

**THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

In the Matter of:

GENERAL MOTORS CORPORATION

Respondent.

General Motors Corporation  
Wilmington Assembly Plant  
801 Boxwood Road  
Wilmington, Delaware 19899  
Facility

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CONSENT AGREEMENT

EPA Docket No. RCRA-03-2008-0130

**I. STATUTORY AUTHORITY**

1. This Consent Agreement is entered into by the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and General Motors Corporation ("General Motors" or "Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. This CAFO addresses alleged violations by Respondent of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and the Delaware Regulations Governing Hazardous Waste ("DRGHW") authorized by EPA pursuant to RCRA Section 3006, 42 U.S.C. § 6926 (*see* 53 Fed. Reg. 23837 (June 8, 1984), 61 Fed. Reg. 41345 (August 8, 1996), 63 Fed. Reg. 44152 (August 18, 1998), 65 Fed. Reg. 42871 (July 12, 2000), 67 Fed. Reg. 51478 (August 8, 2002), 69 Fed. Reg. 10171 (March 4, 2004), and 69 Fed. Reg. 60091 (October 7, 2004)). Certain provisions of Delaware's hazardous waste management program, through the authorizations referenced in the immediately preceding sentence, have become requirements of Subtitle C of RCRA and are, accordingly, enforceable by EPA pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g).

3. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached FO (hereinafter jointly referred to as this "CAFO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA and DRGHW at Respondent's facility at 801 Boxwood Road, Wilmington, Delaware, 19899 (the "Facility").
4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
5. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA, except as provided in Paragraph 4, above.
6. For the purposes of this proceeding only, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
7. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
9. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

#### **Notice of Action to the State of Delaware**

10. EPA has given the State of Delaware, through the Delaware Department of Natural Resources and Environmental Control ("DNREC"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

#### **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11. The United States Environmental Protection Agency ("EPA") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to RCRA Section 3008, 42 U.S.C. § 6928, and the Consolidated Rules of Practice (40 C.F.R. §§ 22.1(a)(4) and 22.4(c)).
12. Respondent, General Motors Corporation, is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15), and DRGHW § 260.10.
13. At all times to the violations alleged herein, Respondent has owned and/or been the

person responsible for the overall operation of the General Motors Wilmington Assembly Plant located in Wilmington, Delaware ("Facility").

14. Respondent is and, at all times relevant to the violations alleged herein, has been the "owner" of the Facility as that term is defined by DRGHW § 260.10.
15. Respondent is and, at all times relevant to the violations alleged herein, has been the "operator" of the Facility as that term is defined by DRGHW § 260.10.
16. Respondent is and, at all times relevant to the violations alleged herein, has been a "generator" of the materials described in paragraph 20 below, within the meaning of DRGHW § 260.10.
17. On August 17, 2006, representatives of EPA and the Delaware Department of Natural Resources and Environmental Control ("DNREC") conducted an inspection of the Facility.
18. Respondent assembles and paints passenger cars at the Facility. Respondent's manufacturing process consists of four major production departments: body shop, paint shop, general assembly and final repair.
19. Respondent's painting process involves the application of primer, basecoat and clearcoat to the primary structures (i.e., automobile body components) which are subsequently used in the final automobile assembly process of Respondent's manufacturing operation at the Facility.
20. As part of its manufacturing process, Respondent generates waste paint, waste primer, waste solvent and waste clearcoat which are all "solid wastes" and "hazardous wastes" within the meaning of DRGHW §§ 261.10 and 261.3 because they are "solid wastes" that exhibit the characteristic of ignitability (EPA Hazardous Waste Code D001) within the meaning of DRGHW § 261.21.

#### COUNT I

(Owning and/or operating a hazardous waste storage facility without a permit or interim status)

21. The allegations of Paragraphs 1 through 20 above, are incorporated by reference as though fully set forth at length herein.
22. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and DRGHW Part 122 provide, in pertinent part, that a person may not own or operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility or has qualified for interim status for the facility.

23. DRGHW § 262.34(a) provides that a generator may accumulate hazardous wastes on-site for 90 days or less without a permit or without interim status provided that certain conditions are met, including, *inter alia*, that the generator complies with the requirements for owners and operators in DRGHW Part 265, Subpart D and that a generator who accumulates such hazardous waste in containers must comply with the applicable requirements of Subpart I of DRGHW Part 265.
24. DRGHW § 262.34(c) provides that a person who generates a hazardous waste may accumulate the hazardous waste in containers in a satellite accumulation area without obtaining a permit or interim status provided, *inter alia*:
- A. The amount accumulated in the satellite accumulation area is no more than 55 gallons of hazardous waste, DRGHW § 262.34(c)(1);
  - B. The hazardous waste is accumulated in a satellite accumulation area located at or near the point of generation where wastes initially accumulate, DRGHW § 262.34(c)(1);
  - C. Hazardous waste that is accumulated in amounts greater than 55 gallons is handled in accordance with DRGHW § 262.34(a) or any other applicable regulation for hazardous waste, DRGHW § 262.34(c)(2); and
  - D. Containers used in a satellite accumulation area comply with DRGHW § 265.173(a).

