



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

OCT 15 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Pritchard
General Manager
Trucast LLC
81 Mawsons Way
Newberry, South Carolina 29108

Re: Consent Agreement and Final Order
Docket Number: RCRA-04-2014-4014(b)
EPA ID No.: None

Dear Mr. Pritchard:

Enclosed please find a fully executed Consent Agreement and Final Order (CA/FO) issued pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a). Please note that payment of the penalty is due within thirty calendar days of the effective date of this CA/FO. Should you have any questions please feel free to contact William Kappler at (404) 562-8498.

Sincerely,

A handwritten signature in blue ink, appearing to read "César A. Zapata".

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

Enclosure

CC: Stacey H. Myers
Hunsucker Goodstein PC
5335 Wisconsin Avenue, NW, Suite 360
Washington, D.C. 20015

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
Trucast LLC)
81 Mawsons Way)
Newberry, South Carolina 29108)
EPA ID No.: None)
)
Respondent)
_____)

DOCKET NO.: RCRA-04-2014-4014(b)

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

RECEIVED
EPA REGION IV
2014 OCT 15 AM 8:14
HEATHER G. BARK

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 the South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the South Carolina Hazardous Waste Management Regulations promulgated pursuant thereto and set forth at S.C. Code Ann. Regs. 61-79.260 through 61-79.270 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925] and S.C. Code Ann. Regs. 61-79.260 through 61-79.270 [40 C.F.R. Parts 260 through 270].
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).
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). 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 Trucast LLC, a limited liability company organized under the laws of the State of South Carolina. Respondent operates a business located at 81 Mawsons Way, Newberry, South Carolina (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in the South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 *et seq.*, and the South Carolina Hazardous Waste Management Regulations, S.C. Code Ann. Regs. 61-79.260 through 61-79.270.
7. Although EPA has granted the State authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by EPA in the manner set forth in the Memorandum of Agreement between EPA and the State.
8. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
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 State before issuance of this CA/FO.
10. Section 44-56-30 of the South Carolina Hazardous Waste Management Act, S.C. Code Ann. 44-56-30 [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 standards are found in S.C. Code Ann. Regs. 61-79.262 [40 C.F.R. Part 262].
11. Section 44-56-60 of the South Carolina Hazardous Waste Management Act, S.C. Code Ann. 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets 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 in S. C. Code Ann. Regs. 61-79.264 (permitted) and 61-79.265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
12. Pursuant to S.C. Code Ann. Regs. 61-79.261.2 [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.
13. Pursuant to S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it is not otherwise excluded from regulation as a hazardous waste by S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)], and it meets any of the criteria set forth in S.C. Code Ann. Regs. 61-79.261.3(a)(2) [40 C.F.R. § 261.3(a)(2)].

14. Pursuant to S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a listed hazardous waste if it is listed in S.C. Code Ann. Regs. 61-79.261, Subpart D [40 C.F.R. Part 261, Subpart D].
15. Pursuant to S.C. Code Ann. Regs. 61-79.261.20 [40 C.F.R. § 261.20], solid wastes that exhibit any of the characteristics identified in S.C. Code Ann. Regs. 61-79.261.21 through 24 [40 C.F.R. §§ 261.21 through 24] are characteristic hazardous wastes, and are identified with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to S.C. Code Ann. Regs. 61-79.261.21(a) [40 C.F.R. § 261.21(a)], a solid waste exhibits the characteristic of ignitability if it has the properties described in S.C. Code Ann. Regs. 61-79.261.21(a) [40 C.F.R. § 261.21(a)].
17. Pursuant to S.C. Code Ann. Regs. 61-79.261.21(b) [40 C.F.R. § 261.21(b)], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
18. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [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 S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
19. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [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.”
20. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “person” includes a corporation.
21. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [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.”
22. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “container” is defined “as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”
23. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “storage” means “the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.”
24. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “treatment” is defined as “any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste . . . or so as to render such waste non-hazardous, or less hazardous . . . or reduced in volume.”

25. Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods set forth in S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].
26. Pursuant to S.C. Code Ann. Regs. 61-79.262.12(a) [40 C.F.R. § 262.12(a)], a generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an EPA identification number.
27. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d) [40 C.F.R. § 262.34(d)], a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (SQG), and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by Section 44-56-60 of the South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in S.C. Code Ann. Regs. 61-79.262.34(d)(1)-(5) [40 C.F.R. § 262.34(d)(1)-(5)] (hereinafter referred to as the “SQG Permit Exemption”).
28. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)], which incorporates S.C. Code Ann. Regs. 61-79.262.34(a)(2) and (a)(3) [40 C.F.R. § 262.34(a)(2) and (a)(3)], which are conditions of the SQG Permit Exemption, a generator is required to: (a) ensure that the date upon which each period of accumulation begins is clearly marked on the container and visible for inspection; and (b) clearly label or mark each container and tank with the words “Hazardous Waste.”
29. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)], which incorporates S.C. Code Ann. Regs. 61-79.265.35 and 61-79.265.31 [40 C.F.R. §§ 265.35 and 265.31], which are conditions of the SQG Permit Exemption, a generator is required to: (a) 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, unless aisle space is not needed for any of these purposes; and (b) to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
30. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d)(2) [40 C.F.R. § 262.34(d)(2)], which incorporates S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)], which is a condition of the SQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
31. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d)(5)(iii) [40 C.F.R. § 262.34(d)(5)(iii)], which is a condition of the SQG Permit Exemption, a generator is required to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.
32. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)], which incorporates S.C. Code Ann. Regs. 61-79.268.7(a)(5) and 61-79.268.9(a) [40 C.F.R. §§ 268.7(a)(5) and 268.9(a)], which are conditions of the SQG Permit Exemption, a generator who is managing and treating prohibited waste or contaminated soil in tanks, containers, or

