



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Ave, 14th Floor
Nashville, Tennessee 37243

July 12, 2016

Mr. Roger Calloway
Site Manager
Microporous, LLC
596 Industrial Park Road
Piney Flats, TN 37686

CERTIFIED MAIL
7015 0640 0003 9612 6448
RETURN RECEIPT REQUESTED

RE: CASE NO. HWM 15-0013

Dear Mr. Calloway:

Enclosed please find your copy of the signed Director's Consent Order and Assessment issued to Microporous, LLC, by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management. Please read it carefully and pay special attention to the WAIVER OF RIGHT TO APPEAL section.

If you any questions, please contact Mark Jordan by email at Mark.A.Jordan@tn.gov or by phone at (615) 532-0675.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Lagan".

Chris Lagan, Compliance and Enforcement Manager
Division of Solid Waste Management

cc: John Webb, Manager, DSWM/Johnson City Environmental Field Office
William Krispin, DSWM/Central Office, Nashville
Lisa Hughey, DSWM/Central Office, Nashville
Ashley Holt, DSWM/Central Office, Nashville
Alan Newman, EPA Region 4, Atlanta GA
Enforcement file

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	DIVISION OF SOLID WASTE
)	MANAGEMENT
MICROPOROUS, LLC)	
TND 07-151-9417)	CASE NO. HWM 15-0013
)	
RESPONDENT)	

DIRECTOR'S CONSENT ORDER

This Director's Consent Order is made and entered into by and between the Tennessee Department of Environment and Conservation Division of Solid Waste Management (the "Division" or "DSWM") and Microporous, LLC, (the "Consenting Party" or "Respondent").

PARTIES

I.

Robert J. Martineau, Jr. is the duly appointed Commissioner of the Department of Environment and Conservation (the "Department") and, among other duties and responsibilities, he is charged with the responsibility for administering and enforcing the Tennessee Hazardous Waste Management Act (the "Act"), Tennessee Code Annotated (hereinafter "T.C.A.") §68-212-101 *et seq.* Patrick J. Flood is the duly appointed Director of the Division. He has received written delegation from the Commissioner to administer and enforce particular aspects of the Act.

II.

Microporous, LLC is a foreign corporation formed in Delaware and properly registered to do business in Tennessee. Its agent for service of process is Corporation Service Company, 2908 Poston Avenue, Nashville TN 37203-1312.

JURISDICTION

III.

When provisions of the Act are not being complied with, the Commissioner or his representative is authorized by T.C.A. §68-212-111(a) to issue orders for correction to the responsible party. Further, T.C.A. §68-212-114(b) gives the Commissioner or his authorized representative the authority to assess damages and civil penalties against any person who violates any provision of the Act or any rule, regulation, or standard adopted pursuant to said Act. Department Rules governing hazardous waste have been promulgated pursuant to T.C.A. §68-212-107(d) and are effective as the Tenn. Comp. R. & Regs. 0400-12-01 and 0400-12-02 (the “Rules”).

IV.

The Respondent is a “person” within the meaning of T.C.A. §68-212-104(14).

V.

In accordance with T.C.A. §68-212-107(b)(1), the Commissioner for purposes of enforcing any rule or regulation authorized by the Act or enforcing any requirement of the Act or order issued by the Commissioner is authorized to, at any reasonable time, enter any place where wastes (which the Commissioner has reason to believe may be hazardous) are, may be, or may have been generated, stored, transported, treated, disposed of, or otherwise handled.

FACTS

VI.

The Respondent operates a manufacturing facility (the “facility”) located at 596 Industrial Park Road, Piney Flats, Tennessee. The facility produces battery separators using natural and synthetic rubber. The Respondent is a Large Quantity Generator (“LQG”) of Hazardous Waste. The Respondent’s facility has an EPA facility installation identification number of TND 07-151-9417. Pursuant to T.C.A.

§ 68-212-107(b), the facility is subject to inspection by the Commissioner. Division personnel conducted inspections at the Respondent's facility on April 7 and April 14, 2015. As more fully set forth in the numbered paragraphs below, violations of the Act and the administrative rules promulgated pursuant to the Act were discovered during the Division's inspection. The Respondent was issued a Notice of Violation (NOV) detailing the violations to be corrected.

