



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

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

MAR 24 2016

Craig A. Carpenter, Esquire  
Installation Legal Office  
Fort Stewart  
1791 Gullick Avenue, Bldg. 709  
Fort Stewart, Georgia 31314

Re: Fort Stewart  
Consent Agreement and Final Order  
Docket Number: RCRA-04-2015-4013(b)

Dear Mr. Carpenter:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above referenced matter. The CA/FO was effective upon filing. As a reminder, please make payment of the \$30,100 civil penalty, which is due within thirty (30) calendar days of the effective date of the CA/FO. A copy of the check, wire transfer or online payment should be submitted to the following people:

Patricia Bullock  
Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

and to:

Larry L. Lamberth, Chief  
Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

If you have any questions, please feel free to contact Randy Jackson, of my staff, at (404) 562-8464. Legal questions should be directed to Gregory Luetscher at (404) 562-9677.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Truman", with a large, stylized initial "W" and a long horizontal flourish extending to the right.

William Truman, Acting Chief  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4013(b)
	)	
3 <sup>rd</sup> Infantry Division (Mechanized) and	)	Proceeding Under Section 3008(a) of the
Fort Stewart	)	Resource Conservation and Recovery Act,
Directorate of Public Works, Bldg. 1137	)	42 U.S.C. § 6928(a)
1550 Frank Cochran Drive	)	
Fort Stewart, GA 31314-4927	)	
	)	
EPA ID No.: GA9210020872	)	
	)	
Respondent	)	
_____	)	

2016 MAR 24 AM 7:50  
HEARING CLERK  
USEPA REGION 4  
OFFICE OF REGIONAL  
COUNSEL

**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), and Section 6001 of RCRA, 42 U.S.C. § 6961, ordering compliance with the requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. §§ 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11.01 through 391-3-11.18 [Title 40 of the Code of Federal Regulations (C.F.R.), parts 260 through 270 and 273]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 12-8-66 of GHWMA, Ga. Code Ann. §12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Ga. Comp. R. and Regs. 391-3-11-.01 to .18 [40 C.F.R. Parts 260 through 270, and 273].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (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, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent, the Department of the Army, Headquarters US Army Garrison Fort Stewart and Hunter Army Airfield, is a department, agency, or instrumentality of the United States. Respondent is the owner and/or the operator of a 275,000 acre military installation, located in Chatham, Bryan, Liberty, Long, Tatnall, and Evans Counties in Georgia, with a principal mailing address for purposes of this agreement at 1550 Veterans Parkway, Fort Stewart, Georgia 31314-4927 (the Facility), that provides national security and military readiness.

## III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (the State) has received final authorization from the EPA to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Georgia authorized program are found at Ga. Code Ann. §§ 12-8-60 *et seq.* and in Ga. Comp. R. and Regs. 391-11-.01 *et seq.*
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Georgia has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA set forth in the Memorandum of Agreement between EPA and the State.
9. 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.
10. 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.

11. Section 12-8-64(1)(A) of the GHWMA, Ga. Code Ann. § 12-8-64(1)(A) [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005(a) of RCRA, 42 U.S.C. § 6925(a)], sets forth the requirement that facilities that treat, store, or dispose of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11-.10(2) and 391-3-11-.10(1), respectively [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], a “*solid waste*” is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a “*hazardous waste*” if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous wastes and are provided with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “*generator*” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.
17. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “*facility*” includes “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.”
18. Pursuant to Ga. Comp. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “*person*” includes a *Federal Agency*; similarly, “*Federal agency*” means any department, agency, or other instrumentality of the Federal Government.
19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], an “*owner*” is the person who owns a facility or part of a facility and an “*operator*” is the person responsible for the overall operation of a facility.
20. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11].

21. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 12-8-66 of GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the applicable conditions listed in Ga. Comp. R. and Regs. 391-11.08(1) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the "*LQG Permit Exemption*").
22. Pursuant to Ga. Comp. R. and Regs 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.16(c)] and is a condition of the LQG Permit Exemption, facility personnel must take part in an annual RCRA refresher training.
23. Pursuant to Ga. Comp. R. and Regs. 391.-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where the wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status, as required by Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the "*SAA Permit Exemption*").
24. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a Large Quantity Handler of Universal Waste (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more of total universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], a LQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing lamps in closed containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
26. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(e)], a LQHUW must label or mark each lamp or container of lamps clearly with any one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."
27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35 (a) and (c)], a LQHUW may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

