



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

AUG 16 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pamela J. Burbott
Director, Litigation Counsel
Penske Automotive Group, Inc.
2555 Telegraph Road
Bloomfield Hills, MI 48302

SUBJ: Consent Agreement and Final Orders
UAG Duluth, Inc. D/B/A United Collision Center
UAG Duluth, Inc. D/B/A Atlanta Toyota
Docket Numbers: RCRA-04-2012-4004(b) and RCRA-04-2012-4005(b)

Dear Ms. Burbott:

Enclosed are copies of the fully executed Consent Agreement and Final Orders (CA/FOs) as filed with the Regional Hearing Clerk (RHC) in the above referenced matters. The CA/FOs were effective upon filing with the RHC and the payments of the civil penalties are to be paid within thirty (30) calendar days of the effective date of these CA/FOs.

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 UAG Duluth, Inc. D/B/A Atlanta Toyota and United Collision 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 Marirose J. Pratt, Assistant Regional Counsel, at (404) 562-9023.

Sincerely,

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-04-2012-4005(b)
)	
UAG Duluth, Inc.)	Proceeding under Section 3008(a)
D\B\A United Collision)	of the Resource Conservation and
3150 Steve Reynolds Boulevard)	Recovery Act, 42 U.S.C. § 6928(a)
Duluth, Georgia 30096)	
EPA ID No.: GAR 000 060 434)	
)	
)	
Respondent)	
)	

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 EPA REGION IV
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 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 UAG Duluth, Inc. DBVA United Collision, a corporation incorporated under the laws of the State of Texas and doing business in the State of Georgia (Georgia or the State), located at 3150 Steve Reynolds Boulevard, Duluth, Georgia 30096.

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 a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Georgia authorized program 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. GA. CODE ANN. § 12-8-64(1)(A) (Section 3004 of RCRA, 42 U.S.C. § 6924) requires the promulgation of regulations establishing standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. The implementing regulations for these requirements are found at GA. COMP. R. AND REGS. 391-3-11-.10(2) (40 C.F.R. Part 264).
13. GA. CODE ANN. § 12-8-66 (Section 3005 of RCRA, 42 U.S.C. § 6925) sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must either have a permit or achieve interim status. The implementing regulations for this requirement are found at GA. COMP. R. AND REGS. 391.3-11-.10(1) (interim status) and (2) (permitted) (40 C.F.R. Parts 264 (permitted) and 265 (interim status)).

14. 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 any material that is abandoned by being stored in lieu of being disposed.
15. 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)).
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. §§ 261.3(a)(2)(i) and 261.21), a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. §§ 261.3(a)(2) (i) and 261.24), solid wastes that exhibit the characteristic of toxicity for barium, cadmium, chromium, lead, benzene, and methyl ethyl ketone are hazardous wastes and are identified with the EPA Hazardous Waste Numbers D005, D006, D007, D008, D018, and D035, respectively.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. §§ 261.3(a)(2) (ii) and 261.31), a solid waste is a hazardous waste from a nonspecific source if is listed in 40 C.F.R. § 261.31 and has not been excluded under 40 C.F.R. §§ 260.20 and 260.22 and is listed in 261 Appendix IX. Hazardous wastes from nonspecific sources are identified with the EPA Hazardous Wastes Numbers F001 through F039.
19. 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.
20. 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.
21. 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.
22. 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.
23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)), a generator of greater than 1,000 kilograms of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)) (hereinafter referred to as the “LQG permit exemption”).

24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)), a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (SQG) and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)) (hereinafter referred to as the “SQG permit exemption”).
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.5(a)), a generator of less than 100 kilograms of hazardous waste in a calendar month is a Conditionally Exempt Small (CESQG).
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.04(1) and 391-3-11-.08(1) (Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), and 40 C.F.R. § 262.12(a)), a generator of hazardous waste is required to file a notification of hazardous waste activity stating the location and general description of such activity on the form (EPA Form 8700-12) provided by the Director of the Georgia Environmental Protection Division (GA EPD) and to receive an EPA Identification Number. Pursuant to the instructions for EPA Form 8700-12, a generator is required to complete a subsequent notification form whenever any facility information on the form changes.
27. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.17 (40 C.F.R. § 279.22(c)(1)), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
28. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) and (2) (40 C.F.R. § 262.20(a)(1)), a generator of hazardous waste, who offers a hazardous waste for transport, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22 A, according to the instructions included in the Appendix to 40 C.F.R. Part 262. The instructions direct generators to enter the generator’s U.S. EPA Identification Number, in Item 1., and the generator’s mailing address, phone number and site address, in Item 5.
29. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.40(a)), a generator of hazardous waste must to keep a copy of each manifest signed in accordance with GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.23(a)) for three years, or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
30. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.42(b)), a generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter, must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Director of GA EPD.
31. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(2)), a condition of the SQG permit exemption requires a generator to perform weekly inspections of its containers in accordance with the inspection requirements specified within GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.174).
32. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(4)), a condition of the SQG permit exemption requires a generator to comply with GA. COMP. R. AND REGS. 391-3-11-

.10(1) (40 C.F.R. § 265.37), which requires a generator to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for services, with local emergency responders.

33. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34 (d)(5)(ii)(A-C)), a condition of the SQG permit exemption requires a generator to post the following information next to the telephone: (A) the name and telephone number of the emergency coordinator; (B) location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) the telephone number of the fire department, unless the facility has a direct alarm.

IV. EPA'S ALLEGATIONS AND DETERMINATIONS

34. Respondent is a "person" within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
35. At all times relevant to this CA/FO, Respondent was the "owner" and/or "operator" of a "facility" located at 3150 Steve Reynolds Boulevard, Duluth, Georgia 30096 as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
36. Respondent operates an automobile body and maintenance facility. Operations performed at the facility include automobile repairs, painting, general maintenance and body work.
37. Respondent, as a result of its operations at the facility, is a generator of hazardous waste.
38. In 2001, Respondent outgrew the space it occupied at the time as part of the Atlanta Toyota facility located at 2345 Pleasant Hill Road, Duluth, Georgia 30136, and moved its operations to 3150 Steve Reynolds Boulevard, Duluth, Georgia 30096, a separate property location, located immediately adjacent to the previous location. Between 2001 and 2010, Respondent continued to operate using the EPA Identification Number assigned to Atlanta Toyota, which notified on October 15, 1987, as a SQG.
39. On December 28, 2010, Respondent notified GA EPD of its hazardous waste activity at the 3150 Steve Reynolds Boulevard, Duluth, Georgia 30096 location, at which point it received a new EPA Identification Number: GAR 000 060 434. This notification identified the facility as a LQG and indicated that the facility generated hazardous wastes characteristic for ignitability (D001), toxicity for methyl ethyl ketone (D035), as well as hazardous wastes from non-specific sources (F003 and F005).
40. On February 16, 2011, and March 7, 2011, representatives of the EPA performed a RCRA compliance evaluation inspection (CEI) and Follow-up Inspection (FUI), respectively, of the Respondent's facility located at 3150 Steve Reynolds Boulevard, Duluth, Georgia 30096. The findings of the CEI and FUI were documented in a RCRA inspection report, dated December 22, 2011.
41. On April 12, 2011, Respondent filed a subsequent hazardous waste generator notification to GA EPD, in which it characterized the facility as a SQG. This notification indicated that the facility generated hazardous wastes characteristic for ignitability (D001), toxicity for barium, cadmium, chromium, lead, and benzene (D005, D006, D007, D008, D018), as well as hazardous wastes from nonspecific sources (F003 and F005).

42. On December 22, 2011, the EPA issued a Notice of Violation/Opportunity to Show Cause Letter, to Respondent identifying alleged violations of RCRA that the EPA noted during both the CEI and FUI.
43. Respondent submitted information in response to the Notice of Violation/Opportunity to Show Cause Letter indicating that at the time of the February 16, 2011, CEI and the March 7, 2011, FUI, it was a CESQG but for the previous five years it had been a SQG.
44. At the time of the February 16, 2011, CEI, based on manifests reviewed and information disclosed by Respondent, the EPA observed that Respondent had been operating the facility between 2001 and December 2010 without having completed a new notification form to receive a site specific EPA Identification Number and without having filed a subsequent notification to update the facility information that changed when it separated from Atlanta Toyota.
45. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.04(1) and 391-3-11-.08(1) (Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), and 40 C.F.R. § 262.12(a)), for failing to file a new notification of hazardous waste activity and to receive a site specific EPA Identification Number after it left the Atlanta Toyota facility location and to complete a subsequent notification form updating the facility information that had changed.
46. At the time of the February 16, 2011, CEI, EPA observed unlabeled and unmarked containers that Respondent used to drain and store used oil.
47. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.17 (40 C.F.R. § 279.22(c)(1)), by storing used oil in containers that were not labeled or marked clearly with the words "Used Oil."
48. At the time of the February 16, 2011, CEI, the EPA reviewed the facility's hazardous waste manifests that could be located at that time and observed that Respondent had failed to properly enter the EPA Identification Number, site address, and/or mailing address on five (5) of the hazardous waste manifests reviewed.
49. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.08(1) and (2) (40 C.F.R. § 262.20(a)(1)), by offering hazardous waste for transport without preparing and completing a hazardous waste manifest form according to the instructions included in the Appendix to 40 C.F.R. Part 262.
50. Based on manifests reviewed at the time of the February 16, 2011, CEI, and on information subsequently received from Respondent, the EPA observed that Respondent had not received a copy of one manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter, and had failed to submit a legible copy of the manifest, with some indication that the Respondent had not received confirmation of delivery, to the Director of GA EPD.
51. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.42(b)) because, after not having received a copy of one manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter, Respondent failed to submit a legible copy of the

manifest, with some indication that the Respondent had not received confirmation of delivery, to the Director of GA EPD.