VII.

Division personnel conducted a Compliance Evaluation Inspection ("CEI") at the Respondent's facility, which included a site inspection on April 7, 2015, a records review on April 14, 2015 and a follow up inspection on May 22, 2015. During these inspections, the Division observed the following:

April 7, 2015 Site Inspection

VIII.

1. Failure to close five satellite containers of hazardous waste.

The DSWM inspector observed five open satellite containers of hazardous waste. One 55-gallon drum and three 2-gallon containers of waste oil/trichloroethylene condensate located in the Distillation Room satellite area and one 55-gallon drum of waste oil/trichloroethylene condensate located in the Carbon Bed Room were not properly closed. (The Respondent's May 15, 2015 response letter documented that the containers had been closed on April 7, 2015 immediately after the CEI. On May 22, 2015 Division personnel conducted a follow-up inspection and observed that all satellite drums were properly closed.)

IX.

2. Failure to label five satellite containers of hazardous waste to identify contents.

The DSWM inspector observed one unlabeled 55-gallon drum and three unlabeled 2-gallon containers of distillation unit vent condensate contaminated with trichloroethylene/oil in the Distillation

Room. In the Carbon Bed Room, the inspector observed one unlabeled 55-gallon drum of waste carbon contaminated with trichloroethylene/oil. (The Respondent's May 15, 2015 response letter stated that the observed satellite containers had been properly labeled immediately after the CEI on April 7, 2015. On May 22, 2015 Division personnel conducted a follow-up inspection and observed that satellite containers were properly labeled.)

X.

3. Failure to mark a satellite container of hazardous waste with an accumulation start date.

The DSWM inspector observed a 55-gallon drum actively collecting hazardous waste oil/trichloroethylene condensate, in addition to one full 55-gallon container of this wastestream in the Carbon Bed Room satellite accumulation area. The filled 55-gallon drum, which caused the 55-gallon satellite volume limit to be exceeded, was not marked with an accumulation start date. (The Respondent's May 15, 2015 response letter stated that the drum observed to be holding the excess volume during the CEI had been dated and removed to the 90-day accumulation area on April 7, 2015 immediately after the CEI. On May 22, 2015 Division personnel conducted a follow-up inspection and observed that satellite areas were being maintained within the 55-gallon limit.)

XI.

4. Failure to label five containers and structures collecting used oil with the words "Used Oil".

The DSWM inspector observed that the oil collection pan and the secondary containment for the de-mister unit, in addition to the drip pan and secondary containment associated with the calendar oil heating unit, were being utilized to collect used oil but were not labeled with the words "Used Oil". It was noted during the inspection that secondary containment structures are not considered to be proper containers and should not be used to store used oil. The DSWM inspector also observed an un-labeled 5-gallon bucket of used oil in the Research & Development Pilot laboratory area. (The Respondent's

May 15, 2015 response letter stated that containers holding used oil had been labeled immediately after the CEI on April 7, 2015. On May 22, 2015 Division personnel conducted a follow-up inspection and observed that all containers of used oil were properly labeled.)

XII.

5. Failure to close a container of hazardous waste stored in the 90-day accumulation area.

The DSWM inspector observed an open 250-gallon hazardous waste tote container in the 90-day accumulation area. (The Respondent's May 15, 2015 response letter stated that the container had been closed on April 7, 2015 immediately following the CEI. On May 22, 2015 Division personnel conducted a follow up inspection and observed that this container was properly closed.)

XIII.

6. Failure to properly containerize hazardous waste collecting in secondary containment units.

The DSWM inspector observed un-containerized hazardous waste in the secondary containment areas for the 250-gallon hazardous waste tote located in the 90-day accumulation area and for the 2-gallon containers located in the Distillation Room. Secondary containment units do not meet the definition of a container. The DSWM inspector also observed un-containerized oil-dry material contaminated with hazardous waste around the units in the Distillation Room. (The Respondent's May 15, 2015 response letter documented that the accumulated hazardous waste in these areas had been cleaned up and properly disposed. On May 22, 2015 Division personnel conducted a follow-up inspection and observed that hazardous waste had been cleaned from secondary containment units and the surrounding area.)

