



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

02 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. George Corbin
Solvay Advanced Polymers, LLC
4500 McGinnis Ferry Road
Alpharetta, GA 30005

RE: Solvay Advanced Polymers, LLC
Consent Agreement and Final Order (CAFO)
Docket No. RCRA-04-2011-4008(b)

Dear Mr. Corbin:

Enclosed please find a copy of the executed CAFO as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CAFO is effective on the date it is filed with the RHC, and the penalty due date is calculated from the effective date.

Also enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Solvay Advanced Polymers, LLC on notice of its potential duty to disclose to the Securities Exchange Commission any environmental actions taken by the United States Environmental Protection Agency.

If you have any questions, please feel free to contact me at (404) 562-8530.

Sincerely,

Roberto X. Busó
Assistant Regional Counsel
Office of Environmental Accountability

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2011-4008(b)
)	
Solvay Advanced Polymers, LLC)	Proceeding under Section 3008(a)
4500 McGinnis Ferry Road)	of the Resource Conservation and
Alpharetta, Georgia 30005)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID. No.: GAD 981 270 572)	
)	
Respondent)	
_____)	

11 SEP -2 AM 8:07
OFFICE OF ENVIRONMENTAL
AND PUBLIC AFFAIRS
REGION 4
Hearings Clerk

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Section 12-8-60 through 12-8-83 of the Georgia Hazardous Waste Management Act (GHWMA), GA. CODE ANN. § 12-8-60 *et seq.* (Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 *et seq.*). This action seeks civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925) and regulations promulgated pursuant thereto as set forth in the Georgia Hazardous Waste Management Rules (GHWMR), codified at GA. COMP. R. AND REGS. 391-3-11.01 through 391-3-11.18 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260 through 270 and 273).
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 of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO).
3. Complainant and Respondent have conferred solely 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), Complainant and Respondent have agreed to the execution of this Consent Agreement, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (the EPA).
5. Respondent is Solvay Advanced Polymers, LLC, a corporation incorporated under the laws of Delaware and doing business at 4500 McGinnis Ferry Road, Alpharetta, Georgia 30005 (hereinafter the "Site").

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia received final authorization from the EPA to carry out certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the State authorized program are found in GA. CODE ANN. § 12-8-60 through 12-8-83 and GA. COMP. R. AND REGS. 391-3-11.01 through 391-3-11.18.
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 their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State of Georgia has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State 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)(2) of RCRA, 42 U.S.C. § 6928(a)(2). The EPA exercises this authority in the manner set forth in the Memorandum of Agreement between the EPA and the State of Georgia.
9. As the State of Georgia's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations alleged herein will be to the authorized Georgia 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 has given notice of this action to the State before issuance of this CA/FO.
11. GA. CODE ANN. § 12-8-64 (Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)) requires, in relevant part, the promulgation of standards applicable to generators of hazardous waste. The corresponding implementing regulations are found at GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. Part 262).

12. GA. CODE ANN. § 12-8-64 (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 for certain kinds of hazardous waste management activities. The corresponding implementing regulations are found at GA. COMP. R. AND REGS. 391-3-11-.10 (40 C.F.R. Part 264).
13. GA. CODE ANN. § 12-8-66 (Section 3005 of RCRA, 42 U.S.C. § 6925) sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must either have a permit or achieve interim status, unless it is otherwise exempt as provided by the applicable regulations. The corresponding implementing regulations regarding permits and interim status standards are found at GA. COMP. R. AND REGS. 391.3-11-.10 (40 C.F.R. Parts 264 (permitted) and 265 (interim status)).
14. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. § 261.2), the term "solid waste" means any discarded material that is not otherwise excluded by regulation. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
15. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. § 261.3), a solid waste is a "hazardous waste" if the solid waste meets any of the criteria set out in GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. § 261.3) and it is not otherwise excluded from regulation as a hazardous waste by operation of GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. § 261.4(b)).
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10), the term "person" means an individual, trust, firm, joint stock company, Federal Agency, corporation (including government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10), the term "generator" means any person, by site, whose act or process produces hazardous waste identified or listed in GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. Part 261) or whose act first causes a hazardous waste to be subject to regulation.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10), the term "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10), the term "owner" means the person who owns a facility or part of a facility and the term "operator" means the person responsible for the overall operation of a facility.
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(c)(3)) a generator of hazardous waste may, without a permit or interim status, accumulate up to 55 gallons of hazardous waste in containers at or near a point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste,

provided that the generator, among other requirements, marks any such containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.

21. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34 (a)(1)(ii)) a generator of hazardous waste may accumulate hazardous waste on-site for 90-days or less without a permit or without having interim status, provided that the generator, among other requirements, marks their containers with the words "Hazardous Waste."
22. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 and -.10 (40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a)) , a generator of hazardous waste may accumulate hazardous waste on-site for 90-days or less without a permit or without having interim status, provided that, among other requirements, any container holding hazardous waste always remains closed during storage, except when it is necessary to add or remove waste.
23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 and -.10 (40 C.F.R. §§ 262.34(c)(1)(i) and 265.173(a)), a generator of hazardous waste may, without a permit or interim status, accumulate up to 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, provided that any such container always remains closed during storage, except when it is necessary to add or remove waste.
24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(a)(2)), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days without a permit or without having interim status, provided, among other requirements, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(a)(4)), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the generator complies with the GA. COMP. R. AND REGS. 391-3-11-.10 (40 C.F.R. § 265.35), which requires owners or operators to maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency.
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.9), the term "Universal Waste" includes hazardous waste lamps as described in GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.5).
27. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.9), a "Universal Waste Handler" includes a generator of Universal Waste, and a "Small Quantity Handler of Universal Waste" is a Universal Waste Handler who does not accumulate 5,000 kilograms or more of Universal Waste at any time.
28. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.13(d)(1)), a Small Quantity Handler of Universal Waste is required to contain its Universal Waste lamps in closed containers.

29. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.14(e)), a Small Quantity Handler of Universal Waste lamps must label or mark the Universal Waste to identify the type of Universal Waste by labeling or marking each lamp or container or package in which lamps are contained with any one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."
30. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.15(c)), a Small Quantity Handler of Universal Waste must be able to demonstrate the length of time that the Universal Waste has been accumulated from the date it becomes a waste or is received.

IV. ALLEGATIONS AND DETERMINATIONS

31. Respondent is a "person" within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10).
32. Respondent is the "owner" and "operator" of a "facility" located at the Site, as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02 (40 C.F.R. § 260.10).
33. Operations performed by the Respondent at the Site involve synthesis and testing of high performance polymer plastic product formulations to meet a wide range of end-use requirements, including high temperatures, mechanical stresses, aggressive chemicals and other severe service environments.
34. Twenty-one research laboratories, the second corridor storage, rented space located inside the Main Building, the Pre-Pilot Area, Industrial Wastewater Tank Area and the Less than 90-Day Hazardous Waste Storage Building are located at the Site.
35. The Main Building is utilized for office space and research laboratories.
36. As of July 1, 2010, Respondent's most recent Hazardous Waste Generator Notification characterized the Respondent as a Large Quantity Generator (LQG) of hazardous waste including hazardous waste codes: D001, D002, D003, D005, D007, D008, D009, D011, D018, D019, D021, D022, D023, D024, D035, D038, D039, D040, LABP, P087, U154, and U201.
37. Respondent, as a result of its operations at the Site, is a generator of hazardous waste. Respondent maintains it has never operated the Site with the purpose or intent of treating or disposing of hazardous waste.
38. Respondent is a generator and Small Quantity Handler of Universal Waste lamps.
39. On July 1, 2010, representatives of the EPA performed a RCRA compliance evaluation inspection (CEI) of the Site.

