



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 30 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. George Corbin  
Senior Executive Vice President  
Solvay Specialty Polymers USA, LLC  
4500 McGinnis Ferry Road  
Alpharetta, Georgia 30005

Re: Solvay Specialty Polymers USA, LLC  
Consent Agreement and Final Order  
Docket No. TSCA-04-2015-2501(b)

Dear Mr. Corbin:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22. Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the Respondent's name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency. Where used in the document "SEC" refers to the Securities and Exchange Commission.

Should you have any questions about this matter or your compliance status in the future, please contact Mr. Verne George of the EPA Region 4 staff at (404) 562-8988.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony G. Toney".

Anthony G. Toney  
Chief

Chemical Safety and Enforcement Branch

Enclosures

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA

RECEIVED  
ENVIRONMENTAL  
2015 JUN 30 PM 12:10

In the Matter of: )  
)  
Solvay Specialty Polymers USA, LLC ) Docket No. TSCA-04-2015-2501(b)  
)  
Respondent )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4. Respondent is Solvay Specialty Polymers USA, LLC.
2. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of the EPA. The Administrator of the EPA has delegated this authority under TSCA to the EPA Region 4 Regional Administrator by EPA Delegation 12-2-A, dated May 11, 1994. The Region 4 Regional Administrator has redelegated this authority to the Director of the Air, Pesticides and Toxics Management Division by EPA Region 4 Delegation 12-2-A, dated January 14, 2009. Pursuant to that Delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to

commence an enforcement action as the Complainant in this matter and has the authority to sign Consent Agreements memorializing settlements between the EPA and Respondents.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony; the making of any argument; or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## **II. Preliminary Statements**

4. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful for any person to: (1) fail or refuse to comply with any rule promulgated or order issued under Sections 4, 5, or 6 of TSCA, 15 U.S.C. § 2603, § 2604, or § 2605, and any requirement prescribed by Section 5 or 6 of TSCA, 15 U.S.C. § 2604 or § 2605; (2) use for commercial purposes a chemical substance or mixture that the person knew or had reason to know was manufactured, imported, processed, or distributed in commerce in violation of Section 5 or 6 of TSCA, 15 U.S.C. § 2604 or § 2605; (3) fail to maintain records, submit reports or information, or permit access to or allow copying of records including but not limited to records and reports required by Section 8 of TSCA, 15 U.S.C. § 2607, and export notices required by Section 12(b) of TSCA, 15 U.S.C. § 2611(b); and (4) refuse to permit entry or inspection as authorized by Section 11 of TSCA, 15 U.S.C. § 2610.
5. Any person who violates a provision of Section 15 of TSCA shall be liable for a civil penalty in an amount not to exceed \$25,000 for each such violation, in accordance with

Section 16(a) of TSCA. The Debt Collection Improvement Act of 1996 requires the EPA to review and adjust penalties, as necessary, for inflation at least once every four years. As such, pursuant to the Adjustment of Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, the revised maximum penalty for each violation occurring after January 30, 1997, through March 15, 2004, is \$27,500; for each violation occurring after March 15, 2004, through January 12, 2009, the maximum penalty for each violation is \$32,500; and for each violation occurring after January 12, 2009, the maximum penalty for each violation is \$37,500. Each day a violation continues may constitute a separate violation.

### **III. Specific Allegations**

6. Respondent operates a chemical importing and manufacturing facility located at 4500 McGinnis Ferry Road, Alpharetta, Georgia.
7. Respondent is a manufacturer as the term is defined in 40 C.F.R. § 720.3(t).
8. On August 30, 2012, an authorized agent of the EPA Region 4 conducted an inspection at Respondent's place of business pursuant to Section 11(a) of TSCA, 15 U.S.C. § 2610(a).
9. The chemical import records reviewed by the EPA inspector revealed that Respondent had imported 1,500 kilograms of VICNYL 700 for commercial purpose on July 5, 2011.
10. Upon entry to the United States, the Material Safety Data Sheet (MSDS) for VICNYL 700 indicated that VICNYL 700 contained a chemical component identified as Polyamide 10T.
11. The MSDS also indicated that the chemical substance referred to as Polyamide 10T was listed on the TSCA Inventory.

12. During the inspection, the EPA expressed concerns regarding the TSCA Inventory status of the chemical abstract service (CAS) number associated with Polyamide 10T.
13. Respondent's representative at the time of the inspection asserted Respondent's belief that Polyamide 10T was a polymer that met the polymer exemption criteria promulgated at 40 C.F.R. § 723.250(c).
14. Subsequent to the inspection, on September 4, 2012, Respondent submitted a polymer exemption report to the EPA in Washington D.C. for Polyamide 10T pursuant to 40 C.F.R. § 723.250(f).
15. With the assistance of the EPA Office of Pollution Prevention and Toxics and cooperation from Respondent, the EPA determined that the chemical substance associated with Polyamide 10T is actually ["1,4-Benzenedicarboxylic acid, polymer with 1,10-decanediamine" (CAS number 24938-11-2)] hereinafter referred to as Chemical A.
16. The EPA used a certified statement (ER-14-5004) to confirm the fact that Chemical A was not listed on the TSCA Inventory.
17. The certified statement is similar to the notice referenced at 40 C.F.R. § 720.25(b)(5) (Determining Whether a Chemical Substance is on the Inventory).
18. According to the EPA certified statement, as of May 14, 2014, Chemical A was not listed on the TSCA Inventory.
19. Pursuant to 40 C.F.R. § 720.25(a), a chemical substance that is not listed on the TSCA Inventory is classified as a new chemical substance.
20. Pursuant 40 C.F.R. § 723.250(c), a chemical substance is eligible for an exemption under 40 C.F.R. § 723.250 if that substance: (1) meets the definition of "polymer" referenced in

