



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

AUG 13 2015

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

Carlos Zanoelo  
Vice President and General Manager  
Gerdau Long Steel North America - Jacksonville Mill  
16770 Rebar Road  
Baldwin, Florida 32234

Re: Consent Agreement and Final Order - Docket No. RCRA-04-2015-4009(b)  
Gerdau Long Steel North America – Jacksonville Mill

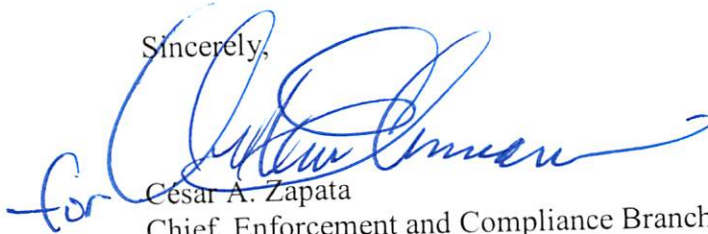
Dear Mr. Zanoelo:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC and payment of the civil penalty is to be paid within thirty (30) calendar days of the effective date of the CA/FO.

Enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Gerdau Long Steel North America – Jacksonville Mill on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U.S. Environmental Protection Agency, Region 4. Where used in the document, "SEC" refers to the Securities and Exchange Commission.

If you have any questions, please feel free to contact Paula A. Whiting, of my staff, at (404) 562-9277.

Sincerely,

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

Cesar A. Zapata  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF: )  
)  
Gerdau Long Steel North America )  
- Jacksonville Mill. )  
16770 Rebar Road )  
Baldwin, Florida 32234 )  
EPA ID No.: FLD083812537 )  
Respondent )  
\_\_\_\_\_ )

DOCKET NO.: RCRA-04-2015-4009(b)

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

RECEIVED  
APR 13 2015 11:42  
EPA REGION 4 OFFICE  
ATLANTA

**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 Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921 *et seq.*], and the regulations promulgated pursuant thereto and set forth at the Florida Administrative Code Annotated Rule (Fla. Admin. Code Ann. r.) 62-730 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273 and 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Fla. Stat. § 403.702 *et seq.* [Section 3005 of RCRA, 42 U.S.C. § 6925] and Fla. Admin. Code Ann. r. 62-710, § 62-730 and 62-737 [40 C.F.R. Parts 260 through 270, 273, and 279].
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 is Gerdau Ameristeel US Inc., a corporation organized under the laws of Florida. Respondent is the owner and operator of Gerdau Long Steel North America - Jacksonville Mill, an electric arc furnace steel mill and related support and processing activities located at 16770 Rebar Road, in Baldwin, Florida (the Facility).

## III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (Florida or 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 at Fla. Stat. § 403.702 *et seq.* and Fla. Admin. Code Ann. r. 62-710, 62-730, and 62-737.
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. Florida 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 in the manner set forth in the Memorandum of Agreement between the 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 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [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 at Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].
12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [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 at Fla. Admin. Code Ann. r. 62-730.180 and 62-730.220 [40 C.F.R. Parts 262, 264 (permitted) and 265 (interim status), 270 and 273].

13. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(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 Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21 through 24] are characteristic hazardous waste identified with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) and [40 C.F.R. § 261.24(a)], a solid waste exhibits the characteristic of toxicity if, when using the Toxicity Characteristic Leaching Procedure (TCLP) and the required test methods, the extract from the waste contains any of the contaminants listed in Table 1 of 40 C.F.R. § 261.24, at the concentration equal to or greater than the respective value given in that table.
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], 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 Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of Toxicity for Chromium is a hazardous waste and is identified with the EPA Hazardous Waste Number D007.
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of Toxicity for Lead is a hazardous waste and is identified with the EPA Hazardous Waste Number D008.
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.31], certain spent non-halogenated solvents that exhibit the characteristics of toxicity and ignitability are hazardous wastes identified with the EPA Hazardous Waste Numbers F003 and F005.
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed “hazardous waste” if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D].
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261.30] a solid waste is a listed hazardous waste if it contains or is a mixture of a waste that is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31(a)]. Electric Arc Furnace Dust that is discarded is a hazardous waste identified with the EPA Hazardous Waste Number K061.

23. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “universal waste” includes batteries, pesticides, mercury containing equipment, and lamps as described in Fla. Admin. Code Ann. r. 62-737.400 [40 C.F.R. Part 273].
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “used oil” includes any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities as described in Fla. Admin. Code Ann. r. 62-710.210(2) [40 C.F.R. Part 279].
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(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 Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(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.”
27. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes a corporation.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(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.”
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “containment building” means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 40 C.F.R. Parts 264 and 265, Subpart DD.
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11], a person who generates a solid waste must determine if that waste is a hazardous waste.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(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 provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the “LQG Permit Exemption”).
33. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate facilities 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.

34. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(5) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Fla. Admin. Code Ann. R. 62-730.180(2) [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors. These generators shall maintain written documentation of the inspections for at least three years from the date of the inspection, and, at a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.
35. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(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 wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).
36. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
37. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
38. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(iv)], a generator may accumulate hazardous waste in a containment building for ninety (90) days or less, without a permit or interim status, provided the containment building complies with the requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.1101(c)].
39. Pursuant to Fla. Admin. Code Ann. r. 62-737.200(31)(b) [40 C.F.R. § 273.9], a “Small Quantity Handler of Universal Waste” (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
40. Pursuant Fla. Admin. Code Ann. r. 62-737.400(5)(a) [40 C.F.R. § 273.13(d)(1)], a SQHUW must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, release of their components to the environment, and exposure to moisture.

41. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(5)(b)1 [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Spent Mercury-Containing Lamps for Recycling,” “Universal Waste Mercury Lamps,” “Waste Mercury Lamps,” or “Used Mercury Lamps.”
42. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(7) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to 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.
43. Pursuant to Fla. Admin. Code Ann. r. 62-710.210(2) and 62-710.401(6) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
44. Pursuant to Fla. Admin. Code Ann. r. 62-710.210(2) and 62-710.401(6) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.
45. Pursuant to Fla. Admin. Code Ann. r. 62-710.210(2) and 62-710.401(6) [40 C.F.R. § 279.22], if tanks or containers used to store used oil are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area.

#### **IV. EPA ALLEGATIONS AND DETERMINATIONS**

46. Respondent is a “person” as defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
47. Respondent is the “owner/operator” of a “facility” located at 16770 Rebar Road in Baldwin, Florida as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
48. Respondent is a “generator” of “hazardous waste,” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 261.3].
49. Respondent, as result of its practices and operations at the Facility, is a LQG, as that term is defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.5], a SQHUW, as that term is defined in Fla. Admin. Code Ann. r. 62-737.200(31)(b) [40 C.F.R. § 273.9], and a Used Oil Generator, as that term is defined in Fla. Admin. Code Ann. r. 62-710.210(2) [40 C.F.R. § 279.1] at all times relevant to this CA/FO.
50. Respondent is a mini-steel mill that produces steel rebar and wire from recycled scrap steel and iron. An on-site shredder for processing the scrap metal from the scrap yard is used prior to the melting process. The facility uses an electric arc furnace to produce square billets in a continuous casting process. Some billets are sold, but most are reheated and are hot rolled into concrete

reinforcing rods or into coiled wire rod. The furnace has a baghouse that collects the electric arc furnace (EAF) baghouse dust generated. Toxicity characteristic leaching procedure (TCLP) analysis of the dust revealed hazardous constituents of lead and cadmium. The EAF dust is a listed waste, K061.

51. On October 16, 2012, the EPA conducted a compliance evaluation inspection (CEI) at Respondent's facility. The findings of the CEI were documented in a Report mailed to Respondent, dated February 6, 2013.
52. At the time of the CEI, the EPA observed various containers of used oil that were unlabeled, stored without secondary containment in the Shredder Vehicle Maintenance Shop; the Melt Shop Maintenance lube oil center, the lube and used oil collection center; the Central Collection Environmental Area; and the Mill Services area. Additionally, releases of oil were evident in the Shredder Vehicle Maintenance Storage area and Mill Services maintenance building.
53. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-710.210(2) and 62-710.401(6) [40 C.F.R. § 279.22(c)(1) and (d)] by failing to clearly label containers of oil with the words "used oil," failing to provide such containers with secondary containment, and failing to clean up and properly manage releases of used oil.
54. At the time of the CEI, the EPA observed a 5-gallon container of unknown concentrate, a blue trash can of paint debris, and trash in the Central Collection Environmental Area.
55. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11] by failing to characterize solid wastes generated at the facility.
56. At the time of the CEI, the EPA observed various open, unlabeled containers of hazardous waste in the Shredder Vehicle Maintenance Storage and the Melt Shop Maintenance areas.
57. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i) and (c)(1)(ii)], a condition of the SAA Permit Exemption, by failing to keep containers of hazardous waste closed and label them with the words "Hazardous Waste."
58. At the time of the CEI, the EPA observed piles of K061 EAF dust from the truck entrance of the Baghouse 5 Silo and Containment Building. The inspectors observed holes in the metal walls of the Silo building. K061 EAF dust was also observed on the concrete floor underneath the screw conveyor in Baghouse 5.
59. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31], and is a condition of the LQG Permit Exemption, by failing 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.
60. At the time of the CEI, the inspectors observed the piles of K061 EAF dust from the truck entrance of the Baghouse 5 Silo and Containment Building. The door to the Containment



