



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 06 2014

John C. Spinrad
Arnall Golden Gregory LLP
171 17th Street, N.W.
Suite 2100
Atlanta, Georgia 30363

Re: Intonu, LLC
Consent Agreement and Final Order, Docket Number: TSCA-04-2014-2906(b)

Dear Mr. Spinrad:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC and payment of the \$60,920.00 civil penalty is due within thirty (30) calendar days of the effective date of the CA/FO.

As a reminder, copies of any payments should be submitted to both of the following individuals:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

And to:

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

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 Intonu, LLC on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental actions taken by the U.S. Environmental Protection Agency.

If you have any questions, please feel free to contact Robert Caplan, Senior Attorney, at (404) 562-9520.

Sincerely,

A handwritten signature in black ink, appearing to read "César Zapata". The signature is stylized and somewhat cursive.

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

Enclosures

cc: W. John Marynowski, Owner/Member, Intonu, LLC

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)
)
Intonu, LLC)
5225 Phillip Lee Drive)
Atlanta, Georgia 30336)
)
Respondent)
_____)

Docket No. TSCA-04-2014-2906(b)

RECEIVED
EPA REGION IV
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HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Resource Conservation and Recovery Act (RCRA) Division, United States Environmental Protection Agency (EPA), Region 4. Respondent is Intonu, LLC.
2. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of the EPA. The Administrator of the EPA has delegated this authority under TSCA to the EPA Region 4 Regional Administrator by EPA Delegation 12-2-A, dated May 11, 1994. The Region 4 Regional Administrator has delegated this authority to the Director of the RCRA Division by EPA Region 4 Delegation 12-2-A, dated January 14, 2009. Pursuant to that Delegation, the Director of the RCRA Division has the authority to commence an enforcement action as the Complainant in this matter and has the authority to sign Consent Agreements memorializing settlements between the EPA and Respondent.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

4. Pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605, the Administrator of the EPA promulgated rules in 40 C.F.R. Part 761 pertaining to Polychlorinated Biphenyls (PCBs). Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. § 2614. Any person who violates a provision of Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation occurring between January 30, 1997, and March 15, 2004, in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19, as amended. For each such violation occurring between March 15, 2004, and January 12, 2009, a penalty of up to \$32,500 may be assessed. For each such violation occurring after January 12, 2009, a penalty of up to \$37,500 may be assessed. Each day a violation continues may constitute a separate violation.
5. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for the EPA in this proceeding:

Brooke York
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
(404) 562-8025

III. EPA's Allegations of Violations

6. Respondent owns and operates a facility at 5225 Phillip Lee Drive, Atlanta, Georgia, that accepts, among other items, used and discarded electronic equipment and other metals for resale, scrapping and recycling. Respondent is a "person" as defined in 40 C.F.R. § 761.3.
7. On December 12, 2011, the United States Environmental Protection Agency conducted a compliance evaluation inspection (CEI) at Respondent's facility. The purpose of the CEI was to determine the facility's compliance with the TSCA PCB and RCRA regulations.
8. The term "PCB Container" is defined in 40 C.F.R. § 761.3 as any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.
9. The term "PCB Article" is defined in 40 C.F.R. § 761.3 as any manufactured article, other than a PCB Container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. PCB Article includes among other things, capacitors, transformers, and electric motors.
10. The term "PCB Item" is defined in 40 C.F.R. § 761 as any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.
11. The term "PCB Capacitor" is defined in 40 C.F.R. § 761.3 as any capacitor that contains ≥ 500 ppm PCB. Concentration assumptions applicable to capacitors appear under 40 C.F.R. 761.2.
12. Pursuant to 40 C.F.R. § 761.2(4), any person must assume that a capacitor manufactured prior to July 2, 1979, whose PCB concentration is not established contains ≥ 500 ppm PCBs. If the date of manufacture is unknown, any person must assume the capacitor contains ≥ 500 ppm PCBs.

13. 40 C.F.R. § 761.20(c) prohibits any person from processing or distributing in commerce any PCB, or PCB Items regardless of concentration, for use within the United States or for export from the United States without an exemption. During and subsequent to the CEI, the EPA's inspectors obtained documentation which allegedly indicated that Respondent had sold and distributed in commerce PCB items including PCB-containing fluorescent light ballasts and PCB capacitors without an exemption. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.20(c).
14. 40 C.F.R. § 761.40(a)(1) requires that each container used to store PCBs must be marked with an M_L as illustrated in Figure 1 in 40 C.F.R. § 761.45(a). At the time of the CEI, the inspectors observed six Gaylord boxes allegedly containing PCB-containing fluorescent light ballasts and PCB capacitors (PCB Containers) that were not marked with the required M_L mark. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.40(a)(1).
15. 40 C.F.R. § 761.40(a)(10) requires that each storage area used to store PCBs and PCB items for disposal be marked with an M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a). At the time of the CEI, the areas allegedly being used to store PCB Containers inside the building at the facility were not marked with the required M_L mark. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.40(a)(10).
16. 40 C.F.R. Part 761, Subpart D requires both general and waste specific storage and disposal requirements to be met while PCBs are in storage for disposal. At the time of the CEI, inspectors allegedly observed PCB Items stored at the facility, some of which were leaking, as indicated by the oily residue on the contents of several alleged PCB Containers and oil staining that had seeped through the alleged PCB Containers and had become visible from the outside of the alleged PCB Containers. Additionally, inspectors reviewed documentation allegedly indicating that the Respondent had failed to properly dispose of PCBs in its possession. Therefore, EPA alleges Respondent violated applicable disposal requirements found in 40 C.F.R. Part 761 which

include, but are not limited to, 40 C.F.R. §§ 761.50(b)(2)(i), 761.50(b)(2)(ii), 761.60, 761.60(b)(2)(ii), and/or 761.62(a)-(c).

17. 40 C.F.R. § 761.65(b) requires that any facility used for the storage of PCBs and PCB Items to have an adequate roof and walls, a floor that provides continuous curbing of at least a height of six-inches, capable of containing a volume equal to at least two times the volume of the largest PCB container, is free of drain valves, floor drains, expansion joints, sewer lines, or other openings. At the time of the CEI, Respondent was allegedly storing PCB Containers in a building that did not meet these requirements. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.65(b).
18. 40 C.F.R. § 761.65(c)(5) requires that all PCB Items held in storage shall be checked for leaks at least once every thirty days and any leaking PCB Items and their contents shall be transferred immediately to properly marked non-leaking containers. Respondent has produced no evidence proving that it inspected alleged PCB Containers for leaks at least once every thirty days. As described in Paragraph 16, leaks and staining were observed from alleged PCB items and on alleged PCB Containers indicating that the contents of one or more leaking containers were not transferred to non-leaking containers. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.65(c)(5).
19. 40 C.F.R. § 761.97(a) requires any person who exports PCBs or PCB Items to obtain an exemption. At the time of and subsequent to the CEI inspectors reviewed documentation that allegedly indicated the Respondent had sold and exported PCBs without an exemption. