



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8966

CERTIFIED MAIL RETURN RECEIPT

JUL 29 2009

Chancellor Charlie Nelms
North Carolina Central University
1801 Fayetteville Street
Durham, North Carolina 27707

SUBJ: North Carolina Central University
Docket Number RCRA-04-2009-4251(b)
EPA ID No.: NCD 986 230 233

Dear Chancellor Nelms:

Enclosed please find a fully executed Consent Agreement and Final Order issued pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 41 U.S.C. § 6928(a).

Thank you for your assistance in the resolution of this matter. Please feel free to contact me at 404-562-8976, or contact Nancy McKee at 404-562-8674, if you have any additional questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Y. F. Robinson".

Caroline Y. F. Robinson, Chief
RCRA & OPA Enforcement and Compliance Branch
RCRA Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2009-4251(b)
)	
North Carolina Central University)	Proceeding under Section 3008(a)
1801 Fayetteville Street)	of the Resource Conservation and
Durham, North Carolina 27707)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: NCD 986 230 233)	
Respondent)	
_____)	

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EPA REGION 4
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CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, et seq., and Chapter 130A, Article 9, of North Carolina's General Statutes (N.C.G.S). This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 268, 270 and 279; and the North Carolina regulations promulgated pursuant hereto and set forth in Title 15A, Chapter 13, Subchapter A of the North Carolina Administrative Code (hereafter cited to as "15A N.C.A.C. 13A").

2. 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, 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 & OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is North Carolina Central University (NCCU), a government corporation under the control of the State of North Carolina. The university is located at 1801 Fayetteville Street, Durham, North Carolina, 27707.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of North Carolina ("the State") is authorized to carry out a hazardous waste program in lieu of the federal program. The requirements of the authorized state program are found in Chapter 130A, Article 9, of N.C.G.S. and 15A N.C.A.C. 13A.

7. 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 upon their federal effective date regardless of the State's authorization status and are implemented by EPA until the State is granted final authorization

with respect to those requirements. On December 31, 1984, the State received authorization for its base RCRA program; the State received authorization for its corrective action program on January 9, 1995.

8. Although EPA has granted the State the authority to enforce its own hazardous waste program, 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. EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and the State.

9. The North Carolina Department of Environment and Natural Resources (NCDENR) is charged with the statutory duty of enforcing the laws of the State relating to hazardous waste management. Chapter 130A, Article 9, of N.C.G.S. provides rulemaking authority for the management of hazardous waste. The rules are set forth at 15A N.C.A.C. 13A.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant gave written notice of this action to the State of North Carolina before the issuance of this CA/FO.

11. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), and N.C.G.S. § 130A-294 set forth standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found in 40 C.F.R. Part 262 and 15A N.C.A.C. 13A.0107.

12. Section 3004 of RCRA, 42 U.S.C. § 6924, and N.C.G.S. § 130A-294 set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 40 C.F.R. Part 264 and 15A N.C.A.C. 13A.0109.

13. Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G.S. § 130A-294 set forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit

or interim status. The implementing regulations for this requirement are found at 40 C.F.R. Parts 264 (permitted facilities), 265 (interim status facilities), and 270 and 15A N.C.A.C. 13A.0113.

14. Section 3014 of RCRA, 42 U.S.C. § 6925 and N.C.G.S. § 130A-309.18 set forth requirements regarding the generation and transportation of used oil which is recycled. The implementing regulations for these requirements are found at 40 C.F.R. Part 279 and 15A N.C.A.C. 13A.0118.

15. Pursuant to 40 C.F.R. § 261.2 and 15A N.C.A.C. 13A.0106, a “solid waste” is any discarded material that is not otherwise excluded by regulation.

16. Pursuant to 40 C.F.R. § 261.3 and 15A N.C.A.C. 13A.0106, a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and 15A N.C.A.C. 13A.0106, and it meets any of the criteria set out in this section.

17. Pursuant to 40 C.F.R. § 260.10 and 15A N.C.A.C. 13A.0102, a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. § 261.3 and 15A N.C.A.C. 13A.0106.

18. Pursuant to 40 C.F.R. § 262.11 and 15A N.C.A.C. 13A.0107, a person who generates a solid waste, as defined in 40 C.F.R. § 261.2 and 15A N.C.A.C. 13A.0106, must determine if that waste is a hazardous waste.

19. Pursuant to 40 C.F.R. § 262.34(a) and 15A N.C.A.C. 13A.0107, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that generator complies with the management requirements listed in this subpart. Pursuant to 40 C.F.R. § 262.34(a)(2) and 15A N.C.A.C. 13A.0107, a generator may

accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that generator clearly marks the date accumulation begins on the container.

20. Pursuant to 40 C.F.R. § 262.34(a)(3) and 15A N.C.A.C. 13A.0107, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that the generator marks each container with the words “Hazardous Waste” while the waste is being accumulated onsite.