#### Satellite Accumulation - Open Container

25. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent accumulated rags, plastic, filter cartridges and other material contaminated with waste clearcoat or waste solvent in containers identified by Respondent as "fire cans" in an area identified by Respondent as the "Paint Mix Room."
26. Respondent characterizes the rags, filter cartridges and other material contaminated with waste clearcoat or waste solvent in the fire cans as Hazardous Waste Code D001.
27. The rags, filter cartridges and other material contaminated with waste clearcoat or waste solvent in the fire cans were "hazardous wastes" as that term is defined at DRGHW § 260.10 and § 261.3 because they exhibited the characteristic of ignitability within the meaning of DRGHW § 261.21.
28. The fire cans used in the Paint Mix Room are emptied into a 55 gallon satellite

accumulation drum located at the North End of the Paint Mix Room once a day (hereinafter "Satellite Drum 1").

29. At the time of the EPA inspection of the Facility on August 17, 2006, Satellite Drum 1 was a "container" used for the "storage" of "hazardous waste" as those terms are defined at DRGHW § 260.10.
30. At the time of the EPA inspection of the Facility on August 17, 2006, there was a 55 gallon drum (hereinafter "Satellite Drum 2") in the Paint Mix Room in an area identified by Respondent as the "System 22-Part B Clearcoat."
31. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent accumulated rags, plastic, filter cartridges and other material contaminated with waste clearcoat or waste solvent in Satellite Drum 2.
32. The rags, filter cartridges and other material contaminated with waste clearcoat or waste solvent in Satellite Drum 2 were "hazardous wastes" as that term is defined at DRGHW § 260.10 and § 261.3.
33. At the time of the EPA inspection of the Facility on August 17, 2006, Satellite Drum 2 was a "container" used for the "storage" of "hazardous" as those terms are defined at DRGHW § 260.10.
34. At the time of the EPA inspection of the Facility on August 17, 2006, there was a 55 gallon drum in the South End of the Paint Mix Room (hereinafter "Satellite Drum 3"). Satellite Drum 3 contained waste solvent. The waste solvent was a "hazardous waste" because it exhibited the characteristic of ignitability within the meaning of DRGHW § 261.21.
35. At the time of the EPA inspection of the Facility on August 17, 2006, Satellite Drum 3 was a "container" used for the "storage" of "hazardous waste" as those terms are defined at DRGHW § 260.10.
36. At the time of the EPA inspection of the Facility on August 17, 2006, there was a 55 gallon drum containing rags, gloves, and filters contaminated with waste clearcoat and waste solvent in the South End of the Paint Mix Room near Tanks A and B (hereinafter "Satellite Drum 4") and located approximately thirteen (13) feet away from Satellite Drum 3.
37. The rags, gloves, and filters contaminated with waste clearcoat and waste solvent in Satellite Drum 4 were "hazardous waste" as that term is defined at DRGHW § 260.10 and § 261.3 because they exhibited the characteristic of ignitability within the meaning of

DRGHW § 261.21.

