



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

SEP 18 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bernard Mumford
Mumford's Restoration LLC
1603 Green Pine Court
Raleigh, North Carolina 27614-9777

SUBJ: Consent Agreement and Final Order
Mumford's Restoration LLC
Docket No. RCRA-04-2014-4007(b)

Dear Mr. Mumford:

Enclosed please find a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CA/FO is effective on the date it is filed with the RHC and the penalty due date is calculated from that date.

Feel free to contact Alan Newman, of my staff, at (404) 562-8589 or by email at newman.alan@epa.gov for technical questions and for legal questions please contact Greg Luetscher at (404) 562 - 9677 or by email at Luetscher.greg@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

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

César Zapata
Chief, RCRA and OPA Enforcement and
Compliance Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

RECEIVED
EPA REGION IV
2014 SEP 18 AM 10:49
HEARING CLERK

IN THE MATTER OF:)
)
Mumford's Restoration LLC) DOCKET NO.: RCRA-04-2014-40075
8813 Gulf Court, Suite B) Proceeding Under Section 3008(a) of the
Raleigh, North Carolina 27617) Resource Conservation and Recovery Act,
EPA ID No.: NCR 000 147 785) 42 U.S.C. § 6928(a)
)
Respondent)
_____)

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the General Statutes of North Carolina (N.C. Gen. Stat.) Chapter 130A, Article 9 [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and North Carolina Hazardous Waste Rules promulgated pursuant thereto and set forth at 15A North Carolina Administrative Code (NCAC) Subchapter 13A Hazardous Waste Management [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of N.C. Gen. Stat. Chapter 130A, Article 9 [Section 3005 of RCRA, 42 U.S.C. § 6925] and 15A NCAC Subchapter 13A [40 C.F.R. Parts 260 through 266, 268, 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, RCRA and OPA Enforcement and Compliance Branch, RCRA 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 Mumford's Restoration LLC, a limited liability company organized under the laws of the State of North Carolina. Respondent operated a business located at 8813 Gulf Court, Suite B, Raleigh, North Carolina (the "Facility").

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of North Carolina (the "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 N.C. Gen. Stat. Sections 130A-290 to 130A-309 [RCRA, 42 U.S.C. §§ 6901 *et. seq.*], and the North Carolina Hazardous Waste Rules, which are found in 15A NCAC Subchapter 13A [40 C.F.R. Parts 260 through 266, 268, 270, 273 and 279].
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 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. The N.C. Gen. Stat. § 130A-294(c) [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 15A NCAC 13A.0107 [40 C.F.R. Part 262].

12. The N.C. Gen. Stat. Sections 130A-290 to 130A-309 [Section 3005 of RCRA, 42 U.S.C. § 6925], set 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 15A NCAC 13A.0109 (permitted) and 15A NCAC 13A.0110 (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to 15A NCAC 13A.0106(a) [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 15A NCAC 13A.0106(a) [40 C.F.R. § 261.3], a solid waste is a “*hazardous waste*” if it meets any of the criteria set forth in 15A NCAC 13A.0106(a) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 15A NCAC 13A.0106(a) [40 C.F.R. § 261.4(b)].
15. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.30], a solid waste is a “*listed hazardous waste*” if it is listed under 15A NCAC 13A.0106(d) [40 C.F.R. Part 261, Subpart D].
16. Pursuant to 15A NCAC 13A.0106(c) [40 C.F.R. § 261.20], a solid waste that exhibits any of the characteristics identified in 15A NCAC 13A.0106(c) [40 C.F.R. §§ 261.20-24] is a “*characteristic hazardous waste*” and is provided with the EPA hazardous waste numbers D001 through D043.
17. Pursuant to 15A NCAC 13A.0106(c) [40 C.F.R. § 261.21(b)], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
18. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.31(a)], waste *methylene chloride*, as a spent halogenated solvent from non-specific sources, is an F002 hazardous waste listed for the characteristic of toxicity.
19. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.31(a)], waste *acetone*, as a spent non-halogenated solvent from non-specific sources, is an F003 hazardous waste listed for the characteristic of ignitability.
20. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.31(a)], waste *methanol*, as a spent non-halogenated solvent from non-specific sources, is an F003 hazardous waste listed for the characteristic of ignitability.
21. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.31(a)], waste *toluene*, as a spent non-halogenated solvent from non-specific sources, is an F005 hazardous waste listed for the characteristics of ignitability and toxicity.
22. Pursuant to 15A NCAC 13A.0106(d) [40 C.F.R. § 261.31(a)], waste *2-butanone, a/k/a methyl ethyl ketone*, as a spent non-halogenated solvent from non-specific sources, is an F005 hazardous waste listed for the characteristic of ignitability and toxicity.