#### IV. EPA ALLEGATIONS AND DETERMINATIONS

28. As a department, agency, or instrumentality of the United States, Respondent is a “*person*” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
29. As a department, agency, or instrumentality of the executive branch of the Federal Government, Respondent is subject to the EPA’s administrative enforcement authorities set out in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), pursuant to Section 6001(b) of RCRA, 42 U.S.C. § 6961(b).
30. Respondent is a “*person*” within the meaning of Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
31. Respondent is the “*owner/operator*” of a “*facility*” located at Fort Stewart, Georgia, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
32. Respondent is a “*generator*” of “*hazardous waste*” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) and 391-3-11-.07(1), respectively [40 C.F.R. §§ 260.10 and 261.3].
33. On or about March 26, 1990, Respondent notified the Georgia Environmental Protection Division (GAEPD) that it is a LQG of hazardous waste as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)] and on February 22, 2006, notified that it is a LQHUUW as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9].
34. Respondent is a U. S. Army base that is home to 3<sup>rd</sup> Infantry Division (Mechanized). The base supports, inter alia, the readiness and national security missions of the Department of Defense.
35. On February 7-8, 2012, inspectors with the EPA and the GAEPD conducted a compliance evaluation inspection (CEI) at Respondent’s facility. The findings of the CEI were documented in a GAEPD trip report that was mailed to the Respondent on September 30, 2013.
36. At the time of the CEI, the inspectors observed dark liquid waste that was stored in an in-ground storage tank at the 1-30 Infantry Motor Pool. Fort Stewart personnel informed the inspectors that the tank was never cleaned out and a waste determination on the dark liquid had never been made.
37. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in GA. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11].

38. The EPA therefore alleges that Respondent is in violation of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at the Facility.
39. At the time of the CEI, the inspectors observed that the Respondent had failed to adequately train the personnel responsible for making periodic hazardous waste determinations at the Defense Logistics Agency (DLA) Disposition Storage yard, thereby resulting in the delayed transfer of Barium-coated tents, a D005 characteristic hazardous waste when disposed of, to the permitted hazardous waste storage area.
40. The EPA therefore alleges that Fort Stewart violated GHWMA, Ga. Code Ann. § 12-8-66 [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 LQG Permit exemption set forth in Ga. Comp. R. and Regs 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], by not complying with the personnel training requirements of Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.16].
41. At the time of the CEI, the inspectors observed broken waste florescent lamps on the floor at both the Tassay/Ferguson-Williams (TFW) area and at the Director of Logistics (DOL) paint shop facility.
42. The EPA therefore alleges that Respondent violated Ga. Comps. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)(2)], by failing to immediately clean up and place in a closed container any broken universal waste lamps.
43. At the time of the CEI, the inspectors observed unlabeled containers of waste fluorescent lamps at the following five (5) locations, as described below:
  - a. The TFW area included one (1) unlabeled box of waste fluorescent lamps;
  - b. The DLA storage yard included one (1) unlabeled and open box of used fluorescent lamps and fixtures containing numerous metal and electronic parts;
  - c. In Building 9498, the Weld Shop included two (2) unlabeled waste fluorescent lamps leaning in a corner;
  - d. The Winn Army Community Hospital (WACH) included one (1) cylindrical container incorrectly labeled "Bad Lamps" storing waste fluorescent lamps; and,
  - e. The 2-6 Brigade Support Battalion (BSB) Maintenance Bay office included two (2) unlabeled waste fluorescent lamps leaning in a corner and one (1) unlabeled and open box of waste lamps fluorescent lamps.
44. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs.391-3-11-.18 [40 C.F.R. § 273.34(e)] by failing to clearly label or mark each lamp or container of



lamps with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

45. At the time of the CEI, the inspectors observed open containers of universal waste at the following two (2) locations, as described below:
  - a. The DLA storage yard, where waste fluorescent lamp fixtures containing fluorescent lamps were stored in an open box containing numerous metal and electronic parts to be recycled, and
  - b. The office of the 2-6 Brigade Support Battalion, where one (1) unlabeled and open box of waste fluorescent lamps was being stored.
46. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], by failing to close containers of universal waste lamps.
47. At the time of the CEI, the inspectors observed five (5) occasions when the length of time that universal waste had accumulated or was received could not be demonstrated, as described below:
  - a. At the WACH: One (1) undated cylindrical container of waste fluorescent lamps;
  - b. At the DLA Storage Yard: One (1) open and undated box of fluorescent lamp fixtures containing waste fluorescent lamps;
  - c. At the TFW area: One (1) unlabeled box of used fluorescent lamps without a date or marks to indicate when the lamps first became a waste;
  - d. At the Weld Shop in Building 9498: Two (2) used fluorescent lamps leaning in a corner of the building were not dated; and,
  - e. At the 2-6 BSB Maintenance Bay office: One (1) box of used fluorescent lamps was not marked or labeled with the date that the bulbs first became a waste.
48. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35(c)] by failing to be able to demonstrate the length of time that universal waste had been accumulated based on the date that the universal waste became a waste or was received.
49. At the time of the CEI, the inspectors observed one (1) cylindrical container of waste fluorescent lamps at the WACH dated June 4, 2010.

50. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-18 [40 C.F.R. § 273.35(a)], which limits the period that universal wastes may be accumulated to one year as measured from the date the waste was generated.

### **TERMS OF AGREEMENT**

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

51. 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, and Section 6001(b)(1) of RCRA, 42 U.S.C. § 6961(b)(1).
52. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
53. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement, and acknowledges that it has had the opportunity to confer with the Administrator contemplated under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2).
54. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO.
55. 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.
56. 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.
57. 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.
58. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
59. 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.
60. Each party will pay its own costs and attorneys' fees.

