleged.

8 9. At the Facility, Respondent generated and accumulated; materials that are "wastes" as  
9 defined in A.R.S. § 49-921(5), A.A.C. R-18-8-260.C and 261.A [see 40 CFR §§ 260.10  
10 and 261.2 for definition of "solid waste"].

11 10. EPA alleges that Respondent (1) failed to make a hazardous waste determination in  
12 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11],  
13 (2) failed to prepare a Manifest for off-site treatment, storage or disposal of hazardous  
14 waste in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)], and (3) sent  
15 hazardous waste to a facility that is not permitted to handle hazardous waste in violation  
16 of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

17 11. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of Arizona's  
18 authorized RCRA Hazardous Waste Management Program are federally enforceable.  
19 Respondent is therefore subject to the powers vested in the EPA Administrator by Section  
20 3008 of RCRA, 42 U.S.C. § 6928.

21 12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue  
22 orders assessing a civil penalty for any past or current violation, or requiring compliance  
23 immediately or within a specified time for violation of any requirement of Subtitle C of  
24 RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

25 13. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of  
26 Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of  
27

1 RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to  
2 issuing an order under Section 3008 of RCRA in that state. EPA notified the State of  
3 Arizona as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

- 4 14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA  
5 Regional Administrator for Region IX, who has redelegated this authority to the Director  
6 of the Waste Management Division.

7  
8 C. ALLEGED VIOLATIONS

9 COUNT I

10 (Failure to Make a Hazardous Waste Determination)

- 11 15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were  
12 set forth here in their entirety.

- 13 16. A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11] require that a  
14 person who generates solid waste determine if that waste is a hazardous waste.

- 15 17. Respondent generated rinsate at the Facility.

- 16 18. Respondent's rinsate is a "waste" as defined in A.R.S. § 49-921(5), A.A.C. R-18-8-  
17 260.C and 261.A [see 40 CFR §§ 260.10 and 261.2 for definition of "solid waste"].

- 18 19. Under A.A.C. R18-8-261.A [see 40 CFR § 261.20(a)], a solid waste is a hazardous waste  
19 if it exhibits the characteristic of toxicity.

- 20 20. Respondent's rinsate exhibited the characteristic of toxicity.

- 21 21. Respondent generated and accumulated hazardous waste benzene, waste code D018.

- 22 22. Respondent was a "generator" of "hazardous waste" as defined in A.A.C. R18-8-260.C  
23 [see 40 CFR § 260.10] at the time of the violations alleged.

- 24 23. Respondent arranged to have 2,500 gallons of its rinsate transported to a municipal solid  
25 waste (MSW) landfill, the Butterfield Station Landfill (AZD983481813).

- 26 24. Respondent failed to identify the rinsate as a hazardous waste.

1 25. Respondent failed to complete a hazardous waste determination for the rinsate in  
2 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11].

3 COUNT II

4 (Failure to Manifest Hazardous Waste)

5 26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were  
6 set forth here in their entirety.

7 27. A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)] requires that a generator who transports,  
8 or offers for transport a hazardous waste for offsite treatment, storage, or disposal must  
9 prepare a Manifest, EPA Form 8700-22, before the waste is transported off-site.

10 28. Respondent transported or offered for transport hazardous waste, waste code D018, for  
11 offsite treatment, storage or disposal.

12 29. Respondent failed to prepare a Manifest, EPA Form 8700-22, before the hazardous waste  
13 was transported off-site, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)].

14 COUNT III

15 (Sent Hazardous Waste to Facility Not Permitted for Hazardous Waste)

16 30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were  
17 set forth here in their entirety.

18 31. Under A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], a generator must designate on the  
19 manifest one facility which is permitted to handle the waste described on the manifest.

20 32. Respondent's hazardous waste was delivered to the Butterfield Station Landfill  
21 (AZD983481813) on December 3, 2010.

22 33. The Butterfield Station Landfill (AZD983481813) is not permitted to receive hazardous  
23 waste.

24 34. Respondent sent hazardous waste to a facility that is not permitted to handle hazardous  
25 waste, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

1 D. CIVIL PENALTY

2 35. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection  
3 Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-  
4 SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each  
5 violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.

6 36. Based upon the facts alleged herein and upon those factors which EPA must consider  
7 pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil  
8 Penalty Policy, including the seriousness of the violations, any good faith efforts by  
9 Respondents to comply with applicable requirements, and any economic benefit accruing  
10 to Respondents, as well as such other matters as justice may require, EPA proposes that  
11 Respondent be assessed **SIX THOUSAND AND FIVE HUNDRED DOLLARS**  
12 **(\$6,500)** as the civil penalty for the violations alleged herein. The proposed penalty is  
13 consistent with the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the  
14 Debt Collection Improvement Act.