23. Pursuant to 15A NCAC 13A.0102(c)(1) [40 C.F.R. § 260.10], a “*facility*” means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
24. Pursuant to 15A NCAC 13A.0102(b) [40 C.F.R. § 260.10], which references N.C. Gen. Stat. § 130A-290(a)(22), a “*person*” means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
25. Pursuant to 15A NCAC 13A.0102(b) [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.”
26. Pursuant to 15A NCAC 13A.0102(b) [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 15A NCAC 13A .0106 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
27. Pursuant to 15A NCAC 13A.0102(b) [40 C.F.R. § 260.10], “*treatment*” is defined as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amenable for storage, or reduced in volume.
28. Pursuant to 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate up to 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, provided that the generator complies with the satellite accumulation management requirements listed in 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).
29. Pursuant to 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(a)], a generator is a Conditionally Exempt Small Quantity Generator (CESQG) in a calendar month if he generates no more than 100 kilograms of hazardous waste in that month.
30. Pursuant to 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(b)], except for acute hazardous wastes handled in accordance with 40 C.F.R. § 261.5(e)-(f) and wastes mixed with used oil handled in accordance with 40 C.F.R. § 261.5(j), a CESQG’s hazardous wastes are not subject to regulation under 40 C.F.R. Parts 262 through 266, Part 268, Part 270, and Part 124, provided the generator, inter alia, complies with the requirements of 40 C.F.R. § 261.5(g).
31. Pursuant to 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(g)(1)], in order for hazardous waste generated by a CESQG during a calendar month to be excluded from full regulation under 40 C.F.R. § 261.5, the generator must, inter alia, make a hazardous waste determination on such

solid waste generated at its facility in accordance with the requirements of 15A NCAC 13A.0107(a) [40 C.F.R. § 262.11].

32. Pursuant to 15A NCAC 13A.0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A.0106(a) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste.
33. Pursuant to 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(c)] when making the quantity determinations of 40 C.F.R. Parts 261 and 262, a generator must include all hazardous waste that it generates except for hazardous waste that is exempt from regulation or otherwise expressly excluded under 40 C.F.R. § 261.5(c)(1)-(6) or 40 C.F.R. § 261.5(d)(1)-(3).
34. Pursuant to 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(d)(1)-(3)], in determining the quantity of hazardous waste generated in a calendar month, a generator need not include hazardous waste produced by on-site treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was counted once; nor does the generator need to include spent materials generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

IV. EPA ALLEGATIONS AND DETERMINATIONS

35. Respondent is a "person" as defined in 15A NCAC 13A.0102(b), which references N.C. Gen. Stat. § 130A-290 [40 C.F.R. § 260.10].
36. On April 29, 2010, Respondent provided notification that it was a CESQG of hazardous waste.
37. On November 26, 2012, inspectors from EPA and North Carolina Department of Environment and Natural Resources conducted a RCRA Compliance Evaluation Inspection (CEI) at Respondent's Facility.
38. At the time of the CEI, Respondent was the "owner/operator" of a "facility" located at 8813 Gulf Court, Suite B, in Raleigh, North Carolina, as those terms are defined in 15A NCAC 13A.0102(b) and 15A NCAC 13A.0102(c)(1) [40 C.F.R. § 260.10].
39. At the time of the CEI, Respondent was a "generator" of "hazardous waste" as those terms are defined in 15A NCAC 13A.0102(b) and 15A NCAC 13A.0106(a) [40 C.F.R. §§ 260.10 and 261.3].
40. At the time of the CEI, Respondent restored upholstered and non-upholstered furniture, metal, artwork, and photographs, among other items at the Facility. Further, Respondent repaired, refinished, and restored a wide variety of other wood items, as well as provided fire and water damage restoration services.
41. During the CEI, EPA was informed by Respondent that the paint guns installed in a paint booth located in the finishing room at the Facility were flushed daily with a cleaning solvent containing

twenty nine percent (29%) by volume of toluene, and then sprayed onto nitrocellulose paint booth filters. The nitrocellulose paint booth filters were replaced with new filters roughly every six (6) weeks; the used filters were placed in the general trash in the Facility's dumpsters and ultimately disposed of as solid waste.

