

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
Dallas, Texas 75270**

**In the Matter of**

**General Motors LLC,**

**Respondent.**

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**Docket No. RCRA-06-2024-0913**

**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency, Region 6 (“EPA” or “Complainant”), and General Motors LLC (“Respondent”) have agreed to settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Sections 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments of 1984 (“RCRA”), 42 U.S.C. § 6928(a).

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated requirements of Subchapter III of RCRA, 42 U.S.C. §§ 6921 – 6940.

3. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the state of Texas received authorization to administer and enforce a hazardous waste program (49 FR 48300).<sup>1</sup> Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the EPA to enforce the provisions of an authorized state program and the regulations promulgated thereunder. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), the state of Texas has been notified of this action.

#### **Parties**

4. Complainant is the Director of the Enforcement and Compliance Assurance Division of EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

5. Respondent is General Motors LLC, a corporation incorporated in the state of Delaware and conducting business in the state of Texas.

#### **Statutory and Regulatory Framework**

6. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from the potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

7. Subchapter III of RCRA, 42 U.S.C. §§ 6921 – 6940, commonly referred to as “Subtitle C” (Hazardous Waste Management), required the Administrator to establish a “cradle-to-grave” federal hazardous waste program that includes criteria for defining hazardous waste and

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<sup>1</sup> On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Texas’ published version. The corresponding C.F.R. citations are also provided.

regulating the activities of facilities that generate, transport, treat, store, or dispose of hazardous waste.

8. Pursuant to the authority provided in Section 3001 of RCRA, 42 U.S.C. § 6921, the EPA promulgated regulations listing hazardous wastes and providing criteria for identifying hazardous wastes, taking into account characteristics of ignitability, corrosivity, reactivity and toxicity, among other hazardous characteristics.

9. Pursuant to the authorities provided in Subtitle C, the EPA also promulgated the regulations found at 40 C.F.R. Parts 260 – 279 that provide detailed requirements governing the actions of generators and transporters of hazardous waste, and of treatment, storage, and disposal facilities. The equivalent and federally authorized Texas program is found at Title 30, Chapter 335, of the Texas Administrative Code (T.A.C.).

10. Pursuant to the regulations found at 40 C.F.R. § 270 [30 T.A.C. § 335.2], owners and operators of facilities that treat, store, or dispose of hazardous waste must have a RCRA permit, and must comply with the standard set forth in 40 C.F.R. Part 264 [30 T.A.C. § 335.152], unless otherwise exempt. Generally, these regulations prohibit the treatment, storage, and disposal of hazardous waste without a permit or equivalent “interim status”.

11. Pursuant to the generator standards found at 40 C.F.R. Part 262, Subchapter C [30 T.A.C. Chapter 335, Subchapter C], generators may accumulate (store) hazardous waste without a RCRA permit, provided the generator complies with the applicable conditions set forth in 40 C.F.R. 262 subpart A [30 T.A.C. § 335.53]. If at any time a generator does not meet the exemption conditions, the generator must apply for and receive a RCRA permit and adhere to the standards set forth in 40 C.F.R. Part 264 [30 T.A.C. § 335.152].

12. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes a civil penalty of not more than \$25,000 per day for violations of Subtitle C of RCRA. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$117,468 for violations that occur after November 2, 2015, and are assessed after January 6, 2023.

**EPA Findings of Fact and Conclusions of Law**

13. Respondent is a “person” as defined by 40 C.F.R. § 260.10 [30 T.A.C. § 3.2(25)].

14. Respondent is the owner and operator of the General Motors Arlington Assembly, a “facility,” as defined by 40 C.F.R. § 260.10 [30 T.A.C. § 335.1(60)], located at: 2525 E. Abram St., Arlington, TX 76010 (the “Facility”), RCRA ID No. TXD008018004.

15. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, the EPA conducted an inspection from March 28, 2022, to April 1, 2022, to determine Respondent’s compliance with RCRA and the implementing regulations at the Facility (the “Inspection”).

16. Respondent generated and stored waste streams at the Facility related to the automotive manufacturing and coating process that include “solid wastes” as defined by 30 T.A.C. § 335.1(140) [40 C.F.R. § 260.10], and characteristic “hazardous wastes” as defined by 30 T.A.C. § 335.1(70) [40 C.F.R. § 261.3].

17. Respondent is a “generator” of hazardous waste, as defined by 30 T.A.C. § 335.1(66) [40 C.F.R. § 260.10].

18. From the time Respondent first generated or stored hazardous waste, Respondent was subject to Subtitle C of RCRA, and the regulatory requirements promulgated thereunder and found at 40 C.F.R. Parts 260 – 279 and Title 30, Chapter 335, of the Texas Administrative Code.

