



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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DOVER, DELAWARE 19901

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**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT
AND SECRETARY'S ORDER**

Pursuant to 7 *Del. C.* § 6005

Order No. 2012-WH-0044

*PERSONALLY SERVED BY AN ENVIRONMENTAL
ENFORCEMENT OFFICER*

Issued To:

Attn: Mr. Javier Hernandez
Plant Manager
DuPont Performance Polymers Kalrez Tralee Park
5 Marrows Road
Newark, Delaware 19714-6098

Registered Agent:

E. I. DuPont De Nemours and Company
1007 Market St. Room 8042
DuPont Building
Wilmington, Delaware 19898

Dear Mr. Hernandez:

The Secretary of the Department of Natural Resources and Environmental Control ("Department") has found DuPont Performance Polymers Kalrez Tralee Park ("Respondent" or "DuPont") in violation of 7 *Del. C.* Chapters 60 and 63, and 7 DE Admin. Code 1302, Delaware's *Regulations Governing Hazardous Waste* ("DRGHW"). Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment, pursuant to 7 *Del. C.* § 6005(b)(3).

BACKGROUND

Respondent is a large quantity generator of hazardous waste¹ and is owned by E.I. DuPont De Nemours & Co., Inc. and operated by DuPont Performance Polymers. Respondent operates a synthetic rubber (Kalrez®) mechanical seal manufacturing facility located in Newark, Delaware.

¹ Generators of more than 1,000 kilograms (2,200 pounds) of hazardous waste in any calendar month are large quantity generators (Delaware's *Regulations Governing Hazardous Waste*, 2011).

Delaware's Good Nature depends on you!

Respondent manufactures O-rings and gaskets, which are used in various mechanical applications, including but not limited to applications for space craft, nuclear power plants and deep oil well pumps. These products are made with either carbon black or titanium dioxide. The waste material resulting from the manufacture of carbon black products is hazardous waste, due to the presence of benzene. Additionally, the waste material resulting from the manufacture of carbon black products is hazardous waste due to the occasional presence of lead. Lead is added to the product based on customer need. Accordingly, Respondent is regulated by and subject to the requirements of DRGHW.

The Department's Solid and Hazardous Waste Management Section ("SHWMS") conducted a compliance assessment at Respondent's facility on September 19, 2011. Twenty-seven² regulatory violations of DRGHW were identified during the assessment. The Department issued Notice of Violation ("NOV") No. 11-HW-48, dated January 24, 2012, to Respondent for the violations discovered on September 19, 2011. The Department required Respondent to immediately achieve compliance and submit documentation demonstrating compliance to the Department within 30 days of receipt of the NOV.

Respondent submitted documentation to the Department on February 27, 2012 and again on March 16, 2012, affirming compliance with a majority of the violations outlined in the NOV. Respondent was unable to confirm full compliance with these violations until March 27, 2012.

FINDINGS OF VIOLATIONS INCLUDING REGULATORY REQUIREMENTS

1. Section 265.173(a) of DRGHW states:

"(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

On September 19, 2011, Department representatives observed the following:

- Two 0.5 gallon satellite accumulation containers for excess waste material that is considered hazardous waste, labeled "Hazardous Waste," located in the black medium/large cell molding area;
- One 0.5 gallon satellite accumulation container, labeled "Hazardous Waste," located in the quick seal, splice, and joint room;
- Four 0.5 gallon satellite accumulation containers, labeled "O-Rings Discarded and Flash Only," located in the cure area; and,

² Subsequent to the compliance assessment and issuance of the NOV, the Department determined that Respondent had one additional violation of DRGHW, bringing the total number of regulatory violations to 28. In addition, in response to the NOV, Respondent provided information demonstrating that it manages alkaline batteries as non-hazardous waste, rather than universal waste. Therefore, the violation of § 273.15(a) of DRGHW has been deleted from this Order bringing the total number of regulatory violations addressed in the Order to 27.

- An open box of spent aerosol cans located in a fire proof cabinet in the 90-day accumulation shed. Respondent's representative stated that the cans were determined to be a hazardous waste and are disposed of as such.

All of the above-referenced containers were open in violation of § 265.173(a).

2. Section 262.34(c)(1) of DRGHW states in part:

“(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.31 or § 261.33(e) in containers at or near any 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 interim status and without complying with paragraph (a) or (d) as applicable of this section ...”

