



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

September 22, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7004 1160 0003 0353 8616

Mr. Craig Sturtz
Senior Counsel, EH&S
Hexion, Inc.
180 Broad Street
Columbus, Ohio 43215

Re: Hexion, Inc., Docket No. CAA-06-2016-3373

Dear Mr. Sturtz:

Enclosed is the fully executed Consent Agreement and Final Order (CAFO) in the matter referenced above.

As provided in the CAFO, Hexion, Inc., will have forty-five (45) days from the effective date of the CAFO to pay the civil penalty of **Ninety Seven Thousand Six Hundred Fifty Dollars (\$97,650.00)**.

If you have any questions regarding this CAFO, please contact Jacob Gallegos, Assistant Regional Counsel, at (214) 665-9798.

Sincerely,

Jacob A. Gallegos, Esq.

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2016 SEP 22 AM 11:38
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:)

HEXION INC. (FKA MOMENTIVE)
SPECIALTY CHEMICALS))
NORCO, LOUISIANA)

RESPONDENT)
_____)

DOCKET NO. CAA-06-2016-3373

CONSENT AGREEMENT AND FINAL ORDER

1. The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (“EPA”), Region 6 (“Complainant”) and Hexion Inc. (“Respondent” or “Hexion”), in the above referenced action, have agreed to simultaneously commence and resolve this matter, through issuance of this Consent Agreement and Final Order (“CAFO”). This proceeding for the assessment of civil penalties pursuant to Section 113(d) of the Clean Air Act, as amended (CAA or the Act), 42 U.S.C. § 7413(d), is simultaneously commenced and concluded by the issuance of this CAFO pursuant to 40 C.F.R. §§ 22.13, 22.18(b)(2), 22.18(b)(3), and 22.34.

2. This CAFO serves as notice pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A).

3. For the purposes of this proceeding, the Respondent admits the jurisdictional allegations contained herein; however, the Respondent neither admits nor denies the specific factual allegations or conclusions of law contained in this CAFO.

4. Respondent waives any right to contest the allegations in the CAFO and its right to appeal the Final Order set forth herein, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall only resolve Respondent's Liability for federal civil monetary penalties for the violations and facts alleged in this CAFO.

6. Respondent consents to the issuance of this CAFO, and consents to the assessment and payment of the stated federal civil monetary penalty in the amount and by the method set out in this CAFO.

7. Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, or claim-splitting for violations not alleged in this CAFO.

8. Nothing in this CAFO shall be construed to prevent or limit EPA's civil, injunctive, and criminal authorities, or that of other Federal, state, or local agencies or departments to obtain penalties or injunctive relief under Federal, state, or local laws or regulations.

9. Respondent represents that the undersigned representative is fully authorized by the Party whom he or she represents to enter into the terms and conditions of this CAFO, to execute this CAFO, and to legally bind the Respondent to the terms and conditions of this CAFO.

10. Respondent agrees that the provisions of this CAFO shall be binding on its officers, directors, employees, agents, servants, authorized representatives, successors, and assigns.

I. STATUTORY AND REGULATORY BACKGROUND

11. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), provides that the objective of the regulations and programs authorized under Section 112(r) shall be to prevent the accidental

release of regulated substances or other extremely hazardous substances and to minimize the consequences of any such release that does occur.

12. Pursuant to CAA § 112(r)(7), 42 U.S.C. § 7412(r)(7), the Administrator is authorized to promulgate regulations dictating release prevention, detection, and correction requirements for various regulated facilities depending on the threat the facilities pose to surrounding communities.

13. On June 20, 1996, the EPA promulgated a final rule known as the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, which implements Section 112(r)(7), 42 U.S.C. § 7412(r)(7), of the Act.

14. Under 40 CFR § 68.10(a), an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process (“Covered Process”), as determined under 40 CFR § 68.115, shall comply with the requirements of 40 CFR Part 68 no later than the latest of the following dates: (1) June 21, 1999; (2) three years after the date on which a regulated substance is first listed under Section 68.130; or (3) the date on which a regulated substance is first present above a threshold quantity in a process.

15. Under 40 C.F.R. § 68.12(a), an owner or operator of a stationary source subject to Part 68 requirements must submit a Risk Management Plan (“RMP”) as provided in 40 C.F.R. Part 68 Subpart G (§§ 68.150-68.185) that reflects all covered processes at the stationary source.