April 14, 2015 Records Review

XIV.

7. Failure to submit notification to the Division regarding the generation of two hazardous wastestreams.

The DSWM inspector observed that the Respondent had not submitted wastestream notification forms to the Division for chromic acid waste generated in the Analytical Laboratory or for the hazardous waste contaminated oil-dry material generated in the Distillation Room. (The Respondent's May 15, 2015 response letter stated that the chromic acid waste in the past had been reported under Waste Stream #18. The letter also stated that the hazardous waste contaminated oil-dry material was in the past routinely shipped off in the containers of used oil, but in the future would be managed as a hazardous waste. On May 22, 2015 Division personnel conducted a follow-up inspection and discussed the options for reporting the Analytical Laboratory wastes as a lab pack.)

XV.

8. Failure to include wastestream codes on notification forms for hazardous wastestreams generated in the Analytical Laboratory.

The DSWM inspector observed that previously-submitted wastestream notifications for several wastestreams generated in the Analytical Laboratory did not have waste codes identified on the notification forms. (The Respondent's May 15, 2015 response letter stated that Annual Hazardous Waste Reports for the years 2001 through 2013 had been reviewed, resulting in the closure of a number of inactive waste streams. The letter also stated that notifications for active wastestreams had been revised to reflect the proper EPA Hazardous Waste Codes. Further, that review also showed each Waste Stream Report noting the EPA Hazardous Waste Codes in block 1(h), precluding the assertion of the Division's May 22, 2015 follow-up inspection noting that revised forms with proper coding for the wastestreams generated in the Analytical Laboratory had not been submitted to the Division's Waste Activity Audit Section.)

XVI.

9. Failure to timely provide annual training review for employees managing hazardous waste.

The Respondent could not provide documentation to demonstrate that employees handling hazardous waste had received the required annual review of hazardous waste training. Training was last conducted on February 19, 2014. (The Respondent's May 15, 2015 response letter stated that employees handling hazardous waste received annual training on May 12, 2015. On May 22, 2015 Division personnel conducted a follow-up inspection and confirmed that the annual training had taken place.)

XVII.

10. Failure to provide documentation that hazardous waste stored in a tank has an organic content of less than 10 percent by weight and is therefore exempt from air monitoring requirements.

The Respondent could not provide documentation that the hazardous waste oil/trichloroethylene condensate (Wastestream #1 F001/D040) generated from the extrusion batch mixing tank had an organic content of less than 10 percent by weight in the 6,000-gallon hazardous waste storage tank. (On May 11, 2015 the Respondent submitted, via email, results of sampling conducted from 2001 through 2005 for this waste at the point of generation. These results were all well below 0.1 percent by weight. On May 22, 2015 Division personnel conducted a follow-up inspection and based on the previously submitted analyses, the long-term consistency of the production process and the materials utilized in the production process, determined this item to be in compliance.)

XVIII.

11. Failure to provide documentation that hazardous waste stored in a tank has an organic content of less than 500 ppm by weight at the point of generation and is therefore exempt from air monitoring requirements; failure to provide documentation for annual reviews of the waste at the point of generation.

The Respondent could not provide documentation that the organic content of the hazardous waste oil/trichloroethylene condensate (Wastestream #1 F001/D040) generated from the extrusion batch mixing tank was less than 500 ppm by weight at the point of generation. (On May 11, 2015 the Respondent submitted, via email, results of sampling conducted from 2001 through 2005 for this waste

at the point of generation These results were all well below 200 ppm by weight. On May 22, 2015 Division personnel conducted a follow-up inspection and based on the previously submitted analyses, the long-term consistency of the production process and the materials utilized in the production process, determined this item to be in compliance.)

XIX.

12. Failure to update current emergency coordinator information in the Contingency Plan.

The DSWM inspector noted that the facility's Spill Prevention, Control and Countermeasures (SPCC) Plan had not been updated since 2009 and did not reflect the current emergency coordinator information. (The Respondent's May 15, 2015 response letter documented that the appropriate emergency contact information had been updated. On May 22, 2015 Division personnel conducted a follow-up inspection and confirmed that the information identifying the current emergency coordinator had been added to the SPCC/Contingency Plan.)