On September 19, 2011, Department representatives observed the following:

- One 30-gallon flip top satellite accumulation container located in the black medium/large cell molding area. Respondent's representative stated that facility employees routinely empty two nearby 0.5-gallon satellite accumulation containers into the 30-gallon container.
- One 0.5 gallon satellite accumulation container, labeled “Hazardous Waste,” located in the quick seal, splice, and joint room. Respondent's representative stated that when the contents of the 0.5-gallon container meets capacity, facility employees transfer the contents into a nearby 20-gallon satellite accumulation container.
- Two 30-gallon satellite accumulation containers in the Deflash area, one for the Deflash #4 area machine and one for the Deflash #6 area machine. Near the two Deflash areas was one 20-gallon fiber satellite accumulation container. Respondent's representative stated that when the contents of the Deflash #4 and Deflash #6 containers meet capacity, facility employees empty their contents into the 20-gallon fiber satellite container.

Transferring hazardous waste from one satellite accumulation container into a second satellite accumulation container is a violation of § 262.34(c)(1).

3. Section 262.34(c)(1) of DRGHW states in part:

“(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.31 or § 261.33(e) in containers at or near any 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 interim status and without complying with paragraph (a) or (d) as applicable of this section ... ”

On September 19, 2011, Respondent’s representative stated that all excess waste material that is considered hazardous waste, from the black P & P area/custom parts molding area, is taken to a satellite accumulation container located in the adjacent quick seal, splice, and joint room. The referenced satellite accumulation container was not at or near the point of generation; a violation of § 262.34(c)(1).

4. Section 262.34(c)(1)(ii) of DRGHW states:

“(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.31 or § 261.33(e) in containers at or near any 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 interim status and without complying with paragraph (a) or (d) as applicable of this section provided he:

(ii) Marks his containers either with the words ‘Hazardous Waste’ or with other words that identify the contents of the containers.”

On September 19, 2011, Department representatives observed the following:

- One 20-gallon fiber satellite accumulation container, located in the maintenance shop, labeled “TRAL – 24” and “Aerosols.” Respondent’s representative stated that the contents are managed as hazardous waste, although they were not labeled accordingly.
- One 20-gallon hazardous waste satellite accumulation container, labeled “Flash Waste Only” and “TRAL – 08,” located in the DeFlash area. The container was not properly labeled as containing hazardous waste.

Failure to properly mark the aforementioned containers with “Hazardous Waste” or with other words to identify the contents of the containers is a violation of § 262.34(c)(1)(ii).

5. Section 279.22(c)(1) of DRGHW states:

“(c) Labels.

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words ‘Used Oil.’³”

³ Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities (Section 279.1 of Delaware’s *Regulations Governing Hazardous Waste*, 2011).

On September 19, 2011, Department representatives observed two 55-gallon steel containers, in the used oil area located outside of the maintenance shop that contained used oil and were not properly labeled; a violation of § 279.22(c)(1).

6. Section 279.22(b)(3) of DRGHW states:

“(b) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:

(3) Closed during storage, except when it is necessary to add or remove oil.”

On September 19, 2011, Department representatives observed one 55-gallon steel container in the used oil area located outside of the maintenance shop that contained used oil and had an open flip top funnel in the container top opening. At the time of the assessment, used oil was neither being added nor removed from the container; a violation of § 279.22(b)(3).

7. Section 262.34(a)(3) of DRGHW states:

“(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided that:

(2) While being accumulated on site, each container and tank is labeled or marked clearly with the words ‘Hazardous Waste.’”

On September 19, 2011, Department representatives observed the following:

- Five hazardous waste accumulation containers located in the 90-day accumulation shed, ranging from 10-gallons to 30-gallons, with either no labeling or inappropriate labeling. Two of the containers were not labeled. One container was labeled “Waste Media Only.” One container was labeled “Media Only.” One container was labeled “TRAL-08 MISC.”
- An open box of spent aerosol cans in a fire proof cabinet located in the 90-day accumulation shed. Respondent’s representative stated that the cans were determined to be a hazardous waste and are disposed of as such. Neither the accumulation box nor the individual aerosol cans had a “Hazardous Waste” label.

Failure to label the above-referenced containers with the words “Hazardous Waste” are violations of § 262.34(a)(3).

8. Section 262.34(a)(2) of DRGHW states:

“(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided that:

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.”

