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

REGIONAL HEARING CLERK
 EPA REGION III, PHILA. PA

In Re: :

East West Dyecom, Inc. : **Docket No. RCRA-03-2014-0126**

5238 Peters Creek Road : :

Roanoke, VA 24024 : :

RESPONDENT : **CONSENT AGREEMENT**

5238 Peters Creek Road : Proceeding under 3008(a) and (g) of the

Roanoke, VA 24024 : Resource Conservation and Recovery

Act, as amended, 42 U.S.C. § 6928(a) and (g)

FACILITY :

I. PRELIMINARY STATEMENT

1. This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant” or “EPA”), and East West Dyecom, Inc. (“East West” or “Respondent”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order (“FO”), hereinafter jointly referred to as the “CA/FO”, both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA and the federally authorized Virginia hazardous waste management regulations at Respondent's facility at 5238 Peters Creek Road, Roanoke, VA, 24024 (the “Facility”).
2. On December 18, 1984, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, Virginia was granted final authorization to administer a state hazardous waste management program *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The authorized Virginia hazardous waste management regulations (“VaHWMR”) were revised, effective September 29, 2000 (*see* 65 *Fed. Reg.* 46606 (July 31, 2000)), June 20, 2003 (*see* 68 *Fed. Reg.* 36925 (June 20, 2003)), July 10, 2006 (*see* 71 *Fed. Reg.* 27216

(May 10, 2006)) and July 30, 2008 (*see* 73 *Fed. Reg.* 44168 (July 30, 2008)). The current provisions of the authorized VaHWMR ("2003 VaHWMR") are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a).

3. The 2003 VaHWMR, with exceptions not relevant to this matter, incorporates by reference the federal hazardous waste regulations as set forth in Title 40 of the July 1, 2001 Code of Federal Regulations. Citations in this CA to the 2003 VaHWMR will set forth the appropriate federal regulation as well as the Virginia provision which incorporates such federal regulation by reference.
4. This CA is entered into by Complainant and Respondent to address the violations alleged in the Findings of Fact, as set forth below.
5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA, as set forth in this CA/FO.
6. For the purposes of this proceeding only, Respondent neither admits nor denies the Findings of Fact contained in this CA, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 5, above.
8. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
9. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
10. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
11. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the Commonwealth of Virginia

12. EPA has given the Commonwealth of Virginia prior notice of the issuance of this CA/FO in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

13. As set forth in Paragraphs 6 and 7, above, Respondent neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 9, above.
14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10 with exceptions not relevant herein.
15. Respondent is and, at all times relevant to the violations alleged in this CA, was the “owner” and “operator” of a “facility” located at 5238 Peters Creek Road, Roanoke, VA 24024 (“the Facility”), as those terms are defined in 9 VAC 20-60-260.A, which incorporates by reference 40 C.F.R. § 260.10 with exceptions not relevant herein.
16. On November 15, 2012, EPA, accompanied by representatives of the Virginia Department of Environmental Quality (“VADEQ”), conducted an inspection (the “Inspection”) at the Facility. Prior to 2010 and after November 2011, including the time of the Inspection, the Facility was a “small quantity generator” of greater than 100 kg but less than 1000kg of “hazardous waste” in a calendar month at the Facility, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 9 VAC 20-60-260.A. Between 2010 and November 2011, the Facility was a large quantity “generator” of “hazardous waste” at the Facility, described herein as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 9 VAC 20-60-260.A, since it generated 1,000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste in a calendar month (“large quantity generator”).
17. At the time of the Inspection, Respondent was engaged in the “storage” of “hazardous waste” in “containers” at the Facility as described herein, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 9 VAC 20-60-260.A.

COUNT I
(Operating Without a Permit)

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
20. Respondent failed to obtain a permit or interim status for the Facility pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b).

