



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4

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

Raymond D. Hiley  
Associate General Counsel for EHS  
Momentive Performance Materials  
One Plastics Avenue  
Pittsfield, Massachusetts 01201

SUBJ: Momentive Specialty Chemicals, Inc., Louisville, Kentucky Facility  
Consent Agreement and Final Order, Docket No. RCRA-04-2011-4007(b)

Dear Ray,

Enclosed, please find a copy of the executed Consent Agreement and Final Order (CAFO) resolving the violations of the Resource Conservation and Recovery Act alleged by EPA against Momentive Specialty Chemicals, Inc.'s, Louisville, Kentucky, facility (Momentive). Please note that payment of Momentive's penalty is due within thirty days of the effective date of the CAFO. The effective date of the CAFO is the date the CAFO is filed with the Regional Hearing Clerk

Thank you for your assistance in getting this matter resolved. If you have any questions, please call me at (404) 562-9544.

Sincerely,

A handwritten signature in cursive script that reads "Joan".

Joan Redleaf Durbin  
Senior Attorney  
US EPA, Region 4

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2011-4007(b)
	)	
MOMENTIVE SPECIALTY	)	PROCEEDING UNDER SECTION
CHEMICALS INC.	)	3008(a) OF THE RESOURCE
6200 CAMPGROUND ROAD	)	CONSERVATION AND RECOVERY
LOUISVILLE, KENTUCKY 40216	)	ACT, 42 U.S.C. § 6928(a)
	)	
EPA ID NO.: KYD 055 832 091	)	
	)	
RESPONDENT	)	
_____	)	

RECEIVED  
EPA REGION IV  
2011 SEP 13 PM 3:28  
HEARING CLERK

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action under Chapter 224.46 of the Kentucky Revised Statutes (KY. REV. STAT. ANN.) (Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921 *et seq.*). This action is seeking civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of KY. REV. STAT. ANN. Chapter 224.46, and the regulations promulgated pursuant thereto set forth at Title 401 of the Kentucky Administrative Regulations (KY. ADMIN. REG.) Chapters 30-40 (40 C.F.R. Parts 260 – 270).
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 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 Momentive Specialty Chemicals Inc., incorporated under the laws of the State of New Jersey, doing business in the Commonwealth of Kentucky, and located at 6200 Campground Road, Louisville, Kentucky 40216.

### **III. PRELIMINARY STATEMENTS**

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), Kentucky has 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 at KY. REV. STAT. ANN. Chapters 224.40 AND 224.46, and 401 KY. ADMIN. REG. Chapters 30-40.
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 regardless of a state's authorization status, and are implemented by the EPA until the state is granted final authorization for those requirements. Kentucky has received final authorization for its HSWA program relevant herein except for 40 C.F.R. Part 265 Subparts BB and CC.
8. Although the EPA has granted Kentucky authority to enforce its own hazardous waste program, the 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 Kentucky program and to enforce those provisions of HSWA for which Kentucky is not authorized. The EPA exercises this authority in the manner set forth in the Memorandum of Agreement between the EPA and Kentucky.
9. As the authorized provisions of Kentucky's hazardous waste program operate in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized Kentucky program, however, for ease of reference, the federal citations will follow in parentheses.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant gave written notice of this action to Kentucky before the issuance of this CAFO.
11. KY. REV. STAT. ANN. § 224.46-510 (Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)), requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in 401 KY. ADMIN. REG. Chapter 32 (40 C.F.R. Part 262).
12. KY. REV. STAT. ANN. § 224.46-520 (Section 3004 of RCRA, 42 U.S.C. § 6924), requires 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 401 KY. ADMIN. REG. Chapter 34 (40 C.F.R. Part 264).
13. KY. REV. STAT. ANN. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), sets 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 401 KY. ADMIN. REG. Chapters 34, 35, and 38 (40 C.F.R. Parts 264, 265, and 270).

