



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

MAY 08 2013

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

Mr. Cyrus Naddaf, Manager  
E-Recycle, International, Inc. d/b/a E Recycle USA  
6250 McDonough Drive, Suite B  
Norcross, Georgia 30093

SUBJ: Consent Agreement and Final Order  
E-Recycle, International, Inc. d/b/a E Recycle USA  
Docket Number: RCRA-04-2013-4000(b)

Dear Mr. Naddaf:

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.

Also enclosed is a copy of a document titled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts E-Recycle, International, Inc. d/b/a E Recycle USA on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental actions taken by the EPA.

If you have any questions, please feel free to contact Brooke York, of my staff, at (404) 562-8025.

Sincerely,

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

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

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF: ) Docket Number: RCRA-04-2013-4000(b)  
)  
E-Recycle International, Inc. ) Proceeding under Section 3008(a)  
6250 McDonough Drive, Suite B ) of the Resource Conservation and  
Norcross, Georgia 30093 ) Recovery Act, 42 U.S.C. § 6928(a)  
EPA ID No.: GAR 000 044 776 )  
)  
)  
Respondent )  
\_\_\_\_\_ )

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EPA REGION IV  
2013 MAY - 8 AM 7:21  
HEARING CLERK

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Sections 12-8-60 through 12-8-83 of the Georgia Hazardous Waste Management Act (GHWMA), GA. CODE ANN. § 12-8-60 et seq. (Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921-6939e). This action seeks civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of the GHWMA and the regulations promulgated pursuant thereto, set forth in the Georgia Hazardous Waste Management Rules (GHWMR), codified at GA. COMP. R. AND REGS. 391-3-11-.01 through 391-3-11-.18 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260 through 279).
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. The parties have conferred solely for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law, and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

**II. THE PARTIES**

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency.



5. Respondent is E-Recycle International, Inc., a corporation organized under the laws of the State of Georgia (Georgia or the State) and doing business as E Recycle USA at 6250 McDonough Drive, Suite B, Norcross, Georgia, 30093.

### **III. PRELIMINARY STATEMENTS**

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), Georgia has received final authorization from the EPA to carry out certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Georgia authorized program, including the requirements subject to this CA/FO, are found at GA. CODE ANN. §§ 12-8-60 through 12-8-83 and GA. COMP. R. AND REGS. 391-3-11-.01 through 391-3-11-.18.
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), to address violations of the requirements of the authorized state program. The EPA exercises this authority in the manner set forth in the Memorandum of Agreement between the EPA and the State of Georgia.
9. As Georgia's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations alleged herein will be to the authorized Georgia program; however, for ease of reference, the federal citations will follow in parentheses.
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. 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 requirements are found at GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. Part 262).
12. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.1(c)(1)), the term "spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
13. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.2), the term "solid waste" means any discarded material that is not otherwise excluded by regulation. A discarded material includes, *inter alia*, 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 the solid waste meets any of the criteria set out in GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.3(a)(2)) and it is not otherwise excluded from regulation as a hazardous waste by operation of 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-.02(1) (40 C.F.R. § 260.10), the term “person” means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision or any agency, board, department or bureau of a state or the federal government.
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “generator” means 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 be subject to regulation.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “facility” means 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. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “owner” means the person who owns a facility or part of a facility and the term “operator” means the person responsible for the overall operation of a facility.
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. §§ 273.1, 273.2, and 273.9), the Universal Waste requirements of GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. Part 273) apply to Universal Waste batteries, defined as any “device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. . . . The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.” GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.9). A used battery becomes a waste on the date it is discarded. An unused battery becomes a waste on the date the handler decides to discard it.
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.9), a “Small Quantity Handler of Universal Waste” (SQHUW) means a Universal Waste handler who accumulates less than 5,000 kilograms of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
21. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.14(a)), a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
22. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.15(a)), a SQHUW may accumulate Universal Waste no longer than one year from the date the Universal Waste is generated, or received from another handler, unless the handler can demonstrate that such activity is necessary solely for the purpose of accumulation of such quantities of Universal Waste as necessary to facilitate proper recovery, treatment, or disposal.



