



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

APR 12 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. B.J. Hebert,
Interim President
Occidental Chemical Corporation
5005 LBJ Freeway, Suite 1600
Dallas, Texas 75244

SUBJ: Occidental Chemical Corporation
Consent Agreement and Final Order
Docket No. RCRA-04-2018-4008(b)

Dear Mr. Hebert:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC. The initial payment of the civil penalty is to be paid within thirty (30) calendar days of the effective date of the CA/FO.

If you have any questions, please feel free to contact Héctor M. Danois of my staff at (404) 562-8556 or by email at danois.hector@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
RCR Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2018-4008(b)
)	
Occidental Chemical Corporation)	
1620 Marvin Griffin Road)	Proceeding Under Section 3008(a) of the
Augusta, Georgia)	Resource Conservation and Recovery Act
EPA ID No.: GAD003302031)	42 U.S.C. § 6928(a)
Respondent)	

USEPA REGION 4
OFFICE OF REGIONAL
ADMINISTRATION
2018 APR 12 PM 3:23
HEARING CLERK

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. §§ 12-8-60 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11-.01 to 391-3-11-.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and the GHWMR, Ga. Comp. R. and Regs. 391-3-11-.01 to 391-3-11-.18 [40 C.F.R. Parts 260 through 270].

2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 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). See, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent 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), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Occidental Chemical Corporation, a corporation organized under the laws of the State of New York, and doing business in the State of Georgia. Respondent is the owner and operator of a manufacturing facility located at 1620 Marvin Griffin Road, Augusta, Georgia (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (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 Sections 12-8-60 to 12-8-83 of the GHWMA, Ga. Code Ann. § 12-8-60 *et seq.*, and at Ga. Comp. R. and Regs. 391-3-11-.01 to 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 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 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 CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, Ga. Code Ann. § 12-8-64(1)(A) [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 Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. Part 262].

12. Section 12-8-66 of the GHWMA, 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 have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11-.10(2) (permitted) and Ga. Comp. R. and Regs. 391-3-11-.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(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 disposed of, or accumulated, and/or stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-11-.07(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 Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
17. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(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 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
18. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(d)], a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (SQG) and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(d)(1)-(5)] (hereinafter referred to as the “SQG Permit Exemption”).

19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(d)(4)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31], and is a condition of the SQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
20. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], a “person” includes a corporation, partnership, or association.
21. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], an “owner” is the person who owns a facility or part of a facility and an “operator” is the person responsible for the overall operation of a facility.
22. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [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.
23. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11-.11 [40 C.F.R. § 270.2], “storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.
24. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11-.11 [40 C.F.R. § 270.2], “disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.
25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. § 268.2(c)], “land disposal” means placement in or on the land, and includes, but is not limited to, placement in a surface impoundment.
26. Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. Part 268, Subpart A] identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may be land disposed. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. § 268.40(a)], a waste identified in the “Treatment Standards for Hazardous Wastes” table may be land disposed only if it meets the requirements found in the table.

IV. EPA ALLEGATIONS AND DETERMINATIONS

27. Respondent is a “person” as defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10].
28. Respondent is the owner and operator of a facility located at 1620 Marvin Griffin Road, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10]. Respondent manufactures a variety of sodium silicate (liquid glass) products.
29. Respondent is a “generator” of “hazardous waste” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3]. In January 9, 1991, Respondent notified the Georgia Department of Natural Resources, Environmental Protection Division (GAEPD) that it is a SQG of hazardous waste as that term is defined in Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. § 262.34(a)]. As described below, Respondent generated characteristically hazardous waste as a result of material spills occurring at the Facility.
30. On February 25 and 26, 2013, inspectors with the EPA and GAEPD (“the inspectors”) conducted a RCRA Case Development Investigation/Evaluation (CDIE) at Respondent’s Facility. The findings of the CDIE were documented in a report mailed to Respondent, dated September 26, 2013.
31. At the time of the CDIE, the inspectors noticed what appeared to be spills of sodium silicate around Tanks 11 and 14 located in the aboveground tank farm. The EPA observed that the spilled material that appeared to be from Tanks 11 and 14 was flowing over land and through the drainage system from the pad of the aboveground tank farm from rain water drainage to the Side Pond, and then to the East Pond, which then discharges to the West Pond.
32. The EPA collected two aqueous samples from the puddles of the material that was spilled around Tanks 11 and 14, and analyzed them for pH using Method 9040C in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846. The analytical data was compared to RCRA Regulatory Standards in 40 C.F.R. § 261.22 of pH less than or equal to 2 or greater than or equal to 12.5. The sample results from the puddle yielded that the spilled material found around Tank 11 (Sample ID: W-4 Tank 11) and Tank 14 (Sample ID: W-5 Tank 14) were D002 corrosive hazardous wastes, see below:

Characteristic	RCRA Limit (pH)	W-4 Tank 11 (pH)	W-5 Tank 14 (pH)
Corrosivity (D002)	≥ 12.5	12.5	12.59

33. During the CDIE, the inspectors noticed several drain pipes discharging into the Clean-Up Basin. According to Respondent, the drain pipes discharge from the pad of the aboveground tank farm to the Side Pond. Drain pipes to the Clean-up Basin are from the rail-spur areas, and from the concrete pad near the Clean-Up Basin, where Defendant performs container and tank cleaning operations, collecting spills from those areas and conveying them to the Clean-Up Basin, and from there to the Side Pond and then to the East Pond, which then flows to the West Pond. At the time of the CDIE, the inspectors noticed the Clean-Up Basin was holding aqueous material, including rain water runoff and material from the aforementioned sources.

34. The EPA collected one aqueous sample of the material held at the Clean-Up Basin and analyzed it for pH using Method 9040C, as described above. The sample result yielded that the material identified in the Clean-Up Basin (Sample ID: W-3 Tank Clean-Up) was D002 corrosive hazardous waste, see below:

Characteristic	RCRA Limit (pH)	W-3 Tank Clean-Up (pH)
Corrosivity (D002)	≥ 12.5	12.69

35. At the time of the CDIE, the inspectors noticed muriatic acid discharging into the East Pond through the muriatic acid application pipe. The East and West Ponds are connected, and water flows from the East Pond and to the West Pond. Such flows include storm water as well as discharges from the pad of the aboveground tank farm and the Clean-Up Basin.

36. The EPA collected one aqueous sample in the area of the East Pond where the discharge of muriatic acid was occurring, and analyzed it for pH using Method 9040C, as described above. The sample result yielded that the material spilling into the East Pond (Sample ID: W-1 East Pond) was D002 corrosive hazardous waste, see below:

Characteristic	RCRA Limit (pH)	W-1 East Pond (pH)
Corrosivity (D002)	≤ 2	1.52

37. The placement of D002 hazardous waste around Tanks 11 and 14, in the Clean-Up Basin, and in the East Pond, described in Paragraphs 31 through 36, is considered generation, storage and land disposal of hazardous waste, and is subject to, inter alia, the SQG Permit Exemption condition at Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31], and the Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. Part 268] land disposal restrictions.

38. The EPA therefore alleges Respondent violated Section of the GHWMA, Ga. Code Ann. § 12-866 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing and disposing D002 corrosive hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG Permit Exemption set forth in Ga. Comp. R. and Regs.

391-3-11-.08(1) [40 C.F.R. § 262.34(d)(4)], by not complying with the maintenance and operation requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31], and also violated Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. § 268.40, Subpart C] by land disposing D002 hazardous waste.

39. During the course of negotiations, Respondent removed the Clean-Up Basin, East Pond and West Pond from service, and performed remedial actions in the aboveground tank farm area. Pursuant to the Georgia Hazardous Sites Response Act (HSRA), O.C.G.A. Section 12-8-90 *et seq.*, as amended, and the GAEPD rules promulgated thereto, the site has been listed on the Hazardous Site Inventory as HSI #10937 and will be governed by HSRA and its implementing rules.

