



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

SEP 18 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephen Pantle
President
Coating Technology, Inc.
360 Scarlet Blvd
Oldsmar, Florida 34677-3018

Re: Coating Technology, Inc.
Consent Agreement and Final Order
Docket No. RCRA-04-2014-4005(b)

Dear Mr. Pantle:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC. The initial payment of the civil penalty is to be paid within thirty (30) calendar days of the effective date of the CA/FO, and subsequent payments are to be made in accordance with the schedule specified in Paragraph 73.a. of the CA/FO.

If you have any questions, please feel free to contact Joan Redleaf Durbin, Associate Regional Counsel, at (404) 562-9544.

Sincerely,

A handwritten signature in blue ink that reads "CÉSAR A. ZAPATA".

César A. Zapata
Chief, RCRA and OPA Enforcement and
Compliance Branch
RCRA Division

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:

Coating Technology, Inc.
360 Scarlet Blvd.
Oldsmar, Florida 34677-3018

EPA ID No.: FL0 000 442 236

Respondent

) Docket Number: RCRA-04-2014-4005(b)
)
) Proceeding under Section 3008(a) of the
) Resource Conservation and
) Recovery Act, 42 U.S.C. § 6928(a)
)
)
)
)
)
)

HEARING CLERK

2014 SEP 18 AM 10:37

RECEIVED
EPA REGION IV

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. §§ 403.702 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939(e)]. This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA for alleged violations of Fla. Stat. §§ 403.702 et seq., and the regulations promulgated pursuant thereto and set forth at Florida Administrative Code Annotated (Fla. Admin. Code Ann. r.) 62-730 [Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260 through 270 and 273].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is Coating Technology, Inc. (CTI), a metal parts finisher (aluminum, titanium and stainless steel) for the aerospace industry which provides different types of metal plating and painting services. CTI is a privately held company located at 360 Scarlet Boulevard, in Oldsmar, Florida (the Facility), and is incorporated and doing business under the laws of the State of Florida (Florida or the State).
6. CTI is registered with the State of Florida as a small quantity generator of hazardous waste (SQG). On September 26, 2012, a representative of the EPA and a representative of the Florida Department of Environmental Protection (FDEP) performed a RCRA Compliance Evaluation Inspection (CEI). At the time of the inspection, records showed that the Respondent was generating hazardous waste in amounts such that it was a large quantity generator (LQG).

III. PRELIMINARY STATEMENTS

7. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), Florida has received final authorization from the EPA to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Florida authorized program are found at Fla. Stat. § 403.702 et seq. and Fla. Admin. Code Ann. r. 62-730.
8. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Florida has received final authorization for certain portions of HSWA, including those recited herein.
9. Although the EPA has granted Florida authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), to address violations of the requirements of the authorized state program. This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
10. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations alleged herein will be to the authorized Florida program; however, for ease of reference, the federal citations will follow in brackets.
11. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given written notice of this action to the State before the issuance of this CA/FO.
12. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found at Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].
13. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005(a) of RCRA, 42 U.S.C. § 6925(a)], sets forth the requirement that facilities that treat, store, or dispose of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180 and 62-730.220 [40 C.F.R. Parts 262, 264, 265, 270 and 273].

14. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.”
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “facility” includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes a corporation, partnership, or association.
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an “owner” is the person who owns a facility or part of a facility and an “operator” is the person responsible for the overall operation of a facility.
18. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)], and it meets any of the criteria specified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)].
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21 through 261.24], are characteristic hazardous wastes, and are provided with the EPA Hazardous Waste Numbers D001 through D043.
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid waste that exhibits the characteristic of ignitability is considered ignitable hazardous waste and is provided with the EPA Hazardous Waste Number D001.
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid waste that exhibits the characteristic of toxicity for barium is considered hazardous waste and is provided with the EPA Hazardous Waste Number D005.
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid waste that exhibits the characteristic of toxicity for chromium is considered hazardous waste and is provided with the EPA Hazardous Waste Number D007.
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid waste that exhibits the characteristic of toxicity for lead is considered hazardous waste and is provided with the EPA Hazardous Waste Number D008.

25. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], certain solid wastes are listed hazardous wastes from non-specific sources and are provided with the EPA Hazardous Waste Numbers F001 through F039.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.30], solid waste is a hazardous waste if it is listed in 62-730.030(1) [40 C.F.R. § 261.31(a)] because it contains spent Xylene, a non-halogenated solvent, and is provided with the EPA Hazardous Waste Number F003.
27. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.30], solid waste is a hazardous waste if it is listed in 62-730.030(1) [40 C.F.R. § 261.31(a)] because it contains spent methyl ethyl ketone (MEK), a non-halogenated solvent, and is provided with the EPA Hazardous Waste Number F005.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11], a person who generates a solid waste is required to determine if that waste is a hazardous waste.
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], a LQG may accumulate hazardous waste on-site for 90 days or less, without a permit or interim status, provided that the generator complies with the applicable requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the "LQG Permit Exemption").
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 40 C.F.R. § 265.173(a)], a condition of the LQG Permit Exemption allows a generator to accumulate hazardous waste on-site provided that each container holding hazardous waste is closed during storage.
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates the requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 40 C.F.R. § 265.174], a condition of the LQG requires a generator to inspect containers of accumulated hazardous waste for leaks and deterioration on a weekly basis.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2)], a condition of the LQG Permit Exemption requires a generator to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
33. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates the requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 40 C.F.R. § 264.35], a condition of the LQG Permit Exemption, a generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
34. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)], a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, in containers at or near the point of generation where the wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], provided that the generator complies with Fla. Admin. Code Ann. r. 62-730.160(1)

[40 C.F.R. § 265.173(a)] by keeping his containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

35. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii)], a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, in containers at or near the point of generation where the wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], provided that he marks his containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.
36. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(4) [40 C.F.R. § 273.9] a "Small Quantity Handler of Universal Waste" means a universal waste handler who accumulates less than 5,000 kilograms of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
37. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(4) [40 C.F.R. § 273.13(d)(1)], a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
38. Pursuant to Fla. Admin. Code Ann. r.62-737.400(5)(b)(1)[40 C.F.R. § 273.14(e)], a small quantity handler of universal waste must mark or label clearly each lamp, or container or package in which such lamps are contained with any one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

IV. EPA ALLEGATIONS AND DETERMINATIONS

39. Respondent is a "person" as defined in Section 403.703 of the Florida Statutes, Fla. Stat. § 403.703 [Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)] and Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
40. Respondent is the "owner" and "operator" of a "facility" located in Oldsmar, Florida, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
41. CTI is a metal parts finisher (aluminum, titanium and stainless steel) for the aerospace industry providing different types of metal plating and painting services.
42. Respondent generates wastes that are "solid wastes" and "hazardous wastes" as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.2 and 261.3].
43. Respondent reported generating nickel/chromium waste (D007), paint waste (D001/D005/D007/D008) and paint stripper waste (F003/F005).
44. On September 26, 2012, a representative of the EPA and a representative of FDEP performed a RCRA Compliance Evaluation Inspection (CEI). At the time of the inspection, records showed that the Respondent was generating hazardous waste in amounts such that it was inspected as a large quantity generator (LQG).

45. On January 15, 2014, EPA sent an "Opportunity to Show Cause" letter to Respondent. On February 26, 2014, EPA and Respondent conducted a teleconference to discuss the findings of the CEI.
46. Respondent has an emergency shower and eye wash station near the anodizing lines. At the time of the CEI, the inspection team noticed two 55-gallon drums and five 5-gallon containers storing rinse water, a hazardous waste, located in front of the emergency shower and eye wash area. The location of the containers made it too hard to operate the eye wash in case of emergency.
47. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet requirements of the LQG Permit Exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.35] by not maintaining aisle space and allowing the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
48. Respondent has a Wastewater Treatment Plant (WWTP) to treat wastewaters generated at the facility. At the time of the CEI, the inspection team found an open 55-gallon blue Satellite Accumulation Area (SAA) container storing hazardous waste sludge (F003/F005) generated in the WWTP.
49. In Respondent's paint booth, the inspection team found an open and unlabeled 5-gallon SAA container storing paint waste, an open and unlabeled 55-gallon SAA container of paint waste, an open and unlabeled 55-gallon SAA drum for spent Methyl Ethyl Ketone (MEK) solvent generated from painting and gun cleaning operations (F003/F005).
50. At the time of the inspection, Respondent was operating a distillation unit to recycle spent MEK solvent. The inspection team found, a 55-gallon drum and over ten 5-gallon containers storing spent MEK solvent (F003/F005). Some of the containers were open and unlabeled.
51. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet the requirements of Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code Ann. 62-730.180(1) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates 40 C.F.R. § 265.173(a)], by leaving containers of hazardous waste open other than when adding waste.
52. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet the requirements of Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code Ann. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii)], which incorporates 40 C.F.R. § 262.34(a)], by failing to mark his containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.
53. Respondent was storing five hazardous waste containers in the Hazardous Waste Storage Area. At the time of the inspection, the area was storing:

- A large cardboard box storing Ni/Cr Waste (D007) dated 11/31/11.
 - Two 55-gallon drums of paint waste (D001/D005/D007/D008) dated 11/15/11 and 9/27/11.
 - A 55-gallon drum of paint stripper waste (F003/F005) dated 10/27/11.
 - A 55-gallon drum of paint stripper waste (F003/F005) dated 01/10/11.
54. During the February 26, 2014 Show Cause, Respondent provided manifests showing that the contents of the box and drums were disposed in a timely matter but that the containers' labels were not properly updated.
 55. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet the requirements of the LQG Permit Exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2)] by failing to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
 56. At the time of the CEI, the inspection team noticed that the Respondent stopped conducting weekly inspections on April 30, 2012 or six (6) months before the date of the inspection.
 57. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet the requirements of the LQG Permit Exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates the requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 262.34(a)(1)(i), which incorporates 40 C.F.R. § 265.174] by failing to inspect containers of accumulated hazardous waste for leaks and deterioration on a weekly basis.
 58. Respondent uses rags soaked with MEK solvent to clean metal parts and remove grease. At the time of the CEI, the inspection team noticed that spent or dirty rags soaked with spent MEK (F003/F005) were managed as solid waste and disposed of in the trash.
 59. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.11], by failing to conduct a hazardous waste determination on a solid waste generated.
 60. Respondent stores universal waste fluorescent lamps at the Hazardous Waste Storage Area. At the time of the CEI, CTI was storing six boxes of the fluorescent lamps (12 foot and 4 foot). The boxes were not labeled and were open. Additionally, CTI was storing three 12-foot long fluorescent lamps that were not stored in a container
 61. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-737.400(4) [40 C.F.R. § 273.13(d)(1)] which requires a small quantity handler of universal waste to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
 62. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-737.400(5)(b)(1) [40 C.F.R. § 273.14(e)] which requires a small quantity handler of universal waste to mark or label clearly each lamp, or container or package in which such lamps are contained with any one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

63. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
64. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
65. Respondent waives its right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
66. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
67. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.
68. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of facts or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§701-706.
69. 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 RCRA.
70. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
71. The parties agree that compliance with the terms of this CA/FO shall resolve all of Respondent's liability for civil penalties for the violations and facts stipulated to in this CA/FO.
72. Each of the parties will pay its own costs and attorney's fees.

VI. PAYMENT OF CIVIL PENALTY

73. Respondent consents to the payment of a civil penalty in the amount of **TWENTY-FOUR THOUSAND SEVEN HUNDRED AND FORTY DOLLARS (\$24,740)**, payable as follows:
 - a. The civil penalty in the amount of **TWENTY-FOUR THOUSAND SEVEN HUNDRED AND FORTY DOLLARS (\$24,740)** may be paid in up to twenty four (24) payments for complete payment of the entire penalty, including interest. Respondent's first payment shall be due and paid within thirty (30) days of the effective date of this CA/FO, which is upon

its filing with the Regional Hearing Clerk. Respondent's subsequent payments shall thereafter be due in monthly intervals from said effective date. Including the civil penalty and interest at the rate of one percent (1%) per annum, the total amount that will be paid upon the completion of all payments will be **TWENTY-FOUR THOUSAND NINE HUNDRED AND SEVENTY-SEVEN DOLLARS (\$24,977)**.

Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment Due Date	Payment Amount Due
1	within 30 <i>days</i> of the effective date of the CA/FO	\$1040.74
2	within 2 <i>months</i> of the effective date of the CA/FO	\$1040.74
3	within 3 <i>months</i> of the effective date of the CA/FO	\$1040.74
4	within 4 <i>months</i> of the effective date of the CA/FO	\$1040.74
5	within 5 <i>months</i> of the effective date of the CA/FO	\$1040.74
6	within 6 <i>months</i> of the effective date of the CA/FO	\$1040.74
7	within 7 <i>months</i> of the effective date of the CA/FO	\$1040.74
8	within 8 <i>months</i> of the effective date of the CA/FO	\$1040.74
9	within 9 <i>months</i> of the effective date of the CA/FO	\$1040.74
10	within 10 <i>months</i> of the effective date of the CA/FO	\$1040.74
11	within 11 <i>months</i> of the effective date of the CA/FO	\$1040.74
12	within 12 <i>months</i> of the effective date of the CA/FO	\$1040.74
13	within 13 <i>months</i> of the effective date of the CA/FO	\$1040.74
14	within 14 <i>months</i> of the effective date of the CA/FO	\$1040.74
15	within 15 <i>months</i> of the effective date of the CA/FO	\$1040.74
16	within 16 <i>months</i> of the effective date of the CA/FO	\$1040.74
17	within 17 <i>months</i> of the effective date of the CA/FO	\$1040.74
18	within 18 <i>months</i> of the effective date of the CA/FO	\$1040.74
19	within 19 <i>months</i> of the effective date of the CA/FO	\$1040.74
20	within 20 <i>months</i> of the effective date of the CA/FO	\$1040.74
21	within 21 <i>months</i> of the effective date of the CA/FO	\$1040.74
22	within 22 <i>months</i> of the effective date of the CA/FO	\$1040.74
23	within 23 <i>months</i> of the effective date of the CA/FO	\$1040.74
24	within 24 <i>months</i> of the effective date of the CA/FO	\$1040.69