16. 40 C.F.R. Part 68 provides general requirements applicable to owners or operators of a stationary source subject to Part 68. It also establishes requirements that apply to an owner or operator based on whether the stationary source operates processes subject to one of three “Programs” -- Program 1, Program 2, and Program 3.

17. Under 40 C.F.R. § 68.12(d), the owner or operator of a stationary source with a process subject to the “Program 3” requirements of the Part 68 regulations, as determined pursuant to 40 CFR § 68.10(d), must comply with the chemical accident prevention requirements of 40 C.F.R. Part 68, Subpart D (Program 3 Prevention Program, at 40 C.F.R. §§ 68.65-68.87).

18. Pursuant to 40 C.F.R. § 68.69(a) an owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information.

19. Under Sections §§ 113(a)(3) and 113(d)(1)(B) of the Act, 42 U.S.C. §§ 7413(a)(3) & 7413(d)(1)(B), whenever the Administrator finds that any person has violated or is violating a requirement of the Act including, but not limited to, a requirement or prohibition of any rule promulgated under the Act, other than those requirements specified in Sections 113(a)(1), 113(a)(2) or 113(d)(1)(A) of the Act, 42 U.S.C. § 7413(a)(1), 7413(a)(2), or 7413(d)(1)(A), the Administrator may issue an order assessing a civil administrative penalty.

20. As adjusted by the Civil Penalty Inflation Adjustment Rule of December 11, 2008, (73 Fed. Reg. 75340, 75346), 40 CFR § 19.4, the Administrator may assess a civil penalty of up to \$37,500 per day for each violation occurring after January 12, 2009.

21. “Covered process” is defined in 40 C.F.R. § 68.3 as a process that has a regulated substance present in more than a threshold quantity as determined under § 68.115.

22. “Person” is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

23. "Process" is defined in 40 C.F.R. § 68.3 as any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

24. "Regulated substance" is defined in 40 C.F.R. § 68.3 as any substance listed pursuant to Section 112(r)(3) of the Act as amended, in § 68.130.

25. "RMP" is defined in 40 C.F.R. § 68.3 as the risk management plan required under subpart G of 40 C.F.R. Part 68.

26. "Stationary source" is defined in Section 112(r)(2)(C) of the Act and 40 C.F.R. § 68.3 as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

27. "Threshold quantity" is defined in 40 C.F.R. § 68.3 as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the Act as amended, listed in § 68.130 and determined to be present at a stationary source as specified in § 68.115 of this part.

28. "Owner or operator" shall mean any person who owns, leases, operates, controls, or supervises a stationary source.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

29. Respondent, Hexion, Inc., is an Ohio corporation authorized to do business in the State of Louisiana.

30. Respondent is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. §7413(d).

31. At all times relevant to this CAFO, Respondent owned and operated the chemical manufacturing facility located at 16122 River Road in Norco, Louisiana (“Facility”).

32. On December 16-18, 2013, EPA conducted an onsite CAA 40 C.F.R. Part 68 and Section 112(r) compliance evaluation of the facility.

33. On November 3, 2014 an incident occurred in the C-Unit at the Respondent’s facility which constituted an unauthorized discharge of chlorine with injuries to employees.

34. Respondent’s RMP lists covered processes subject to Program 3 requirements.

35. The regulated substances, present at the facility, which are held above the threshold quantities identified in 40 C.F.R. § 68.130 are: chlorine, hydrochloric acid, epichlorohydrin, propylene, and butane.

36. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), authorizes EPA to bring an administrative action when penalties that exceed \$320,000¹ or when the first alleged date of violation occurred more than twelve (12) months prior to the initiation of the action, if the Administrator and the United States Attorney General jointly determine that the matter is appropriate for administrative action.

37. EPA and the U.S. Department of Justice have jointly determined that the Complainant can administratively assess a civil penalty even though the penalty might exceed

¹ The maximum penalty that can be assessed (without a waiver) under Section 113 of the Clean Air Act was increased by the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. Part 19 to \$220,000 for violations occurring between January 30, 1997 and March 15, 2004, to \$270,000 for violations occurring between March 15, 2004 and January 12, 2009, to \$295,000 for violations occurring between January 12, 2009 and December 6, 2013, and to \$320,000 for violations occurring after December 6, 2013.

the statutory amount and the alleged violations have occurred more than twelve (12) months prior to the initiation of the administrative action.

