



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 28 2012

CERTIFIED MAIL 7010 2780 0001 8216 0065
RETURN RECEIPT REQUESTED

Mr. Ronald Wesley Farley
Attorney-at-Law
Burr and Forman
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203


Re: Consent Agreement and Final Order No.
Docket No. CWA-04-2012-4504(b)
Hyundai Heavy Industries
Montgomery, Alabama

Dear Mr. Farley:

Enclosed please find a fully executed copy of the Consent Agreement and Final Order, finalized by the U.S. Environmental Protection Agency, Region 4 and the Regional Administrator. Please make note of the provisions under Section IV. Payment.

Should you have any questions or concerns regarding this matter, please contact Ms. Susan Pope at (404) 562-9770 or via email at pope.susan@epa.gov.

Sincerely,


James D. Giattina
Director
Water Protection Division

Enclosure

cc: Mr. Vernon H. Crockett
Alabama Department of Environmental Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

RECEIVED
EPA REGION IV

2012 MAR 28 AM 7:20

HEARING CLERK

IN THE MATTER OF:)
)
HYUNDAI POWER TRANSFORMERS) CONSENT AGREEMENT AND
USA, INCORPORATED) FINAL ORDER
HYUNDAI HEAVY INDUSTRIES)
MONTGOMERY, ALABAMA)
)
RESPONDENT.) DOCKET NO. CWA-04-2012-4504(b)

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding pursuant to Section 309(g)(2)(B) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g)(2)(B), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, published at 64 Fed. Reg. 40176 (July 23, 1999) and codified at 40 Code of Federal Regulations (C.F.R.) Part 22.

2. The authority to take action under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), is vested in the Administrator of the United States Environmental Protection Agency. The Administrator has delegated this authority to the Regional Administrator, Region 4, who in turn has delegated this authority to the Director of the Water Protection Division (Complainant).

II. Allegations

3. At all times relevant to this action, Hyundai Power Transformers USA, Incorporated (Respondent), was a corporation duly organized and existing under the laws of the State of Alabama and, therefore, a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

4. At all times relevant to this action, the Respondent owned and/or operated a construction site known as Hyundai Heavy Industries (Development) located at 201 Folkmar Parkway, in Montgomery, Alabama, and is the "Operator" of the Development within the meaning of Rule 335-6-12.02 of the Permit regulations.

5. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

6. Section 402 of the CWA, 33 U.S.C. § 1342, establishes an NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including stormwater, into navigable waters subject to specific terms and conditions. Pursuant to Section 402(b) of the CWA, the EPA has granted the State of Alabama through the Department of Environmental Management (ADEM) approval to administer the NPDES program.

7. The ADEM issued Administrative Code Chapter 335-6-12, *National Pollutant Discharge Elimination System (NPDES) Construction, Noncoal/Nonmetallic Mining and Dry Processing Less Than Five Acres, Other Land Disturbance Activities, and Areas Associated With These Activities*, (Permit Regulations), in accordance with the Code of Alabama 1975, §§ 22-22-1 to 22-22-14 and §§ 22-22A-1 and 22-22A-16 et seq., as amended, effective March 1, 2003, and revised on September 19, 2006. Regulated facilities must submit a Notice of Registration (NOR) requesting coverage under the Permit Regulations, and must submit an NOR each year thereafter to maintain coverage unless another length of time (not to exceed five (5) years) has been approved by ADEM. The Permit Regulations also require that a Construction Best Management Practices Plan (CBMPP), designed to minimize pollutant discharge in stormwater runoff to the maximum extent practicable during land disturbance activities, be submitted, fully implemented and effectively maintained.

8. The ADEM Water Division is responsible for the approval of coverage under the Permit Regulations, upon submission of the NOR and CBMPP.

9. On August 10, 2010, the Respondent submitted an NOR requesting coverage under the ADEM Permit Regulations for its Development. A Notice of Coverage was sent to the Respondent with an effective date of August 13, 2010, and an expiration date of August 12, 2011.

10. The State of Alabama is currently transitioning from the Permit-by-Rule (i.e., Permit Regulations referenced in Paragraph 7) construction program to a Construction General Permit (CGP) construction program. Effective April 1, 2011, ADEM issued its CGP, "*National Pollutant Discharge Elimination System General Permit for Discharges From Construction Activities That Result in a Total Land Disturbance of One Acre or Greater and Sites Less Than One Acre But are Part of a Common Plan of Development or Sale*", Permit No. ALR100000. Over time the CGP will replace the Permit-by-Rule. However, Hyundai's coverage under the Permit-by-Rule remained in effect until its expiration on August 12, 2011.

11. Part 335-6-12-.05(2) of the Permit Regulations requires the maintenance of adequate records to document compliance and to fully implement and regularly maintain effective Best Management Practices (BMPs) to the maximum extent practicable.

12. Part 335-6-12-.05(3) of the Permit Regulations requires implementation and maintenance of a comprehensive CBMPP and submission of reports and certifications as required.

13. Part 335-6-12-.05(5) of the Permit Regulations requires the posting and maintenance of signs to adequately identify the site. Signs shall display the name of registrant, "ADEM Registration" followed by the ADEM NPDES registration number, and facility or site name.

14. Part 335-6-12-.06(3) of the Permit Regulations requires the Operator to control, suspend, or cease construction or discharge upon reduction in effectiveness, loss or failure of a treatment facility

or BMP until the construction BMP/control is restored or an effective alternative BMP or method of effective treatment is provided.

15. Part 335-6-12-.06(4) of the Permit Regulations requires that all reasonable steps be taken to prevent and/or minimize, to the maximum extent practicable, any discharge which has a reasonable likelihood of adversely affecting the quality of groundwater or surface water receiving the discharges.

16. Part 335-6-12-.15(11)(a)1-3 of the Permit Regulations requires the Operator to record, at a minimum, the following information for each inspection, measurement, sample taken, laboratory or field measurement, parameter, or analysis performed, observed or recorded:

- A. The site/facility name and location, registration number, source location, date, time and exact place of sampling, if conducted;
- B. The name of those persons who performed the inspection or obtained the samples or measurements; the dates and times of when the inspection or the analyses were performed; the name(s) of the person(s) who performed the analyses; the analytical techniques or methods used, including source of method and method number; the equipment used, and calibration procedures; the results of all samples and analyses; and
- C. Any deficiencies noted during the inspection, any corrective action or mitigation needed to correct the deficiencies and a proposed compliance schedule.

17. Part 335-6-12-.21(2)(a) of the Permit Regulations requires the Operator to implement a comprehensive certified CBMPP appropriate for site specific conditions. The CBMPP shall describe the structural and/or non-structural practices and management strategies to be implemented and maintained at the site.

18. Part 335-6-12-.21(2)(b)3 of the Permit Regulations requires the CBMPP to include a description of appropriate, effective water quality BMPs to be implemented at the site, including the proper cleanup/removal or effective stabilization of sediment deposited off-site, and effective remediation of sediment or other pollutant in-stream impacts to the maximum extent practicable.

19. Part 335-6-12-.21(2)(b)5 of the Permit Regulations requires the CBMPP to include a description of appropriate, effective water quality BMPs of all areas not undergoing active disturbance or active construction for longer than thirteen (13) days to prevent/minimize erosion and ensure timely temporary vegetative cover, and to ensure permanent revegetation or cover of all disturbed areas when disturbance is complete.

20. Part 335-6-12-.21(2)(b)7 of the Permit Regulations requires the CBMPP to include a description of appropriate, effective water quality BMPs to be used for the removal and disposal of construction waste and sediment contaminated as a result of construction activities.

21. Part 335-6-12-.21(2)(b)9 of the Permit Regulations requires the CBMPP to include a description of appropriate, effective water quality BMPs including a detailed description of the site and the nature of the construction activity; description of intended sequence of major activities which disturb soils; and existing data describing surface soils as well as subsoils.

22. Part 335-6-12-.21(2)(b)11 of the Permit Regulations requires the CBMPP to include the identification of the receiving waters.

23. Part 335-6-12-.21(2)(b)12 of the Permit Regulations requires the CBMPP to include a description of appropriate, effective water quality BMPs including a description of temporary and permanent stabilization practices, a schedule and/or sequence for implementation; and a description of structural and nonstructural practices to divert flow from exposed soils, store stormwater flows, or otherwise limit runoff and the discharge of pollutants.

24. Part 335-6-12-.21(2)(d) of the Permit Regulations requires the CBMPP to include, as appropriate, component plans as needed that address pre-construction project planning and design, project phasing, BMP implementation and maintenance, inspection and sampling efforts, record keeping, emergency response, construction site nutrient management, pollution prevention efforts, preventive and continuing maintenance efforts, spill prevention control and countermeasures, remediation, mitigation, and restoration effort, post-construction stormwater flow and quality, training and continuing education, runoff coefficients and infiltration rates, streambank protection and pre-construction site assessment information.