14. Pursuant to 401 KY. ADMIN. REG. 31:005 Section 1 (40 C.F.R. § 260.10), a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in 401 KY. ADMIN. REG. 31:010 Section 3 (40 C.F.R. Part 261), or whose act first causes a hazardous waste to become subject to regulation.
15. Pursuant to 401 KY. ADMIN. REG. 35:005 Section 1 (40 C.F.R. § 260.10), a “tank system” is defined as a hazardous waste storage or treatment tank and its associated equipment and containment system.
16. Pursuant to 401 KY. ADMIN. REG. 31:010 Section 2 (40 C.F.R. § 261.2), a “solid waste” is any discarded material that is not otherwise excluded by regulation.
17. Pursuant to 401 KY. ADMIN. REG. 31:010 Section 3 (40 C.F.R. § 261.3), a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under 401 KY. ADMIN. REG. 31:010 Section 4 (40 C.F.R. § 261.4(b)), and it meets any of the criteria specified in 401 KY. ADMIN. REG. 31:010 Section 3 (40 C.F.R. § 261.3(a)(2)).
18. Pursuant to 401 KY. ADMIN. REG. 31:030 Section 2 (40 C.F.R. § 261.21), a liquid solid waste (other than an aqueous solution containing less than 24 percent alcohol) that has a flash point less than 140 °F exhibits the characteristic of ignitability and has the EPA hazardous waste code D001.
19. Pursuant to 401 KY. ADMIN. REG. 32:005 Section 1 (40 C.F.R. § 261.30), a solid waste is a “hazardous waste” if it is listed in 401 KY. ADMIN. REG. 31:040 Sections 1-5 (40 C.F.R. Part 261, Subpart D).
20. Pursuant to 401 KY. ADMIN. REG. 32:010 Section 2 (40 C.F.R. § 262.11), a person that generates a solid waste must determine if that solid waste is a hazardous waste.
21. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)), 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 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)(1)-(4)) (hereinafter referred to as the “90 day permit exemption”).
22. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)(1)(ii)), a condition of the 90 day permit exemption requires a generator to comply with 401 KY. ADMIN. REG. 35:190 Section 6 (40 C.F.R. § 265.195) (requiring the operator of a hazardous waste tank system to implement an appropriate inspection program).
23. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), a condition of the 90 day permit exemption requires a generator to comply with 40 C.F.R. § 265.1050 (requiring the operator of

equipment that contacts hazardous waste with an organic concentration of at least 10% to appropriately mark all equipment that is in contact with such waste).

24. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), a condition of the 90 day permit exemption requires a generator to comply with 40 C.F.R. § 265.1064 (requiring the operator of equipment subject to 40 C.F.R. Part 265 Subpart BB to maintain an operating record in accordance with the 40 C.F.R. § 265.1064(b) recordkeeping requirements).
25. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), a condition of the 90 day permit exemption requires a generator to comply with 40 C.F.R. § 265.1085(b) (requiring the operator of a hazardous waste tank to control air pollutant emissions from the tank).
26. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), a condition of the 90 day permit exemption requires a generator to comply with 40 C.F.R. § 265.1085(c) (requiring the operator of a hazardous waste tank to determine the maximum organic vapor pressure of the hazardous waste to be managed in the tank).
27. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)(3)), a condition of the 90 day permit exemption requires a generator to mark each tank with the words "Hazardous Waste" while the waste is being accumulated.

#### **IV. EPA ALLEGATIONS AND DETERMINATIONS**

28. Respondent is a "person." 401 KY. ADMIN. REG. 31:005 Section 1 (40 C.F.R. § 260.10).
29. Respondent is the "owner" and "operator" of a "facility." 401 KY. ADMIN. REG. 31:005 Section 1 (40 C.F.R. § 260.10).
30. Respondent manufactures formaldehyde from methanol, and phenolic and formaldehyde-based resins for industrial applications. As a result of its production processes, Respondent generates a spent methanol waste stream (volatile organic hazardous waste) that has an organic concentration greater than 10%.
31. The spent methanol waste stream that Respondent generates is a "solid waste" as defined in 401 KY. ADMIN. REG. 31:010 Section 2 (40 C.F.R. § 261.2).
32. Pursuant to 401 KY. ADMIN. REG. 31:030 Section 2 (40 C.F.R. § 261.21), the spent methanol waste stream is characteristically hazardous for ignitability (D001).
33. Pursuant to 401 KY. ADMIN. REG. 31:040 Section 2 (40 C.F.R. § 261.31(a)), the spent methanol waste stream is a listed hazardous waste (F003).
34. Respondent generates hazardous waste as defined in 401 KY. ADMIN. REG. 31:010 Section 3 and 32:005 Section 1(40 C.F.R. §§ 261.3 and 261.30).

35. The Kentucky Department of Environmental Protection (KDEP) has assigned Respondent EPA ID number KYD 055 832 091.
36. On November 17-18, 2009, the EPA and KDEP conducted a RCRA Compliance Evaluation Inspection (CEI) of Respondent's facility.
37. At the time of the CEI, Respondent had failed to determine whether waste in two chemical storage cabinets and a dumpster was hazardous waste.
38. The EPA therefore alleges that Respondent has violated 401 KY. ADMIN. REG. 32:010 Section 2 (40 C.F.R. § 262.11).
39. At the time of the CEI, Respondent managed the spent methanol waste stream generated on-site in a tank system, consisting of:
  - a. one 2,600 gallon above-ground storage tank (AST); and
  - b. piping and equipment to transfer the spent methanol to and from the AST, and
  - c. a secondary containment system for the AST.
40. At the time of the CEI, Respondent had failed to implement an inspection program for the spent methanol tank system.
41. The EPA therefore alleges that Respondent has violated KY. REV. STAT. ANN. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)(1)(ii)) condition of the 90 day permit exemption by not complying with 401 KY. ADMIN. REG. 35:190 Section 6 (40 C.F.R. § 265.195).
42. At the time of the CEI, Respondent had failed to appropriately mark piping and equipment contacting the spent methanol waste.
43. The EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(1)(ii) condition of the 90 day permit exemption by not complying with 40 C.F.R. § 265.1050.
44. At the time of the CEI, Respondent failed to comply with the recordkeeping requirements for the spent methanol tank system equipment subject to 40 C.F.R. Part 265 Subpart BB.
45. The EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(1)(ii) condition of the 90 day permit exemption by not complying with 40 C.F.R. § 265.1064.

46. At the time of the CEI, Respondent failed to control air pollutant emissions from the spent methanol storage tank.
47. The EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(1)(ii) condition of the 90 day permit exemption by not complying with 40 C.F.R. § 265.1085(b).
48. At the time of the CEI, Respondent failed to determine the maximum organic vapor pressure of the spent methanol waste managed in the spent methanol tank system.
49. The EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(1)(ii) condition of the 90 day permit exemption by not complying with 40 C.F.R. § 265.1085(c).
50. At the time of the CEI, Respondent failed to mark the spent methanol storage tank with the words "Hazardous Waste."
51. The EPA therefore alleges that Respondent has violated KY. REV. STAT. ANN. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 401 KY. ADMIN. REG. 32:030 Section 5 (40 C.F.R. § 262.34(a)(3)) condition of the 90 day permit exemption.

#### **V. TERMS OF AGREEMENT**

Based on the foregoing paragraphs, the parties agree to the following:

52. 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.
53. This CAFO is entered for settlement purposes and Respondent neither admits nor denies the above factual allegations and determinations.
54. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
55. Respondent waives its right to challenge the validity of this CAFO and the settlement of the matters addressed in this CAFO based on the Paperwork Reduction Act.
56. 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 the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO.

57. Respondent, by signing this CAFO, certifies that to the best of its knowledge, Respondent is currently in compliance with RCRA and the authorized Kentucky hazardous waste program with respect to the matters addressed in this CAFO.
58. Settlement of this matter is in the public interest and is consistent with RCRA. Compliance with the terms of this CAFO shall resolve all of Respondent's liability for civil penalties for the violations and facts alleged in this CAFO.
59. Each party will pay its own costs and attorney's fees.

