

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE FILLED OUT BY ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: B C CHAN 8/15/09  
Name of Contact person Date  
in the ORC @ EPA III at 215 842 618  
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS  
 Administrative Order/ Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt  This is a modification

Name of Person and/or Company/Municipality making the payment  
DOW REGIONAL REICHHOLD SPECIALTY LATEX, LLP

The Total Dollar Amount of Receivable 300,000  
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number CAA-03-2009-0132  
The Site-Specific Superfund Acct. Number \_\_\_\_\_  
The Designated Regional/HQ Program Office \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_  
If you have any questions call: \_\_\_\_\_  
Name of Contact Date  
in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

1. U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268  
Attn: Lori Weidner
2. Originating Office (ORC)
3. Designated Program Office

**ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the administrative order should be sent to:

1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
3. Regional Counsel

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**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103**

**In the Matter of**

Dow Reichhold Specialty Latex LLC  
144 Fork Branch Road  
Dover, DE 19904-1274

**Docket No. CAA-03-2009-0132**

**Respondent**

**CONSENT AGREEMENT**

**I. Preliminary Statement**

1. This Consent Agreement is entered into by the Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency ("EPA"), Region III, and Dow Reichhold Specialty Latex LLC ("DRSL" or "Respondent"), and is filed with the accompanying Final Order pursuant to Section 112 and 113 of the Clean Air Act ("CAA" or the "Act"), as amended, 42 U.S.C. § 7412 and 7413, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice, at 40 C.F.R. § 22.13, provide in pertinent part that when parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
2. This Consent Agreement and the accompanying Final Order address the specifically alleged violations by Respondent of requirements in 40 C.F.R. Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins ("Subpart U"), and in 40 C.F.R. Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks ("Subpart H").

**II. General Provisions**

3. Section 113(a)(3) and (d) of the CAA, 42 U.S.C. § 7413(a)(3) and (d), authorize the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapter I [also referred to as Title I] of the CAA.

The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA, Region III.

4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
5. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order and to the terms and conditions set forth therein.
6. Respondent neither admits nor denies the specific findings of fact and conclusions of law set forth in this Consent Agreement and the accompanying Final Order except as otherwise stated in Paragraph 4.
7. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.
8. For the purposes of this proceeding, Respondent hereby expressly waives its right to a hearing with respect to any issue of law or fact set forth in this Consent Agreement and the accompanying Final Order, including the finality and/or validity thereof. Respondent hereby expressly waives its right to contest the factual allegations and legal conclusions set forth in Section III, "Findings of Fact and Conclusions of Law," of this Consent Agreement or to appeal the accompanying Final Order.

### **III. EPA's Findings of Fact and Conclusions of Law**

9. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:
10. Section 112 of the Act, 42 U.S.C. § 7412, requires the Administrator of EPA to publish a list of air pollutants determined to be hazardous and to promulgate regulations establishing emission standards or, where necessary, design, equipment, work practice, or operational standards for each listed hazardous air pollutant.
11. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated 40 C.F.R. Part 63, Subpart U and Subpart H. "Existing affected sources" which meet the criteria in 40 C.F.R. § 63.480(a)(2) of Subpart U must also comply with Subpart H.
12. Pursuant to Subpart U, at 40 C.F.R. § 63.481(d), and with exceptions not relevant here, existing affected sources shall be in compliance with Subpart U, 40 C.F.R. § 63.502, no later

than July 12, 1999 ( 40 C.F.R.§ 63.502 is the provision which requires existing affected sources to comply with Subpart H).

13. Subpart H (related to organic HAPs), at 40 C.F.R. § 63.160(a), applies to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, control devices, and closed-vent systems that are intended to operate in organic hazardous air pollution (HAP) service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 C.F.R. Part 63 that references Subpart H. Subpart H contains leak detection and repair (“LDAR”) provisions, including work practice, reporting and notification, and record keeping requirements.
14. Subpart U, at 40 C.F.R. § 63.482 defines organic HAPs as “one or more of the chemicals listed in Table 5 of this subpart...”. Acrylonitrile, 1,3-butadiene and styrene are listed on Table 5 of the subpart U. Therefore, these listed organic HAPs are subject to Subpart H, and 112(b)(1) of the CAA, 42 U.S.C. § 7412(b)(1).
15. Respondent is a “person”, as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the CAA, 42 U.S.C. § 7413(d).
16. Respondent is a corporation doing business in the State of Delaware, with a chemical manufacturing plant located at 144 Fork Branch Road, Dover, Delaware (hereafter the “Plant Site”).
17. As of November 2008, Respondent permanently ceased manufacturing operations at the Plant Site. The decision to shut down was an independent business decision and unrelated to any EPA enforcement actions.
18. At all times relevant to this Consent Agreement, Respondent owned, operated or controlled the “Plant Site”.
19. Respondent is an “existing affected source” pursuant to Subpart U, 40 C.F.R. § 63.480(a)(2), that operates a polymer manufacturing facility at the Plant Site. Respondent manufactures a variety of latexes and resins and a large number of these products are manufactured with a base of acrylonitrile, styrene, and 1,3-butadiene – all of which are considered HAPs under 112 of the CAA, and *organic* HAPs under Subpart U, 40 C.F.R. § 63.482.
20. In accordance with the LDAR applicability provisions of Subpart H, at 40 C.F.R. § 63.160(a), the subject polymer manufacturing facility at the Plant Site has pumps, valves, connectors and heat exchangers that are intended to operate in organic hazardous air pollution (HAP) service 300 hours or more during the calendar year within a source subject to the provisions of a specific Subpart in 40 C.F.R. Part 63 that references Subpart H.