15  
16 E. ADMISSIONS AND WAIVERS

17 37. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations  
18 set forth in Sections A and B of this CA/FO. Respondent consents to and agrees not to  
19 contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce  
20 its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel  
21 compliance with this CA/FO in any enforcement proceedings, either administrative or  
22 judicial, or to impose sanctions for violations of this CA/FO.

23 38. Respondent neither admits nor denies any allegations of fact or law set forth in Section C  
24 of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the  
25 allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing  
26 on any issue relating to the factual allegations or legal conclusions set forth in this  
27

1 CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42  
2 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without  
3 adjudication. In addition, Respondent hereby waives any rights Respondent may have to  
4 appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.  
5

6 F. PARTIES BOUND

7 39. This CA/FO shall apply to and be binding upon Respondent and its agents, successors  
8 and assigns and upon all persons acting under or for Respondent, until such time as the  
9 civil penalty required under Section D has been paid in accordance with Section G, all  
10 compliance tasks have been completed, and any delays in performance and/or stipulated  
11 penalties have been resolved. At such time as those matters are concluded, this CA/FO  
12 shall terminate and constitute full settlement of the civil violations alleged herein.

13 40. No change in ownership or corporate, partnership or legal status relating to the Facility  
14 will in any way alter Respondent's obligations and responsibilities under this CA/FO.

15 41. The undersigned representative of Respondent hereby certifies that he is fully authorized  
16 by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.  
17

18 G. PAYMENT OF CIVIL PENALTY

19 42. Respondent hereby consents to the assessment of a civil penalty in the amount of **SIX**  
20 **THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** in settlement of the civil  
21 penalty claims of the United States for the violations of the federally authorized program  
22 established pursuant to the Arizona Laws Relating to Environmental Quality, 49 A.R.S.  
23 §§ 49-921, et seq., and A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [*see* 40 CFR  
24 §§ 262.11 and 262.20(a) and (b)], as alleged in Section C above.

25 43. Respondent shall submit payment of the civil penalty of **SIX THOUSAND AND FIVE**  
26 **HUNDRED DOLLARS (\$6,500)** within thirty (30) calendar days of the Effective Date  
27

1 of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order  
2 contained in this CA/FO, having been approved and issued by either the Regional Judicial  
3 Officer or Regional Administrator, is filed.

4 44. Respondent shall submit the payment due under this CA/FO in accordance with one of  
5 the options set forth below, and shall reference the Respondent's name and the docket  
6 number of this matter:

7 a. A check sent by regular U.S. Postal Service mail should be made payable to the  
8 "Treasurer, United States of America" and addressed to:

9  
10 US Environmental Protection Agency  
11 Fines and Penalties  
12 Cincinnati Finance Center  
13 PO Box 979077  
14 St. Louis, MO 63197-9000

15 b. Wire transfers should be directed to the Federal Reserve Bank of New York as  
16 follows:

17 Federal Reserve Bank of New York  
18 ABA: 021030004  
19 Account Number: 68010727  
20 SWIFT address: FRNYUS33  
21 33 Liberty Street  
22 New York NY 10045  
23 Field Tag 4200 of the Fedwire message should read:  
24 "D 68010727 Environmental Protection Agency".

25 c. A check sent by overnight mail should be payable to the "Treasurer, United States  
26 of America" and addressed to:

27 U.S. Bank  
28 1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson, 314-418-4087

d. An On Line Payment Option for payments directly from your bank account or by  
credit/debit card is available through the U.S. Department of Treasury. To use

1 this payment option, access **www.pay.gov**, enter “**sfo 1.1**” in the Public Forms  
2 search field, open the form, and complete the required fields.

3 See also, [http://www.cpa.gov/ocfo/finservices/payment\\_instructions.htm](http://www.cpa.gov/ocfo/finservices/payment_instructions.htm).