Building was open while the building was not in use. The inspectors observed holes in the metal walls of the Silo building.

61. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(iv)], by failing to ensure the containment building complies with the requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.1101(c)].
62. At the time of the CEI, the EPA observed 14 universal waste lamps in a blue trash can and a bundle of the universal waste lamps on an outdoor metal shelf. The lamps were not contained, labeled or dated.
63. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-737.400(5)(a), (5)(b)1 and (7) [40 C.F.R. § 273.13(a), (c), (d)(1) and (e)] by failing to contain universal waste lamps in closed, labeled and dated containers.
64. At the time of the CEI, the records for weekly inspections of the Baghouse 5 less than 90-Day Hazardous Waste Storage Area were not provided with the time of day, the legible name of the inspector or the number of containers in storage.
65. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(5) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, by failing to maintain inspection records that include the necessary information.

## V. TERMS OF AGREEMENT

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

66. 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.
67. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
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 based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
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. 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.
72. 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.
73. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
74. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged in this CA/FO.
75. Each party will pay its own costs and attorneys' fees.

#### **VI. PAYMENT OF CIVIL PENALTY**

76. Respondent consents to the payment of a civil penalty in the amount of FIFTY-FIVE THOUSAND AND TWO HUNDRED DOLLARS (\$55,200.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
77. 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

78. 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:

Paula A Whiting  
Environmental Engineer  
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

79. If Respondent fails to remit the civil penalty as agreed to herein, the 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 CA/FO or, if paying in installments, not

paid in accordance with the installment schedule provided above. 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 4 C.F.R. § 102.13(c).
- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

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

## **VII. PARTIES BOUND**

81. 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.
82. 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.
83. 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**

84. 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.

85. 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.
86. 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**

87. 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**

88. 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:

Roberto X. Busó  
Associate Regional 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) 562-8530

89. 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:

John Wittenborn  
Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007  
o: (202) 342-8514  
m: (703) 328-0898  
jwittenborn@kelleydrye.com

## **XI. SEVERABILITY**

90. 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.

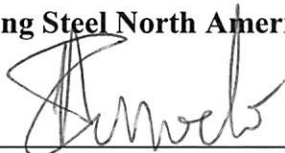
## **XII. EFFECTIVE DATE**

91. 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 Gerdau Long Steel North America – Jacksonville Mill, Docket No. RCRA-04-2015-4009(b):*

**AGREED AND CONSENTED TO:**

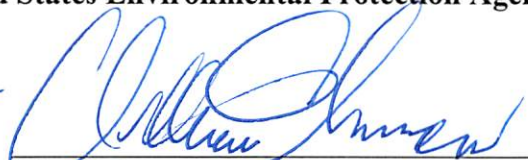
**Gerdau Long Steel North America – Jacksonville Mill**

By: 

Dated: 07/17/2015

Carlos Zanoelo  
Vice President and General Manager

**United States Environmental Protection Agency**

By: 

Dated: 8/11/2015

César A. Zapata  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

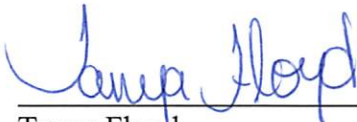
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4009(b)
	)	
Gerdau Long Steel North America	)	
- Jacksonville Mill	)	
16770 Rebar Road	)	
Baldwin, Florida 32234	)	Proceeding Under Section 3008(a) of the
	)	Resource Conservation and Recovery Act,
EPA ID No.: FLD083812537	)	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 13<sup>th</sup> day of August, 2015.

BY:   
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 Gerdau Long Steel North America – Jacksonville Mill, Docket Number: RCRA-04-2015-4009(b), and have served the parties listed below in the manner indicated:

Roberto X. Busó Griggs  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960


(Via EPA's electronic mail)

John Wittenborn  
Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007

(Via Certified Mail - Return Receipt Requested)

Date:

8-13-15



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