21. 9 VAC 20-60-262 (which incorporates by reference 40 C.F.R. § 262.34 (a)) provides that a large quantity generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The waste is placed in containers and the generator complies with 40 C.F.R. Section 265, Subparts I, AA, BB and CC;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
 - d. The generator complies with the requirements for owners or operators set forth in 40 C.F.R. Sections 265, Subparts C and D, 265.16 and all applicable requirements of 40 C.F.R. Part 268.

22. 9 VAC 20-60-262 (which incorporates by reference 40 C.F.R. § 262.34(d)) provides that a small quantity generator may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The generator complies with the requirements of 40 C.F.R. § 262.34(a)(2) and (a)(3), the requirements of Subpart C of part 265, with all applicable requirements under 40 C.F.R. Part 268; and
 - b. The generator complies with the requirements of Subpart I of Part 265, except for §§ 265.176 and 265.178.

23. 9 VAC 20-60-262 (which incorporates by reference 40 C.F.R. Section 262.34 (c)(1)) provides that a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any 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 interim status provided he complies with 40 C.F.R. Sections 265.171, 265.172, and 265.173(a) and marks the containers with the words "Hazardous Waste" or other words that identify the contents of the containers.

Greater than 90-Day Storage

24. From February 6, 2010 until June 7, 2010, Respondent was a large quantity generator who stored 55-gallon drums of rinse water sludge, a hazardous waste (EPA Hazardous Waste Code No. F019), at the Facility for a time period greater than ninety (90) days. From June 7, 2010 until November 10, 2010, Respondent was a large quantity generator and stored 55-gallon drums of rinse water sludge, a hazardous waste (EPA Hazardous Waste Code No. F019), at the Facility for a time period greater than ninety (90) days.

Therefore, Respondent failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a).

<u>Dates in Storage</u>	<u>Storage > 90 Days</u>
From 2/6/2010 until 6/7/2010	31 Days
From 6/7/2010 until 11/10/2010	8 Days

Failure to Label Containers:

25. At the time of the Inspection, Respondent was a small quantity generator who failed to label the following four (4) hazardous waste containers with the words “Hazardous Waste” and therefore failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(d)(4), which, in turn, incorporates by reference 40 C.F.R. § 262.34(a)(3):
- a. Two (2) accumulation totes containing hazardous rinse water (EPA Hazardous Waste Code Nos. D002, D007);
 - b. One (1) spent dye container of hazardous waste (EPA Hazardous Waste Code No. D007); and
 - c. One (1) neutralization tank containing hazardous waste (EPA Hazardous Waste Code No. D002).
26. At the time of the Inspection, Respondent was a small quantity generator who failed to label one (1) 55-gallon satellite container of spent acetone (EPA Hazardous Waste Code Nos. F003, D001) with the words “Hazardous Waste” and therefore failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in as 9 VAC 20-60-262, which incorporates by reference both 40 C.F.R. § 262.34(c)(1)(ii) (satellite accumulation) and 40 C.F.R. § 262.34(d)(4), which, in turn, incorporates by reference 40 C.F.R. § 262.34(a)(3).

Failure to Mark Containers with Accumulation Start Dates:

27. At the time of the Inspection, Respondent was a small quantity generator who failed to mark the following containers of hazardous waste with hazardous waste accumulation start dates and therefore failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(d)(4), which, in turn, incorporates by reference 40 C.F.R. § 262.34(a)(2):
- a. One (1) sludge container containing hazardous dried solids removed from an evaporator (EPA Hazardous Waste Code No. F019);

- b. Seven (7) drums of hazardous waste (EPA Hazardous Waste Code No. F019); and
- c. Two (2) accumulation totes containing hazardous rinse water (EPA Hazardous Waste Code Nos. D002, D007).