42. During the CEI, EPA was informed by Respondent that rags contaminated with spent solvents containing, inter alia, methylene chloride, methanol, toluene, acetone, and/or 2-butanone (a/k/a methyl ethyl ketone) were accumulated within a SAA in 10-gallon containers and ultimately disposed of via the Facility's solid-waste dumpsters.
43. EPA therefore alleges that Respondent violated 15A NCAC 13A.0107(a) [40 C.F.R. § 262.11] and 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(c) and (d)] by failing to make hazardous waste determinations and account for at least one time the following wastes generated at the Facility: spent toluene (an F005 hazardous waste listed for the characteristics of ignitability and toxicity) contained in nitrocellulose filters from the paint booth; spent methylene chloride (an F002 hazardous waste listed for the characteristic of toxicity) contained in rags generated during the paint stripping process; and spent methyl ethyl ketone (an F005 hazardous waste listed for the characteristic of ignitability and toxicity) also contained in rags generated during the paint stripping process.
44. By failing to make the hazardous waste determination required under 15A NCAC 13A.0107(a) [40 C.F.R. § 262.11], Respondent failed to comply with the requirements set out at 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5(g)(1)] and, as a consequence, during the month of November 2012 the hazardous waste generated at the Facility by Respondent remained subject to regulation under 40 C.F.R. Parts 262 through 266, Part 268, Part 270, and Part 124 in accordance with 15A NCAC 13A.0106(a) [40 C.F.R. § 261.5].
45. During the CEI, EPA learned that the Facility generated a paint waste by means of a paint-stripping chemical containing methylene chloride. EPA learned that Respondent's use of the paint-stripping chemical produced a thick sludge, consisting of waste paint mixed with spent methylene chloride, an F002 hazardous waste listed for the characteristic of toxicity. EPA further learned that the sludge would then be placed on an open shelf to dry by means of evaporation prior to placing it into an unlabeled 55-gallon drum for ultimate disposal as an F002 hazardous waste.
46. Evaporation is a form of treatment. EPA therefore alleges that Respondent violated N.C. Gen. Stat. Chapter 130A, Article 9 [Section 3005 of RCRA, 42 U.S.C. § 6925] by treating hazardous waste without a permit or interim status.
47. Additionally, by storing the waste paint mixed with spent methylene chloride on an open shelf, Respondent failed to meet the SAA Permit Exemption which allows a generator to accumulate up to 55 gallons of hazardous waste, if containerized at or near the point of generation where wastes initially accumulate in compliance with 15A NCAC 13A.0110(i) [40 CFR §§ 265.171 - 265.173], without a permit or without having interim status, provided that the generator complies with the satellite accumulation management requirements listed in 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)]. These management requirements include, inter alia, that satellite

accumulation containers must be marked with the words "Hazardous Waste" or with other words that identify the contents of the containers, must always be closed, must be in good condition without leaks, and must be made of a material or lined with a material that will not react with the hazardous waste.

48. EPA therefore alleges that Respondent violated N.C. Gen. Stat. Chapter 130A, Article 9 [Section 3005 of RCRA, 42 U.S.C. § 6925] for storing hazardous waste (waste paint mixed with spent methylene chloride) on a shelf without a permit or interim status, because Respondent failed to meet several conditions of the SAA Permit Exemption by not complying with 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)].
49. During the CEI, EPA observed that the Facility was utilizing solvent-moistened rags to wipe down furniture surfaces prior to refinishing thereby generating waste rags containing spent toluene, an F005 hazardous waste listed for the characteristics of ignitability and toxicity, and spent acetone, an F003 hazardous waste listed for the characteristic of toxicity. These spent-solvent laden rags were then placed into either of two nearby closed, but unlabeled, 10-gallon waste buckets.
50. Pursuant to 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)(ii)], a condition of the SAA Permit Exemption requires a generator to mark its satellite accumulation containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
51. EPA therefore alleges that Respondent violated N.C. Gen. Stat. Chapter 130A, Article 9 [Section 3005 of RCRA, 42 U.S.C. § 6925] for storing hazardous waste (spent solvent-laden rags) without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption by not complying with 15A NCAC 13A.0107(c) [40 C.F.R. § 262.34(c)(1)(ii)].