23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.18 (40 C.F.R. § 273.15(c)), a SQHUW must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07 (40 C.F.R. § 261.41), any person who intends to export used, intact Cathode Ray Tubes (CRTs) for reuse must send a one-time notification to the EPA prior to export. This notification must include a statement that the person plans to export used, intact CRTs for reuse, the assigned EPA ID number (if applicable) and the name and phone number of a contact person.

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

25. Respondent is a "person" within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
26. At all times relevant to this CA/FO, Respondent was the "owner" and/or "operator" of a "facility" located at 6250 McDonough Drive, Suite B, Norcross, Georgia 30093 as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
27. Respondent operates an electronic waste handling facility, which self identifies as a computer and computer peripheral equipment and software merchant wholesaler that may be involved in the recycling of electronic waste. The facility accepts electronic waste from local businesses and individuals. The material is sorted, salvaged and/or repaired, stored and sold in bulk from the facility. Some of the materials accepted by the facility include CRTs, printers, Universal Waste batteries (spent non-lead-acid batteries and spent lead-acid batteries), computers, computer components, and other electronic waste.
28. Respondent, as a result of its practices and operations at the facility, was a SQHUW at all times relevant to this CA/FO.
29. On January 26, 2012, representatives of the EPA performed a RCRA compliance evaluation inspection (CEI) of the Respondent's facility located at 6250 McDonough Drive, Suite B, Norcross, Georgia. The findings of the CEI were documented in a RCRA inspection report, dated October 15, 2012.
30. At the time of the CEI, the EPA observed several Universal Waste batteries stored at the facility. At the time of the CEI, the Universal Waste batteries stored at the facility were not labeled with the words "Universal Waste- Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
31. The EPA therefore alleges that the Respondent violated GA. COMP. R. AND REGS. § 391-3-11-.18 (40 C.F.R. § 273.14(a)) by failing to label the Universal Waste batteries described in Paragraph 30.
32. At the time of the CEI, the EPA observed several Universal Waste batteries stored at the facility that were undated. At the time of the CEI, the Respondent was unable to demonstrate the length of time that the Universal Waste batteries had been accumulated from the date they became a waste or were received at the Facility.
33. The EPA therefore EPA alleges that the Respondent violated GA. COMP. R. AND

REGS. § 391-3-11-.18 (40 C.F.R. §273.15(c)) by failing to date or to otherwise demonstrate the length of time that the Universal Waste batteries described in Paragraph 32 had been accumulated.

34. On April 18, 2012, the EPA mailed, via certified mail, an Information Request pursuant to Section 3007 of RCRA (Information Request).
35. On May, 21, 2012, the EPA received the Respondent's signed and certified response, dated May 15, 2012, to the EPA's Information Request.
36. Upon the EPA's review of the Respondent's response to the Information Request, the EPA determined that the Respondent had made at least one international shipment (i.e., export) of used, intact CRTs for reuse to Canada and had not notified EPA of its intent to export CRTs for reuse. Furthermore, the Respondent had utilized the services of brokers and/or freight forwarders as a regular business practice to initiate international shipments of used, intact CRTs for reuse prior to notifying the EPA of its intent to export CRTs for reuse.
37. The EPA therefore alleges that the Respondent violated 40 C.F.R. § 261.41 by failing to send a one-time notification to the EPA prior to exporting used, intact CRTs for reuse, as described in Paragraph 36.

#### **V. TERMS OF AGREEMENT**

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

38. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the paragraphs above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
39. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
40. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
41. 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.
42. 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 the EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.
43. 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.
44. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized Georgia hazardous waste program.



45. The parties agree that compliance with the terms of this CA/FO shall resolve all of Respondent's liability for civil penalties for the violations alleged and facts stipulated to in this CA/FO.
46. Each party will pay its own costs and attorneys' fees.

