

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

In the Matter of:	:	
	:	
Great Southern Wood – MD, Inc.	:	U.S. EPA Docket No. RCRA-03-2020-0074
1201 Maryland Avenue	:	
Hagerstown, Maryland, 21740	:	
	:	
Respondent.	:	Proceeding under Section 3008(a) and
	:	(g) of the Resource Conservation and
	:	Recovery Act, as amended, 42 U.S.C.
Great Southern Wood-MD, Inc.	:	Section 6928(a) and (g)
1201 Maryland Avenue	:	
Hagerstown, Maryland, 21740,	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Great Southern Wood – Md, Inc., (“Respondent”) (collectively the “Parties”), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. §§ 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. 42 U.S.C. Section 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. Section 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into Consent Agreements to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant’s civil penalty claims against Respondent under RCRA (or the “Act”) for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. This Consent Agreement and the accompanying Final Order address alleged violations, by Respondent, of Subtitle C of RCRA, 42 U.S.C. §§ 6921 – 6939g, and the current authorized State of Maryland Hazardous Waste Management Regulations (“MdHWMR”), set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 et seq. in connection with Respondent’s facility located at 1201 Maryland Avenue, Hagerstown, Maryland, 21740 (the “Facility”).
5. The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA, June 1, 2001 (66 Fed. Reg. 29712) effective July 31, 2001, and July 26, 2004 (69 Fed. Reg. 44463) effective September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
6. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
7. By letter to Brian Coblenz, Chief, Solid Waste Program, Maryland Department of the Environment (“MDE”), dated March 15, 2019, EPA has given the State of Maryland, through MDE, prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
10. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
11. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and waives its right to appeal the accompanying Final Order.
12. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

13. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Respondent is and was at the time of the violations alleged herein, a limited liability company of the State of Maryland.
16. Respondent is, and at the time of the violations alleged herein, a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).
17. Respondent is, and at the time of the violations alleged herein has been, the "owner" and "operator" of a "facility," described in paragraph 18, below, as the terms "facility", "owner" and "operator" are defined in COMAR 26.13.01.03B(59), (58) and (23).
18. The Facility referred to in Paragraph 17, above, including all of its associated equipment and structures, is a wood treating facility located at 1201 Maryland Avenue, Hagerstown, Maryland, 21740.
19. Respondent is assigned EPA RCRA ID No. MDD982567281.
20. Respondent is and, at all times relevant to this Consent Agreement and Final Order has been, a "generator" of, and has engaged in the "storage" in "containers" at the Facility of materials described below that are "solid wastes" and "hazardous wastes" as those terms are defined COMAR 26.13.01.03B(29), (76), (73), and (31).
21. On May 23, 2018, representatives of EPA conducted an EPA Compliance Evaluation Inspection (EPA CEI) at Respondent's Facility.
22. Respondent generates wood preserving waste at the Facility which is a hazardous waste (EPA Hazardous Waste No. F035) within the meaning of COMAR 26.13.02, because it is a listed hazardous waste.
23. Respondent generates waste aerosol cans at the Facility which is a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of COMAR 26.13.02.11, because it exhibits the characteristic of ignitability.

COUNT I

(Operating a Treatment, Storage or Disposal Facility Without a Permit or Interim Status)

24. The preceding paragraphs are incorporated by reference.
25. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, with certain exceptions not relevant here, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.
26. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (*i.e.*, “interim status”) until such time as final administrative disposition of such application is made.
27. Respondent has never had “interim status” pursuant to RCRA Section 3005(e) or a permit issued pursuant to RCRA Section 3005(a) for the treatment, storage, or disposal of hazardous waste at the Facility.
28. COMAR 26.13.03.05E(1)(a) provides that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less if *inter alia*, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
29. COMAR 26.13.03.05E(1)(f)(ii), provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in containers provided that, *inter alia*, each container is labeled or marked clearly with the words “Hazardous Waste” while being accumulated on site.
30. COMAR 26.13.03.05E(1)(d), (which references COMAR 26.13.05.09), provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in containers provided that, *inter alia*, a container holding hazardous waste is always closed during storage, except when necessary to add or remove waste.
31. COMAR 26.13.03.05E(1)(l)(i), (which references COMAR 26.13.05.17-1 – 17-4), provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days on drip pads provided that, *inter-alia*, the generator:
 - (1) Ensures that the drip pad and associated collection system are designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off;