V. TERMS OF AGREEMENT

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

52. 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.
53. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
54. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
55. 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.*

56. 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.
57. 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.
58. 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.
59. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
60. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
61. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

62. Respondent consents to the payment of a civil penalty in the amount of TWENTY THOUSAND AND 00/00 DOLLARS (\$20,000.00) plus interest at the rate of one percent (1.00%) per annum, payable as follows:
 - a. The civil penalty is to be made in eight (8) quarterly payments to complete payment of the entire civil penalty including interest. Including the civil penalty and interest, the total amount that will be paid upon completion of all payments will be **TWENTY THOUSAND ONE HUNDRED SEVENTY FIVE and 22/100 Dollars (\$20,175.22)**.
 - i. The first (1st) payment of **\$2,521.90** shall be due within thirty (30) days of the effective date of this CA/FO, which is the date that the CA/FO is filed with the Regional Hearing Clerk, as described in Section XII (*Effective Date*).
 - ii. Each of Respondent's subsequent payments shall thereafter be due in three (3) month intervals, with payment to be received by no later than the final day of each interval.
 - iii. The second (2nd) through the seventh (7th) payments will also each be the amount of **\$2,521.90**, while the eighth (8th) and final payment will be **\$2,521.92**.
 - b. If Respondent fails to make one of the installment payments in accordance with the schedule set forth 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 below in the event of any such failure or default.

- c. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, EPA may refer the debt to a collection agency, a credit reporting agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. In any such collection action, the validity, the amount, and appropriateness of the assessed penalty and of this CA/FO shall not be subject to review.
- d. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of **TWENTY THOUSAND AND 00/00 DOLLARS (\$20,000.00)** within thirty (30) days of the effective date of this CA/FO, which is the date that the CA/FO is filed with the Regional Hearing Clerk, as described in Section XII (*Effective Date*), and thereby avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued but not paid up to the date of such full payment.

63. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment(s) 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(s) 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(s) 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(s) to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

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

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

and to:

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

65. 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 30 calendar days after the effective date of this Consent Agreement 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).

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

VII. PARTIES BOUND

67. 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.
68. 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.
69. 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

70. 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.

71. 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.
72. 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

73. 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

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

Gregory D. Luetscher
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9677

75. 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:

Bernard C. Mumford
Manager/Member
Mumford's Restoration LLC
1603 Green Pine Court
Raleigh, North Carolina 27614-9777
(919) 510-6310

XI. SEVERABILITY

76. 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

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

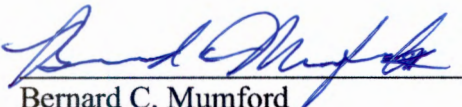
SIGNATURES CONTAINED ON NEXT PAGE

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

In the matter of Mumford's Restoration LLC, Docket No. RCRA-04-2014-4007(b):

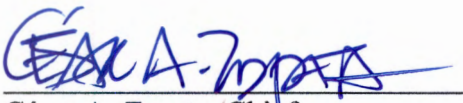
AGREED AND CONSENTED TO:

FOR Mumford's Restoration LLC

By: 
Bernard C. Mumford
Manager/Member

Dated: 9/8/14.

FOR The United States Environmental Protection Agency

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

Dated: 9/11/14

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	
)	DOCKET NO.: RCRA-04-2014-4007(b)
Mumford's Restoration LLC)	
8813 Gulf Court, Ct. Suite B)	Proceeding Under Section 3008(a) of the
Raleigh, North Carolina 27617)	Resource Conservation and Recovery Act,
EPA ID No.: NCR 000 147 785)	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 18 day of Sept, 2014.

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), *in the Matter of Mumford's Restoration LLC*, Docket Number: RCRA-04-2014-4007(b), and have served the parties listed below in the manner indicated:

Gregory D. Luetscher
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

(Via EPA's electronic mail)

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

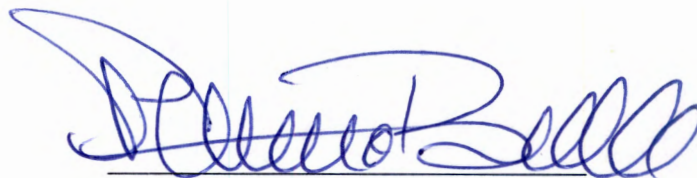
(Via EPA's electronic mail)

Bernard C. Mumford
Manager/Member
Mumford's Restoration LLC
1603 Green Pine Court
Raleigh, North Carolina 27614-9777

(Via Certified Mail -
Return Receipt Requested)

Date:

9-18-14



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