



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 27 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Haak
Associate General Counsel – EH & S
Hexion Specialty Chemicals, Inc.
180 East Broad Street
Columbus, Ohio 43215

RE: Hexion Specialty Chemicals, Inc.
Consent Agreement and Final Order (CAFO)
Docket No. RCRA-04-2010-4006(b)

Dear Mr. Haak:

Enclosed please find a copy of the executed CAFO as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CAFO is effective on the date it is filed with the RHC, and the penalty due date is calculated from the effective date.

Also enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Hexion Specialty Chemicals, Inc. on notice of its potential duty to disclose to the Securities Exchange Commission (SEC) any environmental actions taken by the United States Environmental Protection Agency.

If you have any questions, please feel free to contact me at (404) 562-9705.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred R. Politzer".

Alfred R. Politzer
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures (2)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2010-4006(b)
)	
HEXION SPECIALTY CHEMICALS, INC.))	
333 NEILS EDDY ROAD)	PROCEEDING UNDER SECTION
REIGALWOOD, NORTH CAROLINA)	3008(a) OF THE RESOURCE
28456)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. § 6928(a)
EPA ID NO.: NCR000143545)	
)	
RESPONDENT)	
_____)	

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HEATHER OLEMA

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 United States Code (U.S.C.) § 6921, *et seq.*, and Chapter 130A, Article 9, of North Carolina's General Statutes (N.C. GEN. STAT.). This action is seeking injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of RCRA and the regulations promulgated pursuant thereto at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 268, 270 and 279; and N.C. GEN. STAT. § 130A-290, *et. seq.*, and the North Carolina regulations promulgated pursuant thereto at Title 15A of the North Carolina Administrative Code (N.C. ADMIN. CODE), Chapter 13, Subchapter 13A.
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CAFO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. The parties have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), the parties have agreed to the execution of this CAFO, and Respondent agrees to comply with the terms of this CAFO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).
5. Respondent is Hexion Specialty Chemicals, Inc., a corporation incorporated under the laws of New Jersey and doing business in the State of North Carolina. The facility is located at 333 Neils Eddy Road, Reigalwood, North Carolina 28456.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on December 31, 1984, the state of North Carolina received final authorization to carry out a hazardous waste program in lieu of the federal program. The requirements of the authorized state program are found in N.C. GEN. STAT. § 130A-290, *et. seq.*, and N.C. ADMIN. CODE tit. 15A r. 13A.0101, *et. seq.*
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states upon their federal effective date regardless of the State's authorization status, and are implemented by EPA until the State is granted final authorization with respect to those requirements. On January 9, 1995, North Carolina received authorization for its HSWA program.
8. Although EPA has granted North Carolina the authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), to address violations of the authorized state program. EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and North Carolina.
9. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant gave written notice of this action to North Carolina before the issuance of this CAFO.
10. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), and N.C. GEN. STAT. § 130A-291, *et. seq.*, require the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in 40 C.F.R. Part 262 and N.C. ADMIN. CODE tit. 15A r. 13A.0107.
11. Section 3004 of RCRA, 42 U.S.C. § 6924 and N.C. GEN. STAT. § 130A-291, *et. seq.*, require the promulgation of standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these standards are found at 40 C.F.R. Part 264 and N.C. ADMIN. CODE tit. 15A r. 13A.0109.
12. Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-291, *et. seq.*, set forth the requirement that a facility treating, storing, or disposing of hazardous waste

must have a permit or interim status. The implementing regulations for this requirement are found at 40 C.F.R. Parts 264, 265, and 270, and N.C. ADMIN. CODE tit. 15A r. 13A.0109, 13A.0110, and 13A.0113.