40 C.F.R. § 723.250(b); (2) meets the criteria in 40 C.F.R. § 723.250(e); and (3) is not a cationic polymer as described in 40 C.F.R. § 723.250(b).

21. Respondent has asserted and agrees that Chemical A is an exempted polymer as referenced at 40 C.F.R. § 723.250(c).
22. Pursuant to 40 C.F.R. § 723.250(f), for substances exempt under paragraphs (e)(1), (e)(2), and (e)(3), a report of manufacture or import must be submitted (postmarked) by January 31 of the year subsequent to initial manufacture.
23. July 5, 2011, was the initial manufactured date of Chemical A.
24. Pursuant to 40 C.F.R. § 723.250(f), Respondent was required to submit to the EPA a report of import by January 31, 2012, however, Respondent did not submit the report until September 4, 2012.
25. Respondent failed to comply with 40 C.F.R. § 723.250(f) by failing to submit a report of manufacture to the EPA by January 31, 2012, for the import of Chemical A.
26. Pursuant to 40 C.F.R. § 723.250(l)(1), a person who manufactures or imports a new chemical substance and fails to comply with any provision of 40 C.F.R. § 723.250 is in violation of Section 15 of the Act (15 U.S.C. 2614).
27. Violators of the Act may be subject to the civil and criminal penalties set forth in Section 16 of the Act (15 U.S.C. 2615) for each violation.

#### **IV. Consent Agreement**

28. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
29. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.

30. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.
31. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with the TSCA regulations referenced in this CAFO.
32. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither the EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
33. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.
34. Pursuant to 40 C.F.R. § 22.5(c)(4), the following individual is authorized to receive service for the EPA in this proceeding:

Verne George  
Chemical Management and Emergency Planning Section  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960  
(404) 562- 8988.

#### **V. Final Order**

35. Respondent is assessed a civil penalty of TWO THOUSAND FIVE HUNDRED EIGHTY DOLLARS (\$2,580) which shall be paid within thirty (30) days of the effective date.

36. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America." **The Respondent shall note on the face of the check the Respondent's name and the Docket Number associated with this CAFO.** The penalty payment shall be sent by one of the methods below.

Address for payment submittal using the United States Postal Service (USPS) (excluding USPS overnight mail):

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

Address for payment submittal using USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

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

Contact Phone Number: (314) 425-1818

37. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960;

Verne George  
Chemical Management and Emergency Planning Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960; and



Saundi Wilson  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960.

38. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
39. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, the EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. 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). A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
40. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
41. This CAFO shall be binding upon the Respondent and its successors and assigns.
42. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and hereby legally binds that party to this CAFO.

**VI. Effective Date**

43. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**Respondent: Solvay Specialty Polymers USA, LLC**  
**Docket No.: TSCA-04-2015-2501(b)**

By: Carrie McMichael Date: 4/3/2015

Name: Carrie McMichael

Title: Global Regulatory Affairs + Product Stewardship Manager

**Complainant: U.S. Environmental Protection Agency**

By: Carol H. Kemper for Date: 6/23/15

Beverly H. Banister, Director  
Air, Pesticides and Toxics  
Management Division

**APPROVED AND SO ORDERED** this 26 day of June.

By: Carol F. Baschon

Carol F. Baschon  
Acting Regional Judicial Officer

**CERTIFICATE OF SERVICE**

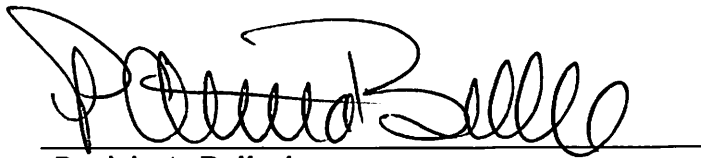
I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Solvay Specialty Polymers USA, LLC, Docket Number: TSCA-04-2015-2501(b), to the addressees listed below.

Mr. George Corbin (via Certified Mail, Return Receipt Requested)  
Senior Executive Vice President  
Solvay Specialty Polymers USA, LLC  
4500 McGinnis Ferry Road  
Alpharetta, Georgia 30005

Verne George (via EPA's internal mail)  
Chemical Management and Emergency  
Planning Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Robert Caplan (via EPA's internal mail)  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

By:



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth St., S.W.  
Atlanta, GA 30303

Date:

6-30-15

(404) 562-9511