



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 03 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter Guile, CEO
E-One Incorporated
1701 SW 37th Avenue
Ocala, Florida 34474

RE: Consent Agreement and Final Order
E-One Incorporated, Ocala, Florida
EPA ID Number: FLD 099 355 430

Dear Mr. Guile:

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 the 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-One Incorporated 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 Edmond Burks of my staff at (404) 562-8587, or by email at burks.edmond@epa.gov.

Sincerely,

A handwritten signature in blue 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:

E-One Incorporated (E-One)
1701 SW 37th Avenue
Ocala, Florida 34474

EPA ID No.: FLD 099 355 430

Respondent

) Docket Number: RCRA-04-2013-4003(b)

)

) Proceeding under Section 3008(a) of the

) Resource Conservation and Recovery

) Act, 42 U.S.C. § 6928(a)

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HEARING CLERK

2013 SEP -3 AM 8:59

RECEIVED
EPA REGION IV

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 et seq. (Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921-6939e). This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of Fla. Stat. 403.702 et seq., and the regulations promulgated pursuant thereto and set forth at Florida Administrative Code Annotated Rule (Fla. Admin. Code Ann. r.) 62-730 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260 through 270 and 273).
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits*, 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. The parties 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), the parties 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 E-One Incorporated, a corporation incorporated under the laws of Delaware and authorized to do business in Florida. Respondent was established in 1974 and owns a manufacturing plant, which manufactures and refurbishes custom emergency vehicles, located in Ocala, Florida, at 1701 SW 37th Avenue.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida has received final authorization from the EPA to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Florida authorized program are found at Fla. Stat. § 403.702 *et seq.* and Fla. Admin. Code Ann. r. 62-730.
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. The State of Florida has received final authorization for certain portions of HSWA.
8. Although the EPA has granted the State of Florida 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) of RCRA, 42 U.S.C. § 6928(a), to address violations of the requirements of the authorized state program. This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State of Florida.
9. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given written notice of this action to the State of Florida before the issuance of this CA/FO.
10. As the State of Florida'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 Florida program; however, for ease of reference, the federal citations will follow in parentheses.
11. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 (Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)), requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found at Fla. Admin. Code Ann. r. 62-730.160 (40 C.F.R. Part 262).
12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 (Section 3005(a) of RCRA, 42 U.S.C. § 6925(a)), sets forth the requirement that facilities that treat, store, or dispose of hazardous waste

must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180 and 62-730.220 (40 C.F.R. Parts 124, 264, 265 and 270).

13. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10), a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in (40 C.F.R. Part 261) or whose act first causes a hazardous waste to become subject to regulation.”
14. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10), a “facility” is defined as all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10), a “person” includes a corporation.
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10), an “owner” is the person who owns a facility or part of a facility and an “operator” is the person responsible for the overall operation of a facility.
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. § 261.2), a “solid waste” is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
18. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. § 261.3), a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under Fla. Admin. Code r. 62-730.030(1) (40 C.F.R. § 261.4(b)), and it meets any of the criteria specified in Fla. Admin. Code r. 62-730.030(1) (40 C.F.R. § 261.3(a)(2)).
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. § 261.20), solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code r. 62-730.030(1) (40 C.F.R. §§ 261.21 through 261.24), are characteristic hazardous wastes, and are provided with the EPA Hazardous Waste Numbers D001 through D043.
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. § 261.30), a solid waste is a hazardous waste if it is listed in Fla. Admin. Code Ann. R. 62-730.030(1) (40 C.F.R. Part 261, Subpart D). Listed hazardous wastes include the F-Listed wastes identified in Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. § 261.31(a)).
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.11), a person who generates a solid waste must determine if that waste is a hazardous waste.
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(c)), a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely 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, and

without complying with Fla. Admin. Code r. 62-730.160(1) (40 C.F.R. § 262.34(a)), provided that the generator complies with the conditions of Fla. Admin. Code r. 62-730.160(1) (40 C.F.R. § 262.34(c)(1)(i)-(ii)) (hereinafter referred to as the “40 C.F.R. § 262.34(c) permit exemption”).

23. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.32(c)(1)(ii)), a condition of the 40 C.F.R. § 262.34(c) permit exemption, a generator must mark each container of hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the container.
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)), a generator of greater than 1,000 kilograms of hazardous waste per month may accumulate hazardous waste on-site for 90 days or less, without a permit or interim status, provided that the generator complies with the conditions of Fla. Admin. Code r. 62-730.160(1) (40 C.F.R. § 262.34(a)(1)-(4)) (hereinafter referred to as the “40 C.F.R. § 262.34(a) permit exemption”).
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(2)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each hazardous waste container.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(3)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must label or mark each hazardous waste container with the words “Hazardous Waste.”
27. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(1)(i)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.173(a)), which requires that containers holding hazardous waste must always be closed during storage except when it is necessary to add or remove wastes.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(1)(i)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.174), which requires weekly inspections of areas where hazardous waste containers are stored. In addition, Fla. Admin. Code Ann. r. 62-730.160(6) requires that written documentation of such inspections be kept at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(4)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.31), which requires that a generator’s facility be maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

30. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(4)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.54(d)), which requires that a generator review its contingency plan, and immediately amend it, if necessary, whenever the list of emergency coordinators changes.
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(4)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.37), which requires that a generator attempt to make arrangements with its local authorities.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.34(a)(4)), a condition of the 40 C.F.R. § 262.34(a) permit exemption, a generator must comply with Fla. Admin. Code Ann. r. 62-730.180(2) (40 C.F.R. § 265.16(a)(1) and 40 C.F.R. § 265.16(d)), which require that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the applicable regulations and that the facility maintain at the facility a written job description for each position at the facility related to hazardous waste management, and records that document that the training or job experience required has been given to, and completed by, facility personnel.
33. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(5)(b)1. and 62-737.400(7) (40 C.F.R. § 273.14(e) and § 273.15(a) and (c)), while accumulating waste a generator must label or clearly mark universal waste lamps, or a container/box in which the lamps are contained, with one of the following phrases: "Spent Mercury-Containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps," and be able to demonstrate that the universal waste lamps have not been stored for over one year.
34. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(5) (40 C.F.R. § 273.13(d)(1)), a generator must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

IV. EPA ALLEGATIONS AND DETERMINATIONS

35. Respondent is a "person" as defined in Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10).
36. Respondent is the "owner" and "operator" of a "facility" located in Ocala, Florida, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) (40 C.F.R. § 260.10).
37. The Respondent manufactures and refurbishes custom emergency vehicles. Currently, the facility manufactures approximately 300 vehicles a year. The facility's NAICS code is 3711, Manufacturing – Motor Vehicles and Car Bodies.
38. On March 1, 1990, Respondent notified FDEP as a Large Quantity Generator of hazardous waste, meaning that it generates greater than 1,000 kilograms of hazardous waste, or one kilogram of acute hazardous waste, per month. Since 1990, Respondent has maintained its Large Quantity Generator status.

39. Respondent generates wastes that are “solid wastes” and “hazardous wastes” as defined in Fla. Admin. Code Ann. r. 62-730.030(1) (40 C.F.R. §§ 261.2 and 261.3).
40. The Respondent’s 2011 Biennial Report submitted in 2012 detailed that wastes with the following waste codes are generated at the facility: D001 (ignitable waste), D002 (corrosive waste), D005 (barium), D008 (lead), D018 (benzene), D035 (methyl ethyl ketone), F002 (specific spent halogenated solvents), F003 (specific spent non-halogenated solvents), and F005 (specific spent non-halogenated solvents).
41. On April 3, 2012, a representative of the EPA and a representative of FDEP performed a RCRA Compliance Evaluation Inspection (CEI) of Respondent’s facility. The findings of the CEI were documented in a CEI Report dated November 5, 2012.
42. At the time of the CEI, Respondent had not made a hazardous waste determination on certain solid waste streams, accumulated, stored, and managed on-site, including contaminated used rags and waste paint wipes.
43. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.11) by failing to make a hazardous waste determination on certain solid wastes generated at its facility.
44. At the time of the CEI, the inspectors observed that the facility had failed to mark the following containers with an accumulation start date and/or with the words, “Hazardous Waste”: one 55 gallon container of waste rags located between the paint shop and final detail shop (no date or “Hazardous Waste” label); one container of waste aerosol cans located in the cab and chassis building (no date or “Hazardous Waste” label); and one 55 gallon container of waste flammable liquid located in the less than 90 day storage area (no date label).
45. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet the requirements of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. §§ 262.34(a)(2) and (a)(3)), which require that generators label and mark accumulation start dates on their containers of hazardous waste.
46. At the time of the CEI, the inspectors observed that Respondent was accumulating hazardous waste from aerosol can puncturing in a container located in the cab and chassis accumulation area. The storage container was open to the atmosphere when waste was not being added or removed.
47. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet the requirements of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code r. 62-730.180(2) (40 C.F.R. § 262.34(a)(1)(i)), which incorporates 40 C.F.R. § 265.173(a)), which requires that generators keep their containers of hazardous waste closed when waste is not being added or removed.

