

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Solutia, Inc., a Subsidiary of Eastman Chemical Company  
Anniston, Calhoun County, Alabama  
USEPA Identification Number ALD004019048**

Consent Order No. 26-XXX-CHW

**PREAMBLE**

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and Solutia, Inc. a Subsidiary of Eastman Chemical Company ("Solutia") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Alabama Hazardous Wastes Management and Minimization Act ("AHWMMA"), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

**STIPULATIONS**

1. Solutia operates a chemical manufacturing facility ("the Facility") with EPA Identification Number ALD004019048, located at 702 Clydesdale Avenue in Anniston, Calhoun County, Alabama. Solutia, as a result of its operations at the Facility, was a large quantity generator of hazardous waste, a small quantity handler of universal waste, a used oil generator, a used oil processor/re-refiner, and a used oil fuel marketer, as those terms are defined in ADEM Admin. Code Div. 14, at all times relevant to this action.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.
3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended.

In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

#### **DEPARTMENT'S CONTENTIONS**

4. On October 22, 2025, the Department conducted a compliance evaluation inspection ("CEI") of the Facility. The CEI and a review of Solutia's compliance showed the following:

(a) Pursuant to pertinent provisions of ADEM Admin. Code r. 335-14-3-.01(5)(a)4., a container holding hazardous waste must be closed at all times during accumulation.

Solutia failed to keep closed one satellite accumulation container (an aerosol puncture station containing hazardous waste) located behind the Maintenance Building.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a), a large quantity generator may accumulate hazardous waste on site without a permit or interim status provided the generator accumulates hazardous waste on site for no more than 90 days, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

Solutia stored hazardous waste for greater than 90 days without receiving a permit or being granted an extension.

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10.(ii), unless exempt under 335-14-3-.01(7)(a)10., a sign with the legend "Danger – Unauthorized Personnel Keep Out" must be posted at each entrance to the central accumulation area, and at other locations, in sufficient numbers to be seen from any approach to the active portion. The legend must be written in English and in any other language predominant in the workplace and the area surrounding the facility, and must be legible from a distance of at least 25 feet.

Solutia, not exempt under 335-14-3-.01(7)(a)10., failed to post "Danger – Unauthorized Personnel Keep Out" signs on the exterior of the central hazardous waste

accumulation area. Warning signs were not posted on the exterior of the central accumulation area bunker or on the fence surrounding the Facility.

(d) Solutia failed to properly manage containers of used oil. As a result, Solutia failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(a)1., a container holding used oil must always be closed during storage, except when it is necessary to add or remove used oil.

Solutia failed to keep closed two containers of used oil located in the Mechanic Shop.

(II) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

Solutia failed to mark or label multiple containers of used oil with the words "Used Oil".

(e) Solutia failed to properly manage containers of universal waste. As a result, Solutia failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-11-.02(4)(a)1., a small quantity generator of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions.

Solutia failed to keep closed one container of universal waste batteries in the SERDC Building.

(II) Pursuant to ADEM Admin. Code r. 335-14-11-.02(5)(a), a small quantity handler of universal waste must clearly label or mark universal waste batteries (i.e., each battery), or a container in which the batteries are contained, with any one of the following phrases: "Universal Waste - Battery(ies)", or "Waste Battery(ies)", or "Used Battery(ies)".

Solutia failed to clearly mark or label one container of universal waste batteries in the SERDC Building with one of the required phrases.

(f) Solutia failed to maintain required hazardous waste management documents at the Facility. As a result, Solutia failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iv), a large quantity generator must maintain at the facility the job title for each position at the facility related to hazardous waste management, a written job description for each position at the facility related to hazardous waste management, a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management, and records documenting that such training has been provided to facility personnel.

Solutia failed to provide for review written job descriptions for each position at the Facility related to hazardous waste management and records of hazardous waste management training provided to facility personnel in 2024.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.14(9)(e), the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Solutia failed to include a list of emergency equipment in the Facility's contingency plan.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10), a large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., law enforcement agencies, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services) or, as appropriate, the Local Emergency Planning Committee. A large quantity generator must submit a

quick reference guide of the contingency plan to local emergency responders or, as appropriate, the Local Emergency Planning Committee.

Solutia failed to provide for review documentation that the Facility had submitted the Facility's contingency plan or quick reference guide to the required local emergency responders.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.14(11)(c), a large quantity generator must review and immediately amend the contingency plan, if necessary, whenever 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 waste constituents, or changes the response necessary in an emergency.

Solutia failed to amend the contingency plan when a portion of the Facility was decommissioned in July of 2025.

5. On February 18, 2026, the Department issued a Notice of Violation to Solutia, which cited the abovementioned violation(s).

6. On March 17, 2026, Solutia submitted to the Department a written response to the NOV, which stated that the violation(s) cited in the NOV had been corrected.

7. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) SERIOUSNESS OF THE VIOLATION(S): In determining the seriousness of the violation(s), the Department considered the general nature and magnitude of the violation(s) along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) STANDARD OF CARE: In considering the standard of care manifested by Solutia, the Department noted that the violation(s) were non-technical and easily avoidable. Consequently, Solutia failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined that no significant economic benefit was gained by Solutia as a result of the violation(s).

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) UPON THE ENVIRONMENT: There are no known environmental effects to mitigate as a result of the violation(s).