21. Respondent's Plant Site is a major source as defined in Section 112(a) of the CAA, 42 U.S.C. § 7412. Respondent manufactures the following primary products/elastomers at the Plant Site: 1) Nitrile butadiene latex (NBL) and 2) Styrene Butadiene latex (SBL), both of which are also listed as organic HAPs pursuant to 40 C.F.R. § 63.482.
22. Pursuant to paragraphs 19-21, above, Respondent is subject to the LDAR regulations codified in Subpart U.
23. On or about January 14, 2008, duly authorized inspectors from EPA conducted an inspection of the Plant Site and the manufacturing processes at the polymer manufacturing facility, in order to determine Respondent's compliance with the CAA (hereinafter, the "Inspection").
24. During the Inspection, EPA inspectors conducted both a tour of the Plant Site, and a review of Respondent's records. EPA also conducted Leak Detection and Repair (LDAR) Comparative Monitoring during the inspection.
25. On February 14, 2008, EPA issued DRSL an Information Request letter pertaining to the subject facility. EPA received DRSL's responses thereto by letters dated March 12, 2008, March 27, 2008, and April 3, 2008.
26. On January 6, 2009, EPA Region III issued Respondent a "show cause" letter containing the alleged violations which are the subject of this Consent Agreement; and DRSL responded thereto by letter dated January 28, 2009. The parties then met on February 3, 2009, to discuss settlement of the allegations in the show cause letter. Following the meeting, DRSL provided EPA with certain documentation as requested by EPA.

Count I

27. Pursuant to 40 C.F.R. § 63.502(a) of Subpart U, the owner or operator of an [existing] affected source shall comply with Subpart H (National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks).
28. Pursuant to 40 C.F.R. § 63.162(c) of Subpart H, and in relevant part only, each piece of equipment in a process unit to which this subpart applies shall be identified such that it can be distinguished readily from equipment that is not subject to this subpart.
29. During the January 14, 2008 inspection, and upon review of DRSL's responses to EPA's information request letter of February 14, 2008, EPA found that DRSL failed to properly identify approximately 123 valves and 681 connectors which are required to be readily distinguished from equipment that is not subject to 40 C.F.R. Part 63, subpart H. Therefore, based on currently available information, EPA concludes that DRSL failed to comply with the equipment identification requirements of 40 C.F.R. § 63.162(c), thus constituting continuing violations of Section 112 of the CAA, 42 U.S.C. § 7412 .

Count II

30. 40 C.F.R. § 63.168 of Subpart H sets forth standards for valves in gas/vapor service and in light liquid service.
31. Pursuant to 40 C.F.R. § 168(b) of Subpart H, and in relevant part only, “[t]he owner and operator of a source subject to this subpart shall monitor all valves...at the intervals specified in paragraphs (c) and (d) of this section and shall comply with all other provisions of this section...” The intervals specified in paragraphs (c) and (d) of this section describe the phases of the standard and § 168(b) defines the leak rates in each phase as follows: For phases I and II, each valve shall be monitored quarterly. For Phase I, an instrument reading of 10,000 ppm or greater indicates a leak. For phase III, the owner or operator shall monitor valves for leaks of 500 ppm or greater, and at a variety of intervals specified in 40 C.F.R. § 63.168(d).
32. Pursuant to 40 C.F.R. § 168(b)(1) of Subpart H, “valves shall be monitored to detect leaks by the method specified in 40 C.F.R. § 180(b) of Subpart H...”
33. Pursuant to 40 C.F.R. § 180(b), “monitoring shall comply with method 21 of 40 C.F.R. Part 60, Appendix A.”
34. During the January 14, 2008 inspection, and upon review of DRSL’s response to EPA’s information request letter of February 14, 2008, EPA found that DRSL failed to comply with the requirements of 40 C.F.R. § 63.168(b) by not monitoring each of the approximately 123 valves in HAP service in accordance with Method 21 of 40 C.F.R. Part 60, Appendix A on a quarterly or monthly basis (dependant on phase), thus constituting continuing violations of Section 112 of the CAA, 42 U.S.C. § 7412 .