Failure to Keep Containers Closed

- 28. 9 VAC 20-60-262 (which incorporates by reference 40 C.F.R. § 262.34(d)(2), which, in turn, incorporates by reference 40 C.F.R. Part 265, Subpart I, which includes 40 C.F.R. § 265.173(a)) provides that a container holding hazardous waste must always be closed during storage, except when necessary to add or remove waste.
- 29. At the time of the Inspection, Respondent was a small quantity generator who failed to close the following hazardous waste containers even though it was not necessary to add or remove waste and therefore failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(d)(2), which, in turn, incorporates by reference 40 C.F.R. Part 265, Subpart I, which includes 40 C.F.R. § 265.173(a):
 - a. One (1) 55-gallon drum of dried sludge, a hazardous waste (EPA Hazardous Waste Code No. F019);
 - b. One (1) 55-gallon satellite container of spent acetone, a hazardous waste (EPA Hazardous Waste Code Nos. F003, D001); and
 - c. One (1) spent dye container containing hazardous waste (EPA Hazardous Waste Code No. D007).

Failure to Provide Annual Training

- 30. 9 VAC 20-60-262 (which incorporates by reference 40 C.F.R. § 262.34(a)(4) which, in turn, incorporates by reference 40 C.F.R. § 265.16(c)), provides that facility personnel of a large quantity generator must take part in an annual review of the initial training required in 40 C.F.R. § 265.16(a).
- 31. During calendar years 2010 and 2011, Respondent was a large quantity generator (except December 2012 when it was a small quantity generator) who failed to provide annual hazardous waste training to the emergency coordinator and therefore failed to comply with the condition for temporary storage of hazardous waste without a permit or interim status as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a)(4) which, in turn, incorporates by reference 40 C.F.R. § 265.16(c).

Storage of Hazardous Waste at the Facility Without a Permit or Interim Status

- 32. From January 2010 through November of 2011, Respondent failed to qualify for the “less than 90 day” large quantity generator accumulation exemption of 9 VAC 20-60-262.A,

which incorporates by reference 40 C.F.R. § 262.34(a), for the activities described in Paragraphs 24 and 31, above, by failing to satisfy the conditions for such exemption as set forth in 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(a).

33. On November 15, 2012, Respondent failed to qualify for the “less than 180 day” small quantity generator accumulation exemption of 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(d), for the activities described in Paragraphs 25-27 and 29.
34. Respondent’s Facility is a hazardous waste treatment, storage or disposal “facility”, as that term is defined by 9 VAC 20-60-270.A, with respect to the activities described in Paragraphs 24-31, above.
35. Respondent was required by 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the activities described in Paragraphs 24-31, above.
36. Respondent has never had a permit or interim status pursuant to 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), or Section 3005 of RCRA, 42 U.S.C. § 6925, for the storage of hazardous waste at the Facility.
37. Respondent violated 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by storing hazardous waste in containers at the Facility, as described above, without a permit, interim status or valid exemption.

COUNT II
(Failure to Keep Containers Closed)

38. The allegations of Paragraphs 1 through 37 of this Consent Agreement are incorporated herein by reference.
39. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a), provides that a container holding hazardous waste must always be closed during storage, except when necessary to add or remove waste.
40. At the time of the Inspection, Respondent was storing at the Facility three (3) hazardous waste containers described in Paragraph 29, above, which were open, even though it was not necessary to add or remove hazardous waste, in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a).

COUNT III

(Failure to Have a Complete Contingency Plan)

41. The allegations of Paragraphs 1 through 40 of this Consent Agreement are incorporated herein by reference.
42. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.52(d), requires owners and operators of facilities which treat, store, or dispose of hazardous waste to maintain a contingency plan that lists the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator.
43. At the time of the Inspection, Respondent failed to have a complete contingency plan that included the home address of the emergency coordinator, in violation of 9 VAC-20-60-264, which incorporates by reference 40 C.F.R. § 264.52(d).

