



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

AUG 07 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shaun Clancy, Director of Product and Regulatory Services
Evonik Corporation
299 Jefferson Road
Parsippany, New Jersey 07054

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 AUG - 8 A 11:47
REGIONAL HEARING
CLERK

Re: In the Matter of Evonik Corporation
Docket No. TSCA-02-2013-9126

Dear Mr. Clancy:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of your payment check or documentation of electronic payment is provided to the EPA staff member listed in that section of the Agreement.

Please contact Michael Bious of my staff at (732) 906-6892 or by electronic mail at bious.michael@epa.gov, should you have any questions regarding this matter.

Sincerely,


John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of

Evonik Corporation

Respondent.

Proceeding under Section 16(a) of
the Toxic Substances Control Act.

CONSENT AGREEMENT AND
FINAL ORDER

Docket No. TSCA-02-2013-9126

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 AUG -8 A 11:46
REGIONAL HEARING
CLERK

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §2615(a). Pursuant to 40 C.F.R. § 22.13(b) of 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 (July 1, 2000), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance of The United States Environmental Protection Agency, Region 2 ("EPA" or "Complainant"), alleges that Evonik Corporation, ("Evonik" or "Respondent") violated Section 8 of TSCA, 15 U.S.C. § 2607, and the regulations established under the authority of TSCA, set forth at 40 C.F.R. Part 720 (Premanufacture Notification) and that Respondent has thereby violated Section 15 of TSCA, 15 U.S.C. § 2614.

EPA and Evonik agree that settling this matter by entering into this Consent Agreement and Final Order (“CAFO”) pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22.

FINDINGS OF FACT

1. Respondent is Evonik Corporation.
2. Respondent is a "person" within the meaning of 40 C.F.R. § 720.3(x).
3. Respondent is a "manufacturer" as that term is defined at 40 C.F.R. § 720(t).
4. Respondent is an “importer” as that term is defined at 40 C.F.R. § 720.3(l) and 19 C.F.R. § 101.1.
5. Respondent owns, operates and/or controls the facility in and around 299 Jefferson Road, Parsippany, NJ 07054 (hereinafter, "Respondent's facility"), that is the subject of this Consent Agreement.
6. In a letter dated September 7, 2012, Respondent voluntarily disclosed to EPA information related to TSCA by means of EPA’s Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (April 11, 2000) policy (hereinafter "the disclosure").
7. Prior to the disclosure, Respondent submitted to EPA a Premanufacture Notification (hereinafter “PMN”) identified as P-12-0013.
8. On or about September 11, 2012, Respondent submitted to EPA a Notice of Commencement to Import (hereinafter “NOC”) for P-12-0013.
9. The disclosure included information that showed that Respondent’s submission of the NOC was not authorized by or in conformance with the requirements of the regulation found at