containment buildings regulated by S.C. Code Ann. Regs. 61-79.262.34 [40 C.F.R. § 262.34] is required to develop and follow a written waste analysis plan which describes the procedures it will carry out to comply with the land disposal restriction (LDR) treatment standards, and to determine each EPA Hazardous Waste Number (waste code) applicable to its waste in order to determine the applicable treatment standards under Subpart D of Part 268.

IV. EPA ALLEGATIONS AND DETERMINATIONS

33. Respondent is a “person” as defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
34. Respondent is the “owner/operator” of a “facility” located at 81 Mawsons Way, Newberry, South Carolina, as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
35. Respondent is a “generator” of characteristic “hazardous waste” as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 and 61-79.261.3 [40 C.F.R. §§ 260.10 and 261.3].
36. Respondent is an investment caster that uses nickel alloy bars to manufacture variations of hot turbo wheels used in diesel engine turbo chargers. Respondent uses ceramic slurry to form a ceramic cast to make the turbo wheel.
37. On March 5, 2014, an EPA inspector performed a RCRA Compliance Evaluation Inspection (CEI) of Respondent’s Facility. The findings of the CEI were documented in an EPA RCRA CEI Report.
38. As a follow-up to the CEI, on June 27, 2014, EPA asked Respondent to provide EPA with additional information about Respondent’s hazardous waste management operations, including the laboratory test result of a representative sample of the waste pre-coat ceramic slurry and the calendar month generation rate of the waste pre-coat ceramic slurry from March 2014 to July 2014.
39. On July 10, 2014, Respondent responded to EPA’s request. The laboratory test result provided to EPA showed that the waste pre-coat ceramic slurry that Respondent was generating is a hazardous waste identified with the EPA Hazardous Waste Number D001. Respondent reported that its monthly generation rate of the waste pre-coat ceramic slurry D001 hazardous waste between March 2014 and July 2014 was greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month, making Respondent a SQG.
40. At the time of the CEI, Respondent had not made a hazardous waste determination on the waste pre-coat ceramic slurry that the EPA inspector observed was being stored in several containers that were located in the Pre-Coat Area and the Breezeway Area of the Facility.
41. EPA therefore alleges that Respondent violated S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.
42. At the time of the CEI, the Facility generated greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month. However, the Facility failed to notify the State of its activity as a hazardous waste generator and to obtain an EPA identification number.

43. EPA therefore alleges that Respondent violated S.C. Code Ann. Regs. 61-79.262.12(a) [40 C.F.R. § 262.12(a)] by failing to obtain an EPA identification number from the State prior to treating, storing, disposing of, transporting or offering for transportation hazardous waste.
44. At the time of the CEI, the containers of the waste pre-coat ceramic slurry (D001 hazardous waste) in the Pre-Coat Area and Breezeway Area: (a) were not clearly marked with the date upon the waste pre-coat ceramic slurry began accumulating in the containers; and (b) were not clearly labeled or marked with the words "Hazardous Waste."
45. EPA therefore alleges that Respondent violated S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet the conditions of the SQG Permit Exemption set forth in S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)] by not complying with the dating requirements of S.C. Code Ann. Regs. 61-79.262.34(a)(2) [40 C.F.R. § 262.34(a)(2)] and the labeling requirements of S.C. Code Ann. Regs. 61-79.262.34(a)(3) [40 C.F.R. § 262.34(a)(3)].
46. At the time of the CEI, EPA observed that there was not sufficient aisle space in the Pre-Coat Area and Breezeway Area where the containers of waste pre-coat ceramic slurry were located to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment necessary in an emergency, and that the Facility was not designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
47. EPA therefore alleges that Respondent violated S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet the conditions of the SQG Permit Exemption set forth in S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)], by not complying with the aisle space requirements of S.C. Code Ann. Regs. 61-79-265.35 [40 C.F.R. § 265.35] and the maintenance and operation requirements of S.C. Code Ann. Regs. 61-79.265.31 [40 C.F.R. § 265.31].
48. At the time of the CEI, the containers of the waste pre-coat ceramic slurry (D001 hazardous waste) in the Pre-Coat Area and Breezeway Area were not kept closed.
49. EPA therefore alleges that Respondent violated S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG Permit Exemption set forth in S.C. Code Ann. Regs. 61-79.262.34(d)(2) [40 C.F.R. 262.34(d)(2)], by not complying with the container management requirements of S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)].
50. At the time of the CEI, EPA observed that Respondent had not ensured that all employees were thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal Facility operations and emergencies.

51. EPA therefore alleges that Respondent violated S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG Permit Exemption by not ensuring that all employees were thoroughly familiar with proper waste handling and the emergency procedure requirements as required by S.C. Code Ann. Regs. 61-79.262.34(d)(5)(iii) [40 C.F.R. § 262.34(d)(5)(iii)].
52. At the time of the CEI, EPA observed Respondent managing and treating prohibited waste in several containers located in the Pre-Coat Area and the Breezeway Area regulated under S.C. Code Ann. Regs. 61-79.262.34 [40 C.F.R. § 262.34], without complying with applicable land disposal restriction (LDR) standards. Respondent had not developed and followed a written waste analysis plan to describe the procedures it will carry out to comply with the LDR treatment standards. Further, Respondent had not determined each EPA Hazardous Waste Number (waste code) applicable to its waste in order to determine the applicable treatment standards under Subpart D of Part 268.
53. EPA therefore alleges that Respondent violated S.C. Code Ann. § 44-56-60 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing and treating hazardous waste without a permit or interim status, because Respondent failed to meet the conditions of the SQG Permit Exemption set forth in S.C. Code Ann. Regs. 61-79.262.34(d)(4) [40 C.F.R. § 262.34(d)(4)], by not complying with the applicable LDR requirements of S.C. Code Ann. Regs. 61-79.268.7(a)(5) and 61-79.268.9(a) [40 C.F.R. §§ 268.7(a)(5) and 268.9(a)].

V. TERMS OF AGREEMENT

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

54. 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.
55. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
56. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
57. 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.*
58. 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.
59. 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 fact 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.

60. 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.
61. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
62. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
63. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

64. Respondent consents to the payment of a civil penalty in the amount of **SEVENTY-NINE THOUSAND DOLLARS (\$79,000.00)**, which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
65. 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 US
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

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
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

66. Respondent shall submit a copy of the payment to the following addresses:

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

And to:

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

67. 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 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 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 40 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).

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

VII. PARTIES BOUND

69. 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.
70. 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.
71. 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

72. 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 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.
73. 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.
74. 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 storage, 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

75. 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

76. 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 this proceeding:

Teresa Mann
Senior Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9572
mann.teresa@epa.gov

77. A copy of any documents that Complainant files in this action shall be sent to the following individuals who represent Respondent in this matter and who are authorized to receive service for Respondent in this proceeding:

Stacey H. Myers
Hunsucker Goodstein PC
5335 Wisconsin Avenue, N.W., Suite 360
Washington, D.C. 20015
(202) 895-5380
smyers@hgnlaw.com

Chris Pritchard
General Manager
Trucast LLC
81 Mawsons Way
Newberry, South Carolina 29108

XI. SEVERABILITY

78. 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


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

In the matter of Trucast LLC, Docket No. RCRA-04-2014-4014(b):

AGREED AND CONSENTED TO:

Trucast LLC

By: _____


Chris Pritchard
General Manager
Trucast LLC
81 Mawsons Way
Newberry, South Carolina 29108

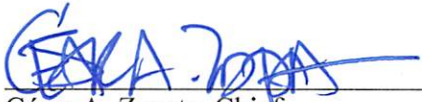
Dated: 9/24/2014

In the matter of Trucast LLC, Docket No. RCRA-04-2014-4014(b):

AGREED AND CONSENTED TO:

United States Environmental Protection Agency

By: _____


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

Dated: 10/7/14

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2014-4014(b)
)	
Trucast LLC)	
81 Mawsons Way)	Proceeding Under Section 3008(a) of the
Newberry, South Carolina 29108)	Resource Conservation and Recovery Act,
EPA ID No.: None)	42 U.S.C. § 6928(a)
)	
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 9 day of Feb, 2014.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
EPA 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 Trucast LLC
Docket Number: RCRA-04-2014-4014(b), and have served the parties listed below in the manner indicated:

Teresa Mann
Senior Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
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

(Via EPA's electronic mail)

Chris Pritchard
General Manager
Trucast LLC
81 Mawsons Way
Newberry, South Carolina 29108

(Via Certified Mail - Return Receipt)
(Requested)

Stacey H. Myers
Hunsucker Goodstein PC
5335 Wisconsin Avenue, NW, Suite 360
Washington, D.C. 20015
Tel: 202-895-5380
Fax: 202-895-5390
smyers@hgnlaw.com

(Via Certified Mail- Return Receipt)
(Requested)

Date:

10-15-14



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