**VI. PAYMENT OF CIVIL PENALTY**

47. Respondent consents to the payment of a civil penalty in the amount of **THREE THOUSAND-FIVE HUNDRED DOLLARS (US \$3,500.00)**, which is to be paid in accordance with the following schedule:

<b>Payment shall be made <i>no later than</i></b>	<b>Payment Amount</b>
Thirty (30) calendar days following the effective date of this CA/FO.	U.S. \$3,500.00

48. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent elects to send 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 elects to send 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 and Penalties**  
 1005 Convention Plaza  
 SL-MO-C2-GL  
 St. Louis, Missouri 63101  
 (314) 418-1028

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"

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

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

and to:

Larry Lamberth  
Chief, South Section  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

50. 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 it is not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty 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 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 penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) of this Paragraph.

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

## **VII. PARTIES BOUND**

52. This CA/FO shall be binding upon 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.

- 53. 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.
- 54. 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**

- 55. 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.
- 56. 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.
- 57. 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 transportation, storage, 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**

- 58. 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**

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

Marirose J. Pratt  
Assistant Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. EPA – Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9023

**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 E-Recycle International, Inc., Docket Number: RCRA-04-2013-4000(b), and have served copies on each of the parties listed below in the manner indicated:

Marirose Pratt  
Assistant Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. EPA – Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9023

(Via the EPA Electronic Mail)

Cyrous Naddaf, Manager  
E-Recycle International, Inc.  
6250 McDonough Drive, Suite B  
Norcross, Georgia 30093  
(770) 416-1628

(Via Certified Mail- Return Receipt Requested)

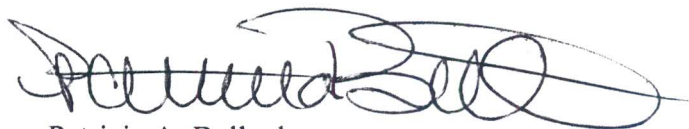
Brooke York  
RCRA and OPA Enforcement and  
Compliance Branch  
U.S. EPA - Region 4  
61 Forsyth St., S.W.  
Atlanta, Georgia 30303

(Via the EPA Electronic Mail)

Quantindra Smith  
RCRA and OPA Enforcement and  
Compliance Branch  
U.S. EPA - Region 4  
61 Forsyth St., S.W.  
Atlanta, Georgia 30303

(Via the EPA Electronic Mail)

Date: 5-8-13



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9686



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

Cyrous Naddaf, Manager  
E-Recycle International, Inc.  
6250 McDonough Drive, Suite B  
Norcross, Georgia 30093  
(770) 416-1628

**XI. SEVERABILITY**

61. 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.

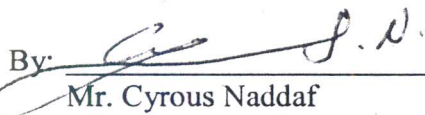
**XII. EFFECTIVE DATE**

62. 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 E-Recycle International, Inc., Docket No. RCRA-04-2013-4000(b)*

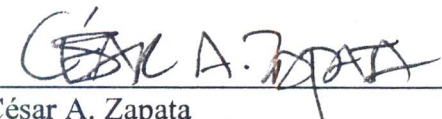
**AGREED AND CONSENTED TO:**

**E-Recycle International, Inc.**

By:   
Mr. Cyrus Naddaf  
Manager  
E-Recycle International, Inc.

Dated: March 29, 2013

**U.S. Environmental Protection Agency**

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

Dated: 04/09/13

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	Docket Number: RCRA-04-2013-4000(b)
	)	
E-Recycle International, Inc.	)	Proceeding under Section 3008(a)
6420 Warren Drive, Suite B	)	of the Resource Conservation and
Norcross, Georgia 30093	)	Recovery Act, 42 U.S.C. §6928(a)
EPA ID No.: GAR 000 044 776	)	
	)	
	)	
Respondent	)	
	)	

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**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 7 day of May, 2013.

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