- (2) Removes drippage and accumulated precipitation from the associated collection system as necessary to prevent overflow onto the drip pad;
 - (3) Thoroughly cleans the drip pad surface to remove accumulated residues of hazardous waste or other materials to allow weekly inspections of the entire drip pad surface without interference or hinderance;
 - (4) Operates and maintains the drip pad in a manner that minimizes tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment; and,
 - (5) While the drip pad is in operation, the owner or operator inspects the drip pad weekly and after storms to detect evidence of the following: (a) Deterioration, malfunction, or improper operation of run-on and run-off control systems; (b) Presence of leakage within and proper functioning of leak detection systems; and, (c) Deterioration or cracking of the drip pad surface.
32. From April 11, 2017 until June 19, 2017, the Facility stored containers of EPA Hazardous Waste No. F035 hazardous waste on site for greater than 90 days, in contravention of COMAR 26.13.03.05E(1)(a).
 33. On May 23, 2018, Respondent stored hazardous waste in a container without a start accumulation date, specifically, one 55-gallon drum of F035 hazardous waste located in the 90-day Storage area at the Facility in contravention of COMAR 26.13.03.05E(1)(e).
 34. On May 23, 2018, Respondent stored hazardous waste in one, 275-gallon tote (with a small amount of F035 hazardous waste) that was not labeled or marked clearly with the words "Hazardous Waste" or other words to describe its contents while being accumulated on site, in contravention of COMAR 26.13.03.05E(1)(f)(ii) .
 35. On May 23, 2018, Respondent stored hazardous waste in a 55-gallon container of F035 hazardous waste located on the north side of the Facility drip pad and a 275-gallon tote of F035 hazardous waste that were not closed during storage, except when necessary to add or remove waste, in contravention of COMAR 26.13.03.05E(1)(d), which references COMAR 26.13.05.09.
 36. On May 23, 2018 Respondent failed to comply with COMAR 26.13.03.05E(1)(l)(i), (which references COMAR 26.13.05.17-1 – 17-4), specifically:
 - (1) The northern side of the drip pad at the Facility had a large area of standing liquid that did not drain from the drip pad but instead was left by Respondent to evaporate, in contravention of COMAR 26.13.03.05E(1)(l)(i), which references COMAR 26.13.05.17-1 – 17-4.

- (2) A large area of the northern side of the drip pad had standing F035 hazardous waste because the Facility's receiving tank for the material was full, in contravention of COMAR 26.13.03.05E(1)(l)(i), (which references COMAR 26.13.05.17-1 – 17-4).
- (3) Liquid waste was present on the Facility drip pad in multiple areas in contravention of COMAR 26.13.03.05E(1)(l)(i), which references COMAR 26.13.05.17-1 – 17-4.
- (5) Respondent did not have any procedure in place to prevent tracking of waste off of the drip pad in contravention of COMAR 26.13.03.05E(1)(l)(i), which references COMAR 26.13.05.17-1 – 17-4.
- (6) Respondent failed to prevent overflow onto the drip pad and to clean the drip pad with such frequency to allow for weekly inspections without interference or hindrance and Respondent allowed F035 Hazardous waste to accumulate on the drip pad for a period of at least two weeks in contravention of COMAR 26.13.03.05E(1)(l)(i), which references COMAR 26.13.05.17-1 – 17-4.
37. For the reasons and during the times set forth above at the Facility, Respondent failed to comply with the conditions for the temporary storage (*i.e.*, 90 days or less) of hazardous waste by a generator that are required pursuant to COMAR 26.13.03.05E, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
38. Respondent's Facility is a hazardous waste treatment, storage or disposal "facility" as that term is defined in COMAR 26.13.01.03B(23), with respect to the storage of hazardous waste as described above.
39. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT II