4 45. At the time payment is so made, a copy of the transmittal form shall be sent to:

5 Regional Hearing Clerk (RC-1)  
6 U.S. Environmental Protection Agency - Region IX  
7 75 Hawthorne Street  
8 San Francisco, CA 94105

9 and

10 Kandice Bellamy (WST-3)  
11 Waste Management Division  
12 U.S. Environmental Protection Agency - Region IX  
13 75 Hawthorne Street  
14 San Francisco, CA 94105

15 46. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM  
16 6-8000), the payment must be received within thirty (30) calendar days of the effective  
17 date of this CA/FO to avoid additional charges. If payment is not received within thirty  
18 (30) calendar days, interest will accrue from the effective date of this CA/FO at the  
19 current rate published by the United States Treasury as described at 40 CFR §13.11(a).  
20 Additionally, administrative costs for collecting the overdue debt will be assessed  
21 monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any  
22 principal amount not paid within ninety (90) calendar days of the due date. See 40 CFR  
23 §13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set  
24 forth below for any payment not received by its due date.

25 47. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and  
26 shall not be deducted by Respondent or any other person or entity for federal, state or  
27 local taxation purposes.

1 H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES

2 48. In addition to the interest and per annum penalties described above, in the event that  
3 Respondent fails to pay the full amount of the penalty within the time specified in  
4 Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of  
5 up to TEN THOUSAND DOLLARS (\$10,000.00) for each day the default continues.

6 49. All penalties shall begin to accrue on the date that performance is due or a violation  
7 occurs, and shall continue to accrue through the final day of correction of the  
8 noncompliance. Nothing herein shall prevent the simultaneous accrual of separate  
9 penalties for separate violations.

10 50. All penalties owed to EPA under this Section shall be due within thirty (30) days of  
11 receipt of a notification of noncompliance. Such notification shall describe the  
12 noncompliance and shall indicate the amount of penalties due. Interest at the current rate  
13 published by the United States Treasury, as described at 40 CFR § 13.11, shall begin to  
14 accrue on the unpaid balance at the end of the thirty-day period.

15 51. All penalties under this Section shall be made payable by certified or cashier's check to  
16 "Treasurer of the United States" and shall be remitted to:

17 US Environmental Protection Agency  
18 Fines and Penalties  
19 Cincinnati Finance Center  
20 PO Box 979077  
21 St. Louis, MO 63197-9000

22 52. All payments shall indicate the name of the Facility, any EPA identification number of  
23 the Facility, Respondent's name and address, and the EPA docket number of this action.  
24 At the time payment is made, Respondent shall send a copy of the payment transmittal to:

25 Kandice Bellamy (WST-3)  
26 Waste Management Division  
27 U.S. Environmental Protection Agency - Region IX  
28 75 Hawthorne Street  
San Francisco, CA 94105

1 53. The payment of stipulated penalties shall not alter in any way Respondent's obligation to  
2 complete the performance required hereunder.

3 54. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any  
4 other remedies or sanctions which may be available to EPA by reason of Respondent's  
5 failure to comply with any of the requirements of this CA/FO.

6  
7 I. CERTIFICATION OF COMPLIANCE

8 55. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the  
9 Respondent has fully complied with the requirements of the federally authorized  
10 hazardous waste management program, including (i) A.A.C. R18-8-262.A and A.A.C.  
11 R18-8-262.D [see 40 CFR § 262.11], (ii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)],  
12 and (iii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], that formed the basis for the  
13 violations alleged in this CA/FO.

14 56. This certification of compliance is based upon true, accurate and complete information,  
15 which the signatory can verify personally or regarding which the signatory has inquired of  
16 the person or persons directly responsible for gathering the information.

17  
18 J. RESERVATION OF RIGHTS

19 57. EPA expressly reserves all rights and defenses that it may have.

20 58. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and  
21 remedies, both legal and equitable, including the right to require that Respondent perform  
22 tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory  
23 and regulatory powers, authorities, rights and remedies, both legal and equitable, which  
24 may pertain to Respondent's failure to comply with any of the requirements of this  
25 CA/FO, including without limitation, the assessment of penalties under Section 3008(c)  
26 of RCRA, 42 U.S.C. § 6928(c).

1 59. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation  
2 of any rights, remedies, powers or authorities, civil or criminal, which EPA has under  
3 RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of  
4 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law  
5 enforcement authority of the United States, except as otherwise stated above.

6 60. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of  
7 its obligations to comply with any applicable local, state, or federal laws and regulations.

8 61. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise  
9 preclude EPA from taking additional enforcement actions should EPA determine that  
10 such actions are warranted except as they relate to Respondent's liability for federal civil  
11 penalties for the specific alleged violation and facts as set forth in Section C of this  
12 CA/FO.

13 62. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does  
14 not relieve Respondent of any obligation to obtain and comply with any local, state, or  
15 federal permits. Compliance by Respondent with the terms of this CA/FO shall not  
16 relieve Respondent of any obligations to comply with RCRA or any other applicable  
17 local, state, or federal laws and regulations.