40. On January 4, 2011, the EPA issued a Notice of Violation (NOV) to Respondent identifying alleged violations of RCRA that the EPA noted during the CEI.
41. At the time of the CEI, the EPA observed various unlabeled containers of hazardous waste in multiple satellite accumulation areas at the Site. Specifically, unlabeled containers of hazardous waste were located in the following satellite accumulation areas: E1108 (Material Science Lab); E2102, E2108, E2004 and E2006 (Synthesis Labs); E2104 (Testing Lab); E2106 (Titrations Lab); E2012 (Gas Chromatography Lab); and the N1103 Lab.
42. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(c)(1)(ii)) by failing to label the containers located in the satellite accumulation area with the words "Hazardous Waste" or with other words that identify the contents of the containers, Respondent failed to comply with the condition for permit exemption discussed in Paragraph 20, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).
43. At the time of the CEI, the EPA observed various unlabeled containers of hazardous waste in the 90-Day Storage Building.
44. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. §§ 262.34(a)(3)) by failing to label the containers with the words "Hazardous Waste," Respondent failed to comply with the condition to permit exemption discussed in Paragraph 21, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).
45. At the time of the CEI, the EPA observed various open containers of hazardous waste in multiple satellite accumulation areas at the Site. Specifically, open containers of hazardous waste were located in the following satellite accumulation areas: E2104 (Testing Lab); E2106 (Titrations Lab); E2012 and E2010 (Gas Chromatography Labs); E2004 and E2006 (Synthesis Labs); and the N1103 Lab.
46. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(c)(1)(i)) and GA. COMP. R. AND REGS. 391-3-11-.10 (40 C.F.R. § 265.173(a)) by failing to ensure that any container holding hazardous waste always remains closed during storage, except when it is necessary to add or remove waste, Respondent failed to comply with the condition to permit exemption discussed in Paragraph 23, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).
47. At the time of the CEI, the EPA observed various open containers of hazardous waste in the 90-Day Hazardous Waste Storage Building.
48. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(a)(1)(i)) and GA. COMP. R. AND REGS. 391-3-11-.10 (40 C.F.R. § 265.173(a)) by failing to ensure that any container holding hazardous waste always remains closed during storage, except when it is necessary to add or remove waste,

Respondent failed to comply with the condition to permit exemption discussed in Paragraph 22, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).

49. At the time of the CEI, the EPA observed various containers of hazardous waste located in the 90-Day Hazardous Waste Storage Building that were not marked with the date upon which each period of accumulation began.
50. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(a)(2)) by failing to ensure the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container, Respondent failed to comply with the condition to permit exemption discussed in Paragraph 23, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).
51. At the time of the CEI, the EPA observed aisle space that was insufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the Site operation in an emergency in the 90-Day Hazardous Waste Storage Building.
52. Because Respondent failed to meet the requirements of GA. COMP. R. AND REGS. 391-3-11-.08 (40 C.F.R. § 262.34(a)(4)) by failing to maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the Site operation in an emergency, Respondent failed to comply with the condition to permit exemption discussed in Paragraph 25, and was therefore in violation of GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925).
53. During the CEI, the EPA observed an unlabeled Universal Waste lamp container in the Universal Waste Storage Area.
54. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.14(e)) by failing, as a Small Quantity Handler of Universal Waste, to label a Universal Waste lamp container with any one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."
55. During the CEI, the EPA observed various Universal Waste lamp containers without accumulation start dates in the Universal Waste Storage Area.
56. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.15(c)) by failing, as a Small Quantity Handler of Universal Waste, to demonstrate the length of time that the Universal Waste has been accumulated from the date it becomes a waste or is received.
57. During the CEI, the EPA observed various open Universal Waste lamps containers in the Universal Waste Storage Area.

58. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.15(d)(2)) by failing, as a Small Quantity Handler of Universal Waste, to store Universal Waste lamps in closed containers.