**EPA Alleged Violations**

19. The facts stated in the EPA Findings of Fact and Conclusions of Law above are herein incorporated.

20. Complainant hereby states and alleges that Respondent has violated RCRA, and the federal and state regulations promulgated thereunder, as follows, and is therefore subject to civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a):

**Count 1 - Failure to Meet Container Management Standards**

21. Pursuant to 40 C.F.R. § 261.4(b)(18)(i), solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that the solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers.

22. Pursuant to 40 C.F.R. § 262.17(a)(1)(iv)(A), a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

23. Pursuant to 40 C.F.R. § 262.17(a)(1)(vii)(C), a container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby must be separated from the other materials by means of a dike, berm, wall, or other device.

24. In the Central Accumulation Area, Respondent did not securely bind an inner plastic liner containing solvent-contaminated wipes, and as a result, the liner had a VOC reading of 2,500 ppm above background levels.

25. In the Central Accumulation Area, Respondent failed to adequately separate two

containers of oxidizer waste from other hazardous waste containers nearby.

26. Respondent failed to meet container management standards in violation of 40 C.F.R. § 262.17(a)(1).

**COMPLIANCE ORDER**

27. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within 60 calendar days of the effective date of this Consent Agreement and Final Order, Respondent shall provide in writing the following:

- a. Respondent shall certify that it is operating the Facility in compliance with RCRA, and the regulations promulgated thereunder, including, but not limited to: (a) making hazardous waste determinations; (b) managing hazardous wastes and hazardous secondary materials; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the land disposal requirements;
- b. Respondent shall certify that it now manages the Facility spent purge solvent as hazardous secondary material;
- c. Respondent shall certify that it has replaced the seal on the vent and flame arrester on Tank 5.

28. In all instances in which this Consent Agreement and Final Order requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate,



and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this Consent Agreement and Final Order shall be sent to the following:

U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Enforcement and Compliance Assurance Division (ECDSR)  
ATTN: Erin Young-Dahl  
Dallas, Texas 75270-2102

Where possible, notice shall be sent electronically by email to Enforcement Officer Erin Young-Dahl, respectively at [youngdahl.erin@epa.gov](mailto:youngdahl.erin@epa.gov) or at 214-665-3166.

### **CONSENT AGREEMENT**

29. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the Compliance Order as stated herein;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action stated herein;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this Consent Agreement.

30. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein and performance of the compliance actions described below.

31. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

**Penalty Payment**

32. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Eighteen Thousand Four Hundred Ninety-Four Dollars and Twenty-Five Cents (\$18,494.25) as set forth below.

33. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, Missouri 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Environmental Protection Agency  
Government Lockbox 979078  
3180 Rider Trail S.  
Earth City, MO 63045

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

34. A copy of the check or other information confirming payment shall simultaneously be sent electronically by email to the following:

Lorena S. Vaughn  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102  
vaughn.lorena@epa.gov; and

Erin Young-Dahl  
Enforcement and Compliance Assurance Division  
Waste Enforcement Branch



U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2101  
youngdahl.erin@epa.gov

35. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

**Effect of Settlement and Reservation of Rights**

36. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties relating to the Inspection including for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

37. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

38. Respondent certifies by the signing of this Consent Agreement that the Facility is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

39. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder. In any action by EPA or the United States to enforce the terms of this Consent Agreement and Final Order, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this Consent Agreement and Final Order and agrees not to contest the validity of this Consent Agreement and Final Order or its terms or conditions.

Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

#### **General Provisions**

40. By signing this Consent Agreement, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

41. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

42. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, and local taxes.

43. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

44. When Respondent believes that it has complied with all the requirements of this Consent Agreement and Final Order, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Paragraph 28. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this Consent Agreement and Final Order is terminated on the basis of Respondent's certification.

45. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Consent Agreement and Final Order by email to the following:

To EPA: [george.elizabeth.a@epa.gov](mailto:george.elizabeth.a@epa.gov)

To Respondent: [john.urbanic@gm.com](mailto:john.urbanic@gm.com)

**RESPONDENT:  
GENERAL MOTORS LLC**

12-6-2023  
Date


  
\_\_\_\_\_  
Signature

JOHN URBANIC  
Printed Name

PLANT EXECUTIVE DIRECTOR  
Title

**COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY**

12/08/2023  
Date

  
\_\_\_\_\_  
Digitally signed by  
CHERYL SEAGER  
Date: 2023.12.08  
12:44:03 -06'00'  
Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

**FINAL ORDER**

Pursuant to Sections 3008(a) of RCRA, 42 U.S.C. §§ 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

THOMAS  
RUCKI

Digitally signed by  
THOMAS RUCKI  
Date: 2023.12.11  
11:34:18 -05'00'

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was transmitted to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

george.elizabeth.a@epa.gov

Copy via Email to Respondent:

john.urbanic@gm.com

**ELIZABETH** Digitally signed by  
**GEORGE** ELIZABETH GEORGE  
Date: 2023.12.12  
07:56:30 -06'00'

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Signed  
Office of Regional Counsel  
U.S. EPA, Region 6