48. At the time of the CEI, one red flip-top container, used to store non-RCRA empty paint cups in a satellite accumulation area in the Final Detail Shop, was not marked with the words “Hazardous Waste” or with other words that described the contents of the container.
49. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(c) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1) (40 C.F.R. § 262.32(c)(1)(ii)), which requires that generators label their hazardous waste containers with the words “Hazardous Waste” or other words to identify the contents of the containers.
50. At the time of the CEI, Respondent had records of weekly inspections of the less-than-90-day hazardous waste accumulation areas; however, the inspection log was lacking remedial action notation and the number of containers accumulated in the less-than-90-day hazardous waste accumulation areas.
51. The EPA therefore alleges that Respondent violated Fla. Stat. 403.722 (§ 3005 of RCRA, 42 U.S.C. 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(6), which requires that the written documentation of weekly inspections, at a minimum, include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.
52. At the time of the CEI, the Respondent’s contingency plan was lacking information regarding the current emergency coordinators. Although the Respondent subsequently provided EPA with a revised contingency plan, the plan still lacked accurate information regarding a qualifying primary coordinator and first alternate coordinator, and needed to be updated.
53. The EPA therefore alleges that Respondent violated Fla. Stat. 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code r. 62-730.180(2) (40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.54(d)), which requires that a generator review its contingency plan, and immediately amend it, if necessary, whenever the list of emergency coordinators changes.
54. At the time of the CEI, Respondent had not attempted to make arrangements with local authorities for the potential need for their services.
55. The EPA therefore alleges that Respondent violated Fla. Stat. 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code r. 62-730.180(2) (40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.37), which requires that a generator attempt to make arrangements with its local authorities.

56. At the time of the CEI, Respondent was storing numerous individual fluorescent lamps in the Universal Waste Shed outside of boxes or other containers, in a way that would not prevent releases to the environment.
57. The EPA therefore alleges that Respondent violated Fla. Admin. Code r. 62-737.400(5) (40 C.F.R. § 273.13(d)(1)) for failing to manage fluorescent lamps in a way that prevents release of any universal waste or component of a universal waste to the environment.
58. At the time of the CEI, several boxes of universal waste fluorescent lamps and numerous individual fluorescent lamps located in the Universal Waste Shed were not labeled or clearly marked with one of the following phrases: "Spent Mercury-Containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps." In addition, the Respondent had not dated the universal waste lamps or otherwise demonstrated that the universal waste lamps had been stored at the Facility for less than one year.
59. The EPA therefore alleges that Respondent violated Fla. Admin. Code r. 62-737.400(5)(b)1. and 62-737.400(7) (40 C.F.R. § 273.14(e) and § 273.15(a) and (c)) by failing to label or clearly mark the universal waste lamps, or a container/box in which the lamps are contained, with one of the following phrases: "Spent Mercury-Containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps," and by failing to demonstrate that the universal waste lamps had been accumulated at the Facility for less than one year.
60. At the time of the CEI, Respondent had failed to prevent the following hazardous wastes from being released to the environment:
 - a. Waste paint, as drips of waste paint were observed on the outside of the paint dumpster and on the ground surrounding the paint dumpster; and
 - b. Parts washer fluid waste, as staining of waste solvent was observed on the outside of the parts washer.
61. The EPA therefore alleges that Respondent violated Fla. Stat. 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code r. 62-730.180(2) (40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.31), which requires that a generator's facility be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
62. At the time of the CEI, hazardous waste training documentation was not available for the former Environmental Health and Safety (EH&S) Manager or the current EH&S Manager. Additionally, job descriptions, which are used to outline the amount and type of hazardous waste training received, were not available for several employees who manage hazardous waste at the facility.