(Failure to Make Hazardous Waste Determinations)

40. The preceding paragraphs are incorporated by reference.
41. COMAR 26.13.03.02 requires that a person who generates a solid waste shall determine if that waste is a hazardous waste using the methods set forth in COMAR 26.13.03.02A(1) – (3).
42. On May 23, 2018, Respondent did not perform hazardous waste determinations on waste aerosol cans which therefore became solid waste within the meaning and definition of COMAR 26.13.01.03B(73) and COMAR 26.13.02.02 and disposed of the waste aerosol cans in the trash without first determining if this material was hazardous waste, as required by COMAR 26.13.03.02.

43. On May 23, 2018, Respondent violated COMAR 26.13.03.02 by failing to perform hazardous waste determinations on solid waste generated at the Facility.
44. In failing to comply with COMAR 26.13.03.02, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT III

(Failure to Keep a Copy of Each Manifest)

45. The preceding paragraphs are incorporated by reference.
46. COMAR 26.13.03.06 A(1) requires a generator to keep a copy of each manifest signed in accordance with COMAR 26.13.03.04A(1) for three years or until he receives a signed copy from the designated facility which received the waste. The signed copy shall be retained as a record for at least three years from the date the waste was accepted by the transporter.
47. On May 23, 2018, Respondent did not have signed, returned copies from the destination facility for manifest number 016291149 JJK for waste accepted for transport on December 24, 2016.
48. On May 23, 2018, Respondent violated COMAR 26.13.03.06 A(1) by failing to keep a copy of each manifest signed in accordance with COMAR 26.13.03.04A(1) for three years or until Respondent received a signed copy from the designated facility which received the waste.
49. In failing to comply with COMAR 26.13.03.06 A(1), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT IV

(Failure to Keep Containers of Hazardous Waste Closed)

50. The preceding paragraphs are incorporated by reference.
51. COMAR 26.13.05.09D provides that a container holding hazardous waste must always be closed during storage, except when necessary to add or remove waste.
52. On May 23, 2018, Respondent did not keep one 275-gallon tote containing a small amount of F035 hazardous waste, and one 55-gallon drum of F035 hazardous waste closed during storage except when adding or removing waste in violation of COMAR 26.13.05.09D.
53. In failing to comply with COMAR 26.13.05.09D, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT V

(Failure to Remove Drillage)

54. The preceding paragraphs are incorporated by reference.
55. COMAR 26.13.05.17-2D(4) requires that the owner or operator of a drip pad shall remove drillage and accumulated precipitation from the associated collection system as necessary to prevent overflow onto the drip pad.
56. On May 23, 2018, drillage and/or accumulated precipitation on the Facility drip pad could not drain to the Facility collection system because the collection system for CCA drillage was full, resulting in a back-up of CCA drillage to form a large pool of CCA on the Facility drip pad, in violation of COMAR 26.13.05.17-2D(4).
57. In failing to comply with COMAR 26.13.05.17-2D(4), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT VI

(Failure to Clean Drip Pad to Allow for Weekly Inspections)

58. The preceding paragraphs are incorporated by reference.
59. COMAR 26.13.05.17-2F(1) requires that the owner or operator of a drip pad thoroughly clean the drip pad surface to remove accumulated residues of hazardous waste or other materials to allow weekly inspections of the entire drip pad surface without interference or hinderance.
60. From at least May 9, 2018, until May 23, 2018, liquid waste was present on the Facility drip pad.
61. In failing to comply with COMAR 26.13.05.17-2F(1), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT VII

(Failure to Operate Drip Pad to Minimize Tracking of Hazardous Waste Off the Drip Pad)

62. The preceding paragraphs are incorporated by reference.
63. COMAR 26.13.05.17-2D(6) requires that the owner or operator of a drip pad operate and maintain the drip pad in a manner that minimizes tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

