UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Dow Silicones Corporation 760 Hogdenville Road Elizabethtown, Kentucky 40211 EPA ID No.: KYD006397491 Respondent.	Docket No. RCRA-04-2020-2115(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. Respondent is Dow Silicones Corporation, a corporation doing business in the

Commonwealth of Kentucky. This proceeding pertains to Respondent's facility located at 760 Hogdenville Road, Elizabethtown, Kentucky (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Commonwealth of Kentucky (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at Kentucky Revised Statutes (KRS) § 224.46 *et seq.* and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapter 39.

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 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). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.

9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

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 CAFO.

11. KRS § 224.46-510(1) [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 at K.A.R. 39:080 Sections 1(1)-(7)(a)1., (8)(a), and (9)-(11) [40 C.F.R. Part 262].

12. KRS § 224.46-520(1) [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 KAR 39:090, Section 1 and Sections 1(1)-(7) (permitted) and 401 KAR 39:090, Section 2(1)-(4) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to 401 K.A.R. 39:060 Section 3(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to 401 K.A.R. 39:060 Section 3(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in 401 K.A.R. 39:060 Section 3(1)

[40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 401 K.A.R. 39:060 Section 3(1) [40 C.F.R. § 261.4(b)].

15. Pursuant to 401 K.A.R. 39:060 Section 3(1) [40 C.F.R. § 261.3(a)(2)(i)], solid wastes that exhibit any of the characteristics identified in 401 K.A.R. 39:060 Sections 3(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.

17. Pursuant to 401 K.A.R. 39:005, Section 1(33) [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 K.A.R. 39:060, Sections 3(1)-(3), (5)-(7), and (9)(a) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.

18. Pursuant to 401 K.A.R. 39:005, Section 1(28) [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste."

19. Pursuant to 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10], a "Large Quantity Generator" (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2200 lbs) of non-acute hazardous waste in a calendar month.

20. Pursuant to 401 K.A.R. 39:005, Section 1(53) [40 C.F.R. § 260.10], a "person" includes a corporation.

21. Pursuant to 401 K.A.R. 39:005, Section 1(51) [40 C.F.R. § 260.10], an "owner" is "the person who owns a facility or part of a facility."

22. Pursuant to 401 K.A.R. 39:005, Section 1(50) [40 C.F.R. § 260.10], an "operator" is "the person responsible for the overall operation of a facility."

23. Pursuant to 401 K.A.R. 39:005, Section 1(68)] [40 C.F.R. § 260.10], "storage" means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

24. Pursuant to 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10], a "tank system" is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

25. Pursuant to 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10], a "new tank system" is defined as a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986.

26. Pursuant to 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10], "ancillary equipment" is defined as any device including, but not limited to, such devices as piping, fittings, flanges,

valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

27. Pursuant to 401 K.A.R. 39:005, Section 1(73) [40 C.F.R. § 260.10], "used oil" is defined in KRS § 224.50-545(2)(a), as a petroleum based or synthetic oil such as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor transmissions, gears, or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

28. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 K.A.R. 39:080 Section 1(1) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in 401 K.A.R. 39:080 Section 1(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in 401 K.A.R. 39:080 Section 1(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

29. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

30. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

31. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 K.A.R. 39:080 Section 1(1) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

32. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words "Hazardous Waste"; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

33. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart BB], and is a condition of the

LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including the requirement to mark each piece of equipment in a manner so that it can be distinguished readily from other pieces of equipment in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1050(c)].

34. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including the requirement to monitor each pump in light liquid service monthly to detect leaks in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1052(a)(l)], by methods specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1063(b)].

35. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including the requirement to monitor each valve in gas/vapor or light liquid service monthly to detect leaks in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1057(a)], by methods specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1063(b)].

36. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks and containers must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including the requirement to maintain equipment records specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1064(b)(1)].

37. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart CC] and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste containing an average volatile organic concentration greater than 500 parts per million by weight (ppmw) at the point of waste origination in tanks must comply with the RCRA Subpart CC organic air emission standards for tanks, including following the waste determination procedures specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1084].

38. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:020, Section 2(1) [40 C.F.R. Part 265, Subpart CC] and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste containing an average volatile organic concentration greater than 500 ppmw at the point of waste origination in tanks must comply with the RCRA Subpart CC organic air emission standards for tanks, including, but not limited to, the requirement to visually inspect the fixed roof and its closure devices for defects that could result in air pollution emissions in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1085(c)(4)(i)], and the requirement to perform an initial inspection of the fixed roof and its closure devices on or before the date the tank becomes subject to this section, and at least once every year thereafter, as stated in 401 K.A.R.