Count III

35. 40 C.F.R. § 63.174 sets forth standards for connectors in gas/vapor service and in light liquid service.
36. Pursuant to 40 C.F.R. § 63.174(a), and in relevant part only, “[t]he owner or operator of a process unit subject to this subpart shall monitor all connectors in gas/vapor and light liquid service...at the intervals specified in paragraph (b) of this section.” Consistent with paragraph 33, above, the connectors shall be monitored to detect leaks by the method specified in 40 C.F.R. § 63.180(b). 40 C.F.R. § 63.174(a)(1).
37. Pursuant to 40 C.F.R. § 63.174(a)(2), “[i]f an instrument reading greater than or equal to 500 parts per million is measured, a leak is detected.”
38. Pursuant to 40 C.F.R. § 63.174(b)(1), and with exceptions not relevant here, “[f]or each group of existing process units within an existing source, by no later than 12 months after the compliance date, the owner or operator shall monitor all connectors...”

39. During the January 14, 2008 inspection, and upon review of DRSL's response to EPA's information request letter of February 14, 2008, EPA found that DRSL failed to comply with the requirements of 40 C.F.R § 63.174(a) and (b) by not monitoring each of the approximately 681 connectors in HAP service at the applicable frequencies, and in accordance with Method 21 of 40 C.F.R. Part 60, Appendix A, thus constituting continuing violations of Section 112 of the CAA, 42 U.S.C. § 7412.

#### Count IV

40. Pursuant to 40 C.F.R. § 63.506(e)(6), "[f]or existing and new affected sources, the owner or operator shall submit Periodic Reports as specified in paragraphs (e)(6)(i) through (e)(6)(xii) of this section. In addition, for equipment leaks subject to § 63.502, the owner or operator shall submit the information specified in § 63.182(d)...as part of the Periodic Report required by this paragraph."
41. Pursuant to 40 C.F.R. § 506(e)(6)(i), and in relevant part only, "a report containing the information in paragraph (e)(6)(ii) of this section or paragraphs (e)(6)(iii) through (e)(6)(x) of this section, as appropriate ...shall be submitted semiannually no later than 60 days after the end of each 6-month period."
42. Periodic Report(s) for DRSL's LDAR program for acrylonitrile, 1,3-butadiene and styrene were due: January 2007 (for the period from May 2006 through November 2006). During the January 14, 2008 inspection, and upon review of DRSL's response to EPA's information request letter of February 14, 2008, EPA found that DRSL failed to submit the above referenced Periodic Report(s). Therefore, based on currently available information, EPA concludes that DRSL failed to comply with the periodic reporting requirements of 40 C.F.R. § 63.506(e)(6), thus constituting continuing violations of Section 112 of the CAA, 42 U.S.C. § 7412.

#### Count V

43. Pursuant to 40 C.F.R. § 63.167(a)(1), "[e]ach open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in § 63.162(b) of this subpart and paragraphs (d) and (e) of this this section."
44. During the January 14, 2008 inspection, EPA found an open ended line at valve #2319 which did not contain a cap, blind flange, plug, or second valve. Therefore, based on currently available information, EPA concludes that DRSL failed to comply with the equipment capping requirements of 40 C.F.R. § 63.167(a), thus constituting continuing violations of Section 112 of the CAA, 42 U.S.C. § 7412.

**IV. Settlement Recitation, Settlement Conditions and Civil Penalty**

45. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle fully and resolve all violations set forth in Section III of this Consent Agreement.
46. In full and final settlement of the allegations in Section III, Findings of Fact and Conclusions of Law, of this Consent Agreement and in consideration of each provision of this Consent Agreement and the accompanying Final Order, Respondent consents to the assessment and payment of a civil penalty in the amount of Three Hundred Thousand Dollars (\$300,000.00) within the time and manner specified herein.
47. The settlement amount of Three Hundred Thousand Dollars (\$300,000.00) is based upon Complainant's consideration and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e) (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall constitute full and final satisfaction of the violations set forth in Section III of this Consent Agreement.
48. Respondent shall pay the civil penalty of Three Hundred Thousand Dollars (\$300,000.00) no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
49. The following notice concerns interest and late payment penalty charges that will accrue if the civil penalty is not paid as directed.

Pursuant to 31 U.S.C. § 3717, an executive agency 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. Interest will begin to accrue on this civil penalty if it is not paid as directed. 4 C.F.R. § 102.13(b). Interest will be assessed at the rate of the United States Treasury tax and loan rate. 4 C.F.R. § 102.13(c). In addition, a penalty charge of no more than six percent per year will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due. 4 C.F.R. § 102.13(e).