13. Pursuant to 40 C.F.R. § 261.2 and N.C. ADMIN. CODE tit. 15A r. 13A.0106(a), a “solid waste” is any discarded material that is not otherwise excluded by regulation.
14. Pursuant to 40 C.F.R. § 261.3 and N.C. ADMIN. CODE tit. 15A r. 13A.0106(a), a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it meets any of the criteria specified in 40 C.F.R. § 261.3(2).
15. Pursuant to 40 C.F.R. § 260.10 and N.C. ADMIN. CODE tit. 15A r. 13A.0102, a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.
16. Pursuant to 40 C.F.R. § 260.10 and N.C. ADMIN. CODE tit. 15A r. 13A.0102, a “container” is defined as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
17. Pursuant to 40 C.F.R. § 261.7(b)(3)(iii) and N.C. ADMIN. CODE tit. 15A r. 13A.0106(a), a container that has held an acute hazardous waste listed in 40 C.F.R. §§ 261.31, 261.32, or 261.33(e) is empty if the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.
18. Pursuant to 40 C.F.R. § 262.11 and N.C. ADMIN. CODE tit. 15A r. 13A.0107(a), a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.
19. Pursuant to 40 C.F.R. § 262.34(a) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in 40 C.F.R. §§ 262.34(a)(1)-(4) (hereinafter referred to as “the 40 C.F.R. § 262.34(a) permit exemption”).
20. Pursuant to 40 C.F.R. § 262.34(a)(2) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a condition of the 40 C.F.R. § 262.34(a) permit exemption requires a generator to clearly mark the date accumulation begins on the container.
21. Pursuant to 40 C.F.R. § 262.34(a)(3) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a condition of the 40 C.F.R. § 262.34(a) permit exemption requires a generator to mark each container with the words “Hazardous Waste” while the waste is being accumulated.

22. Pursuant to 40 C.F.R. § 262.34(a)(4) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a condition of the 40 C.F.R. § 262.34(a) permit exemption requires a generator to comply with 40 C.F.R. §§ 265.37 (requiring the owner/operator to attempt to make arrangements for emergency situations with their local authorities) and 268.52(f) (requiring the owner/operator to have a contingency plan that includes an evacuation plan for personnel when necessary).
23. Pursuant to 40 C.F.R. § 262.34(b) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permit requirements of 40 C.F.R. Part 270.
24. Pursuant to 40 C.F.R. § 262.34(c)(1)(i) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, without a permit or interim status, provided that he comply with 40 C.F.R. § 265.173(a) (requiring the container holding the hazardous waste to be closed except when necessary to add or remove waste).

IV. EPA ALLEGATIONS AND DETERMINATIONS

25. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and N.C. ADMIN. CODE tit. 15A r. 13A.0102.
26. Respondent is the “owner” and “operator” of a “facility,” as those terms are defined in 40 C.F.R. § 260.10 and N.C. ADMIN. CODE tit. 15A r. 13A.0102.
27. Respondent has been assigned EPA ID number NCR000143545 by the North Carolina Department of Environment and Natural Resources (NCDENR).
28. Respondent generates waste that is a “solid waste” as defined in 40 C.F.R. § 261.2 and N.C. ADMIN. CODE tit. 15A r. 13A.0106(a). The facility has provided notice that it is a large quantity generator of hazardous waste.
29. Respondent manufactures hexamine, formaldehyde, and specialty resins. One specialty resin, vanadium oxytate solution, uses vanadium pentoxide as a raw material. Vanadium pentoxide is listed as an acute hazardous waste in 40 C.F.R. § 261.33(e).
30. On July 15 – 16, 2008, EPA and NCDENR conducted a RCRA Compliance Evaluation Inspection (CEI) of Respondent’s facility.
31. At the time of the July 15 – 16, 2008, CEI, EPA observed waste paint and waste paint related items near the cooling towers left by contractors who had been conducting paint maintenance. However, Respondent had not made a hazardous waste determination on the waste paint and waste paint related items.

