

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAY 12 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Ineos USA LLC
1900 Fort Amanda Road
Lima, Ohio 45804

Respondent

Director's Final
Findings and Orders

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: [Signature] Date: 5-12-10

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ineos USA LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC §3734.01(G) and 3111.01 and Ohio Administrative Code (OAC) rule 3745-50 10(A), and was authorized to do business in Ohio on June 22, 2005.

2. Respondent owns and operates an industrial chemicals manufacturing complex at 1900 Fort Amanda Road, Lima, Allen County, Ohio (Facility).
3. Respondent generates hazardous waste at the Facility under generator identification number OHD042157644. Respondent also has a Hazardous Waste Installation and Operation Permit that was issued on December 20, 2002.
4. Respondent generates "hazardous waste" as that term is defined by ORC §3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent operates as a large quantity generator of hazardous waste. At the Facility, Respondent generates hazardous waste lab packs from the resin production lab (D001, D035, F005), filter cake from the deepwell filter pre-treatment (D018, D038, K011, K013, K014, P063, U003, U009), bottom stream from the wastewater stripper (acrylonitrile, K011), bottom stream from the acetonitrile column (K013), bottom stream from acetonitrile purification (K014), scrubber water from the catalyst plant (D002), spent caustic from vessel cleaning (D002), lead contaminated soil/debris (D008), carbon filters from the vapor extraction system (U003, U009) and wastewater from surge tank cleaning (D003, D038, K001, K013, K014, U003, U009).
5. Respondent routinely accumulates hazardous waste filter cake as described in Finding No. 4. in a twenty cubic yard roll-off box beneath a filter press located in the Deepwell Building. The Deepwell Building was constructed with a liner, trench and sump system, has a total containment capacity of 20,055 gallons, and is intended to serve as secondary containment for permitted hazardous waste tank system located in this building. This area of the Deepwell Building is not permitted for the storage of hazardous waste.
6. On August 26, 2009, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent stored hazardous waste filter cake in a roll-off box, in an unpermitted hazardous waste storage area under the filter press in the Deepwell Building for greater than ninety (90) days, in violation of ORC §3734.02(E) and (F).
7. By letter dated September 22, 2009, Ohio EPA notified Respondent of the violation referenced in Finding No. 6. of these Orders.
8. In correspondence dated October 16, 2009, Respondent submitted information in response to the violation set forth in Ohio EPA's September 22, 2009 letter.

9. By letter dated October 28, 2009, Ohio EPA notified Respondent that the information submitted by Respondent in the October 16, 2009 correspondence addressed the violations discovered during the August 26, 2009 compliance evaluation inspection.
10. The Director has determined that because the roll-off box is located in a building that has secondary containment and a sump to collect any releases of hazardous waste filter cake from the roll-off box, and the hazardous waste filter cake that had been stored for greater than 90 days was properly shipped off to a permitted facility, and this area will be subject to closure in accordance with the Hazardous Waste Permit, that no further action is required of Respondent regarding the violation of ORC §3734.02(E) and (F) referenced in Finding No. 6. of these Orders.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated there under according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$5,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$5,500.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 3260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Hazardous Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals

Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

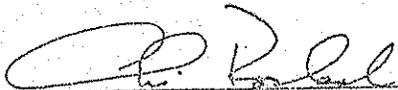
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

May 12, 2010

Date

IT IS SO AGREED:

Ineos USA LLC



Signature

4/22/10

Date



Printed or Typed Name



Title