64. On May 23, 2018 Respondent did not have any procedure in place requiring facility staff to wear boot covers or wash off boots after walking on the drip pad as required by COMAR 26.13.05.17-2D(6) and facility staff did not use boot covers while walking on the drip pad and walked off the drip pad without washing their boots before leaving the drip pad.
65. In failing to comply with 26.13.05.17-2D(6), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT VIII

(Failure to Conduct Adequate Weekly Inspections of the Drip Pad)

66. The preceding paragraphs are incorporated by reference.
67. COMAR 26.13.05.17-3E(1)(a – c) requires that while the drip pad is in operation, the owner or operator inspect the drip pad weekly and after storms to detect evidence of the following: a drip pad (a) Deterioration, malfunction, or improper operation of run-on and run-off control systems; (b) Presence of leakage within and proper functioning of leak detection systems; and (c) Deterioration or cracking of the drip pad surface.
68. On May 23, 2018, Respondent failed to prevent overflow onto the drip pad and to clean the drip pad with such frequency to allow for weekly inspections without interference or hindrance; the Facility allowed waste to accumulate on the drip pad for a period of at least thirteen (13) days and therefore was unable to conduct adequate inspections of the drip pad, in violation of COMAR 26.13.05.17-3E(1)(a – c).
69. In failing to comply with COMAR 26.13.05.17-3E(1)(a – c), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

70. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of SEVENTY-THREE THOUSAND SEVEN HUNDRED TWENTY-ONE DOLLARS (\$73,721.00), which Respondent shall be liable to pay in accordance with the terms set forth below.

71. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
72. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2020-0074;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>
 - e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
howell.joyce@epa.gov

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
74. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
75. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
76. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
77. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
78. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the requirements in Section III is restitution or required to come into compliance with law.

GENERAL SETTLEMENT CONDITIONS

79. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
80. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

81. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

82. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

83. This Consent Agreement and Final Order resolves only EPA's claims against Respondent for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

84. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

85. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

86. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Great Southern Wood – MD, Inc.

Date: 4/15/20

By: 
Kevin Savoy
Vice President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: May 12, 2020

By: KAREN MELVIN
Karen Melvin
Director, Enforcement and Compliance Assurance Division
U.S. EPA – Region III
Complainant

Digitally signed by KAREN MELVIN
Date: 2020.05.12 16:32:35 -04'00'

Attorney for Complainant:

Date: 05/05/2020

By: JOYCE HOWELL
Joyce A. Howell
Sr. Assistant Regional Counsel
U.S. EPA – Region III

Digitally signed by JOYCE HOWELL
Date: 2020.05.05 12:33:20 -04'00'

in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **SEVENTY-THREE THOUSAND SEVEN HUNDRED TWENTY-ONE DOLLARS (\$73,721.00)**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The effective date of this Consent Agreement and Final Order is the date on which such Final Order is filed with the Regional Hearing Clerk.

Date:

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2020.05.13
09:19:32 -04'00'

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	:	
	:	
Great Southern Wood – MD, Inc.	:	U.S. EPA Docket No. RCRA-03-2020-0074
1201 Maryland Avenue	:	
Hagerstown, Maryland, 21740	:	
	:	
Respondent.	:	Proceeding under Section 3008(a) and
	:	(g) of the Resource Conservation and
	:	Recovery Act, as amended, 42 U.S.C.
	:	Section 6928(a) and (g)
Great Southern Wood-MD, Inc.	:	
1201 Maryland Avenue	:	
Hagerstown, Maryland, 21740,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that on May 13, 2020, the original and one (1) copy of the foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Email to:

Chris J. Williams, Esq.
Maynard Cooper
1901 Sixth Ave., N
Suite 2400
Birmingham, AL 35203

Joyce A. Howell
Senior Assistant Regional Counsel
ORC – 3RC40
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

In Re: Great Southern Wood-MD., Inc.
EPA Docket No. RCRA-03-2020-0074

Dated: May 13, 2020

BEVIN
ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2020.05.13 15:00:37
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Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III