



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

AUG 31 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carolyn M. Brown, Esq.
Greenbaum Doll & McDonald
300 West Vine Street
Suite 1100
Lexington, KY 40507-1665

Re: Roll Coater, Inc.
Consent Agreement and Final Order
Docket No. RCRA-04-2010-4005(b)

Dear Ms. Brown;

Enclosed, is a copy of the ratified Consent Agreement and Final Order (CA/FO) in the above-referenced matter that has been filed with the Regional Hearing Clerk and served as required in the Consolidated Rules of Practice, 40 C.F.R. § 22.6. Please make note of the provisions in Section VI of the CA/FO, with respect to payment of the assessed penalty, which is due within 30 days from the effective date of the CA/FO (the date the CA/FO is filed with the Regional Hearing Clerk).

Should you have any questions, please do not hesitate to call me at (404) 562-9536.

Sincerely,


Marlene J. Tucker
Associate Regional Counsel

Enclosure

Internet Address (URL) • <http://www.epa.gov>

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:

	)	DOCKET NO.: RCRA-04-2010-4005(b)
)	
Roll Coater, Inc.	)	PROCEEDING UNDER SECTION
2604 River Road	)	3008(a) OF THE RESOURCE
Hawesville, Kentucky 42348	)	CONSERVATION AND RECOVERY
	)	ACT, 42 U.S.C. § 6928(a)
EPA ID No. KY985072156)	
)	
Respondent)	
)	

2010 APR 31 AM 10:50
EPA REGION 4
ADMINISTRATIVE

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(a) et seq., and Chapter 224.46 et seq., Kentucky Revised Statutes (KRS). This action is seeking 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 270; and Chapter 226.46-510 et seq., KRS and the regulations promulgated pursuant thereto, and set forth at Title 401 Kentucky Administrative Regulations (KAR) Chapters 30-40.
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 and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is Roll Coater, Inc., (Respondent), a corporation incorporated under the laws of the State of Delaware. Respondent operates a Facility located at 2604 River Road, Hawesville, Kentucky 42348 (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on January 17, 1985, the Commonwealth of Kentucky (Commonwealth) received final authorization to carry out certain portions of the Commonwealth's hazardous waste program in lieu of the federal program. On June 25, 1996, the Commonwealth received final authorization for the Hazardous and Solid Waste Amendments (HSWA) portion of RCRA. The Kentucky Department of Environmental Protection (KYDEP) is charged with the statutory duty of enforcing the law of the Commonwealth relating to hazardous waste management under Chapter 224.46 *et seq.*, KRS and Title 401 of the KAR. Therefore, for the purpose of this CA/FO, a citation hereinafter to the requirements of 40 C.F.R. Parts 124, 270, and 260-268 shall constitute a citation to the equivalent requirements, if any of KAR.

7. Although EPA has granted the Commonwealth 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. This authority is exercised by EPA in the manner set forth in the Memorandum of Agreement between EPA and the Commonwealth.

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 upon their federal effective date regardless of the State's authorization status.

9. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the Commonwealth prior to issuing this CA/FO.

10. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), and Title 401 KAR Chapter 32, set forth the requirement to promulgate standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in 40 C.F.R. Part 262, and KRS 224.46 *et seq.*, and 401 KAR Chapter 32.

11. Section 3004(a) of RCRA, 42 U.S.C. § 6924(a), requires the Administrator of EPA to promulgate regulations establishing standards applicable to treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 40 C.F.R. Part 264, KRS 224.46 *et seq.*, and 401 KAR Chapter 34.