52. At the time of the February 16, 2011, CEI, the EPA reviewed the facility's hazardous waste manifests that could be located at that time and observed that Respondent had failed to maintain records of at least two manifests less than three years old of which neither the original nor the signed copy from the designated facility could be located.
53. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.40(a)) for failing to keep a copy of each manifest signed in accordance with GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.23(a)) for three years, or until he receives a signed copy from the designated facility which received the waste.
54. At the time of the February 16, 2011, CEI, Respondent admitted that weekly inspections of its hazardous waste containers had not been conducted when Respondent was a SQG.
55. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG permit exemption in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(2)), by not complying with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.174).
56. At the time of the February 16, 2011, CEI, the EPA observed that the Respondent had not attempted to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for services: (a) arrangements to familiarize police department and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes; (b) agreements with State emergency response teams, emergency response contractors and equipment suppliers; and (c) arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.
57. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG permit exemption in GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(4)), by not complying with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.37).
58. At the time of the February 16, 2011, CEI, Respondent had not posted next to the telephone the name and telephone number of the emergency coordinator; the location of fire extinguishers, spill control material, or fire alarm; or the telephone number of the fire department.
59. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG permit exemption by not complying with GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(5)(ii)(A-C)).

V. TERMS OF AGREEMENT

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

- 60. 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.
- 61. Respondent neither admits nor denies the factual allegations and determinations set out in paragraphs 34 through 59 of this CA/FO.
- 62. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
- 63. 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.
- 64. 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.
- 65. 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.
- 66. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized Georgia hazardous waste program.
- 67. 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.
- 68. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

69. Respondent consents to the payment of a civil penalty in the amount of FIFTY NINE THOUSAND AND NINETY DOLLARS (US \$59,090.00), which is to be paid in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Payment Amount
Thirty (30) calendar days following the effective date of this CA/FO.	U.S. \$59,090.00

70. 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"

71. 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:

César A. Zapata , Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

72. 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.

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

VII. PARTIES BOUND

74. 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.
75. 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.
76. 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

77. 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.

78. 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.
79. 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.
80. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

81. 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

82. 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

83. 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:

Pamela J. Burbott
Director, Litigation Counsel
Penske Automotive Group, Inc.
2555 Telegraph Road
Bloomfield Hills, Michigan 48302
(248) 648-2512

Patricia T. Barmeyer
Partner, Head of Environmental Practice
King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-3563

XI. SEVERABILITY

84. 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.

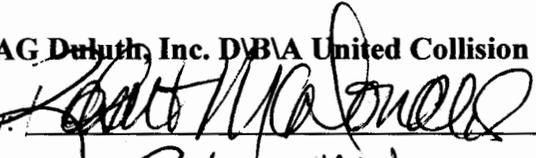
XII. EFFECTIVE DATE

85. 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 UAG Duluth, Inc. D\B\A United Collision, Docket No. RCRA -04-2012-4005(b)

AGREED AND CONSENTED TO:

UAG Duluth, Inc. D\B\A United Collision

By: 

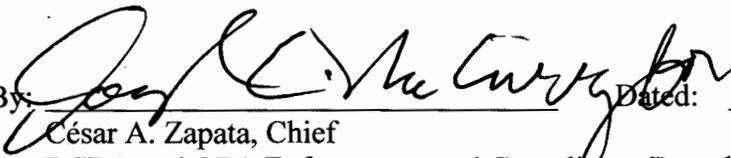
Dated: 7/13/2012

Name ROBERT McDONALD

Title PRESIDENT

UAG Duluth, Inc. D\B\A United Collision

U.S. Environmental Protection Agency

By:  Dated: 8/2/12
César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

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 UAG Duluth, Inc. DBA United Collision, Docket Number: RCRA-04-2012-4005(b), and have served copies on each of the parties listed below in the manner indicated:

Marirose J. Pratt (Via the EPA Electronic Mail)
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) 562-9441

Pamela J. Burbott (Via Certified Mail- Return Receipt Requested)
Director, Litigation Counsel
Penske Automotive Group, Inc.
2555 Telegraph Road
Bloomfield Hills, Michigan 48302
(248) 648-2512

Patricia T. Barmeyer (Via Certified Mail- Return Receipt Requested)
Partner, Head of Environmental Practice
King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309

Brooke York (Via the EPA Electronic Mail)
RCRA and OPA Enforcement and
Compliance Branch
U.S. EPA - Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

Quantindra Smith (Via the EPA Electronic Mail)
RCRA and OPA Enforcement and
Compliance Branch
U.S. EPA - Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

Date: 8-16-12



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

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2012-4005(b)
)	
UAG Duluth, Inc.)	Proceeding under Section 3008(a)
D\B\A United Collision)	of the Resource Conservation and
3150 Steve Reynolds Boulevard)	Recovery Act, 42 U.S.C. § 6928(a)
Duluth, Georgia 30096)	
EPA ID. No.: GAR 000 060 434)	
)	
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 14th day of August, 2012.

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