25. Part 335-6-12-.21(4) of the Permit Regulations requires that BMPs be designed, implemented and regularly maintained to provide effective treatment of discharges of pollutants in stormwater resulting from runoff generated by probable storm events expected/predicted during construction disturbance, and during extended periods of adverse weather and seasonable conditions.

26. Part 335-6-12-.21(5)(a) of the Permit Regulations requires that BMPs be fully implemented and regularly maintained.

27. Part 335-6-12-.21(5)(b) of the Permit Regulations requires that BMPs be implemented to the maximum extent practicable to prevent offsite sedimentation and deposition of construction site wastes.

28. Part 335-6-12-.21(11)(c) of the Permit Regulations requires that effective BMPs be implemented as necessary to minimize downstream turbidity.

29. Part 335-6-12-.26(2) of the Permit Regulations requires documentation and effective BMP design, implementation and consistent maintenance to prevent/minimize discharges of pollutants in stormwater runoff.

30. Part 335-6-12-.26(4) of the Permit Regulations requires measurement and recording of precipitation.

31. Part 335-6-12-.28(1) of the Permit Regulations requires that regular comprehensive site and receiving water inspections are conducted to ensure that BMPs are properly designed, implemented and maintained.

32. Part 335-6-12-.28(2) of the Permit Regulations requires comprehensive inspections of construction sites and areas impacted by the construction site by a qualified person as often as needed to ensure, document and certify continuing compliance with the Permit Regulations. If the CBMPP is

determined to be deficient, the CBMPP shall be revised and the revisions fully implemented within seven (7) calendar days following the inspection.

33. Part 335-6-12-.28(3) of the Permit Regulations requires that, for each day of activity at the site, qualified persons shall visually observe that portion of the construction project where active disturbance, work or construction is occurring and report any apparent BMP deficiencies observed.

34. Part 335-6-12-.28(4)(d) of the Permit Regulations requires complete and comprehensive inspections and evaluations of defined or designated construction site activities to be performed by a qualified person after any precipitation of 0.75 inches or greater in any twenty-four (24) hour period since the last inspection.

35. Part 335-6-12-.28(7) of the Permit Regulations requires inspection reports to document facility/site conditions, describe any BMP deficiencies and maintenance needs and detail any corrective actions that need to be implemented.

36. Part 335-6-12-.35(1) of the Permit Regulations requires proper operation and maintenance of all BMPs, facilities, systems of treatment and control and associated appurtenances which are installed or used to achieve compliance.

37. Part 335-6-12-.35(10)(a) of the Permit Regulations requires prompt steps be taken to mitigate and prevent or minimize any adverse impact resulting from noncompliance with any requirements of the Permit Regulations; determine the nature and impact of the non-complying discharge; and remove, to the maximum extent practical, pollutants deposited off-site or in any waterbody or stormwater conveyance.

38. Part 335-6-12-.35(11)(a) of the Permit Regulations requires the Operator to take all reasonable steps, including cessation of construction, building production or other activities, to prevent or minimize any violation of the Permit Regulations or to prevent or minimize any adverse impacts.

39. On February 10, 2011, representatives of the EPA, in conjunction with ADEM, performed a Compliance Stormwater Evaluation Inspection (CSWEI) at the Respondent's Development to evaluate the treatment and disposal of stormwater in accordance with the CWA, the regulations promulgated thereunder at 40 C.F.R. § 122.26 and the ADEM Permit Regulations.

40. As a result of the CSWEI, the EPA has determined that the Respondent discharged stormwater associated with industrial activity from its Development within the meaning of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and its implementing regulations into an unnamed tributary to the Pintlalla Creek which flows into the Alabama River, a navigable water of the United States.

41. The EPA documented the following observations in its CSWEI Report and in the "Site Observation Form" provided to on-site the Respondent's on-site personnel:

- A. The CBMPP was not up-to-date and failed to: 1) identify all contractors at the Development; 2) provide sequencing of major activities; 3) contain a map of all structural/non-structural controls; 4) include receiving waters; and 5) contain maintenance requirements of BMPs as required by Parts 335-6-12-.05(2), 335-6-12-.05(3), 335-6-12-.21(2)(a), 335-6-12-.21(2)(b)9, 335-6-12-.21(2)(b)11,

335-6-12-.21(2)(b)12 , 335-6-12-.21(2)(d) and 335-6-12-.21(4) of the Permit Regulations. The CBMPP should also be revised to include the construction entrance/exit on the northeast section of the site near Folmar Parkway, the soil stockpile area and the drainage swales. It could not be determined when clearing and grubbing of the Development began.