18 63. EPA reserves its right to seek reimbursement from Respondent for any additional costs  
19 incurred by the United States which may result or arise from the alleged counts set forth  
20 in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is  
21 not released from liability, if any, for the costs of any response actions taken by EPA.  
22

23 K. OTHER CLAIMS

24 64. Nothing in this CA/FO shall constitute or be construed as a release from any other claim,  
25 cause of action or demand in law or equity by or against any person, firm, partnership,  
26 entity or corporation for any liability it may have arising out of or relating in any way to  
27

1 the generation, storage, treatment, handling, transportation, release, or disposal of any  
2 hazardous constituents, hazardous substances, hazardous wastes, pollutants, or  
3 contaminants found at, taken to, or taken from the Facility.  
4

5 L. MISCELLANEOUS

6 65. This CA/FO may be amended or modified only by written agreement executed by both  
7 EPA and Respondent.

8 66. The headings in this CA/FO are for convenience of reference only and shall not affect  
9 interpretation of this CA/FO.

10 67. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this  
11 proceeding.  
12

13 M. EFFECTIVE DATE

14 68. In accordance with 40 CFR §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on  
15 the date that the Final Order contained in this CA/FO, having been approved and issued  
16 by either the Regional Judicial Officer or Regional Administrator, is filed.  
17

18 **IT IS SO AGREED,**  
19

20 For Respondent **BASF CORPORATION**

21  
22 16 Aug 2012  
23 Date

21  
22 Richard A. Kurey  
23 Richard A. Kurey  
24 Operations Director  
25 BASF Corporation  
26  
27

1 For Complainant U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

2  
3 9/11/12

4 Date

5   
6

7 Jeff Scott  
8 Director  
9 Waste Management Division  
10 United States Environmental Protection Agency,  
11 Region IX  
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1  
2 **FINAL ORDER**  
3

4 **IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ((U.S. EPA Docket  
5 No. RCRA-09-2012-00 ( 6 ) be entered and that Respondent pay a civil penalty in the amount  
6 of **SIX THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** within thirty (30) days after  
7 the Effective Date of this Consent Agreement and Final Order, in accordance with the term of  
8 this Consent Agreement and Final Order. A copy of the payment transmittal shall be sent to EPA  
9 Region IX as specified in Section G of this Consent Agreement and Final Order within such 30-  
10 day period.  
11

12 **This Final Order shall be effective upon filing.**  
13

14 09/13/12

15 Date

16 

17 Steven Jawgiel  
18 Regional Judicial Officer  
19 United States Environmental Protection Agency,  
20 Region IX  
21  
22  
23  
24  
25  
26  
27

CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order in the matter of BASF Corporation was filed with:

Regional Hearing Clerk  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

A true and correct copy of the same was sent to the following parties

via CERTIFIED MAIL to:

Richard A. Kurey  
Operations Director  
BASF Corporation  
23700 Chagrin Blvd.  
Beachwood, OH 44122

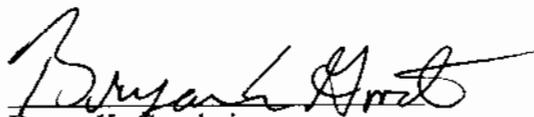
**CERTIFIED MAIL NUMBER:** 7005 2570 0001 6436 5269

and by mail to:

Nancy Lake Martin  
Senior Environmental & Safety Counsel  
BASF Corporation  
100 Park Avenue  
Florham Park, NJ 07932

An additional copy was hand-delivered to the following U.S. EPA case attorney:

Letitia Moore  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105



Bryan K. Goodwin  
Regional Hearing Clerk  
U.S. EPA, Region IX

9/18/12  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

Phone: (415) 972-3000

<http://www.epa.gov/region9>

CERTIFIED MAIL NO. 7005 2570 0001 6436 5269  
RETURN RECEIPT REQUESTED

SEP 18 2012

Richard A. Kurey  
Operations Director  
BASF Corporation  
23700 Chagrin Blvd.  
Beachwood, OH 44122

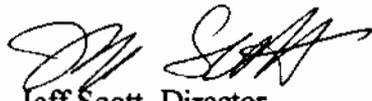
Re: **In the matter of BASF Corporation - U.S. EPA Docket No. RCRA-09-2012-**

Dear Mr. Kurey,

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency (EPA).

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Letitia Moore at (415) 972-3928 or [moore.letitia@epa.gov](mailto:moore.letitia@epa.gov).

Sincerely,

  
Jeff Scott, Director  
Waste Management Division

Enclosures

cc: Randall Matas, ADEQ