63. The EPA therefore alleges that Respondent violated Fla. Stat. 403.722 (§ 3005 of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, by failing to meet a requirement of the 40 C.F.R. § 262.34(a) permit exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1), which incorporates Fla. Admin. Code r. 62-730.180(2) (40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.16(a)(1) and 40 C.F.R. § 265.16(d)), which requires that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the applicable regulations and that the facility maintain a written job description for each position at the facility related to hazardous waste management, and records that document that the training or job experience required has been given to, and completed by, facility personnel.

V. TERMS OF AGREEMENT

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

64. 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.
65. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
66. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
67. 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.*
68. 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.
69. 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.
70. 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.
71. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.

72. 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.
73. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

74. Respondent consents to the payment of a civil penalty in the amount of **THIRTY THOUSAND, FIVE HUNDRED DOLLARS (\$30,500)**, payable within thirty (30) calendar days of the effective date of this CA/FO.
75. 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 sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-4087

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street, N.W.
Washington, D.C. 20074
Contact: Jesse White
(301) 887-6548

Respondent shall submit a copy of each payment to the following addressees:

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

and to:

Edmond Burks
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

76. 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. 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 \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar-day period over which an unpaid balance remains.
 - c. Non-Payment Penalty. On any portion of a civil penalty more than 90 calendar days past due, Respondent must pay a non-payment penalty of six percent 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).

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

VII. PARTIES BOUND

78. 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.
79. 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.
80. 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

81. 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. Notwithstanding any other provision of this CA/FO, in the event EPA determines that there is any imminent or substantial endangerment to human health or the environment, Respondent reserves the right to assert any applicable defenses to any such determination and action.
82. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.
83. 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, 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

84. 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.

X. SERVICE OF DOCUMENTS

85. 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
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
pratt.marirose@epa.gov

86. 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:

Mr. Kent Tyler, CEO
E-One Incorporated
1701 SW 37th Avenue
Ocala, Florida 34474

XI. SEVERABILITY

87. 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.

XIII. EFFECTIVE DATE

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

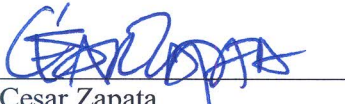
In the matter of E-One Incorporated, Docket No. RCRA -04-2013-4003(b):

AGREED AND CONSENTED TO:

For the Respondent, E-One Incorporated

By:  Dated: 8/20/13
Kent Tyler, CEO
E-One Incorporated

For the United States Environmental Protection Agency

By:  Dated: 8/27/13
Cesar Zapata
Chief, RCRA and OPA Enforcement
and Compliance Branch
RCRA Division

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) Docket Number: RCRA-04-2013-4003(b)
)
E-One Incorporated (E-One)) Proceeding under Section 3008(a) of the
1701 SW 37th Avenue) Resource Conservation and Recovery
Ocala, Florida 34474) Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: FLD 099 355 430)
)
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 29 day of Aug., 2013.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
United States Environmental Protection Agency, Region 4

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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-One Incorporated, Docket Number: RCRA-04-2013-4003(b), on SEP 03 2013, 2013, and on SEP 03 2013 2013, served copies on the parties listed below in the manner indicated:

Marirose J. Pratt
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Edmond Burks
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

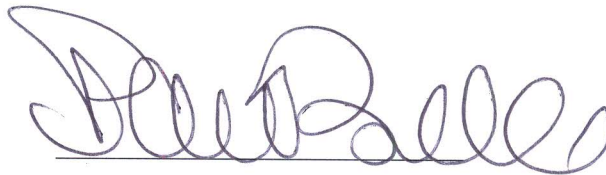
Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Mr. Kent Tyler, CEO
E-One Incorporated
1701 SW 37th Avenue
Ocala, Florida 34474

(Via certified mail return receipt requested)

Date: 9-3-13



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303