39:090, Section 2(1) [40 C.F.R. § 265.1085(c)(4)(ii)].

39. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart CC] and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 ppmw in tanks must comply with the RCRA Subpart CC organic air emission standards for tanks, including, but not limited to, the record keeping requirements specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1090(b) through (j)].

40. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(5)(ii)], which is a condition of the LQG Permit Exemption, a generator must mark or label its tanks with the words "Hazardous Waste," and mark or label its tanks with an indication of the hazards of the contents.

41. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.192(a)] and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in new tank systems must obtain a written tank assessment reviewed and certified by a qualified Professional Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

42. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(2)], which incorporates 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.195(b)(3)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must conduct daily inspections of the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

43. Pursuant to 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas (CAA) looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

44. Pursuant to 401 K.A.R. 39:080, Section 3(1) [40 C.F.R. § 273.9], a "Small Quantity Handler of Universal Waste" (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

45. Pursuant to 401 K.A.R. 39:080, Section 3(1) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

46. Pursuant to 401 K.A.R. 39:080, Section 3(1) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

47. Pursuant to 401 K.A.R. 39:080, Section 4(1) [40 C.F.R. § 279.1], a "used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

48. Pursuant to 401 K.A.R. 39:080, Section 4(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

49. Pursuant to 401 K.A.R. 39:080, Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, a generator must clean up and manage properly the released used oil and other materials.

IV. FINDINGS OF FACTS

50. Respondent's facility is located at 760 Hogdenville Road, Elizabethtown, Kentucky 40211.

51. Respondent manufactures silicone sealants such as caulk, roadway sealant for construction joints, construction sealant for high rise and double pane windows, and airbag coatings and foams.

52. Respondent generates 1,000 kilograms or more of hazardous wastes in a calendar month and therefore is an LQG of hazardous waste. At all times relevant to this CAFO, the Respondent was a LQG of hazardous waste.

53. Respondent accumulates less than 5,000 kilograms of Universal Waste and therefore it is a SQHUW.

54. On November 5 through 6, 2019, the EPA and Kentucky Department of Environmental Protection (KYDEP) conducted a compliance evaluation inspection (CEI) at Respondent's Facility. The EPA's findings of the CEI were documented in a Report mailed to the Respondent, dated February 13, 2020, and in a subsequent letter received by Respondent on April 20, 2020.

55. At the time of the CEI, the EPA inspector observed hazardous waste accumulation containers that were not closed at a time when no waste was being added or removed from the container, in SAAs at the following locations: ET1 Building, Automated Batch Mixing, Moisture Cure Dispersion Process, Batch Area, Pot Cleaning Room, Sausage Area, and the ET 11 Maintenance Shop.

56. At the time of the CEI, the EPA inspector observed hazardous waste accumulation containers that were not labeled with the words "Hazardous Waste" and/or with an indication of the hazards of the contents of the container, in SAAs at the following locations: Pot Cleaning Room, ET5 Building, Sausage Area, and the ET 11 Maintenance Shop.

57. At the time of the CEI, the EPA inspector observed in the FAST Warehouse, one methanol hazardous waste container that was not dated with an accumulation start date.

58. At the time of the CEI, the EPA inspector observed in the Moisture Cure Dispersion Process Area, two used oil containers that were neither labeled nor marked with the words "Used Oil."

59. At the time of the CEI, the EPA inspector observed that Respondent had failed to clean used oil released on the floor around the Dalamatic Ross #1 and #5 dust collectors in the Maternity Room.

60. At the time of the CEI, the EPA inspector observed in the FAST Warehouse, one container of universal waste lamps that was open in a way that could release universal waste and components of universal waste to the environment.

61. At the time of the CEI, the EPA inspector observed in the FAST Warehouse, one container of universal waste lamps for which Respondent had no documentation to demonstrate it has not stored the universal waste lamps for longer than one year.

62. At the time of the CEI, the EPA inspector observed that Respondent was storing methyltrimethoxysilane contaminated methanol (MeOH/MTM), a hazardous waste that exhibits the characteristic of ignitability (D001), in three tanks.

63. Respondent identifies its three hazardous waste accumulation tanks as the High Press Mixer (HPM) Tank, the Next Generation Sealant Process (NGSP) Tank, and 795 Devol Tank.