(e) HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Solutia has a history of similar violations and the civil penalty reflects that history.

(f) ABILITY TO PAY: The Department does not have any evidence indicating that Solutia is unable to pay the civil penalty.

(g) OTHER FACTORS: It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without incurring the unwarranted expense of litigation (see Attachment A, which is made a part of the Department's Contentions).

8. The Department neither admits nor denies Solutia's Contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violation(s) cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violation(s). The Department has determined that the terms contemplated in this Consent Order are in the best interest of the citizens of Alabama.

## **SOLUTIA'S CONTENTIONS**

9. Regarding violation 4(b), Solutia utilizes a third-party vendor to collect and transport accumulated hazardous waste from the Facility for lawful treatment and disposal. Upon determining that the accumulated hazardous waste at the Facility was approaching the 90-day accumulation period, Solutia attempted to schedule pickup with its vendor. Due to circumstances outside of Solutia's control, the third-party vendor informed Solutia it was unable to perform any pickups until after the 90-day accumulation period was exceeded.

10. Regarding violation 4(f)(III), Solutia prepared the required planning materials in hard copy, and personally provided local emergency responders with the documents. In doing so, Solutia did not acquire or create any record documenting the in-person transfer of materials to the local emergency responders.

11. Solutia is committed to providing a safe and healthful workplace for its employees, protecting the surrounding community, and operating in an environmentally sound manner to protect people and the environment. Solutia corrected all violations identified by the Department within the required timeframes and has implemented measures designed to prevent recurrence of those violations.

12. Solutia neither admits nor denies the Department's Contentions. Solutia consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

## **ORDER**

Therefore, without admitting that it has violated any statutes or regulations, Solutia, along with the Department, desires to resolve and settle the alleged violation(s). The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement. The Department believes that the following conditions are appropriate to address the alleged violation(s). Therefore, the Department and Solutia agree to enter into this Consent Order with the following terms and conditions:

A. Solutia agrees to pay to the Department a civil penalty in the amount of \$10,560 in settlement of the violation(s) alleged herein within forty-five (45) days of the Effective Date of this Consent Order. Failure to pay the civil penalty within forty-five (45) days from the Effective Date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Solutia agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods acceptable to the Department and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Consent Order shall reference Solutia's name and address, and the ADEM Consent Order Number of this action.

C. Solutia agrees to comply with all applicable terms, conditions, and limitations of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and Solutia ("Parties") agree that this Consent Order shall apply to and be binding upon both parties, and both parties shall direct their directors, officers, and employees implementing this Consent Order to comply with its provisions. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The Parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violation(s) cited herein.

F. Solutia agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, Solutia agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The Parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement actions as may be appropriate. Solutia agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Consent Order if future orders, litigation, or other enforcement actions address new matters not raised in this Consent Order.

I. The Parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and Solutia does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The Parties agree that this Consent Order shall not affect Solutia's obligation to comply with any federal, State, or local laws or regulations.

K. The Parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The Parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The Parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The Parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal,

State, or local law, and shall not be construed to waive or relieve Solutia of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

SOLUTIA, INC. A SUBSIDIARY OF  
EASTMAN CHEMICAL COMPANY

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

  
(Signature of Authorized Representative)

\_\_\_\_\_  
Edward Poolos  
Director

Michael Carden  
(Printed Name)

Site Manager  
(Printed Title)

7/7/2026  
(Date Signed)

\_\_\_\_\_  
(Date Executed)

### Attachment A

Solutia, Inc., a Subsidiary of Eastman Chemical Company  
Anniston, Calhoun County  
Facility ID No. ALD004019048

| Violation                                                                                           | Number of Violations* | Seriousness of Violation* | Standard of Care* | History of Previous Violation* |                               |
|-----------------------------------------------------------------------------------------------------|-----------------------|---------------------------|-------------------|--------------------------------|-------------------------------|
| (a) Failure to keep satellite accumulation containers of hazardous waste closed                     | 1                     | \$150                     | \$50              | \$50                           |                               |
| (b) Storage of hazardous waste for greater than 90 days without a permit                            | 1                     | \$10,000                  | \$1,000           | \$0                            |                               |
| (c) Failure to post warning signs at each entrance to the central hazardous waste accumulation area | 1                     | \$150                     | \$50              | \$0                            |                               |
| (d) Failure to properly manage containers of used oil                                               | 2                     | \$300                     | \$100             | \$100                          |                               |
| (e) Failure to properly manage containers of universal waste                                        | 2                     | \$300                     | \$100             | \$50                           |                               |
| (f) Failure to provide required records/documents for review                                        | 4                     | \$600                     | \$200             | \$0                            | <b>Total of Three Factors</b> |
| <b>TOTAL PER FACTOR</b>                                                                             |                       | \$11,500                  | \$1,500           | \$200                          | \$13,200                      |

#### Adjustments to Amount of Initial Penalty

|                        |          |                           |          |
|------------------------|----------|---------------------------|----------|
| Economic Benefit (+)   | \$0      | Amount of Initial Penalty | \$13,200 |
| Mitigating Factors (-) | \$0      | Total Adjustments (+/-)   | -\$2,640 |
| Ability to Pay (-)     | \$0      | <b>FINAL PENALTY</b>      | \$10,560 |
| Other Factors (+/-)    | -\$2,640 |                           |          |

#### Footnotes

\* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.