32. EPA therefore alleges that Respondent has violated 40 C.F.R. § 262.11 and N.C. ADMIN. CODE tit. 15A r. 13A.0107(a).
33. At the time of the July 15 – 16, 2008, CEI, Respondent had been storing thirty containers, ranging in size between 20 and 30 gallons, that had previously held vanadium pentoxide, an acute hazardous waste, but which were not empty pursuant to 40 C.F.R. § 261.7(b)(3)(iii) and N.C. ADMIN. CODE tit. 15A r. 13A.0106(a), because the containers' inner liners had not been removed.
34. At the time of the July 15 – 16, 2008, CEI, the thirty containers discussed above in paragraph 33 were not labeled with: (1) the beginning date of accumulation; or (2) the words "Hazardous Waste."
35. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-294, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. §§ 262.34(a)(2)-(3) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c) conditions of the 40 C.F.R. § 262.34(a) permit exemption.
36. At the time of the July 15 – 16, 2008, CEI, Respondent did not have records showing that it had attempted to make arrangements for emergency situations with the local authorities.
37. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-294, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(4) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c) condition of the 40 C.F.R. § 262.34(a) permit exemption by not complying with 40 C.F.R. § 265.37.
38. At the time of the July 15 – 16, 2008, CEI, Respondent did not describe evacuation routes within the evacuation plan portion of the facility contingency plan.
39. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-294, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(4) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c) condition of the 40 C.F.R. § 262.34(a) permit exemption by not complying with 40 C.F.R. § 265.52(f).
40. At the time of the July 15 – 16, 2008, CEI, Respondent had been storing the thirty containers of hazardous waste discussed above in paragraph 33 for greater than 90 days. As a result, pursuant to 40 C.F.R. § 262.34(b) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), Respondent is an operator of a storage facility and subject to the permit requirements of 40 C.F.R. Part 270.
41. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-294, because Respondent failed to

comply with 40 C.F.R. § 270 and N.C. ADMIN. CODE tit. 15A r. 13A.0113, by operating a storage facility without having interim status or a permit.

42. At the time of the July 15 – 16, 2008, CEI, Respondent failed to close a container of hazardous waste, which was being managed as a satellite accumulation container, located in the Quality Assurance Laboratory, Solvent and Gas Room.
43. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C. GEN. STAT. § 130A-294, for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition for permit exemption found at 40 C.F.R. § 262.34(c)(1)(i) and N.C. ADMIN. CODE tit. 15A r. 13A.0107(c), by not complying with 40 C.F.R. § 265.173(a).

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

44. Within thirty (30) calendar days of receipt of the executed copy of this CAFO, Respondent shall submit to EPA and the State of North Carolina a certification signed by a duly authorized representative stating that the Facility is in compliance with RCRA and that all the violations alleged in this CAFO have been corrected.

This certification shall be as follows:

“I certify under penalty of law, to the best of my knowledge and belief that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

45. The certifications required to be submitted under this CAFO shall be mailed to:

Doug C. McCurry, Chief
North Section, RCRA and OPA Enforcement and Compliance Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

and to:

Elizabeth Cannon, Chief
Hazardous Waste Section
Division of Waste Management
North Carolina Department of Environment and Natural Resources
1646 Mail Service Center
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27699-1646

46. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
47. Respondent neither admits nor denies the factual allegations and determinations set out in this CAFO.
48. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
49. Respondent waives its right to challenge the validity of this CAFO and the settlement of the matters addressed in this CAFO based on any issue related to the Paperwork Reduction Act.
50. Respondent waives any right pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO.
51. 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 RCRA. The parties agree that compliance with the terms of this CAFO shall resolve all of Respondent's liability for civil penalties for the violations and facts alleged and stipulated to in this CAFO.
52. Each party will pay its own costs and attorney's fees.