64. During the CEI, Respondent stated that the MeOH/MTM D001 hazardous waste accumulated in the above-mentioned hazardous waste accumulation tanks is pumped to two 55-gallon containers, located in the FAST Warehouse, by way of a series of piping systems (ancillary equipment).

65. Respondent's MeOH/MTM D001 hazardous waste stream has an average volatile organic concentration of at least 500 ppmw and an organic concentration of at least 10 percent by weight.

66. At the time of the CEI, the EPA inspector observed that Respondent had not marked, in a manner that would allow it to be distinguished readily from other pieces of equipment, the ancillary equipment used to transfer the MeOH/MTM D001 hazardous waste from the three storage tanks to the two 55-gallon containers.

67. At the time of the CEI, the EPA inspector observed that the three MeOH/MTM D001 hazardous waste accumulation tanks were not marked or labeled with the words "Hazardous Waste" and with an indication of the hazard posed by the hazardous waste in the tanks.

68. At the time of the CEI, the EPA observed that Respondent had not marked one of the 55-gallon hazardous waste containers of MeOH/MTM hazardous waste (D001) in the FAST Warehouse with the date accumulation of the waste started.

69. At the time of the CEI, Respondent had not assessed the integrity of its three hazardous waste accumulation tanks (HPM, NGSP and 795 Devol Tank).

70. At the time of the CEI, the EPA inspector reviewed inspection records for the hazardous waste accumulation tanks and determined that Respondent did not perform daily inspections of its three hazardous waste accumulation tanks from November 2014 to October 2019.

71. At the time of the CEI, Respondent was managing the two 55-gallon containers of MeOH/MTM D001 hazardous waste, observed in the FAST Warehouse, pursuant to the SAA's requirements. However, the SAA's requirements do not apply because the waste in the containers is from the hazardous waste storage tanks and not from the waste generation point. The Respondent should have been managing this area as a CAA and inspecting the two 55-gallon containers weekly. Respondent had no inspection records for the two 55-gallon containers of MeOH/MTM D001 hazardous waste in the FAST Warehouse.

72. At the time of the CEI, Respondent had not implemented an air monitoring program for the pumps used to transfer the MeOH/MTM D001 hazardous waste from the three storage tanks to 55-gallon containers.

73. At the time of the CEI, Respondent had not implemented an air monitoring program for the valves of the ancillary equipment used to transfer the MeOH/MTM D001 hazardous waste from the three storage tanks to 55-gallon containers.

74. At the time of the CEI, Respondent had no air monitoring records to document compliance with the RCRA Subpart BB organic air emission standards for its hazardous waste management ancillary equipment.

75. At the time of the CEI, Respondent had not determined the average volatile organic concentration of the MeOH/MTM D001 hazardous waste stream at the point of waste origination as required in the RCRA Subpart CC organic air emission standards for tanks.

76. At the time of the CEI, the EPA inspectors observed that the Respondent did not perform an initial inspection and reoccurring annual inspections of the fixed roofs on hazardous waste tanks HPM, NGSP, and 795 Devol Tank.

77. At the time of the CEI, the EPA inspector noted that the Respondent did not keep records as described in 401 K.A.R. 39:090, Section 2 [40 C.F.R. § 265.1090(b) through (j)] for the hazardous waste tanks HPM, NGSP, and 795 Devol Tank that store the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 500 ppmw.

V. ALLEGED VIOLATIONS

78. Respondent is a "person" as defined in 401 K.A.R. 39:005, Section 1(53) [40 C.F.R. § 260.10].

79. Respondent is the "owner" and "operator" of a "facility" located in Elizabethtown, Kentucky as those terms are defined in 401 K.A.R. 39:005, Section 1(51), (50), and (28) [40 C.F.R. § 260.10].

80. Respondent is a "generator" of "hazardous wastes" as those terms are defined in 401 K.A.R. 39:005, Section 1(33) [40 C.F.R. § 260.10] and 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.3].

81. Respondent has a "tank" as defined in 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10].

82. Respondent has a "tank system" as defined in 401 K.A.R. 39:005, Section 1 [40 C.F.R. § 260.10].

83. Respondent is a used oil generator as defined in 401 K.A.R. 39:080, Section 4(1) [40 C.F.R. § 279.1].

84. Respondent is a SQHUW as defined in 401 K.A.R. 39:080, Section 3(1) [40 C.F.R. § 273.9].

85. Respondent failed to keep containers of hazardous waste in the SAA, located at the ET1 Building, Automated Batch Mixing, Moisture Cure Dispersion Process, Batch Area, Pot Cleaning Room, Sausage Area, and the ET 11 Maintenance Shop, closed at all times during accumulation except when adding, removing or consolidating waste. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or an interim status, because Respondent failed to keep its containers of hazardous waste closed at all times in accordance with 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption.