III. VIOLATIONS

Violation 1

38. Complainant hereby restates and incorporated by reference Paragraphs 1 through 37 above.

39. 40 C.F.R. § 68.69(a)(1) provides that owners and operators shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information. These operating procedures must address, at least, steps for each operating phase: (i) initial startup, (ii) normal operations, (iii) temporary operations, (iv) emergency shutdown, (v) emergency operations, (vi) normal shutdown, and (vii) start up after a turnaround or an emergency shutdown.

40. Hexion failed to properly implement a step(s), as written, regarding the Chlorine Vaporizer Start Up procedure.

41. Because Respondent failed to implement a required element(s) in written operating procedures for covered process activities, Respondent violated 40 C.F.R. § 68.69(a)(1)(vii).

Violation 2

42. Complainant hereby restates and incorporates by reference Paragraphs 1 through 41 above.

43. 40 C.F.R. § 68.69(a)(1) provides that owners and operators shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information. These operating procedures must address, at least, steps for each operating phase: (i) initial startup, (ii) normal operations, (iii) temporary operations, (iv) emergency shutdown, (v) emergency operations, (vi) normal shutdown, and (vii) start up after a turnaround or an emergency shutdown.

44. Hexion failed to make readily available the step emergency shutdown procedure and failed to clearly assign shutdown responsibility with those procedures.

45. Because Respondent failed to make readily available its written operating procedures for covered process activities associated with emergency shutdown, Respondent violated 40 C.F.R. § 68.69(a)(1)(iv).

Violation 3

46. Complainant hereby restates and incorporates by reference Paragraphs 1 through 45 above.

47. 40 C.F.R. § 68.69(c) requires operating procedures to be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to the stationary source. Owners and operators shall certify annually that the operating procedures are current and accurate.

48. In 2013, Respondent failed to certify the operating procedures were current and accurate.

49. Because the Respondent failed to make an annual certification, Respondent violated 40 C.F.R. § 68.69(c).

Violation 4

50. Complainant hereby restates and incorporates by reference Paragraphs 1 through 49 above.

51. 40 C.F.R. § 68.71(b) requires that refresher training be provided every three years.

52. Respondent failed to provide refresher training for four operators within three years of the previous training.

53. Because the Respondent failed to provide refresher training until after the three year due date, Respondent violated 40 C.F.R. § 68.71(b).

Violation 5

54. Complainant hereby restates and incorporates by reference Paragraphs 1 through 53 above.

55. 40 C.F.R. § 68.79 requires that owners and operators certify at least every three years that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D to verify that the procedures and practices developed pursuant to subpart D are adequate and being followed.

56. Respondent failed to certify the required compliance evaluation (audits) in 2010 and 2013.

57. Because Respondent did not properly certify completion of the required compliance evaluation in 2010 and 2013, Respondent violated 40 C.F.R. § 68.79(a) by failing make the required certification within the three year deadline.

Violation 6

58. Complainant hereby restates and incorporates by reference Paragraphs 1 through 57 above.

59. 40 C.F.R. § 68.65(c) requires the owner or operator to complete a compilation of written process safety information that shall include information pertaining to hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

60. Respondent failed to fully evaluate all potential causes related to the consequences of deviation for high pressure scenarios and applicable corrective actions as it relates to the chlorine vaporizer.

61. Because Respondent failed to fully evaluate all potential causes related to the consequences of deviation of high pressure scenarios due to the incident that occurred on November 3, 2014, Respondent violated 40 C.F.R. § 68.65(c)(1)(v).

Violation 7

62. Complainant hereby restates and incorporates by reference Paragraphs 1 through 61 above.

63. 40 C.F.R. § 68.65(d) requires the owner or operator to complete a compilation of written process safety information that shall include information pertaining to hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

64. Respondent failed to ensure that the ventilation system design in the C-Unit control room would prevent exposure of employees to toxic chemicals by isolating indoor air from outdoor air during accidental releases.

65. Because the ventilation system design in the C-Unit control room failed to prevent exposure of employees to toxic chemicals by isolating indoor air from outdoor air during the incident that occurred on November 3, 2014, the Respondent violated 40 C.F.R. § 68.65(d)(1)(v).