21. Pursuant to 40 C.F.R. § 262.34(c)(1)(ii) and 15A N.C.A.C. 13A.0107, a generator may accumulate as much as 55-gallons of hazardous waste in containers at or near the point of generation without a permit or interim status provided he marks his containers with the words “Hazardous Waste” or other words that identify the contents of the container.

22. Pursuant to 40 C.F.R. § 265.173(a) and 15 N.C.A.C. 13A.0110, as incorporated by 40 C.F.R. § 262.34(a)(1)(i) and 15A N.C.A.C. 13A.0107, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that the generator keeps containers of hazardous waste closed during storage, except when it is necessary to add or remove waste.

23. Pursuant to 40 C.F.R. § 279.1 and 15A N.C.A.C. 13A.0118, “used oil” means “any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.”

24. Pursuant to 40 C.F.R. § 279.1 and 15A N.C.A.C. 13A.0118, a “used oil generator” is defined as “any person, by site, whose act or process produces used oil or whose act first causes the used oil to become subject to regulation.”

25. Pursuant to 40 C.F.R. § 279.22(c)(1) and 15A N.C.A.C. 13A.0118, used oil generators must label or mark clearly containers or above ground tanks used to store used oil with the words "Used Oil."

IV. EPA ALLEGATIONS AND DETERMINATIONS

26. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and N.C.G.S. § 130A-294 and 40 C.F.R. § 260.10 and 15A N.C.A.C. 13A.0102.

27. Respondent is the "owner" and "operator" of a "facility," as those terms are defined in 40 C.F.R. § 260.10 and 15A N.C.A.C. 13A.0102.

28. The Respondent notified EPA as a generator of hazardous waste in April 1994, and was assigned the site specific EPA ID number NCD 986 230 233 by NCDENR.

29. On July 30, 2008, EPA and NCDENR conducted a RCRA Compliance Evaluation Inspection (CEI) of Respondent's facility.

30. Respondent generates hazardous waste as a result of research and educational activities conducted in various laboratories found at NCCU, which are found in the following buildings: the Bio-Manufacturing Research Institute and Technology Enterprise, the Julius L. Chamber Biomedical/Biotechnology Research Institute (BBRI), the Lee Biology Building (Biology Building), and the Mary M. Townes Science Building (Science Building). Respondent also generates hazardous waste as a result of facility and automotive maintenance.

31. Respondent has a 90-day hazardous waste storage area in the Waste Storage Building, which is located in a centralized location on campus.

32. At the time of the July 30, 2008, CEI, Respondent was storing at least thirty containers of hazardous waste in the Waste Storage Building for longer than 90 days. The

containers ranged in size from one liter to five gallons and had been stored between a minimum of two-hundred and twenty-seven days and a maximum of three hundred and forty-three days beyond the 90 day period. Respondent does not have interim status or a permit for storage beyond the 90 day limit.

33. EPA therefore alleges that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G. S. § 130A-294 and the implementing regulations under 40 C.F.R. Part 270 and 15A N.C.A.C. 13A.0113 by operating a storage facility without interim status or a permit.

34. At the time of the inspection, four unlabelled five-gallon containers of used mineral spirits in the Waste Storage Building and one unlabeled five-gallon container of waste methanol in the of the Science Building Laboratory #3119 were not labeled with the words "Hazardous Waste."

35. Respondent failed to adhere to a condition for the permit exemption found at 40 C.F.R. § 262.34(a)(3) and 15A N.C.A.C. 13A.0107 by storing containers of hazardous waste without marking each container with the words "Hazardous Waste." EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G.S. § 130A-294 by operating a storage facility without a permit or interim status.

36. At the time of the inspection, several containers of waste being stored in the Waste Storage Building had not been subject to a waste determination. These containers included wastes from the Biology Building clean-out that had occurred in May 2008, waste biological samples, wastes that were being stored in Bin #2 of the Waste Storage Building, and two containers of old weed killer labeled, "Primo." After the CEI, NCCU conducted waste determinations on the above waste streams and determined that certain wastes from the Biology

Building clean-out and the wastes that were being stored in Bin #2 of the Waste Storage Building were hazardous wastes.

37. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.11 and 15A N.C.A.C. 13A.0106 by failing to conduct a hazardous waste determination on several solid wastes that were later determined to be hazardous wastes.

38. At the time of the CEI, several containers of hazardous waste, including, but not limited to one container of waste picric acid located under the hood in the BBRI Laboratory Room #121 and one five-gallon container of waste methanol in the Science Building Laboratory Room #3119 did not have accumulation start dates.

39. Respondent failed to adhere to a condition for permit exemption found at 40 C.F.R. § 262.34(a)(2) and 15A N.C.A.C. 13A.0107 by storing containers of hazardous waste without marking the date of accumulation on each container. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G.S. § 130A-294 by operating a storage facility without a permit or interim status.

40. At the time of the CEI, one four-liter container of hazardous waste being managed in a satellite accumulation area at the Science Building Laboratory #3159 was unlabelled and open.

