

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

	)	
In the Matter of:	)	DOCKET NO. RCRA-06-2023-0906
	)	
Denka Performance Elastomer, LLC	)	<b>FIRST AMENDMENT TO CONSENT AGREEMENT</b>
	)	
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	)	
Respondent.	)	

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**FIRST AMENDMENT TO CONSENT AGREEMENT**

WHEREAS, Respondent has submitted to EPA for review and comment draft “Waste Determination Plans” that address specific “Product Groups” pursuant to Paragraph 4.5.4 of the Consent Agreement, Docket No. RCRA-06-2023-0906, which was filed on December 20, 2022.

WHEREAS, EPA has not yet approved the draft “Waste Determination Plans” submitted by Respondent.

WHEREAS, EPA continues to evaluate the draft “Waste Determination Plans” submitted by Respondent in consideration of various changes that are under evaluation with respect to the management of “Poly Kettle Strainer Waste.”

WHEREAS, Respondent continues to manage the “Poly Kettle Strainer Waste” pursuant to Paragraph 4.5.2.

NOW THEREFORE, upon the consent and agreement of Denka Performance Elastomer, LLC and EPA, it is hereby agreed as follows:

1. In Paragraph 4.5.4, Waste Determination Plans, the date of March 31, 2024, shall be replaced with the date of March 31, 2025.
2. This First 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:

3/25/2024

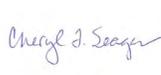


Kazuya Tokumoto  
CEO  
Denka Performance Elastomer, LLC

DATED:

FOR COMPLAINANT:

March 25, 2024



Digitally signed by Cheryl Seager  
DN: cn=Cheryl Seager, o=EPA, ou=Region 6, email=cheryl.seager@epa.gov, c=US  
2024.03.25 16:05:00

Cheryl Seager  
Director  
Enforcement and Compliance Assurance Division  
EPA Region 6

**FILED**

**25 MAR 24 PM 04:58**

REGIONAL HEARING CLERK  
EPA REGION 6

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	DOCKET NO. RCRA-06-2023-0906
	)	
Denka Performance Elastomer, LLC	)	<b>FINAL ORDER</b>
	)	
	)	
	)	
	)	
	)	
	)	
Respondent.	)	

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

1.2. The terms of the foregoing First 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 \_\_\_\_\_, 2024.

THOMAS  
RUCKI

 Digitally signed by THOMAS  
RUCKI  
Date: 2024.03.25 17:46:15  
-04'00'

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Thomas Rucki  
Regional Judicial Officer

Certificate of Service

The undersigned certifies that the original of the attached **FIRST 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](mailto: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 \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LORENA  
VAUGHN

Digitally signed by LORENA  
VAUGHN  
Date: 2024.03.25 16:58:59  
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REGIONAL HEARING CLERK