V. TERMS OF AGREEMENT

Based on the foregoing Allegations and Determinations, the parties agree to the following:

59. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the paragraphs above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
60. The Respondent neither admits nor denies the factual allegations or the alleged violations set out in this CA/FO.
61. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
62. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act.
63. Respondent waives any right it may have 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 CA/FO.
64. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
65. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and facts stipulated to in this CA/FO.
66. The Parties agree that this CA/FO does not require Respondent to obtain a permit or seek interim status pursuant to GA. CODE ANN. § 12-8-66 (Section 3005 of RCRA, 42 U.S.C. § 6925).
67. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized Georgia hazardous waste program.
68. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

69. Respondent consents to the payment of a civil penalty in the amount of Fifty -Five Thousand Seven Hundred and Ninety-One Dollars (US \$55,791.00), which is to be paid in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Payment Amount
Thirty (30) calendar days following the effective date of this CA/FO.	US \$55,791.00

70. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (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 Site name and docket number for this matter shall be referenced on the face of the check. If Respondent elects to send payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent elects to send payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

If paying by EFT, 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, Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

71. Respondent shall submit a copy of the payment to the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Frank S.Ney, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

72. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if it is not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- (a) Interest. Any unpaid portion of a civil 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 in accordance with 4 C.F.R. § 102.13(c).
- (b) Monthly Handling Charge. Respondent must pay a late payment 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 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 penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) of this Paragraph.

73. Penalties paid pursuant to this CA/FO are not deductible for federal tax purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

74. This CA/FO shall be binding upon 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 CA/FO.
75. No change in ownership, partnership, corporate or legal status relating to the Site will in any way alter Respondent's obligations and responsibilities under this CA/FO.
76. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

77. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Site may present an imminent and substantial endangerment to human health or the environment.
78. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
79. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the transportation, storage, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Site.
80. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

81. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

82. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents the EPA in this matter and who is authorized to receive service for the EPA in the proceeding:

Roberto X. Busó
Associate Regional Counsel
U.S. EPA – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
(404) 562-8530

83. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents the Respondent in this matter and who is authorized to receive service for the Respondent in this proceeding:

Mr. George Corbin
President
Solvay Advanced Polymers, LLC
4500 McGinnis Ferry Road
Alpharetta, Georgia 30005

With a copy to Respondent's Counsel:

Mr. Les Oakes
King & Spalding
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521

XI. SEVERABILITY

84. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO 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 CA/FO shall remain in force and shall not be affected thereby.

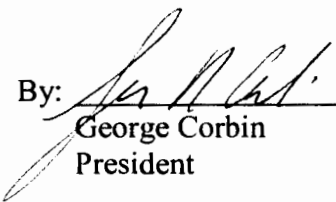
XII. EFFECTIVE DATE

85. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

In the matter of Solvay Advanced Polymers, LLC, Docket No. RCRA -04-2011-4008(b)

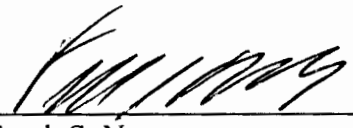
AGREED AND CONSENTED TO:

FOR Solvay Advanced Polymers, LLC

By:  _____
George Corbin
President

Dated: August 23, 2011

FOR U.S. Environmental Protection Agency

By:  _____
Frank S. Ney
Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated: 8/30/11

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2011-4008(b)
)	
Solvay Advanced Polymers, LLC)	Proceeding under Section 3008(a)
4500 McGinnis Ferry Road)	of the Resource Conservation and
Alpharetta, Georgia 30005)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID. No.: GAD 981 270 572)	
)	
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 1st day of Sept, 2011.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
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 (CA/FO), in the Matter of Solvay Advanced Polymers, LLC, Docket Number: RCRA-04-2011-4008(b), on September 2, 2011, and on September 2, 2011, served copies on each of the parties listed below in the manner indicated:

Roberto X. Busó
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via the EPA's internal mail)

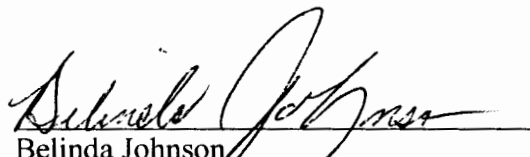
Mr. George Corbin
President
Solvay Advanced Polymers, LLC
4500 McGinnis Ferry Road
Alpharetta, Georgia 30005

(Via Certified Mail- Return Receipt Requested)

Quantindra Smith
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via the EPA Electronic Mail)

Date: 9/2/11


Belinda Johnson
Acting Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511