12. Section 3004(n), 42 U.S.C. § 6924(n), requires the Administrator of EPA to promulgate regulations for the monitoring and control of organic air emissions at hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 40 C.F.R. Part 265, Subparts AA, BB and CC.
13. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirement of 40 C.F.R. Part 265, Subpart BB, are effective in the Commonwealth, notwithstanding that the Commonwealth is not authorized for those provisions.
14. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), sets forth the requirements for facilities that treat, store, or dispose of hazardous waste, and prohibits the treatment, storage, or disposal of hazardous waste without interim status or a permit issued pursuant to RCRA. The implementing regulations for this requirement are found in 40 C.F.R. Parts 124, 264, 265 and 270.
15. Pursuant to 40 C.F.R. § 261.2, and 401 KAR 31:010 Section 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.
16. Pursuant to 40 C.F.R. § 261.3, and 401 KAR 31:010 Section 3, 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 it meets any of the criteria set out in this section.
17. Pursuant to 40 C.F.R. § 260.10, and 401 KAR 31:010 Section 3, 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.”
18. Pursuant to 40 C.F.R. § 262.34(c)(1)(i), and 401 KAR 32:010 Section 2, a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation without a permit or interim status provided among other requirements, the generator keeps the container closed as required in 40 C.F.R. § 265.173(a), and 401 KAR 35:180 Section 4(1).
19. Pursuant to 40 C.F.R. § 260.10, and 401 KAR 39:005, a “tank system” is defined as “a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.”
20. Pursuant to 40 C.F.R. § 264.190, and 401 KAR 34.190, Section 1, an owner or operator of a “tank system” is subject to the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6901-69, and its implementing regulations in 40 C.F.R. Parts 260-270.
21. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), a generator may accumulate hazardous waste in tanks for ninety (90) days or less without a permit or interim status, provided the generator complies with all applicable requirements in 40 C.F.R. Part 265, Subparts J, BB and CC.

22. Pursuant to 40 C.F.R. § 265.1050(b), the requirements of 40 C.F.R. Part 265, Subpart BB, apply to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in a unit subject to the permitting requirements of 40 C.F.R. Part 270, or a unit that is exempt from permitting under the provisions of 40 C.F.R. § 262.34(a) and is not a recycling unit under the provisions of 40 C.F.R. § 261.6.

23. Pursuant to 40 C.F.R. § 265.1050(c), “each piece of equipment to which this subpart [Subpart BB] applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.”

24. Pursuant to 40 C.F.R. § 265.1031, “equipment” is defined as “each valve, pump compressor, pressure relief device, sampling connection system, open-ended valve or line or flange, or other connector, and any control devices or systems required by this subpart.”

25. Pursuant to 40 C.F.R. § 265.1031, “in light liquid service” means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20° Celsius (C), the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

26. Pursuant to 40 C.F.R. § 265.1052(a)(1), each pump “in light liquid service” shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b).

27. Pursuant to 40 C.F.R. § 265.1057(a)(1), each valve “in light liquid service” shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b).

28. Pursuant to 40 C.F.R. § 265.1064(b), for each piece of equipment to which 40 C.F.R. Part 265, Subpart BB applies, Respondent must record the following information in the facility operating record:

- a. Equipment identification number and hazardous waste management unit identification.
- b. Approximate locations within the facility (*e.g.*, identify the hazardous waste management unit on a facility plot plan).
- c. Type of equipment (*e.g.*, a pump or pipeline valve).
- d. Percent-by-weight total organics in the hazardous waste stream at the equipment.
- e. Hazardous waste state at the equipment (*e.g.*, gas/vapor or liquid).
- f. Method of compliance with the standard (*e.g.*, monthly leak detection and repair or “equipped with dual mechanical seals.”)

29. Pursuant to 40 C.F.R. § 279.22(c), and 401 KAR 44:010, containers and aboveground tanks used to store used oil, and fill pipes used to transfer used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

30. Pursuant to 40 C.F.R. § 273.9, and 401 KAR 43:010, “universal waste” means hazardous wastes that are subject to 40 C.F.R. Part 273, including, but not limited to, batteries, mercury-containing equipment, and lamps.

31. Pursuant to 40 C.F.R. § 273.9, and 401 KAR 43:020, a “small quantity handler of universal waste” is defined as “a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste at any time.”

32. Pursuant to 40 C.F.R. § 273.15, and 401 KAR 43:020 Section 6, a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

IV. EPA ALLEGATIONS AND DETERMINATIONS

33. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 401 KAR 31:005, Section 1(16).

34. Respondent is the “owner” and “operator” of a “Facility” as those terms are defined in 40 C.F.R. § 260.10 and 401 KAR 34:005.