XX.

On April 27, 2015, the Division issued a Notice of Violation to the Respondent for violations of the Act and rules promulgated thereunder, as observed during the April 7 and April 14 inspections.

XXI.

On May 22, 2015, the Division issued a letter to the Respondent documenting a follow-up inspection conducted on that day, the findings of which determined that all previously identified violations had been corrected.

XXII.

On July 15, 2015, the Division conducted a Show Cause meeting with the Respondent's representatives to discuss the alleged violations. Regarding the lack of notification cited in Paragraph XIV, the Respondent's representatives stated that Microporous had not submitted notification for wastes generated in the Analytical Laboratory since the material is disposed of in a lab pack. The Analytical

Lab materials had been reported under the waste stream Waste Acid N.O.S. along with other insignificant lab waste activities and spent acids. Additionally, a notification had not been submitted for hazardous waste contaminated oil-dry material generated in the Distillation Room as the oil-dry is considered a contaminant that is picked up when cleaning spills. The operators build a “dike” of oil-dry around the bottom-sides of the pan to prevent any spills from being suctioned underneath the pan. Spills in this area do result in some minor amounts of oil-dry becoming mixed with the hazardous waste oil, but should be considered no more reportable as a waste stream than other materials gathered up during cleaning.

Regarding the lack of training cited in Paragraph XVI, the Respondent’s representatives stated that the training had not been conducted due to the lack of an EH&S Manager. The Respondent’s representatives stated that, according to the EPA Interpretive Letter (available at [https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/6E83030BCF603437852568E3004683D1/\\$file/14286.pdf](https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/6E83030BCF603437852568E3004683D1/$file/14286.pdf)), the timing of the training would be compliant with the Federal interpretation of “annual training”. In the letter from the EPA they do not set a hard 12 or 15 month interval, but determine the questioner’s compliance as excerpted below:

“While United Technologies, Pratt & Whitney's program may allow as much as 15 months to pass between training courses, an employee would, over the course of four years for example, receive 4 annual training reviews. Therefore, United Technologies, Pratt & Whitney's training system as described in your letter would meet the requirements of the federal regulations at 40 CFR 264.16, and 40 CFR 265.16.”

Under this guidance the Respondent’s retraining timeframe should be acceptable. The Respondent’s representatives further pointed out that training was promptly conducted once the current EH&S Manager was hired. Therefore, due to the timing of the CEI and the prompt corrective action taken, this violation is rescinded.

Regarding the lack of records documenting the organic content of Wastestream #1 F001/D040 cited in Paragraphs XVII and XVIII, the Respondents representative pointed out that the inspection was

conducted on the first day of the EH&S Manger's employment and he was unsure where the information was located when asked. In responding to the inspector's request the information was secured and provided to the Division in a timely manner. The information provided was also provided to the state during the initial installation of the tank and is presumed to have been provided during previous inspections. Therefore, due to the timing of the CEI and the prompt corrective action taken, this violation is rescinded.

Finally, regarding the out-of-date Contingency Plan, the Respondent's representatives again pointed out that as the inspection was conducted on the first day of the EH&S Manger's employment, the emergency coordinator information had not yet been updated. The EH&S Manager had been an employee for less than 24 hours (with the previous day being paperwork, orientation, payroll setup, etc.). The information was updated, replacing the previous EH&S Manger with the current one, in a timely manner. Therefore, due to the timing of the CEI and the prompt corrective action taken, this violation is rescinded.

The Respondent's representatives were thus able to provide evidence and/or documentation to mitigate, but not prevent, enforcement action against the Respondent and provided information on changes that should prevent recurrence of the violations. On July 29, 2015, the Division issued a follow-up letter informing the Respondent that the Division had taken the evidence presented at the Show Cause meeting into consideration, discussed the issues of the case and decided to continue enforcement action.

XXIII.

As a result of the investigation of the Respondent's facility, necessitated by the conditions described above, the Division has incurred DAMAGES in the amount of TWO THOUSAND THREE HUNDRED EIGHTY NINE DOLLARS AND EIGHTY CENTS (\$2,389.80).

