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EPA REGION VI

DOCKET NO. RCRA-06-2023-0906

SECOND AMENDMENT TO CONSENT AGREEMENT

Respondent.

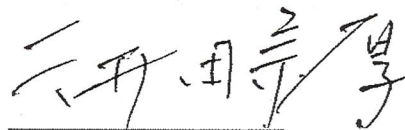
In the Matter of: Denka Performance Elastomer, LLC
Docket Number: RCRA-06-2023-0906
Consent Agreement
Page 1 of 2

1. In Paragraph 4.5.4, Waste Determination Plans, the date of March 31, 2024, was replaced with the date of March 31, 2025 in the First Amendment to the Consent Agreement.
2. In Paragraph 4.5.4, Waste Determination Plans, the date of March 31, 2025 is now replaced with the date of March 31, 2026 in this Second Amendment to the Consent Agreement.
3. This Second Amendment to Consent Agreement and the attached proposed Final Order shall become effective upon execution of the Final Order by the Regional Judicial Officer and filing with the Regional Hearing Clerk ("Effective Date"). 40 C.F.R. §§ 22.18(b)(2) and 22.31(b).

DATED:

FOR RESPONDENT:

4/3/2025



Muneatsu Miida
CEO
Denka Performance Elastomer, LLC

DATED:

FOR COMPLAINANT:

April 4, 2025



Digitally signed by
MARGARET OSBOURNE
Date: 2025.04.04
09:57:29 -05'00'

Cheryl Seager
Director
Enforcement and Compliance Assurance Division
EPA Region 6

FILED

25 APR -8 PM 3:26

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HEARING CLERK
EPA REGION VI

In the Matter of:

Denka Performance Elastomer, LLC

Respondent.

DOCKET NO. RCRA-06-2023-0906

FINAL ORDER

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 6, who has redelegated this authority to the Regional Judicial Officer in EPA Region 6.

1.2. The terms of the foregoing Second Amendment of Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. Notwithstanding 40 C.F.R. § 22.31(a), this Consent Agreement does not resolve any civil or criminal claims for violations alleged in this Consent Agreement, including claims for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as adjusted by 40 C.F.R. Part 19. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this _____ day of _____, 2025.

Rucki,
Thomas

Digitally signed by Rucki,
Thomas
Date: 2025.04.08 11:32:58
-04'00'

Thomas Rucki
Regional Judicial Officer

Certificate of Service

The undersigned certifies that the original of the attached **SECOND AMENDMENT TO CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Denka Performance Elastomer, LLC Docket No.: RCRA-06-2023-0906** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below to the following email addresses:

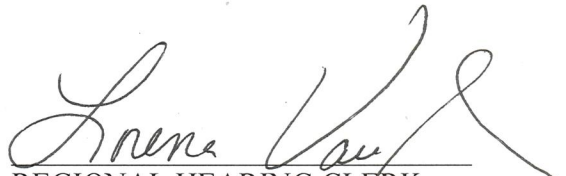
The undersigned certifies that a true and correct copy of the document was delivered to:

murdock.russell@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Michelle Helfrich
Plant Manager
Denka Performance Elastomer, LLC
560 Highway 44
LaPlace, LA 70068

DATED this 8th day of April, 2025.


REGIONAL HEARING CLERK