III. TERMS OF SETTLEMENT

A. CIVIL PENALTY

66. For the reasons set forth above, Respondent has agreed to pay a civil penalty which has been determined in accordance with Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), which authorizes EPA to assess a civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each violation of the CAA.²

67. Upon consideration of the entire record herein, including the Respondent's having taken measures to prevent a recurrence of the above described incidents, and upon consideration of the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of

² The Civil Penalty Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701 provides for increases in the statutory penalty provisions (\$25,000) cited in the Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991 (CAA Penalty Policy). It provides for up to \$25,000 per day of violation for violations occurring on or before January 30, 1997; up to \$27,500 per day for each violation occurring after January 30, 1997 through March 15, 2004; up to \$32,500 per day for each violation occurring after March 15, 2004 through January 12, 2009; and up to \$37,500 per day for each such violation occurring after January 12, 2009.

noncompliance, the seriousness of the violation, specific facts and equities, litigation risks, and other factors as justice may require, the parties agree that **Ninety Seven Thousand Six Hundred Fifty Dollars** (\$97,650.00) is an appropriate penalty to resolve this matter.

68. For the reasons set forth above, and in lieu of the risks of litigation, the Parties agree that the Respondent will pay a civil penalty of **Ninety Seven Thousand Six Hundred Fifty Dollars** (\$97,650.00)

69. Within forty-five (45) days of the effective date of this CAFO, the Respondent shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of five (5) ways: regular U.S. Postal Service mail, to include certified mail; overnight mail; wire transfer; Automated Clearinghouse for receiving US currency; or On Line Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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

For overnight mail (non-U.S. Postal Service, e.g. FedEx), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 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”

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 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

For On Line Payment:

WWW.PAY.GOV

Enter sfo 1.1 in search field

Open form and complete required fields.

PLEASE NOTE: Docket Number CAA-06-2016-3373 shall be clearly typed on the check or other method of payment to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent’s name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent’s name and address, the case name, and docket number of the CAFO. The Respondent shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Tony Robledo
Enforcement Officer
Surveillance Section (6EN-AS)

U.S. EPA, Region 6, Suite 1200
1445 Ross Avenue
Dallas, TX 75202

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondent's adherence to this request will ensure proper credit is given when penalties are received in the Region.

70. The Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

71. If the Respondent fails to submit payment within forty-five (45) days of the effective date of this Order, the Respondent may be subject to a civil action to collect any unpaid portion of the assessed penalty, together with interest, handling charges and nonpayment penalties as set forth below.

72. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will 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. Interest on the civil penalty assessed in this CAFO will begin to accrue forty-five (45) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. 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). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).

73. EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

74. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States enforcement expenses, including but not limited to, attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of each quarter.

75. This CAFO shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of any equipment or technology installed by the Respondent in connection with any additional settlement terms undertaken pursuant to this CAFO. Nothing in this CAFO shall be construed to prohibit or prevent the federal, state, or local government from

developing, implementing, and enforcing more stringent standards through rulemaking, the permit process, or as otherwise authorized or required.

76. This document constitutes a “Final Order” as that term is defined in the CAA Penalty Policy for the purpose of demonstrating a history of “prior such violations.”

NOTIFICATION

77. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other party that another individual has been designated to receive the communication:

Complainant:

Tony Robledo
Enforcement Officer
Surveillance Section (6EN-AS)
U.S. EPA, Region 6, Suite 1200
1445 Ross Avenue
Dallas, TX 75202

Respondent:

Craig Sturtz
Senior Counsel, EH&S
Hexion, Inc.
180 Broad Street
Columbus, OH 43215

MODIFICATION

78. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and the Respondent, and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

EFFECTIVE DATE

79. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

IV. RETENTION OF ENFORCEMENT RIGHTS

80. EPA does not waive any rights or remedies available to EPA for any violations by the Respondent of Federal or State laws, regulations, statutes, or permitting programs.

81. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA.

82. Nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, or regulated or other extremely hazardous substances at, on, or from the Respondent's facility. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil, injunctive, or criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws, regulations, or subparts thereof.

VI. COSTS

83. Each party shall bear its own costs and attorney's fees.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: September 15, 2016



Douglas A. Johns
Executive Vice President and General Counsel,
Hexion Inc.

FOR THE COMPLAINANT:

Date: 9.20.16



John Blevins
Director
Compliance Assurance and Enforcement
Division

FINAL ORDER

Pursuant to the Section 113 of the CAA, 42 U.S.C. § 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondent's (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 9/22/16



Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September, 2016, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by certified mail, return receipt requested 7004 1160 0003 0353 8616 _____ :

Craig Sturtz
Senior Counsel, EH&S
Hexion, Inc.
180 Broad Street
Columbus, OH 43215

Sandra Hardy _____

Paralegal

U.S. EPA Region 6, Dallas, Texas