VIOLATIONS

XXIV.

By failing to close five satellite containers of hazardous waste, the Respondent has failed to comply with Rule 0400-12-01-.03(4)(e)5.(i)(I), which incorporates Rule 0400-12-01-.05(9)(d)1.

Rule 0400-12-01-.03(4)(e)5.(i)(I) states:

(4) Pre-transport Requirements

(e) Accumulation Time

5. (i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or (4)(d)5, 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 part 2 of this subparagraph provided he:

- (I) Complies with Rule 0400-12-01-.05(9)(b), (c), and (d)1;

Rule 0400-12-01-.05(9)(d)1. states:

(9) Use and Management of Containers

(d) Management of Containers

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

XXV.

By failing to label five satellite containers of hazardous waste to identify contents, the Respondent has failed to comply with Rule 0400-12-01-.03(4)(e)5.(i)(II).

Rule 0400-12-01-.03(4)(e)5.(i)(II)states:

(4) Pre-transport Requirements

(e) Accumulation Time

5. (i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or (4)(d)5, 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 part 2 of this subparagraph provided he:

- (II) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.

XXVI.

By failing to mark a satellite container of hazardous waste with an accumulation start date, the Respondent has failed to comply with Rule 0400-12-01-.03(4)(e)5.(ii).

Rule 0400-12-01-.03(4)(e)5.(ii):

(4) Pre-transport Requirements

(e) Accumulation Time

- 5. (ii) A generator who accumulates either hazardous waste or acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or (4)(d)5 in excess of the amount established in subpart (i) of this part at or near any point of generation must, with respect to that amount of excess waste, comply within three days with part 2 of this subparagraph or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with items (i)(I) and (II) of this part. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

XXVII.

By failing to label containers and structures collecting used oil with the words “Used Oil”, the Respondent has failed to comply with Rule 0400-12-01-.11(3)(c)3.(i).

Rule 0400-12-01-.11(3)(c)3.(i) states:

(3) Standards for Used Oil Generators

(c) Used Oil Storage

3. Labels

- (i) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil”.

XXVIII.

By failing to close a container of hazardous waste stored in the 90-day accumulation area, the Respondent has failed to comply with Rule 0400-12-01-.03(4)(e)2.(i)(I), which incorporates Rule 0400-12-01-.05(9)(d)1.

Rule 0400-12-01-.03(4)(e)2.(i)(I) states:

(4) Pre-transport Requirements

(e) Accumulation Time

2. Except as provided in parts 6, 7 and 8 of this subparagraph, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(i) The waste is placed:

- (I) In containers and the generator complies with the applicable requirements of Rules 0400-12-01-.05(9), (27), (28), and (29)

Rule 0400-12-01-.05(9)(d)1. states:

(9) Use and Management of Containers

(d) Management of Containers

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

XXIX.

By failing to properly containerize hazardous waste collecting in secondary containment units, the Respondent has failed to comply with Rule 0400-12-01-.03(4)(e)2.(i)(I).

Rule 0400-12-01-.03(4)(e)2.(i)(I) states:

(4) Pre-transport Requirements

(e) Accumulation Time

2. Except as provided in parts 6, 7 and 8 of this subparagraph, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without interim status, provided that:

- (i) The waste is placed:
 - (I) In containers and the generator complies with the applicable requirements of Rules 0400-12-01-.05(9), (27), (28), and (29).

XXX.

By failing to submit notification to the Division regarding the generation of two hazardous wastestreams, the Respondent has failed to comply with Rule 0400-12-01-.03(2)(a)1.

Rule 0400-12-01-.03(2)(a)1.states:

(2) Notification

(a) Applicability

1. Each person who generates a hazardous waste as defined in Rule 0400-12-01-.02(1)(c) must notify the Department, describing his wastes and his activities regarding them, according to subparagraphs (b) through(e) of this paragraph, except as parts 2, 3, and 4 of this subparagraph and Rules 0400-12-01-.01(1)(d)1, 2, 4, 5, and 7, (e) and (g) provide otherwise.

XXXI.