On September 19, 2011, Department representatives observed the following:

- Six hazardous waste accumulation containers, located in the 90-day accumulation shed, ranging from 10-gallons to 30-gallons, with no accumulation start dates.
- An open box of spent aerosol cans in a fire proof cabinet located in the 90-day accumulation shed. Respondent’s representative stated that the cans were determined to be a hazardous waste and are disposed of as such. Neither the accumulation box nor each individual aerosol can was marked with the date accumulation began.

Failure to mark the above-referenced containers with accumulation start dates are violations of § 262.34(a)(2).

9. Section 262.34(a) of DRGHW states in part:

“(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status...”

On September 19, 2011, Department representatives observed six hazardous waste accumulation containers, located in the 90-day accumulation shed, ranging from 10-gallons to 30-gallons. All six of the containers were marked with accumulation start dates indicating that they had been accumulated on site for longer than 90 days. The dates of accumulation ranged from September 23, 2010 to June 16, 2011; violations of § 262.34(a).

10. Section 122.1(c) of DRGHW states in part:

“Scope of the hazardous waste permit requirement. DNREC requires a permit for the... ‘storage’... of any ‘hazardous waste’ as identified or listed in Part 261.”

Section 262.34(a) of DRGHW states in part:

“(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status...”

On September 19, 2011, Department representatives determined that by failing to comply with § 262.34(a) of DRGHW, Respondent was operating a hazardous waste storage facility without a permit; a violation of § 122.1(c) of DRGHW.

11. Section 265.35 of DRGHW states:

“The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”

On September 19, 2011, all of the containers located in the 90-day accumulation shed were stacked and crowded on pallets in an unorganized fashion. There was no aisle space to allow for unobstructed movement; a violation of § 265.35.

12. Section 273.15(c) of DRGHW states in part:

“(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”

On September 19, 2011, Department representatives observed one 5-gallon bucket labeled “Universal Waste – Used Lithium Batteries” located in the 90-day accumulation shed. The bucket was not marked with an accumulation start date and Respondent’s representative was unable to provide one; a violation of § 273.15(c).

13. Section 265.176(b) of DRGHW states in part:

“(b)... ‘No smoking’ signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.”

On September 19, 2011, Department representatives observed ignitable and reactive waste in the 90-day accumulation shed, but could not locate a “No Smoking” sign in that area; a violation of § 265.176(b).

14. Section 273.14(e) of DRGHW states:

“A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: ‘Universal Waste—Lamp(s)’, or ‘Waste Lamp(s)’, or ‘Used Lamp(s)’.”

On September 19, 2011, Department representatives observed two 8 foot fiber boxes of universal waste fluorescent lamps in the non-hazardous waste accumulation area. Neither of the boxes were labeled; a violation of § 273.14(e).

15. Section 273.13(d)(1) of DRGHW states:

“(d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.”

On September 19, 2011, the two boxes containing universal waste fluorescent lamps, described in Violation #14, above, were not closed; a violation of § 273.13(d)(1).

16. Section 262.40(a) of DRGHW states:

“(a) A generator must keep a copy of each manifest signed in accordance with §262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.”

On September 19, 2011, Department representatives requested copies of hazardous waste manifests reflecting shipments of hazardous waste from Respondent. The following manifests did not include a destination facility representative's signature: #002017224FLE dated August 29, 2009, #000225059WAS dated January 28, 2010, and #002017189FLE dated October 6, 2010; violations of §262.40(a).

17. Section 265.174 of DRGHW states:

“The owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. A written record of the inspections must be maintained on site for a minimum of 3 years.”

On September 19, 2011, Respondent was unable to produce weekly inspection logs for the 90-day accumulation shed from May 13, 2010 through June 10, 2010 and August 26, 2010 through September 20, 2010. Respondent also failed to produce a weekly inspection log for the week of May 27, 2011. Additionally, Respondent failed to conduct weekly

inspections of the “Waste Drop-Off Area,” which was used as a hazardous waste 90-day accumulation area; all violations of § 265.174.

18. Section 265.171 of DRGHW states:

“If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.”

On September 19, 2011, Department representatives observed a record of a weekly inspection of Respondent’s 90-day accumulation shed, dated May 20, 2011, which revealed the presence of a leaking container. The leaking container was mentioned again on an inspection record dated June 3, 2011 and on all subsequent inspections until the hazardous waste contents were transferred to a container in good condition on June 22, 2011. Failure to properly manage hazardous waste in a leaking container is a violation of § 265.171.