V. TERMS OF AGREEMENT

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

45. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
46. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
47. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
48. 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, 44 U.S.C. § 3501 *et seq.*
49. 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 EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
50. Respondent 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 CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
51. 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.

52. The parties agree that compliance with the terms of this CA/FO shall resolve only Respondent's liability for the specific violations alleged in this CA/FO.
53. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
54. Each party will pay its own costs and attorneys' fees.

VII. PAYMENT OF CIVIL PENALTY

55. Respondent consents to the payment of a civil penalty in the amount of FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$42,500), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
56. 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. 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

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
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

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:

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: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

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

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

And to:

Hector Danois, Compliance Officer
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

58. 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 not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. 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 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 fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (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 is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

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

VIII. PARTIES BOUND

59. This CA/FO shall be binding on Respondent and its successors and assigns.
60. 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 CA/FO.
61. 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.

IX. RESERVATION OF RIGHTS

62. 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 Facility may present an imminent and substantial endangerment to human health or the environment.
63. 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.

64. 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 storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.
65. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

X. OTHER APPLICABLE LAWS

71. 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.

XI. SERVICE OF DOCUMENTS

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

Roberto X. Busó, Esq.
Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-8530

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

Elizabeth B. Davis, Esq.
Burr + Forman, LLP
171 17th Street, NW, Suite 1100
Atlanta, Georgia 30363
Office Phone: (404) 685-4323

And to:

Daniel Almaguer
Assistant General Counsel
Occidental Chemical Corporation
5005 LBJ Freeway, Suite 1600
Dallas, TX 75244

XII. SEVERABILITY

74. 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.


XIII. EFFECTIVE DATE

75. 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 Occidental Chemical Corporation, Docket No. RCRA-04-2018-4008(b):


AGREED AND CONSENTED TO:

Occidental Chemical Corporation

By: 
B.J. Hebert
Interim President
Occidental Chemical Corporation

Dated: 4/9/18

United States Environmental Protection Agency

By: 
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
RCR Division

Dated: 04/10/18


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2018-4008(b)
)	
Occidental Chemical Corporation)	
1620 Marvin Griffin Road)	Proceeding Under Section 3008(a) of the
Augusta, Georgia)	Resource Conservation and Recovery Act,
EPA ID No.: GAD003302031)	42 U.S.C. § 6928(a)
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. 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 12th day of April, 2018.

BY: 
Robin B. Allen
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 Occidental Chemical Corporation, Docket Number: RCRA-04-2018-4008(b), and have served the parties listed below in the manner indicated:

Roberto X. Busó
Associate Regional Counsel
Office of RCRA/CERCLA Legal Support
Office of Regional Counsel

(Via EPA's electronic mail)
(buso.roberto@epa.gov)

Héctor M. Danois
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

(Via EPA's electronic mail)
(danois.hector@epa.gov)

Quantindra Smith
Environmental Protection Specialist
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

(Via EPA's electronic mail)
(Smith.Quantindra@epa.gov)

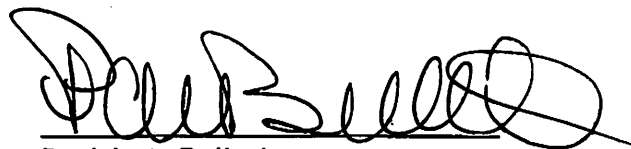
Elizabeth B. Davis
Burr + Forman, LLP
171 17th Street, NW
Atlanta, Georgia 30363

(Via Certified Mail - Return Receipt requested)

B.J. Hebert, Interim President
C/o Daniel Almaguer, Assistant General Counsel
Occidental Chemical Corporation
5005 LBJ Freeway, Suite 1600
Dallas, TX 75244
Attn: General Counsel

(Via Certified Mail – Return Receipt requested)

Date: 4-12-18



Patricia A. Bullock
Regional Hearing Clerk
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