35. On December 2, 2008, EPA and KYDEP/Division of Waste Management conducted a joint RCRA Compliance Evaluation Inspection (CEI) at the Facility, in order to determine its compliance status with RCRA.

36. As of the date of the CEI, Respondent owned and operated a Facility that cleaned, primed and painted a variety of metal sheets for a broad range of applications such as appliances, buildings, roofing, and air conditioners.

37. As of the date of the CEI, Respondent generated “solid wastes” and “hazardous wastes” as defined at 40 C.F.R. § 261.2 and 401 KAR 31:010 Section 2, and 40 C.F.R. § 261.3 and KAR 31:010 Section 3, respectively.

38. As of the date of the CEI, Respondent was a small quantity handler of universal waste and was storing containers of universal waste (used lamps and spent batteries) at the Facility.

39. At the time of the CEI, Respondent owned and operated a tank system which was located in the Paint Storage building at the Facility and used to store solvent wastes. At the time of the CEI, Respondent’s tank system consisted of:

- a. One 5,000 gallon above ground storage tank;
- b. Metal pipelines from Prime Coating Areas #1 and #2;
- c. Seven valves; and
- d. Four pumps.

40. Prior to April 2009, Respondent used solvents in the coil coating process to clean painting equipment.
41. The spent solvent generated at the Facility exhibited the characteristic of ignitability.
42. Pursuant to 40 C.F.R. § 261.21, a solid waste that exhibits the characteristic of ignitability is a hazardous waste with the RCRA hazardous waste code of D001. The spent solvent was therefore assigned the RCRA waste code D001.
43. At the time of the CEI, the spent solvent which was transferred via the pipelines from Prime Coating Areas #1 and #2 to the storage tank, had an average volatile organic concentration (VOC) greater than 500 parts per million. Therefore, the solvent waste had an organic concentration of at least 10 percent by weight, and the 5,000-gallon tank and its associated ancillary equipment described above in Paragraph 39, are subject to the requirements in 40 C.F.R. Part 265, Subpart BB (§§ 265.1050-1064).
44. At the time of the CEI, over 20 percent of the organic components in the spent solvent transferred via the pipelines from Prime Coating Areas #1 and #2 to the storage tank at the Facility had a vapor pressure greater than 0.3 kPa at 20° C. Therefore, Respondent's tank system operated in light liquid service conditions and was subject to 40 C.F.R. § 265.1031.
45. As of April 2009, Respondent idled production activities at the Facility, and has emptied the spent solvent accumulation tank identified in Paragraph 39. Currently, Respondent's use of the Facility is limited primarily to storing finished goods in the warehouse.
46. At the time of the CEI, Respondent was storing used oil that was transferred from two small oil water separators (OWS) into a 55-gallon drum and a 150-gallon tank. The OWS located in the cleaning and treatment area at the Facility were used to remove the oils from metal coils.
47. Respondent was collecting the spent solvent wastes in 55-gallon drums and then pumping the wastes via pipeline to the storage tank. When an adequate quantity was accumulated in the tank, the Respondent pumped the spent solvent waste onto a tanker truck and the waste was hauled off site for reclamation.
48. At the time of the CEI, EPA and KYDEP representatives observed that the Respondent did not have an air emission monitoring program for the hazardous waste tank system, as required in 40 C.F.R. Part 265, Subpart BB. Specifically, Respondent failed to:
- a. Mark each piece of equipment to which Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment;
 - b. Keep a facility operating record that includes: (i) Equipment identification number and hazardous waste management unit identification; (ii) Approximate locations within the facility; (iii) Type of equipment; (iv) Percent-by-weight total organics;

- (v) Hazardous waste state at the equipment; and (vi) Method of compliance with the standard;
- c. Perform monthly leak detection monitoring and weekly visual inspection of the pumps; and
- d. Perform monthly leak detection monitoring of the valves.

