

**Union Carbide Corporation**  
**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER**  
**ASSESSING ADMINISTRATIVE PENALTY**  
**AND OPPORTUNITY FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION**  
**Enforcement & Compliance Assurance Division (3ED32)**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103**

**Date of Notice:** March 26, 2021

**Permit No.:** WV0000086

**Docket Number:** CWA-03-2021-0071

**Comments will be accepted until May 5, 2021.**

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) AND 40 CFR § 22.45, the U.S. Environmental Protection Agency Region III (EPA Mid-Atlantic Region), hereby gives notice that it is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of seventy-nine thousand dollars (\$79,000.00) against the Respondent named below for alleged violations of its NPDES permit.

**RESPONDENT:**

Union Carbide Corporation  
437 MacCorkle Avenue  
South Charleston, WV 23503

**SUMMARY OF VIOLATIONS:** EPA Mid-Atlantic Region alleges the following violations of National Pollutant Discharge Elimination System (NPDES) Permit No. WV0000086 (Permit):

1. violations of effluent limits, which are enforceable parameters that dictate the amount of pollution a facility may discharge;
2. violations of UCCI Permit Section C, Good Housekeeping;
3. failure to properly implement and maintain a Best Management Practice Plan;
4. failure to implement and maintain the Storm Water Pollution Prevention Plan as required by the Permit;
5. unauthorized stormwater discharges.

These failures constitute violations of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

**OPPORTUNITY FOR COMMENT:** If you wish to comment on the CAFO, submit via email a statement to the EPA Mid-Atlantic Region Enforcement & Compliance Assurance Division Director. Email this statement directly to the Regional Hearing Clerk (email below) within 40 days of the date of this public notice. Comments received within this 40 day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

**All comments should be emailed to:**

Regional Hearing Clerk  
U.S. EPA, Mid-Atlantic Region  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

**AVAILABILITY OF INFORMATION:** You may request information relevant to the Consent Agreement and Final Order through the Regional Hearing Clerk.

**REGISTRY OF INTERESTED PERSONS:** Any person interested in a particular case or group of cases may leave their name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

**FOR FURTHER INFORMATION:** Interested parties may contact the following EPA representatives to learn more about this action.

Chad Harsh  
U.S. Environmental Protection Agency  
215-814-2633  
[harsh.chad@epa.gov](mailto:harsh.chad@epa.gov)

or

Doug Frankenthaler  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
215-814-2472  
[frankenthaler.doug@epa.gov](mailto:frankenthaler.doug@epa.gov)