



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

JUL 01 2010

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Job Griffin, Site Leader
The Dow Chemical Company
1255 North Fifth Street
Charleston, Illinois 61920

Re: The Dow Chemical Corporation, Charleston, Illinois, Expedited Settlement Agreement
ESA Docket No: RMP-10-ESA-028
Docket No. **CAA-05-2010-0038**

Dear Mr. Griffin:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S Environmental Protection Agency and The Dow Chemical Company. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Silvia Palomo at (312) 353-2172 if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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REGIONAL HEARING CLERK
U.S. EPA REGION 5

2010 JUL -1 AM 11:15

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT
AGREEMENT (ESA)**

CAA-05-2010-0038

BD# 2751003A038

DOCKET NO: RMP-10-ESA-028

This ESA is issued to: The Dow Chemical Company

At: 1255 North Fifth Street, Charleston, Illinois

for violating **Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the U. S. Environmental Protection Agency, Region 5, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On February 23, 2009, EPA obtained the concurrence of the U. S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On March 9, 2010, EPA sent a Request for Information Pursuant to Section 114(a) of the Clean Air Act to the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with 40 C.F.R. Part 68.190(b)(1), the requirement to resubmit its RMP at least every five years.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violation for the total penalty amount of **\$800.00**.

This settlement is subject to the following terms and conditions:

The Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$800.00** in payment of the full penalty amount to the following address:

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

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The DOCKET NUMBER OF THIS ESA must be included on the check. (The DOCKET NUMBER is RMP-10-ESA-028.)

This original ESA and a copy of the check must be sent by certified mail to:

Silvia Palomo
Chemical Emergency
Preparedness and Prevention Section (SC-6J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act. EPA does not waive any other enforcement action for any other violation of the Clean Air Act or any other statute.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region 5 office at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the FORM.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

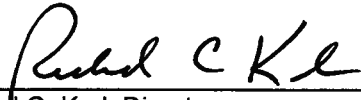
Signature:  Date: 15 JUN 10

Name (print): Job Griffin


Title (print): Site Leader

Name of Facility The Dow Chemical Company
Charleston, Illinois

FOR COMPLAINANT:

 Date: 6-24-10
Richard C. Karl, Director
Superfund Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

 Date: 6-28-10
~~Bharat Mathur~~ Susan Hedman
~~Acting~~ Regional Administrator

CAA-05-2010-0038

BDA

2751003A038

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THE DOW CHEMICAL COMPANY
PO BOX 1286
MIDLAND, MI 48641-1286

82-20
311

No. 0154950962

2010/06/08

PAY TO THE
ORDER OF

UNITED STATES OF AMERICA
TREASURER
1255 N 5TH ST
CHARLESTON IL 61920-1175

\$\$\$\$\$\$\$\$\$\$\$\$800.00

NOT VALID AFTER 1 YEAR

Eight Hundred and 00/100 Dollars

Ronald C. Edmonds
AUTHORIZED SIGNATURE

Docket # RMP-10-ESA-028

CITIBANK, N.A.
ONE PENN'S WAY NEW CASTLE, DE 19720

⑈0154950962⑈ ⑆031100209⑆ 38572741⑈

CAA-05-2010-0038

BD# 27510034638