COUNT IV

(Failure to Provide Annual Hazardous Waste Management Training)

44. The allegations of Paragraphs 1 through 43 of this Consent Agreement are incorporated herein by reference.
45. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.16(c), requires owners and operators of facilities which treat, store, or dispose of hazardous waste to provide an annual review of the initial hazardous waste training required in 40 C.F.R. § 264.16(a)(1).
46. During calendar years 2010 and 2011, Respondent failed to provide annual training to the emergency coordinator, in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.16(c).

COUNT V

(Failure to Maintain at the Facility Hazardous Waste Management Job Descriptions)

47. The allegations of Paragraphs 1 through 46 of this Consent Agreement are incorporated herein by reference.
48. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.16(d)(2), requires owners and operators of facilities which treat, store, or dispose of hazardous waste to maintain at the facility job descriptions for each position related to hazardous waste management.
49. At the time of the Inspection, Respondent failed to maintain at the facility a job description that included hazardous waste responsibilities for the production manager, in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.16(d)(2).

III. CIVIL PENALTIES

50. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA/FO, Respondent consents to the assessment of a civil penalty in the amount of TWENTY-FIVE THOUSAND NINE-HUNDRED AND FIFTY-TWO DOLLARS (\$25,952.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct signed copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
51. The civil penalty settlement amount set forth in Paragraph 50, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy") (which includes the effect of the penalty on Respondent's ability to continue in business), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g). Complainant has also considered the Adjustment to Civil Penalties for Inflation, 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* ("Kelly Memorandum").
52. The civil penalty of \$25,952.00 set forth in Paragraph 50, above, shall be paid in eight (8) quarterly installments with interest at the rate of 1 percent per annum on the outstanding principal balance in accordance with the following schedule:
 - a. The first payment in the amount of Three-Thousand, Two-Hundred and Forty-Four Dollars (\$3,244.00), consisting of principal only, shall be paid within thirty (30) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
 - b. The second payment in the amount of Three-Thousand, Two-Hundred and Ninety-Six Dollars and Sixty Cents (\$3,296.60), consisting of a principal payment of \$3,219.02 and an interest payment of \$77.58, shall be paid within one-hundred and twenty (120) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.

- c. The third payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05), consisting of a principal payment of \$3,227.24 and an interest payment of \$49.81, shall be paid within two-hundred and ten (210) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- d. The fourth payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05) consisting of a principal payment of \$3,236.85 and an interest payment of \$40.20, shall be paid within three-hundred (300) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- e. The fifth payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05) consisting of a principal payment of \$3,243.76 and an interest payment of \$33.29, shall be paid within three-hundred and ninety (390) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- f. The sixth payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05), consisting of a principal payment of \$3,252.05 and an interest payment of \$25.00, shall be paid within four-hundred and eighty (480) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- g. The seventh payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05), consisting of a principal payment of \$3,260.36 and an interest payment of \$16.69, shall be paid within five-hundred and seventy (570) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- h. The eighth payment in the amount of Three-Thousand, Two-Hundred and Seventy-Seven Dollars and Five Cents (\$3,277.05), consisting of a principal payment of \$3,268.72 and an interest payment of \$8.33, shall be paid within six-hundred and sixty (660) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of \$25,952.00 and total interest payments in the amount of \$250.90.

- 53. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 52, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with

any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 58, 59, and 60, below, in the event of any such failure or default.

54. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 52, above, Respondent may pay the entire civil penalty of \$25,952.00 within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as described in Paragraph 58, below. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
55. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 52, above, and/or the full penalty, pursuant to Paragraphs 53 and 54, above, plus any interest, administrative fees, and late payment penalties, in accordance with Paragraphs 58, 59, and 60, below, by either certified check or cashier's check, or by electronic funds transfer, in the following manner:

- A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2014-0126;
- B. All checks shall be made payable to "United States Treasury";
- C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: 513-487-2076 or 513-487-2091

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- E. All payments made by check in any currency drawn with no USA branches shall be addressed to:

Cincinnati Finance
U.S. EPA, MS-NWD
26 W.M.L. King Drive
Cincinnati, OH 45268-0001

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

- G. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver
ABA=051036706
Account No.: 310006, U.S. Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical Location of U.S. Treasury Facility
5700 Rivertech Court
Rivertech, Maryland 20737

Contact: 1-866-234-5681 (REX)
202-874-7026 (U.S. Treasury)

- H. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

- I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Dominique S. Freyre
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

56. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.
57. Pursuant to 31 U.S.C. Section 3717 and 40 C.F.R. Section 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
58. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. Section 13.11(a).
59. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. Section 13.11(b).

Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

60. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. Section 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. CERTIFICATION OF COMPLIANCE

61. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of its execution of this CA/FO, is in compliance with the provisions of RCRA, Subtitle C, 42 U.S.C. §§ 6901 *et seq.*, and the Commonwealth of Virginia's federally authorized hazardous waste program set forth at 9 VAC 20-60-260 *et seq.* at the Facility referenced herein. This certification is based on the personal knowledge of the signer or an inquiry of the person or persons responsible for the Facility's compliance with Subtitle C of RCRA.

V. OTHER APPLICABLE LAWS

62. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

63. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated there under, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

64. The settlement set forth in this CA/FO shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

65. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

66. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

X. ENTIRE AGREEMENT

67. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

For the Respondent:

East West Dyecom, Inc.

Date: JUNE 20, 2014

By: Tamea Franco Woodward
Tamea Franco Woodward
East West Dyecom, Inc.

For the Complainant:

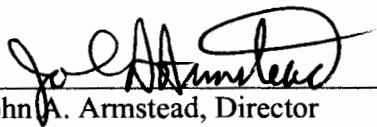
U.S. Environmental Protection Agency, Region III

Date: 6/26/14

By: Dominique S. Freyre
Dominique S. Freyre
Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee, the Regional Judicial Officer, issue the accompanying Final Order.

Date: 6.30.14

By: 
John A. Armstead, Director
Land and Chemicals Division

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2014 JUL -2 PM 3: 14

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In Re:	:	
	:	
East West Dyecom, Inc.	:	Docket No. RCRA-03-2014-0126
5238 Peters Creek Road	:	
Roanoke, VA 24024	:	
	:	FINAL ORDER
RESPONDENT	:	
	:	
5238 Peters Creek Road	:	
Roanoke, VA 24024	:	
	:	
FACILITY	:	

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, **East West Dyecom, Inc.**, have executed a document entitled "Consent Agreement" which I ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of TWENTY-FIVE-THOUSAND NINE-HUNDRED AND FIFTY-TWO DOLLARS (**\$25,952.00**) as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 7-02-14

BY: *Heather Gray*
Heather Gray
Regional Judicial Officer
United States Environmental Protection Agency
Region III

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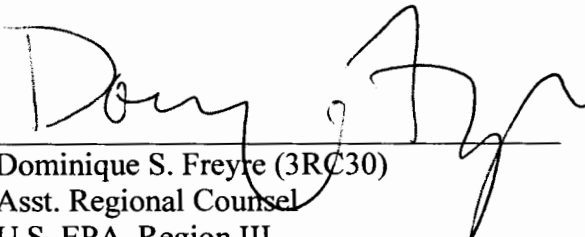
CERTIFICATE OF SERVICE 2014 JUL -2 PM 3: 14

I hereby certify that the original and one copy of the Consent Agreement and Final Order, Docket No. RCRA-03-2014-0126, have been hand delivered and filed with the EPA Region III Regional Hearing Clerk on the date below, and that a copy of the same was sent via UPS expedited delivery to the following:

Tamea Franco Woodward, President
East West Dyecom, Inc.
5238 Peters Creek Road
Roanoke, VA 24024

July 2, 2014

Date



Dominique S. Freyre (3RC30)
Asst. Regional Counsel
U.S. EPA, Region III
(215) 814-2614