50. Thus, in accordance with the above provisions, to avoid the assessment of interest and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order. To avoid the assessment of penalty charges on the debt, Respondent must pay the full amount of the civil penalty, in the manner directed, within one hundred twenty (120) days of the effective date of this Consent Agreement and accompanying Final Order.
51. Payment of the penalty shall be made by cashier's check, certified check, electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number.

All checks shall be made payable to Treasurer, United States of America and shall be mailed to the attention of:

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

Overnight deliveries shall be sent to:  
U.S. Environmental Protection Agency  
Fines and Penalties  
ATTENTION: Natalie Pearson  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101.

All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 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"

Payments through ACH (also known as REX or remittance express) shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

An on-line, internet payment option, is also available through the United States Department of Treasury. This payment option can be accessed from [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field. Open form and complete required fields.

52. At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Benjamin M. Cohan, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Zelma Maldanato (3AP12), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
53. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
54. Each party to this action agrees to pay its own costs and attorney fees.
55. Payment of the penalty specified in Paragraph 46, above, in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute full and final satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
56. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the

assessment of additional interest, penalties and/or late payment penalty charges.

**V. Reservation of Rights**

57. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

**VI. Effective Date**

58. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order is filed with the Regional Hearing Clerk of EPA, Region III.

**VII. Entire Agreement**


59. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

**VIII. Execution**

60. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

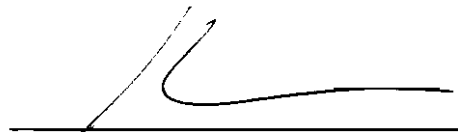
For Respondent:

7/30/09  
Date

  
Name: ROBERT V. POVLOCK  
Title: LIQUIDATOR FOR DOW REICHOLD  
SPECIALTY LATEX LLC.

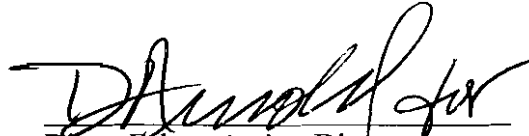
For Complainant:

8/6/09  
Date

  
Benjamin M. Cohan  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the accompanying Final Order and thereby ratify this Consent Agreement and the terms and provisions herein.

8/13/09  
Date

  
\_\_\_\_\_  
Diana Esher, Acting Director  
Air Protection Division  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**In the Matter of**

Dow Reichhold Specialty Latex LLC  
144 Fork Branch Road  
Dover, DE 19904-1274

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**Docket No. CAA-03-2009-0132**

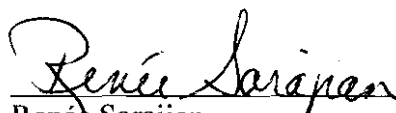
**FINAL ORDER**

The undersigned accepts and incorporates into this Final Order by reference all provisions set forth in the foregoing Consent Agreement.

**NOW THEREFORE**, pursuant to 40 C.F.R. Part 22 and Section 113 of the Clean Air Act ("CAA"), as amended, 42 U.S.C. §7413, it is hereby ordered that Dow Reichhold Specialty Latex LLC ("DRSL")(hereinafter "Respondent"), pay a civil penalty in the amount of three hundred thousand dollars (\$300,000). Payment of the aforesaid civil penalty shall be made within thirty (30) days of the effective date of this Final Order. Respondent's payment of the civil penalty shall constitute full and final satisfaction of the civil claims alleged in Section III of the foregoing Consent Agreement.

The effective date of the accompanying Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk of U.S. EPA Region III.

Date: 8/20/09

  
Renée Sarajian  
Regional Judicial Officer  
U.S. EPA, Region III

**CERTIFICATE OF SERVICE**

**IN RE:**

Dow Reichhold Specialty Latex LLC  
144 Fork Branch Road  
Dover, DE 19904-1274

8:46

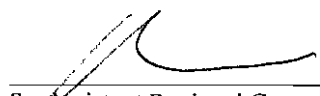
**Docket No. CAA-03-2009-0132**

**Respondent**

I, the undersigned, hereby certify that, on the date provided below, the original and one true and correct copy of the foregoing Consent Agreement and Final Order were hand-delivered to and filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, PA, and that a true and correct copy was served via Certified Mail, Return Receipt Requested, upon the following persons:

Jimmy Kirkland, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
271 17<sup>th</sup> Street NW, Suite 2400  
Atlanta, Georgia 30363

Date: 8/21/09

  
\_\_\_\_\_  
Sr. Assistant Regional Counsel  
U.S. EPA , Region III  
(215) 814-2695