86. Respondent failed to mark or label hazardous waste accumulation containers in the Pot Cleaning Room, ET5 Building, Sausage Area, and the ET 11 Maintenance Shop with the words "Hazardous Waste" and/or with an indication of the hazards of the contents of the containers. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or an interim status because Respondent failed to comply with the marking and labeling requirement in 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption.

87. Respondent failed to mark or label a hazardous waste container in the FAST Warehouse with the date upon which accumulation started. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or without having interim status, because Respondent failed to comply with the dating requirements in 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption.

88. Respondent failed to mark or label its hazardous waste accumulation tanks with the words "Hazardous Waste;" and with an indication of the hazards of the contents. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or without having interim status, because Respondent failed to comply with the labeling and marking requirements in 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(5)(ii)], which is a condition of the LQG Permit Exemption.

89. Respondent had no inspection records for the two 55-gallon containers of MeOH/MTM D001 hazardous waste in the FAST Warehouse. Also, Respondent failed to manage this area as a CAA. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or without having interim status, because Respondent failed to comply with the inspection requirements in 401 K.A.R. 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption.

90. Respondent failed to assess the integrity of its hazardous waste accumulation tanks. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or without having interim status, because Respondent failed to comply with the tank assessment requirements in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.192(a)], which is a condition of the LQG Permit Exemption.

91. Respondent failed to inspect its hazardous waste accumulation tank systems since at least November 2014 through September 2019. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or without having interim status, because Respondent failed to comply with the tank system inspection requirements in 401 KAR 39:090, Section 2(1) [40 C.F.R. 265.195(b)(3)], which is a condition of the LQG Permit Exemption.

92. Respondent failed to mark the ancillary equipment used to transfer the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 10 percent by weight, in a manner that allowed it to be distinguished readily from other pieces of equipment. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart BB organic air emission standards for equipment leaks in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1050(c)], which is a condition of the LQG Permit Exemption.

93. Respondent failed to monitor the pumps in light liquid service used to transfer the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 10 percent by weight, monthly to detect leaks by the methods specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1063(b)]. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart BB organic air emission standards for equipment leaks in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1052(a)(1)], which is a condition of the LQG Permit Exemption.

94. Respondent failed to monitor each valve in light liquid service used to transfer the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 10 percent by weight, monthly to detect leaks by the methods specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1063(b)]. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart BB organic air emission standards for equipment leaks in

401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1057(a)], which is a condition of the LQG Permit Exemption.

95. Respondent failed to record information for each piece of equipment to which 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. Part 265, Subpart BB] applies in the facility operating record. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart BB organic air emission standards for equipment leaks in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1064(b)(1)], which is a condition of the LQG Permit Exemption.

96. Respondent failed to determine the average volatile organic concentration for the hazardous waste stream MeOH/MTM at the point of origination; therefore, it failed to implement the waste determination procedures specified in 401 K.A.R. 39:090, Section 2(1) [40 C.F.R. § 265.1084]. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart CC organic air emission standards for tanks in 401 K.AR 39:090, Section 2(1) [40 C.F.R. § 265.1084], which is a condition of the LQG Permit Exemption.

97. Respondent failed to perform an initial inspection of the fixed roofs and closure devices on roofs of hazardous waste tanks HPM, NGSP, and 795 Devol Tank that store the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 500 ppmw. Respondent also failed to perform reoccurring annual inspections of the fixed roofs and closure devices for defects that could result in air pollution emissions from hazardous waste tanks HPM, NGSP, and 795 Devol Tank. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart CC organic air emission standards for tanks in 401 K.AR 39:090, Section 2(1) [40 C.F.R. § 265.1085(c)(4)(i) and (ii)], which is a condition of the LQG Permit Exemption.

98. Respondent failed to keep records as described in 401 K.AR 39:090, Section 2 [40 C.F.R. § 265.1090(b) through (j)] for the hazardous waste tanks HPM, NGSP, and 795 Devol Tank that store the volatile organic waste of MeOH/MTM, a D001 hazardous waste with an organic concentration of at least 500 ppmw. The EPA therefore alleges Respondent violated KRS § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the requirements of Subpart CC organic air emission standards for tanks in 401 K.AR 39:090, Section 2(1) [40 C.F.R. § 265.1085(b) through (j)], which is a condition of the LQG Permit Exemption.