49. Pursuant to the Respondent's Air Quality Title V Permit issued by the Kentucky Division for Air Quality (KDAQ) on January 29, 2008, the Facility was collecting and destroying a portion of the VOC emissions from the Prime Coating Areas 1# and #2, and the 5,000 gallon spent solvent accumulation tank in the Paint Storage Building when coating was occurring. This process involved capturing vapors from the Facility's permanent total enclosure system and directing it to a thermal oxidizer. Respondent uses the thermal oxidizer to enable the Facility to meet its hazardous air pollutant emissions limit.

50. At the time of the CEI, the Respondent had not marked the equipment associated with the tank system, described above and referenced in Paragraph 39, in a manner that it could be distinguished readily from other pieces of equipment, as specified in 40 C.F.R. § 265.1050(c).

51. Complainant alleges that Respondent was in violation of 40 C.F.R. § 265.1050(c), for failing to mark each piece of equipment to which 40 C.F.R. Part 265, Subpart BB, applies in such a manner that it could be distinguished readily from other pieces of equipment.

52. At the time of the CEI, Respondent was not conducting the required monthly monitoring of all pumps and valves in light liquid service to detect leaks, specified in 40 C.F.R. §§ 265.1052(a)(1) and 265.1057(a)(1), using the methods and procedures identified in 40 C.F.R. § 265.1063(b).

53. Complainant alleges that Respondent was in violation of 40 C.F.R. §§ 265.1052(a)(1) and 265.1057(a)(1), for failing to conduct monthly monitoring of all pumps and valves in light liquid service to detect leaks.

54. At the time of the CEI, Respondent was not recording the information required in 40 C.F.R. § 265.1064(b), and listed in Paragraph 48(b) above, for each piece of equipment to which 40 C.F.R. Part 265, Subpart BB applies.

55. Complainant alleges that Respondent was in violation of 40 C.F.R. § 265.1064(b), for failing to record the required information for each piece of equipment to which 40 C.F.R. Part 265, Subpart BB applies.

56. As a result of the alleged violations of 40 C.F.R. Part 265, Subpart BB, described and referenced above in Paragraphs 48, 51, 53 and 55, Complainant alleges that Respondent failed to satisfy the requirements necessary for a generator to accumulate hazardous waste on-site for 90 days or less without a permit or interim status pursuant to 40 C.F.R. § 262.34(a). Therefore, Complainant alleges that the Respondent was storing hazardous waste without a permit in violation of Section 3005(a) RCRA, 42 U.S.C § 6925.

57. At the time of the CEI, Respondent was storing hazardous wastes in two 55-gallon containers in the satellite accumulation areas (SAAs) located in Coating Areas #1 and #2. Both drums were open, but were immediately closed by Facility personnel during the CEI.

58. Complainant alleges that Respondent violated 40 C.F.R. § 265.173(a), as incorporated by 40 C.F.R. § 262.34(c)(1)(i), and as adopted at 401 KAR 35:180 Section 4(1), for failing to keep the containers of hazardous wastes in the SAAs closed, except when it was necessary to add or remove waste. As a result, the Respondent failed to meet a condition for exemption from the RCRA Section 3005 requirement to have a permit or interim status. Therefore, Complainant alleges that the Respondent was storing hazardous waste without a permit in violation of Section 3005(a) RCRA, 42 U.S.C § 6925, and KRS 224.46-520.

59. At the time of the CEI, Respondent was storing used oil in a 55-gallon drum and a 150-gallon tank. The drum, pipes, and tanks storing and transferring used oil were not labeled "Used Oil."

60. Complainant alleges that Respondent violated 40 C.F.R. § 279.22(c), as adopted by 401 KAR 44:020 Section 3, for failing to clearly label or mark the containers used to store used oil, and the fill pipes used to transfer used oil with the words "Used Oil."

61. At the time of the CEI, Respondent was storing three containers of universal waste lamps and one container of universal waste batteries that did not have the requisite dates to demonstrate the length of time the universal wastes had been accumulated.

62. Complainant alleges that Respondent was in violation of 40 C.F.R. § 273.15, and 401 KAR 43:020 Section 6, for failing to have dates on the containers of universal wastes to demonstrate the length of time the universal wastes had been accumulated.

63. Complainant issued a Notice of Violation (NOV) and Show Cause letter to the Respondent on September 18, 2009, alleging the violations set forth above.