19. Section 265.53 of DRGHW states:

“A printed copy of the contingency plan and all provisions to the plan must be:

(a) Maintained at the facility and made available immediately upon request.

(b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. Documentation of written submission and receipt must be maintained at the facility.”

On September 19, 2011, Respondent was unable to produce a hard copy of the facility’s contingency plan upon request; rather, Respondent printed a HAZCOM Chemical Release and Contingency Plan for Department representatives from a company laptop. Respondent was also unable to demonstrate that a copy of the facility’s contingency plan had been submitted to the local police station, fire department, hospital and State and local emergency response teams. Respondent’s failure to maintain a hard copy of a facility contingency plan on site and the inability to demonstrate that a copy of the facility contingency plan was sent to the proper authorities is a violation of §265.53(a) and (b).

20. Section 265.52(d) of DRGHW states:

“(d) The plan must list names, addresses (office and home), and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is

listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.”

On September 19, 2011, Respondent’s contingency plan did not name the employee who was currently acting as the alternate emergency coordinator, nor did the contingency plan have the home address of the emergency coordinator. The contingency plan also failed to include the home address and appropriate phone numbers of the alternate emergency coordinator; a violation of §265.52(d).

21. Section 265.52(e) of DRGHW states:

“(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.”

On September 19, 2011, Respondent’s contingency plan did not contain the capabilities of the emergency equipment used on-site; a violation of §265.52(e).

22. Section 265.54(c) of DRGHW states:

“The contingency plan must be reviewed, and immediately amended, if necessary, whenever: ...

(c) The facility changes-in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous constituents, or changes the responses necessary in an emergency.”

On September 19, Department representatives observed the “Waste Drop-Off Area,” which was being used as a hazardous waste 90-day accumulation area. Respondent’s contingency plan had not been updated to include this accumulation area to better assist emergency personnel in knowing the location of hazardous wastes on-site; a violation of § 265.54(c).

23. Section 265.16(d)(2) of DRGHW states:

“(d) The owner or operator must maintain the following documents and records at the facility:

(2) A written job description for each position listed under paragraph (d)(1) of this section. This description may be consistent in its degree of

specificity with description for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualification, and duties of facility personnel assigned to each position;”

On September 19, 2011, Respondent provided to Department representatives a list of all current employees and their job titles from an electronic database. Respondent’s representative provided Department representatives with job descriptions for the SHE (Safety, Health and Environmental) leader/emergency coordinator and the production technician/alternate emergency coordinator. However, none of the job descriptions included education requirements, nor did they include the specific hazardous waste duties of the facility personnel assigned to each position. Additionally, descriptions for the manufacturing technician and maintenance technician, who help manage hazardous waste, were not available. These are all violations of § 265.16(d)(2).

24. Section 265.16(a)(2) of DRGHW states:

“(a)(2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.”

On September 19, 2011, Respondent’s training manager produced documents for Department representatives detailing the hazardous waste training that is provided to facility personnel on an annual basis. The training detailed small quantity generator rather than large quantity generator regulatory requirements. In addition, the documents did not include any training on emergency procedures; violations of § 265.16(a)(2).

25. Section 265.55(b) of DRGHW states:

“(b) The emergency coordinator annual training must address assessing possible hazards to human health and the environment that may result from a release, fire, or explosion.”

On September 19, 2011, Respondent was unable to provide documentation demonstrating that the emergency coordinator and alternate emergency coordinator had received proper training; a violation of § 265.55(b).

26. Section 262.41(a) of DRGHW states in part:

“(a) A generator must prepare and submit a single copy of an Annual Report to the State of Delaware, Department of Natural Resources and Environmental Control by no later than March 1 for the preceding calendar year. The Annual Report must be submitted on a form prescribed by the Department according to

the instructions on the form and must cover generator activities during the previous year.”

On September 19, 2011, Department representatives determined that Respondent operated as a large quantity generator for two months during calendar year 2010 and thus was required to complete a Hazardous Waste Annual Report for that year. Respondent's representative stated that Respondent had not completed a Hazardous Waste Annual Report for 2010; a violation of § 262.41(a).

27. Section 262.12 (d) of DRGHW states:

“(d) A generator must submit a subsequent ‘RCRA Subtitle C Site Identification Form’, EPA Form 8700-12 whenever there is a change in name, mailing address, contact person, contact address, telephone number, ownership, type of regulated waste activity (for example, generator status), or changes in the description of regulated wastes managed or permanently ceases the regulated waste activity. This subsequent notification must be submitted to the DNREC Secretary no less than 10 days prior to implementation of the change(s).”