## V. PAYMENT OF CIVIL PENALTY

61. Subject only to limitations and restrictions imposed by applicable Federal law, Respondent consents to the payment of a civil penalty in the amount of **THIRTY THOUSAND ONE HUNDRED DOLLARS (\$30,100.00)**. Within thirty (30) days of the effective date of this CA/FO, Respondent shall have completed and submitted all forms and documents at the installation level necessary for payment of the civil penalty.
62. Nothing herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. Section 1341. If Respondent determines that payment or obligation of funds by or on a specific date would constitute a violation of the Anti-Deficiency Act, Respondent shall timely provide Complainant with such a written determination along with all information and assistance Complainant may need to thereafter appropriately adjust the dates established for Respondent's payment or obligation of such funds.
63. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
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, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury facility:  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contact: John Schmid, (202) 874-7026  
REX (Remittance Express): 1-866-234-5681

64. Respondent shall submit a copy of the payment to the following individuals:

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

And to:

Héctor M. Danois, Acting Chief  
Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division,  
US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

65. In accordance with 40 C.F.R. § 13.3, any debt owed to the EPA as a result of Respondent's failure to make timely payment(s) in accordance with the terms of this CA/FO shall be resolved by negotiation between the EPA and Respondent or by referral to the General Accounting Office.

## VI. PARTIES BOUND

66. 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.

67. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
68. 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.

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

69. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
70. 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.
71. 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.

#### **VIII. OTHER APPLICABLE LAWS**

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

#### **IX. SERVICE OF DOCUMENTS**

73. 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:

Gregory D. Luetscher  
Associate Regional Counsel  
Office of RCRA/CERCLA Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Luetscher.greg@epa.gov  
(404) 562-9677

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

Craig A. Carpenter  
Garrison Counsel  
Consolidated Legal Office / OSJA  
1791 Gulick Avenue  
Fort Stewart, Georgia 31324  
[craig.a.carpenter2.civ@mail.mil](mailto:craig.a.carpenter2.civ@mail.mil)  
(912) 767-2338

#### **X. SEVERABILITY**

75. 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.

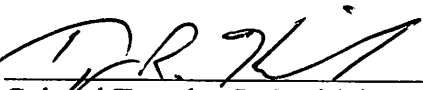
#### **XI. EFFECTIVE DATE**

76. 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 3<sup>rd</sup> Infantry Division (Mechanized) and Fort Stewart, Docket No. RCRA-04-2015-4013(b):***

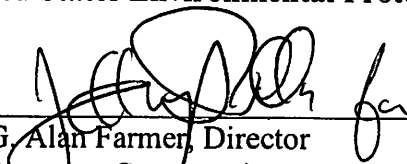
**AGREED AND CONSENTED TO:**

**U.S. Dept. of Defense, U.S. Infantry and Fort Benning**

By:   
Colonel Townley R. Hedrick  
Garrison Commander  
United States Army Garrison  
Headquarters US Army Garrison Fort Stewart and Hunter AAF

Dated: 2 MAR 16

**United States Environmental Protection Agency**

By:   
G. Alan Farmer, Director  
Resource Conservation  
and Restoration Division  
US EPA Region 4

Dated: 03/21/2016

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4013(b)
	)	
3 <sup>rd</sup> Infantry Division (Mechanized) and	)	Proceeding Under Section 3008(a) of the
Fort Stewart	)	Resource Conservation and Recovery Act,
Directorate of Public Works, Bldg. 1137	)	42 U.S.C. § 6928(a)
1150 Frank Cochran Drive	)	
Fort Stewart, GA 31314-4927	)	
	)	
EPA ID No.: GA9210020872	)	
	)	
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 23<sup>rd</sup> day of March, 2016

BY: Tanya Floyd  
Tanya Floyd  
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 3<sup>rd</sup> Infantry Division (Mechanized) and Fort Stewart, Docket Number: RCRA-04-2015-4013(b)**, and have served the parties listed below in the manner indicated:

Gregory D. Luetscher  
Associate Regional Counsel  
Office of RCRA/CERCLA Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Luetscher.greg@epa.gov

(Via EPA's Electronic Mail)

Randy Jackson  
Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division, US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

(Via EPA's Electronic Mail)

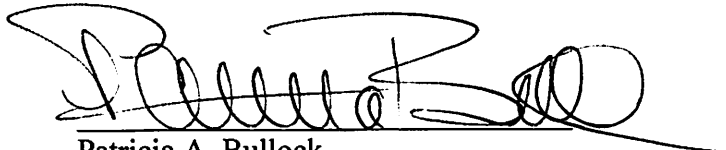
Quantindra Smith  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division, US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

(Via EPA's Electronic Mail)

Mr. Robert R. Baumgardt  
Director, Public Works  
Fort Stewart and Hunter AAF  
1550 Veterans Parkway (Bldg 1137)  
Fort Stewart, GA 31314-4927  
(Attn: Environmental Division)

(Via Certified Mail-Return Receipt Requested)

Date: 3-24-16



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