64. Complainant and Respondent convened a telephonic conference regarding the NOV and Show Cause letter on October 15, 2009, and the Respondent submitted a written response on November 12, 2009. As a result of these and other discussions between Complainant and Respondent, both parties agreed to enter into this CA/FO in order to resolve this dispute without the need for litigation.

V. TERMS OF AGREEMENT

Based on the foregoing Allegations and Determination, the parties agree to the following:

65. Within thirty (30) calendar days of receipt of the executed copy of this CA/FO, Respondent shall submit to EPA, a certification signed by a responsible corporate representative verifying the current operational status of the Facility and stating that the Facility is in compliance with RCRA.

This certification shall be as follows:

"I certify under penalty of law that, to the best of my knowledge and belief, as of the date of this certification, the Roll Coater, Inc. (RCI) Facility, located at 2604 River Road, Hawesville, Kentucky, and the subject of the Consent Agreement and Final Order, Docket No. RCRA-04-2010-4005(b) is in compliance with 40 C.F.R. Part 265, Subpart BB by having ceased management of solvent hazardous waste in the tank system, and that any other violations of RCRA have been corrected.

All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

66. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
67. The Respondent neither admits nor denies the factual allegations set out above.
68. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
69. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO on the basis of any issue related to the Paperwork Reduction Act.
70. 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.
71. 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.
72. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA alleged in this CA/FO.
73. Each party will pay its own costs and attorney's fees.

VI. PAYMENT OF CIVIL PENALTY

74. Respondent consents to the payment of a civil penalty in the amount of **FIFTY ONE THOUSAND DOLLARS (\$51,000)**, payable within thirty (30) calendar days of the effective date of this CA/FO.

75. Respondent shall make payment of the penalty by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearhouse (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 the 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 Financial 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
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101
(314) 418-4087

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

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

Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

and to:

Doug McCurry, Chief
North Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

76. 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 and/or stipulated penalties if not paid within thirty (30) calendar days after they are due. 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 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.

- 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 thirty (30) calendar day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent 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).

77. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. RESERVATION OF RIGHTS

78. 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 and the environment.

79. 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.

80. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), 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 generation, storage, treatment, handling, 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.

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

VIII. OTHER APPLICABLE LAWS

82. 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.

IX. PARTIES BOUND

83. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, 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.

84. 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.

85. 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.

X. SERVICE OF DOCUMENTS

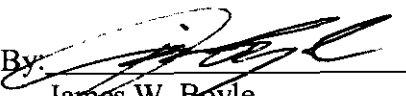
86. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in the proceeding:

Marlene J. Tucker
Associate Regional Counsel
U.S. EPA – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
(404) 562-9536

XI. SEVERABILITY

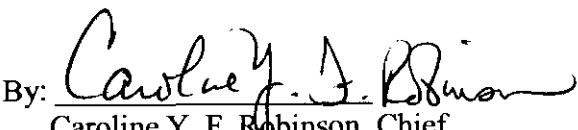
87. In is the intent of the parties that the provisions of this CA/FO are severable. If any provision of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to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

Roll Coater, Inc.

By: 
James W. Boyle
Senior Director of Manufacturing

Dated: 8-8-10

U.S. Environmental Protection Agency

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

Dated: 8/16/10

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF	)	DOCKET NO.:RCRA-04-2010-4005(b)
)	
Roll Coater, Inc.	)	PROCEEDING UNDER SECTION
2604 River Road	)	3008(a) OF THE RESOURCE
Hawesville, Kentucky 42348	)	CONSERVATION AND RECOVERY
	)	ACT, 42 U.S.C. § 6928(a)
EPA ID No. : KYD 985 072 156)	
)	
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 31st day of August, 2010.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
EPA Region 4

ATTORNEY GENERAL

Associate Regional Counsel
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

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HEARINGS DIVISION

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EPA REGION 4

Quantindra Smith
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Carolyn M. Brown
Greenbaum Doll & McDonald, PLLC
300 West Vine Street, Suite 1100
Lexington, Kentucky 40507-1665

(Via Certified Mail - Return Receipt
Requested)

Date August 31, 2010

Patricia A. Bullock
Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511