Prior to the compliance assessment, Department records revealed that Respondent notified the Department in November 1995 that the facility was operating as a small quantity generator. Uniform Hazardous Waste Manifests indicate, however, that Respondent became a large quantity generator during the months February and April 2010, while remaining a small quantity generator the remainder of that calendar year. At the time of the compliance assessment on September 19, 2011, Uniform Hazardous Waste Manifests revealed that, with the exception of January, February, March, and July, Respondent was operating as a large quantity generator. Respondent did not provide the Department with an updated RCRA Subtitle C Site Identification Form (EPA Form 8700-12) ten days prior to implementation of the changes in its generator status. Respondent submitted an updated form to the Department on October 3, 2011; however, the form was incomplete. Failure to provide the Department with an updated RCRA Subtitle C Site Identification Form (EPA Form 8700-12) ten days prior to implementation of a generator status change is a violation of § 262.12(d).

CONCLUSIONS

Based on the foregoing, the Department has concluded that DuPont Performance Polymers Kalrez Tralee Park has violated the above cited regulatory provisions.

ASSESSMENT OF PENALTY AND COSTS

Pursuant to the provisions of 7 Del. C. § 6005(b)(3), this is written notice to Respondent that on the basis of its findings, the Department is assessing Respondent an administrative penalty of \$7,810.00 for the violations identified in this Assessment and Order.

In addition to the penalty assessment, Respondent is hereby assessed estimated costs in the amount of \$1,172.00, pursuant to 7 Del. C. § 6005(c), which were incurred by the Department in the investigation of the noted violations.

Respondent shall submit one check to the Department in the amount of \$7,810.00 to pay the penalty and one check to the Department in the amount of \$1,172.00 to pay the estimated costs within 30 days from the receipt of this Assessment and Order. The checks shall be made payable to the "State of Delaware" and shall be directed to: David L. Ormond, Jr., Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street-3rd Floor, Dover, Delaware 19904.

PUBLIC HEARING

This Administrative Penalty Assessment and Order shall become effective and final unless the Department receives from Respondent, no later than 30 days from the receipt of this Notice, a written request for a public hearing on these matters as provided in 7 Del. C. § 6005(b)(3) and (c). In the event Respondent requests a hearing, the Department reserves the right to withdraw this Assessment and Order and take additional enforcement actions regarding these and other violations at Respondent's facility, including but not limited to, the imposition of civil penalties and recovery of the Department's costs and attorney's fees. The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion.

PRE-PAYMENT

Respondent may prepay the administrative penalty of \$7,810.00 and the Department's estimated costs in the amount of \$1,172.00 in the manner described in the assessment section above. By doing so, Respondent waives its right to a hearing and the opportunity to appeal or contest the Assessment which shall become a final Order.

If you have any questions, please contact Karen J'Anthony at (302) 739-9403.

12/4/12

Date



Collin P. O'Mara, Secretary

cc: David L. Ormond, Jr., DOJ, Deputy Attorney General
Marjorie A. Crofts, Division of Waste and Hazardous Substances, Director
Nancy Marker, SHWMS, Program Administrator
Karen J'Anthony, SHWMS, Program Manager
Melissa Ferree, SHWMS, Engineer
Jenny Bothell, OTS, Enforcement Coordinator
Susan Baker, SHWMS, Paralegal
SHWMS File

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WAIVER OF STATUTORY RIGHT TO A HEARING

DuPont Performance Polymers Kalrez Tralee Park hereby waives its right to a hearing and its opportunity to appeal or contest this Assessment and Order and agrees to the following:

1. **DuPont Performance Polymers Kalrez Tralee Park** will pay the administrative penalty in the amount of \$7,810.00 by sending a check payable to the “State of Delaware” within 30 days of receipt of this Assessment and Order. The check shall be directed to David L. Ormond, Jr., Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904; and
2. **DuPont Performance Polymers Kalrez Tralee Park** will reimburse the Department in the amount of \$1,172.00 which represents the Department’s estimated costs. The reimbursement shall be paid within 30 days of receipt of this Assessment and Order. The check shall be made payable to the “State of Delaware” and be directed to David L. Ormond, Jr., Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904.

**DuPont Performance Polymers Kalrez
Tralee Park**

Date: _____

By: _____

Title: _____