- B. Stabilization was not provided on slopes of drainage swales or bare areas where construction was no longer occurring as required by Parts 335-6-12-.21(2)(b)5, 335-6-12-.21(2)(b)3 and 335-6-12-.21(2)(d) of the Permit Regulations.
- C. Proper operation and maintenance of BMPs was not provided at the Development. Street sweeping of Folmar Parkway had not been performed. There was a collection of construction debris on the northern portion of the Development along the drainage ditch. Silt fencing on the northeast portion of the Development required repair. Perimeter silt fencing south of the soil stockpile needed repair and had sediment overtopping fencing and discharging off-site. Perimeter silt fencing had not been installed in all areas of the Development. Silt fencing check dams in the drainage ditches also needed maintenance. The storm drain inlet in the paved parking lot on the northeast portion of the Development, curb inlets off of Folmar Parkway and near the construction trailers needed protection. Rip rap was needed at the outfall discharge points. The needed maintenance and installation of BMPs is required by Parts 335-6-12-.06(3), 335-6-12-.21(5)(a), 335-6-12-.26(2), and 335-6-12-.25(1) of the Permit Regulations.
- D. A sign was not posted at the front entrance to the property as required by Part 335-6-12-.05(5) of the Permit Regulations.
- E. Sediment was observed in both of the outfalls and in the unnamed tributary to Pintalla Creek, which flows into the Alabama river, a navigable water of the United States. Prevention and/or minimization of sediment discharges and proper cleanup or removal of sediment deposited off-site was not accomplished as required by Parts 335-6-12-.06(4), 335-6-12-.21(2)(b)3, 335-6-12-.21(5)(b), 335-6-12-.21(11)(c), 335-6-12-.35(10)(a), 335-6-12-.35(11)(a) of the Permit Regulations.
- F. Inspections were either not conducted or not documented or both as required by the Permit Regulations contained in Parts 335-6-12-.15(11)(a)1-3, 335-6-12-.28(1)-(4), and 335-6-12-.28(7)
- G. A method to measure and record precipitation was not present at the Development as required by Part 35-6-12-.28(1) of the Permit Regulations.

42. Therefore, the Respondent has violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), by failing to comply with the ADEM Permit Regulations.

III. Stipulations and Findings

43. Complainant and the Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CA/FO) will simultaneously commence and conclude this matter.

44. For the purposes of this CA/FO, the Respondent admits the jurisdictional allegations set out above and admits the factual allegations set out above.

45. The Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

46. The Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CA/FO and consents to the other conditions set forth in this CA/FO.

47. By signing this CA/FO, the Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate and complete for each such submission, response and statement. The Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

48. The EPA reserves the right to assess and collect any and all civil penalties for any violation described herein to the extent that any information or certification provided by Respondent was materially false or inaccurate at the time such information or certification was provided to the EPA.

49. Complainant and the Respondent agree to settle this matter by their execution of this CA/FO. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of the CWA.

IV. Payment

50. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, and considering the nature of the violations and other relevant factors, the EPA has determined that Forty-three Thousand dollars (\$43,000.00) is an appropriate civil penalty to settle this action.

51. The Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CA/FO via a cashier's or certified check, payable to the order of "Treasurer, United States of America." The check shall reference on its face the name of Respondent and the Docket Number of this CA/FO. Such payment shall be tendered to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

52. At the time of payment, the Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CA/FO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Mary Mattox
U.S. Environmental Protection Agency, Region 4
Water Protection Division
Clean Water Enforcement Branch
Municipal and Industrial Enforcement Section
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

53. The penalty amount specified above shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of federal taxes.

54. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by the Respondent to pay the penalty assessed by the CA/FO in full by its due date may subject the Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CA/FO), attorney's fees, costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CA/FO shall not be subject to review.

V. General Provisions

55. This CA/FO shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. Other than as expressed herein, compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

56. Nothing in this CA/FO shall be construed as prohibiting, altering or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of the Respondent's violation of this CA/FO or of the statutes and regulations upon which this CA/FO is based, or for the Respondent's violation of any federal or state statute, regulation or permit.

57. Except as otherwise set forth herein, this CA/FO constitutes a settlement by Complainant and the Respondent of all claims for civil penalties pursuant to the CWA with respect to only those violations alleged in this CA/FO. Except as otherwise set forth herein, compliance with this CA/FO shall resolve the allegations of violations contained herein. Nothing in this CA/FO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this CA/FO. Other than as expressed herein, Complainant does not waive any right to bring an enforcement action against the Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment or to pursue criminal enforcement.

58. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.

59. This CA/FO applies to and is binding upon Respondent and its officers, directors, employees, agents, successors and assigns.

60. Any change in the legal status of the Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter the Respondent's responsibilities under this CA/FO.

61. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CA/FO.

62. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service relating to this proceeding.

For Complainant:

Wayne Lee
Associate Regional Counsel, Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9523

For Respondent:

Mr. Ronald Wesley Farley
Attorney-at-Law
Burr and Forman
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203

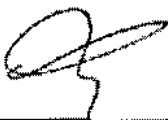
63. The parties acknowledge and agree that this CA/FO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a consent agreement and proposed final order based on comments received during the public comment period.

64. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Alabama was provided a prior opportunity to consult with Complainant regarding this matter.

VI. Effective Date

65. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

For RESPONDENT, HYUNDAI POWER TRANSFORMERS USA, INC.:



Gyou Chul Lee
President and Corporate Executive Officer

Date: 12/28/2011

AGREED AND CONSENTED TO:

For COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:



James B. Giattina
Director
Water Protection Division
U.S. EPA, Region 4

Date: 2/3/12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4


IN THE MATTER OF:)
)
HYUNDAI POWER TRANSFORMERS) CONSENT AGREEMENT AND
USA, INCORPORATED) FINAL ORDER
HYUNDAI HEAVY INDUSTRIES)
MONTGOMERY, ALABAMA)
)
RESPONDENT.) DOCKET NO. CWA-04-2012-4504(b)
)

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, 40 C.F.R. Part 22, and authorities delegated to me, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), Respondent is hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 3-23-2012


Gwendolyn Keyes Fleming
Regional Administrator

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of Hyundai Power Transformers USA, Inc., Docket No. CWA-04-2012-4504(b) (filed with the Regional Hearing Clerk on MAR 28 2012, 2012, was served on MAR 28 2012 2012, in the manner specified to each of the persons listed below.

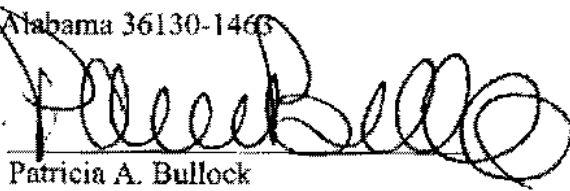
By hand-delivery:

Wayne Lee
Associate Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

By certified mail,
return receipt requested:

Mr. Ronald Wesley Farley
Attorney-at-Law
Burr and Forman
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203

Vernon H. Crockett
Chief, NPDES Enforcement Branch
Alabama Department of Environmental
Management
P. O. Box 301463
Montgomery, Alabama 36130-1463



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETE BY ORIGINATING OFFICE:

(attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mary Mattox 1/12/12
[Name] [Date]
in the WPD/CWEB/Municipal and Industrial Section at 404-562-9733
[Office] [Telephone Number]

- Non-SF Judicial Order/Consent Decree. USAO COLLECTS.
Administrative Order/Consent Agreement. FMS COLLECTS PAYMENT.
SF Judicial Order/Consent Decree. FMS COLLECTS.
Other Receivables
This is an original debt.
This is a modification.

PAYEE: Hyundai Heavy Industries, Montgomery, Alabama
[Name of person and/or Company/Municipality making the Payment]

The Total Dollar Amount of Receivable: \$ 43,000
[IF in installments, attach schedule of amounts and respective due dates]

The Case Docket Number: CWA-04-2012-4504 (b)

The Site-Specific Superfund (SF) Account Number:

The Designated Regional/Headquarters Program Office: Region 4 Water Protection Division

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT SECTION:

The IFMS Accounts Receivable Control Number is:
If you have any questions call: in the Financial Management Section,
Telephone Number:

DISTRIBUTION:

A. JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

- 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice/RH 1647
P.O. BOX 7611, Benjamin Franklin Station
Washington, DC 20044
2. Originating Office (ORC)
3. Designated Program Office

B. ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the ADMINISTRATIVE ORDER should be sent to:

- 1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
4. Regional Counsel

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM
PROGRAM SPECIFIC INFORMATION

Case Docket Control Number: CWA-04-2012-4504(b)

Total Amount Due: \$ 43,000

Full payment due within 30 days of the effective date of the CAFO.

Installment payments to be paid:

Amount Due:

Date Due:

\$ _____

\$ _____

\$ _____

\$ _____