41. Respondent failed to adhere to a condition for permit exemption found at 40 C.F.R. § 262.34(a)(1)(i) and 15A N.C.A.C. 13A.0107, which incorporates 40 C.F.R. § 265.173(a) and 15A N.C.A.C. 13A.0110 by not keeping a container of hazardous waste closed except when adding or removing waste. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G.S. § 130A-294 by operating a storage facility without a permit or interim status.

42. Respondent failed to adhere to a condition for permit exemption found at 40 C.F.R. § 262.34(c)(1)(ii) and 15A N.C.A.C. 13A.0107 by not labeling the container of hazardous waste with the words “Hazardous Waste” or other words that describe the contents of the container. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and N.C.G.S. § 130A-294 by operating a storage facility without a permit or interim status.

43. At the time of the CEI, Respondent was storing three 55-gallon containers of used oil outside the Facilities Maintenance Building. The containers of used oil were not labeled with the words “Used Oil.”

44. EPA alleges that Respondent violated 40 C.F.R. § 279.22(c)(1) and 15A N.C.A.C. 13A.0118 by not labeling containers of used oil with the words “Used Oil.”

V. TERMS OF AGREEMENT

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

45. 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.

46. The Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.

47. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

48. 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.

49. 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 EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.

50. 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.

51. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA alleged in this CA/FO.

52. Respondent certifies by signing this CA/FO that all the violations alleged in the CA/FO have been corrected and the Respondent has returned to compliance.

53. Each party will pay its own costs and attorney's fees.

54. 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.

VI. PAYMENT OF CIVIL PENALTY

55. Respondent consents to the payment of a civil penalty in the amount of SEVENTY-SEVEN THOUSAND THREE HUNDRED AND SIXTY-FOUR DOLLARS (\$77,364.00), plus interest, by payment of four installments of \$19,771.85 each at 6 month intervals as follows:

56. The first payment of \$19,771.85 shall be payable within thirty (30) days of the effective date of this CA/FO. The second payment shall be payable within 210 days of the effective date of this CA/FO. The third payment shall be payable within 390 days of the effective date of this CA/FO. The fourth and final payment shall be payable within 570 days of the effective date of this CA/FO.

57. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearinghouse (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 the 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 the 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
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

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

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington, District of Columbia 20074
Contact: Jesse White, (301) 887-6548

58. Payment shall be made by cashier's check, certified check, or other payment acceptable to EPA, payable to: Treasurer, United States of America. The facility name and the docket number for this matter shall be referenced on the face of the check and in a cover letter transmitting the check. Payment shall be tendered to:

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

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

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

And to:

Doug McCurry, Chief
North Section, RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

59. If Respondent fails to remit the civil penalty as agreed to herein, 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 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:

60. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 28 U.S.C. § 162(f).

a. Interest. Any unpaid portion of a civil penalty or stipulated 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 fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.

c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated 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).

VII. RESERVATION OF RIGHTS

61. 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 Respondent's facility may present an imminent and substantial endangerment to human health or the environment.

62. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.

63. 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.

64. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

VIII. OTHER APPLICABLE LAWS

65. 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.

IX. PARTIES BOUND

66. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons including independent contractors and contractors and consultants acting under or for the Respondent to comply with the provisions hereof in connection with any activity subject to this CA/FO.

67. 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.

X. SERVICE OF DOCUMENTS

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

Susan Capel
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909
(404) 562-9566

XI. SEVERABILITY

69. 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.

AGREED AND CONSENTED TO:

North Carolina Central University

By: Charlie Nelms
Chancellor Charlie Nelms

Dated: 6/29/09

U.S. Environmental Protection Agency

By: Caroline Y. F. Robinson
Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated: 7/16/09

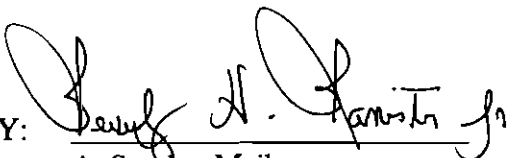
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2009-4251(b)
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North Carolina Central University)	Proceeding under Section 3008(a)
1801 Fayetteville Street)	of the Resource Conservation and
Durham, North Carolina 27707)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: NCD 986 230 233)	
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 28th day of July, 2009.

BY: 
A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4

In the Matter of North Carolina Central University
Docket Number: RCRA-04-2009-4251(b)

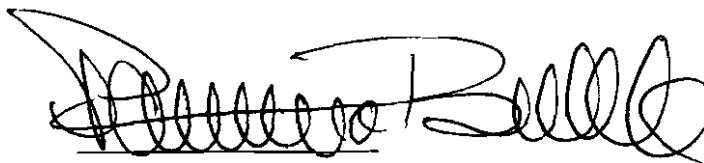
CERTIFICATE OF SERVICE

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 North Carolina Central University, Docket Number: RCRA-04-2009-4251(b), on JUL 29 2009 2009, and on JUL 29 2009 2009, served the parties listed below in the manner indicated:

Susan Capel (Via EPA's internal mail)
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Chancellor Charlie Nelms (Via Certified Mail - Return Receipt Requested)
North Carolina Central University
1801 Fayetteville Street
Durham, North Carolina 27707

Date: 7-29-09



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