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In the Matter of: : **PROPOSED STIPULATION AND
CONSENT ORDER**

Balchem Corporation : **No. 1907065**
Notice of Violation and Compliance Order :
No. 1901005
UTR000014258

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This **STIPULATION AND CONSENT ORDER** is issued by the DIRECTOR OF THE UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code §19-6-101, *et seq.* The Director has authority to issue such ORDERS in accordance with Utah Code § 19-6-112.

JURISDICTION

1. The Director has jurisdiction over the subject matter of this **CONSENT ORDER** pursuant to Utah Code §19-6-112 and jurisdiction over Balchem Albion Central Warehouse Facility owned and operated by Balchem Corporation (“Balchem”). Balchem and the Director are the parties to this agreement.

FINDINGS

2. Balchem is a Maryland corporation licensed to do business in Utah. Balchem is the owner and operator of the Balchem Albion Central Warehouse Facility located at 1774 West 2800 South, Ogden, UT 84401.
3. Balchem is a “person” as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions the Act, the Utah Administrative Code (Rules).
4. An authorized representative of the Division of Waste Management and Radiation Control conducted a compliance evaluation inspection at the Balchem Albion Central Warehouse on December 21, 2018.
5. The Director issued NOTICE OF VIOLATION No. 1901005 (the NOV) on February 25, 2019, alleging violations by Balchem Albion Central Warehouse of the Rules.
6. Balchem filed a response to the NOV on March 18, 2019 (DSHW-2019-002861).

STIPULATION AND CONSENT ORDER

7. The parties now wish to fully resolve Notice of Violation and Compliance Order No. 1901005 (NOV/CO) without further administrative or judicial proceedings.

8. In full settlement of the violations alleged in NOV/CO No. 1901005, Balchem shall pay a penalty of \$11,232.00. Payment shall be made within thirty days of entry into this **CONSENT ORDER**. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Ty L. Howard, Director, Utah Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880. This amount has been determined in accordance with the Division's Civil Penalty Policy (R315-102 of the Rules), which considers such factors as the gravity of the violations, the extent of deviation from the rules, the potential for harm to human health and the environment, good faith efforts to comply, and other factors.

EFFECT OF CONSENT ORDER

9. For the purpose of this **CONSENT ORDER**, the parties agree and stipulate to the above stated facts. The stipulations contained herein are for the purposes of settlement and shall not be considered admissions by any party and shall not be used by any person related or unrelated to this **CONSENT ORDER** for purposes other than determining the basis of this **CONSENT ORDER**. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against Balchem in the event of future non-compliance with this **CONSENT ORDER**, with the Act, with the Rules, or with the Permit; nor shall the State be precluded in any way from taking appropriate action should such a situation arise again at the Balchem Albion Central Warehouse facility. However, entry into this **CONSENT ORDER** shall relieve Balchem of all liability for violations which did arise or could have arisen with respect to the allegations contained in the NOV/CO.
10. This **CONSENT ORDER** is not a contract. It may be enforced as a final judgment in a court of competent jurisdiction.

EFFECTIVE DATE

11. This **CONSENT ORDER** shall become effective upon execution by Balchem and the Director.

Dated this _____ day of _____, 2020

Balchem Corporation

Division of Waste Management and Radiation Control

TBD Name, title

Ty L. Howard, Director