99. Respondent failed to close one universal waste lamp container in a way that could prevent release of universal waste and components of universal waste to the environment. The EPA therefore alleges that Respondent violated 401 K.A.R. 39:080, Section 3(1) [40 C.F.R § 273.13(d)], by failing to manage spent universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

100. Respondent failed to document that it had not accumulated universal waste lamps for longer

than a year. The EPA therefore alleges that Respondent violated 401 K.A.R. 39:080, Section 3(1) [40 C.F.R. § 273.15(a) and (c)], by failing to demonstrate the length of time that the facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.

101. Respondent failed to label two containers of used oil with the words "Used Oil." The EPA therefore alleges Respondent violated 401 K.A.R.39:080, Section 4(1) [40 C.F.R. § 279.22(c)(1)] by storing used oil in containers that were not labeled or marked clearly with the words "Used Oil."

102. Respondent failed to clean up a release of used oil in the Maternity Room. The EPA therefore alleges Respondent violated 401 K.A.R. 39:080, Section 4(1) [40 C.F.R. § 279.22(d)] by failing to clean up and properly manage used oil releases upon detection.

VI. STIPULATIONS

103. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

104. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

    a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

    b. neither admits nor denies the factual allegations set forth in Section IV (Finding of Facts) of this CAFO;

    c. consents to the assessment of a civil penalty as stated below;

    d. consents to the conditions specified in this CAFO;

    e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and

    f. waives its rights to appeal the Final Order accompanying this CAFO.

105. For the purpose of this proceeding, Respondent:

    a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

    b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

    c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;

    d. waives any rights it may possess at law or in equity to challenge the authority of the EPA

to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

e. 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 EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and

f. agrees to comply with the terms of this CAFO.

106. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.

107. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

108. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (**$285,000**), which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

109. Payment(s) 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 Facility name and docket number for this matter shall be referenced on the face of the check.

a. If Respondent sends 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

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

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties

1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

c. 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"

d. If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-866-234-5681

110. Respondent shall send proof of **payment**, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

Javier García, Environmental Engineer
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
garcia.javier@epa.gov

111. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other

information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and "Docket # RCRA-04-2020-2115(b)."

112. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled 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. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:

    a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).

    b. 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 not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

    c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

113. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

    a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;

    b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

    c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or

    d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such

judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

114. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. EFFECT OF CAFO

115. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

116. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

117. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).

118. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

119. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

120. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

121. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns.

122. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

123. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

124. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms

and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

125. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

126. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

127. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

128. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

129. 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.

IX. EFFECTIVE DATE

130. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Dow Silicones Corporation, Docket No. RCRA-04-2020-2115(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Nicholas A. Powell 6/1/2021

Signature Date

Printed Name: Nicholas A. Powell

Title: Site Manufacturing Director

Address: 760 Hodgenville Rd. Elizabethtown, KY 42701

The foregoing Consent Agreement In the Matter of **Dow Silicones Corporation, Docket No. RCRA-04-2020-2115(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

KIMBERLY BINGHAM

Digitally signed by KIMBERLY BINGHAM
Date: 2021.06.04 12:32:53 -04'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Dow Silicones Corporation 760 Hogdenville Road Elizabethtown, Kentucky 40211 EPA ID No.: KYD006397491 Respondent.	Docket No. RCRA-04-2020-2115(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, 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 Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

TANYA FLOYD

Digitally signed by TANYA FLOYD
Date: 2021.06.07 18:41:52 -04'00'

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order," In the Matter of **Dow Silicones Corporation**, Docket No. **RCRA-04-2020-2115(b)**, were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties:

To Respondent:

Ryan Weiss, Counsel
The Dow Chemical Company
Michigan Operations - 1790 Building
Midland, Michigan 48674
rrweiss@dow.com

To EPA:

Javier García, Environmental Engineer
Chemical Safety and Land Enforcement Branch
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
garcia.javier@epa.gov

and

Quantindra Smith
Targeting, Data and Measures Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
smith.quantindra@epa.gov

and

Robert Summers, Associate Regional Counsel
RCRA/FIFRA/TSCA Law Office
U.S. Environmental Protection Agency, Region 4
summers.robert@epa.gov

61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

SHANNON RICHARDSON

Digitally signed by SHANNON RICHARDSON
Date: 2021.06.08 06:54:45 -04'00'

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