#### **VI. PAYMENT OF CIVIL PENALTY**

60. Respondent agrees to pay a civil penalty of **\$89,100** due within 30 calendar days of the effective date of this CAFO.
61. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearinghouse (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 docket number and facility name shall be referenced on the face of the check. If Respondent utilizes the US Postal Service, the payment shall be addressed to:

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

If Respondent utilizes non-US Postal express mail delivery, the payment shall be sent to:

United States Bank  
Government Lockbox 979077  
U.S. EPA, Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101

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  
U.S. EPA  
808 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20074

62. Respondent shall submit a copy of the payment to the following individuals:

Patricia Bullock, RHC  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Javier Garcia  
RCRA Division  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

63. If Respondent fails to timely remit the civil penalty as agreed to herein, the EPA is required to assess interest, penalties, and a charge to cover the costs of processing and handling the delinquent claim. Respondent must pay the following 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.
- b. Monthly Handling Charge. Respondent must pay a handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 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 may accrue under subparagraphs (a) and (b).

64. Penalties paid pursuant to this CAFO are not tax deductible under 26 U.S.C. § 162(f).

## **VII. PARTIES BOUND**

65. 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.
66. 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.
67. 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**

68. 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 authority, should the EPA find that the management of solid or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
69. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and to enforce the terms and conditions of this CAFO.
70. Except as provided above, nothing in this CAFO constitutes a release from a civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating to, the management of hazardous waste at its facility.
71. This CAFO may be amended only by written agreement between the EPA and Respondent.

## **IX. OTHER APPLICABLE LAWS**

72. 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.

## **X. SERVICE OF DOCUMENTS**

73. A copy of any documents that Respondent files in this action shall be sent to:

Joan Redleaf Durbin  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

74. A copy of any documents that Complainant files in this action shall be sent to:

Raymond D. Hiley, Esq.  
Momentive Performance Materials  
One Plastics Avenue  
Pittsfield, Massachusetts 01201

**XI. SEVERABILITY**

75. 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**

76. The effective date of this CAFO is the date it is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**Momentive Specialty Chemicals Inc.**

By: Joseph P. Boyle Dated: 31 AUGUST 2011  
Title: EXECUTIVE VICE PRESIDENT  
Respondent MOMENTIVE SPECIALTY CHEMICALS INC.

**U.S. Environmental Protection Agency**

By: Frank S. Ney Dated: 9/8/11

Frank S. Ney, Acting Chief  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
Complainant

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2011-4007(b)
	)	
	)	
MOMENTIVE SPECIALTY	)	PROCEEDING UNDER SECTION
CHEMICALS INC.	)	3008(a) OF THE RESOURCE
6200 CAMPGROUND ROAD	)	CONSERVATION AND RECOVERY
LOUISVILLE, KENTUCKY 40216	)	ACT, 42 U.S.C. § 6928(a)
	)	
EPA ID NO.: KYD 055 832 091	)	
	)	
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 13<sup>th</sup> day of Sept., 2011.

BY: Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer  
U.S. EPA, Region 4

**CERTIFICATE OF SERVICE**

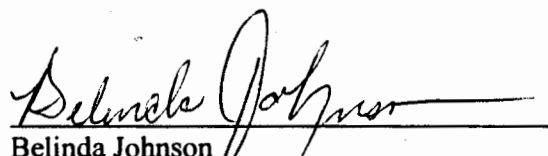
I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CAFO), in the matter of Momentive Specialty Chemicals Inc., Docket Number: RCRA-04-2011-4007(b), on 9/13/2011, and on 9/13/2011, served the parties listed below:

Joan Redleaf Durbin (Via EPA Internal Mail)  
Associate Regional Counsel  
Office of Environmental Accountability  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Quantindra Smith (Via EPA Internal mail)  
RCRA and OPA Enforcement  
and Compliance Branch  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Raymond D. Hiley (Via Certified Mail – Return Receipt Requested)  
Associate General Counsel for EHS  
Momentive Performance Materials  
One Plastics Avenue  
Pittsfield, Massachusetts 01201

Date: 9/13/2011

  
Belinda Johnson  
Acting Regional Hearing Clerk  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303