38. Satellite Drum 4 was a "container" used for the "storage" of "hazardous waste" as those terms are defined at DRGHW § 260.10.
39. At the time of the EPA inspection of the Facility on August 17, 2006, there were two 55 gallon drums in the area identified by Respondent as the "Final Repair Mix Room." One of the two drums at this location contained paint cans, rags, gloves and filters contaminated with waste paint and/or waste solvent (hereinafter "Satellite Drum 5"). The second 55 gallon drum at this location contained waste solvent and waste paint (hereinafter "Satellite Drum 6").
40. The paint cans, rags, gloves and filters contaminated with waste paint and/or waste solvent observed in Satellite Drum 5 and the waste paint and waste solvent observed in Satellite Drum 6 were "hazardous wastes" as that term is defined at DRGHW § 260.10 and § 261.3 because they exhibited the characteristic of ignitability within the meaning of DRGHW § 261.21.
41. Satellite Drums 5 and 6 were "containers" used for the "storage" of "hazardous waste" as those terms are defined at DRGHW § 260.10.
42. DRGHW §§ 262.34(a)(1)(i) and (c)(1)(i) incorporate by reference DRGHW § 265.173(a) which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
43. At the time of the EPA inspection of the Facility on August 17, 2006, Satellite Drum 6 was open at times other than necessary to add or remove wastes from Satellite Drum 6.
44. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent failed to qualify for the "satellite drum accumulation" exemption of DRGHW § 262.34(c) with respect to Satellite Accumulation Drums 3 and 4 by failing to satisfy the conditions for the exemption as set forth in DRGHW § 262.34(c), by accumulating more than 55 gallons of hazardous waste at any one time in a satellite accumulation area, specifically, the Paint Mix.
45. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent failed to qualify for the "satellite drum accumulation" exemption of DRGHW § 262.34(c) with respect to Satellite Accumulation Drums 6, by failing to satisfy the conditions for the exemptions as set forth in DRGHW § 262.34(c)(1), because Respondent did not keep satellite Drum 6 closed except when adding or removing hazardous waste.
46. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent failed

to qualify for the "less than 90 day" generator accumulation exemption of DRGHW § 262.34(a), by failing to satisfy the conditions for that exemption as set forth in DRGHW § 262.34(a)(1)(i), because Respondent did not accumulate hazardous waste in containers (i.e., Satellite Accumulation Drum 6) which comply with the requirements of DRGHW § 265.173(a) regarding open containers.

### **Contingency Plan**

47. DRGHW § 262.34(a) provides that a generator may accumulate hazardous wastes on-site for 90 days or less without a permit or without interim status provided that, *inter alia*, the generator complies with the requirements for owners and operators in DRGHW Part 265, Subpart D, which includes DRGHW § 265.51, which in turn requires that the owner or operator have a contingency plan at the facility which is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
48. DRGHW Part 265, Subpart D includes DRGHW § 265.53, which requires that a copy of the contingency plan and all revisions to the plan must be maintained at the facility, and submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
49. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent had not submitted a copy of its revised contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
50. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent failed to qualify for the "less than 90 day" generator accumulation exemption of DRGHW § 262.34(a) by failing to satisfy the conditions for the exemption as set forth in DRGHW § 262.34(a)(4), which refers to DRGHW Part 265, Subpart D, which, in turn, includes DRGHW § 265.51 and 53.
51. Respondent does not have, and never had, a permit or interim status pursuant to DRGHW § 122.1(c), or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility.
52. The Facility is a hazardous waste treatment, storage or disposal "facility", as that term is defined by DRGHW § 260.10.
53. Respondent was required by DRGHW § 122.1(c) and Section 3005(a) of RCRA, 42

- 53. Respondent was required by DRGHW § 122.1(c) and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for its hazardous waste storage activities described in this Count.
- 54. Respondent violated DRGHW § 122.1(c) and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) by operating a hazardous waste storage facility without a permit or interim status.

**COUNT II**  
(Contingency Plan)

- 55. The allegations of Paragraphs 1 through 54, above, are incorporated by reference as though fully set forth at length herein.
- 56. DRGHW § 264.51 requires that the owner or operator of a hazardous waste facility must have a contingency plan for the facility which is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- 57. DRGHW § 264.53 requires that a copy of the contingency plan and all revisions to the plan must be maintained at the facility, and submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 58. As the owner and/or operator of a hazardous waste management facility, Respondent was required by DRGHW §§ 264.51 and 264.53 to have a contingency plan for the Facility and to submit a copy and all revisions of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 59. At the time of the EPA inspection of the Facility on August 17, 2006, Respondent had not submitted a copy of its revised contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 60. Respondent violated DRGHW § 264.53(b), by failing to submit a copy of its revised contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services at the Facility.



**COUNT III**  
(Management of Containers)

- 61. The allegations of Paragraphs 1 through 60, above, are incorporated by reference as though fully set forth at length herein.
- 62. DRGHW § 264.173(a) requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
- 63. Respondent violated DRGHW § 264.173(a), by failing to keep a container, Satellite Drum 6, holding hazardous waste at the Facility closed at all times during storage, except when it was necessary to add or remove waste, for which a penalty may be assessed pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

**IV. CIVIL PENALTY**

- 64. Respondent agrees to pay a civil penalty in the amount of **\$929.00**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO fully executed by all parties and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
- 65. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties for the violations alleged in this CAFO.
- 66. Respondent shall remit the payment for the civil penalty specified in Paragraph 64 above, payable to United States Treasury, using one of the payment methods set forth below:

By regular U.S. Postal Service:

United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077

IMO General Motors Corporation

RCRA-03-2008-0130

St. Louis, MO 63197-9000

For overnight deliveries, street address:

United States Environmental Protection Agency  
Fines and Penalties  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

Wire transfers:

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

Automated Clearing House (ACH) Transfers:

PNC Bank  
ABA = 051036706  
Transaction Code 22 -checking  
Account 310006  
CTX Format  
Environmental Protection Agency  
808 17th Street NW  
Washington DC 20074  
Contact: Jesse White 301-887-6548

On-Line Payment:

[www.pay.gov](http://www.pay.gov)

Enter sfo 1.1 in the search field, open form and complete the required fields

All payments by Respondent shall reference its name and address and the Docket Numbers of

this action (RCRA-03-2008-0130).

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3WC31)  
1650 Arch Street  
Philadelphia, PA 19103-2029

67. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
68. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
69. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
70. The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash*

*Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### **V. OTHER APPLICABLE LAWS**

71. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

#### **VI. PARTIES BOUND**

72. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.


#### **VII. RESERVATION OF RIGHTS**

73. Full payment of the civil penalty set forth in Paragraph 64 of this Consent Agreement, above, shall resolve only Respondent's liability for federal civil penalties for the specific violations of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and the Delaware Regulations Governing Hazardous Waste alleged herein. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in the Consolidated Rules of Practice at 40 C.F.R. § 22.18(c). Complainant reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

#### **VII. EFFECTIVE DATE**

74. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For RESPONDENT, GENERAL MOTORS CORPORATION:

By: 

Date: 3/27/08

Name: Robert F. Dolan

Title: Plant Manager

By: \_\_\_\_\_

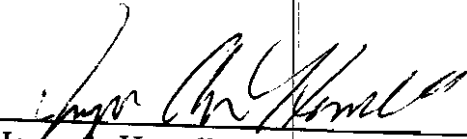
Date: \_\_\_\_\_

IMO General Motors Corporation

RCRA-03-2008-0130


For Complainant, United States Environmental Protection Agency, Region III:

Date: 4/8/2008

By:   
Joyce A. Howell  
Senior Assistant Regional Counsel

After reviewing the foregoing this Partial Consent Agreement and other pertinent information, the Director, Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

4/30/08  
Date

By:   
Abraham Ferdas  
Director  
Waste and Chemicals Management Division

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

In the Matter of:

GENERAL MOTORS CORPORATION

Respondent.

General Motors Corporation  
Wilmington Assembly Plant  
801 Boxwood Road  
Wilmington, Delaware 19899  
Facility

FINAL ORDER

EPA Docket No. RCRA-03-2008-0130

RCRA-03-2008-0130  
APR 10 2008  
EPA REGION III  
PHILADELPHIA, PA

**FINAL ORDER**

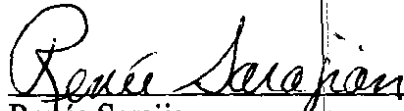
Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, and Respondent, General Motors Corporation, have executed a document entitled "Consent Agreement," which I hereby ratify in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act of 1976, as amended by, inter alia, the Hazardous and Solid Waste Amendments of 1984 (RCRA), 42 U.S.C. Section 6928(a), and the Consolidated Rules of Practice, and having determined, on the basis of the parties' representations in the Consent

Agreement, that the penalty agreed to therein by the parties is based on a consideration of the factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), it is hereby ordered that Respondent pay \$929.00 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

The effective date of this Final Order is upon filing with the Regional Hearing Clerk.

5/8/08  
Date

  
Renée Sarajian  
Regional Judicial Officer



THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

In the Matter of:

GENERAL MOTORS CORPORATION

General Motors  
Wilmington Assembly Plant  
801 Boxwood Road  
Wilmington, Delaware 19977  
Facility

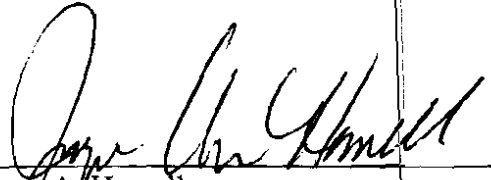
EPA Docket No. RCRA-03-2008-00xx

**CERTIFICATE OF SERVICE**

I certify that on May 8, 2008, I sent by Federal Express a copy of the Consent Agreement and Final Order to the addressee listed below. The original and one copy of the Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

James Walle, Esq.  
General Motors Legal Staff  
300 Renaissance Center  
Mail Code 482 C24 D24  
Detroit, MI 48243-3000

Dated: May 8, 2008

  
\_\_\_\_\_  
Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

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