VI. PAYMENT OF CIVIL PENALTY

53. Respondent consents to the payment of a civil penalty in the amount of EIGHTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$84,600.00) within thirty (30) calendar days of the effective date of this CAFO.
54. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearhouse (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America,**

and the facility name and docket number for this matter shall be referenced on the face of the check. If the Respondent sends payment by the United States Postal Service, the payment shall be addressed to:

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

If the Respondent sends payment by non-United States Postal express mail delivery, the payment shall be sent to:

United States Bank
Government Lockbox 979077
United States Environmental Protection Agency
Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

If paying by EFT, the Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, the Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
United States Environmental Protection Agency
808 17th Street, N.W.
Washington, D.C. 20074
Contact: Jesse White, (301) 887-6548

55. Respondent shall submit a copy of the payment to the following addressees:

Regional Hearing Clerk
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

and to:

Doug C. McCurry, Chief
North Section, RCRA and OPA Enforcement and Compliance Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

56. If Respondent fails to remit the civil penalty as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must 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 or stipulated 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 must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) 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).

57. Penalties paid pursuant to this CAFO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

58. This CAFO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CAFO.
59. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CAFO.
60. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CAFO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

61. Notwithstanding any other provision of this CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
62. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CAFO.
63. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.
64. This CAFO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

65. All actions required to be taken pursuant to this CAFO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

66. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in the proceeding:

Alfred Politzer
Assistant Regional Counsel
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
(404) 562-9705

67. A copy of any documents that Complainant files in this action shall be sent to the following attorney who represents Respondent in this matter and who is authorized to receive service for Respondent in the proceedings:

William Haak
Associate General Counsel – EH & S
Hexion Specialty Chemicals, Inc.
180 East Broad Street
Columbus, Ohio 43215
(614) 225-3369

XI. SEVERABILITY

68. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

XII. EFFECTIVE DATE

69. 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:

Hexion Speciality Chemicals, Inc.

C RICHARD SPRINGER

By: C Richard Springer Dated: 6-14-2010

Print Title: HEXION - VICE PRESIDENT EHS (AMERICAS)

U. S. Environmental Protection Agency

By: Caroline Y. F. Robinson Dated: June 29, 2010
Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

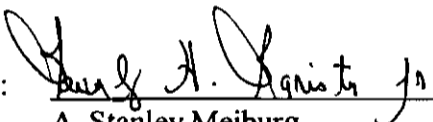
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2010-4006(b)
)	
HEXION SPECIALTY CHEMICALS, INC.))	
333 NEILS EDDY ROAD)	PROCEEDING UNDER SECTION
REIGALWOOD, NORTH CAROLINA)	3008(a) OF THE RESOURCE
28456)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. § 6928(a)
EPA ID NO.: NCR000143545)	
)	
RESPONDENT)	
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The 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.

BEING AGREED, IT IS SO ORDERED this 20th day of July, 2010.

BY: 
A. Stanley Meiburg
Acting Regional Administrator
United States Environmental Protection Agency, Region 4

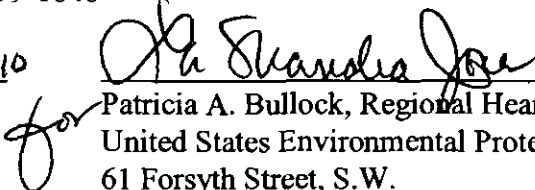
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

Nancy McKee, Environmental Scientist (Via EPA Internal Mail)
RCRA and OPA Enforcement and Compliance Branch, RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

Georgina Fuller, Administrative Assistant (Via EPA Internal Mail)
RCRA and OPA Enforcement and Compliance Branch, RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

William Haak (Via Certified Mail – Return Receipt Requested)
Associate General Counsel – EH & S
Hexion Specialty Chemicals, Inc.
180 East Broad Street
Columbus, Ohio 43215

Elizabeth Cannon, Chief (Via Certified Mail – Return Receipt Requested)
Hazardous Waste Section
Division of Waste Management
North Carolina Department of Environment and Natural Resources
1646 Mail Service Center
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27699-1646

Date: July 27, 2010

for Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511

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