



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
JUL - 7 2017

Mr. Eugene Tabone  
Site Leader  
NOVA Chemicals, Incorporated  
786 Hardy Road  
Painesville, Ohio 44077

REPLY TO THE ATTENTION OF

Re: Expedited Settlement Agreement  
NOVA Chemicals, Incorporated, Painesville, Ohio  
Docket No: **RCRA-05-2017-0019**

Dear Mr. Tabone:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on JUL - 7 2017, with the Regional Hearing Clerk (RHC).

The ESA is binding on the U.S. Environmental Protection Agency and NOVA Chemicals, Incorporated. EPA will take no further action against the Respondent for the violations cited in the ESA.

Thank you for paying the civil penalty in the amount of \$1,000 on June 7, 2017 in the manner prescribed in paragraph 14 of the ESA. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Gary J. Victorine".

Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Mitch Matthews, Ohio Environmental Protection Agency (mitch.matthews@epa.ohio.gov)  
Sarah Stillman, EPA (stillman.sarah@epa.gov)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



IN THE MATTER OF: )  
)  
)  
NOVA CHEMICALS, INC. )  
EPA ID Number OHD 000 721 480, )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. **RCRA-05-2017-0019**

**EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency ("EPA") alleges that NOVA Chemicals, Inc. ("Respondent"), owner or operator of the facility located at 786 Hardy Road, Painesville, Ohio (the "Facility"), stored hazardous waste on-site without a permit for more than 90 days, in violation of the Resource Conservation and Recovery Act, 42 U.S.C. § 6907-<sup>et</sup> ~~et~~ *seq.* ("RCRA"), its implementing regulations, and Ohio's federally approved hazardous waste management program.
2. Under Ohio Admin. Code Rule 3745-52-34(B) [40 C.F.R. § 262.34(b)] a large quantity generator may not accumulate hazardous waste on-site for more than 90 days without a permit or interim status, unless the generator has been granted an extension to the 90-day period. NOVA Chemicals stored 55-gallon containers of hazardous waste for 118 days (four containers), 105 days (one container), and 92 days (one container) without a permit and without an extension of the 90-day period. Respondent's July 18, 2016 response to the EPA NOV letter stated that the six 55-gallon containers were shipped off-site on March 16, 2016.
3. EPA and Respondent agree that settlement of this matter for a penalty of \$1,000 is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (the "Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to Ohio Admin. Code Rule 3745-52-34(B); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegation contained herein.
6. By its signature below, Respondent certifies that the alleged violation has been corrected. Respondent shall be subject to civil and criminal penalties for making any false statement and/or submission to the United States Government.

7. Within 30 days after the effective date of this Agreement (i.e., immediately upon filing with the Regional Hearing Clerk), Respondent shall pay a civil penalty of \$1,000 for the 90-day storage violation identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of NOVA Chemicals, Inc.") and the docket number of this Agreement.

To pay on line go to:

[WWW.PAY.GOV](http://WWW.PAY.GOV)

Use the Search Public Forms option and enter 'sfo 1.1' in the search field.  
Open form and complete required fields.

Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number along with proof of payment to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604

Walt Francis  
U.S. EPA, Region 5  
77 West Jackson Boulevard (LR-17J)  
Chicago, IL 60604

Sarah Stillman  
U.S. EPA, Region 5  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604

8. The civil penalty is not deductible for federal tax purposes.
9. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement: interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717; a \$15 handling charge each month that any portion of the penalty that is more than 30 days past due; and a 6 percent per year penalty on any principal amount 90 days past due.
11. This Agreement resolves Respondent's liability for federal civil penalties for the violation alleged in the Agreement.
12. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
14. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
15. Each party shall bear its own costs and fees, if any.
16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

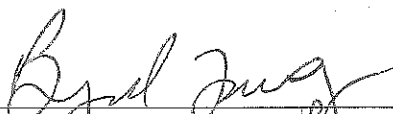
Name (print): EUGENE R. TABONE

Title (print): SITE LEADER

Signature: 

Date 6/9/17

APPROVED BY EPA:

  
~~Ignacio L. Arrázola~~ Brigid Laway  
Acting Director  
Land and Chemicals Division  
U.S. Environmental Protection Agency  
Region 5

Date 7/3/17

In the Matter of:  
NOVA Chemicals, Inc.  
Docket Number RCRA-05-2017-0019



FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

July 5, 2017  
Date

Ann L. Coyle

Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

In the matter of: NOVA Chemicals, Incorporated  
Docket Number: ~~RCRA-05-2017-0019~~



CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on JUL -7, 2017 this day in the following manner to the addressees:

Copy by certified mail  
return-receipt requested:

Mr. Eugene Tabone, Site Leader  
NOVA Chemicals, Inc.  
786 Hardy Road  
Painesville, Ohio 44077

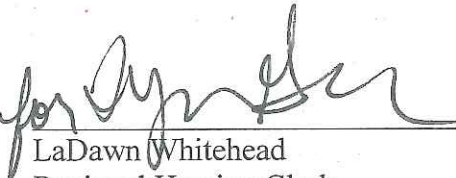
Copy by e-mail to  
Attorney for Complainant:

Sarah Stillman  
Stillman.sarah@epa.gov

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
coyle.ann@epa.gov

Dated: July 7, 2017



LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5