

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In The Matter Of:)

HULS AMERICA, INC)
Theodore, Mobile County, Alabama)

ADEM Air Facility ID No. 503-5016)

CONSENT ORDER NO. 95-078-CAP

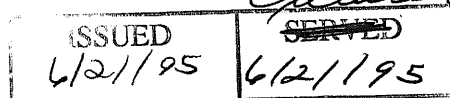
FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended; the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended; and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties concerned hereto, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS:

1. Huls America, Inc. (herinafter, "Huls"), is the owner and/or operator of a chemical manufacturing facility located on Degussa Road in Theodore, Mobile County, Alabama, operating under the authority of ADEM Air Permit No. 503-5016-X015, last issued December 20, 1993. Said permit authorizes the production of Cyanoacetic Acid, Ethyl Cyanoacetate, and Methyl Cyanoacetate subject to certain terms, limitations and conditions.

2. The Alabama Department of Environmental Management is a duly constituted agency of the State of Alabama pursuant to §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended.

3. Pursuant to §22-22A-4(n), Code of Alabama (1975), as amended, the Department is the state air pollution control agency for purposes of the federal Clean Air Act, 12 U.S.C. 7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended.



4. On August 3, 1994, Huls was issued Administrative Order No. 94-253-AP concerning violations found in reference to Air Permit No. 503-5016-X015.

5. As part of said Order, Huls was required to implement a June 6, 1994 proposal to reduce emissions by a minimum of 90% from the CYAD/Esters unit, ADEM Permit 503-5016-X015, by routing all significant VOC containing streams to an existing thermal oxidizer. This modification was required to be completed by April 30, 1995.

6. On April 30, 1995, the modifications to the CYAD unit were not complete as required by the Order. Huls was therefore, in violation of the above mentioned Order.

7. Huls neither admits nor denies the Findings contained in this consent order. However, in an effort to cooperate with the Department and to resolve the allegations cited above, Huls consents to the terms of this Order.

8. The Department agrees to this Order upon a determination that the terms contained herein are in the best interests of the citizens of the State of Alabama in resolving the cited allegations.

ORDER

Based upon the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama (1975), as amended, and with the consent of Huls America, Inc., it is hereby ORDERED:

A. That there is hereby assessed a civil penalty against Huls America, Inc. in the amount of Five Thousand Dollars (\$5,000.00) to be paid to the Alabama Department of Environmental Management within 30 days of issuance of this Order.

B. That the modifications to Unit No. X015 to reduce VOC emissions be completed by July 31, 1995.

C. That this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order on behalf of the party represented and to legally bind such party.

D. That subject to the terms contained herein and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violations cited in this Order.

E. That Huls America is not relieved from any liability if it fails to comply with any provision of this Consent Order.

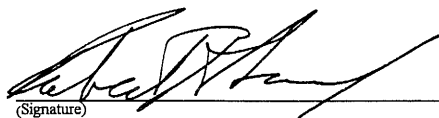
F. That for purposes of this Order only, Huls America, Inc. agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including but not limited to the Circuit Court of Montgomery County, Alabama. Huls America, Inc. further agrees that in any action brought by the Department to compel compliance with the terms of this Order, Huls America, Inc. shall be limited to the defenses of Force Majeure, compliance with this Consent Order and physical impossibility.

G. That this Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional

facts and circumstances be discovered in the future concerning Huls America, Inc. which would constitute possible violations not addressed in this Order, or if the violations noted herein continue, then such future violations shall be addressed in Orders as may be issued by the Department, litigation initiated by the Department, or such other enforcement action as may be appropriate, and Huls America, Inc. shall not object to such future Orders, litigation or enforcement action based on the issuance of this Consent Order.

H. By agreement of the parties, this Order shall be considered final and effective immediately upon execution by the Director. This Consent Order shall not be appealable, and Huls America, Inc. does hereby waive any hearing on the terms and conditions contained herein.

ORDERED and ISSUED this 21st day of June, 1995.

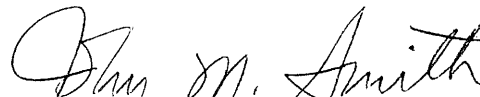


(Signature)

Robert H. Lance, Dir. of Operations

(Print Name and Title of Authorized Officer)

Huls America, Inc.



John M. Smith, Director
Alabama Department of Environmental
Management