By failing to include wastestream codes on notification forms for hazardous wastestreams generated in the Analytical Laboratory, the Respondent has failed to comply with Rule 0400-12-01-.03(2)(b).

Rule 0400-12-01-.03(2)(b) states:

(2) Notification

(b) Existing Generators

Except as subparagraph (a) of this paragraph provides otherwise, a person who is a generator of a waste on the effective date of the regulations established under Rule 0400-12-01-.02 which identify that waste as a hazardous waste subject to the requirements of this paragraph, must notify the Department within 90 days of that date. Such notification must be submitted on generator notification forms provided by the Department. The form must be completed according to the instructions accompanying it.

XXXII.

By failing to comply with the aforementioned Rules, the Respondent has failed to comply with T.C.A. §68-212-105(4).

T.C.A. §68-212-105(4) provides:

It is unlawful to:

- (4) Store, containerize, label, transport, treat or dispose of hazardous waste, or fail to provide information in violation of the rules, regulations, or orders of the commissioner or board, or in such a manner as to create a public nuisance or a hazard to the public health.

ORDER AND ASSESSMENT

XXXIII.

WHEREFORE, PREMISES CONSIDERED, pursuant to the authority vested by T.C.A. §68-212-114 and T.C.A. 68-212-111, I, Patrick J. Flood, after proper consideration of the harm done to the public health or the environment, the economic benefit gained by the Respondent, the amount of effort put forth by the Respondent to attain compliance, and any unusual or extraordinary costs incurred by the Commissioner, hereby issue, and the Respondent agrees to, the following CONSENT ORDER AND ASSESSMENT:

1. The Respondent is hereby assessed DAMAGES in the amount of TWO THOUSAND THREE HUNDRED EIGHTY NINE DOLLARS AND EIGHTY CENTS (\$2,389.80) to be paid to the State on or before the thirty-first (31st) day after receipt of this CONSENT ORDER.
2. The Respondent is hereby assessed a CIVIL PENALTY in the amount of FIVE THOUSAND NINE HUNDRED FIFTY DOLLARS AND NO CENTS (\$5,950.00) to be paid to the State on or before the thirty-first (31st) day after receipt of this CONSENT ORDER.

3. Payment of the CIVIL PENALTY and DAMAGES should reference Case No. **HWM 15-0013**, be made payable to the “Treasurer, State of Tennessee” and sent to the Division of Fiscal Services – Consolidated Fee Section, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 10th Floor, Nashville, Tennessee 37243.

RESERVATION OF RIGHTS

XXXVII.

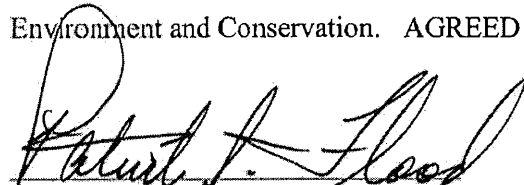
In agreeing to the foregoing CONSENT ORDER, the Director does not implicitly or expressly waive any provisions of the Act or regulations promulgated thereunder. Compliance with the provisions of this CONSENT ORDER will be considered a mitigating factor in determining the need for future enforcement action(s). Execution, acceptance and compliance with this Consent Order hereby preclude any further enforcement action regarding the specific violations noted in Sections XXIV through XXXII.

Respondent agrees to comply with this CONSENT ORDER to avoid the cost of protracted litigation.

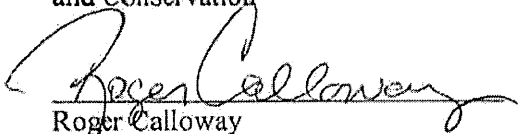
WAIVER OF RIGHT TO APPEAL

Respondent understands that it has the right to appeal this CONSENT ORDER pursuant to Tennessee Code §§68-212-113 and 68-212-114. Respondent knowingly and voluntarily waives all of these appeal rights.

ORDERED by the Director of the Division of Solid Waste Management, Department of Environment and Conservation. **AGREED AND CONSENTED** to by Respondent.


Patrick J. Flood, Director
Division of Solid Waste Management
Tennessee Department of Environment
and Conservation

July 11, 2016
Date


Roger Calloway
Site Manager
Microporous, LLC

7-7-16
Date