- b. Respondent agrees that, upon any failure to make a payment in accordance with the schedule set forth above, the entire unpaid balance of the penalty and accrued interest shall be then due and payable. In such an event, Respondent's liability shall include the immediate payment of the entire remaining principal balance of the civil penalty along with any penalties and interest accrued up to the date payment is made. In the event of any such failure or default, Respondent agrees to pay and shall remain liable for administrative handling charges and late payment penalty charges as described below.
- c. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may avoid liability for payment

of interest and penalties by electing to pay the entire civil penalty of **TWENTY- FOUR THOUSAND SEVEN HUNDRED AND FORTY DOLLARS (\$24,740)**, by or before the date the first installment payment is due. In addition, at any time after making the initial payment Respondent may elect to pay the entire principal balance remaining together with any penalty and interest accrued up to the date such payment is made.

74. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-4087

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

Respondent shall submit a copy of each payment to the following addressees:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Larry L. Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

75. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar-day period over which an unpaid balance remains.
 - c. Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
76. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

77. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors,

contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

78. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
79. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

80. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
81. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.
82. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the transportation, release or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

IX. OTHER APPLICABLE LAWS

83. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

84. A copy of any documents that Respondent file in this action shall be sent to the following attorney who represents the EPA in this matter and who is authorized to receive service for the EPA in the proceeding:

Joan Redleaf Durbin
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
Redleaf-durbin.joan@epa.gov

85. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Stephen Pantle, President
Coating Technology, Inc.
360 Scarlet Blvd
Oldsmar, Florida 34677-3018

XI. SEVERABILITY

86. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO, or the application of this CA/FO to any party or circumstances, is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XII. EFFECTIVE DATE

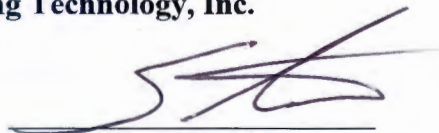
87. The effective date of this CA/FO shall be the date on which the fully executed CA/FO is filed with the Regional Hearing Clerk.

In the matter of Coating Technology, Inc., Docket No. RCRA-04-2014-4005(b)

AGREED AND CONSENTED TO:

Coating Technology, Inc.

By:



Stephen Pantle, President
Coating Technology, Inc.

Dated:

9-4-2014

For the United States Environmental Protection Agency

By:


César Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated:

9/11/14

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:) Docket Number: RCRA-04-2014-4005(b)
)
Coating Technology, Inc.) Proceeding under Section 3008(a) of the
360 Scarlet Blvd.) Resource Conservation and
Oldsmar, Florida 34677-3018) Recovery Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: FL0 000 442 236)
)
Respondent)
_____)

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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 Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 18th day of Sept, 2014.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
United States Environmental Protection Agency, Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the matter of Coating Technology, Inc., Docket No. RCRA-04-2014-4005(b), on SEP 18 2014, 2014, served copies on the parties listed below in the manner indicated:

Joan Redleaf Durbin
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's electronic mail)

Héctor M. Danois
RCRA and OPA Enforcement
and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's electronic mail)

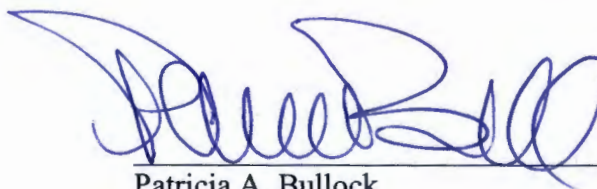
Quantindra Smith
RCRA and OPA Enforcement
and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's electronic mail)

Stephen Pantle, President
Coating Technology, Inc.
360 Scarlet Blvd
Oldsmar, Florida 34677-3018

(Via Certified Mail- Return Receipt Requested)

Date: 9-18-14



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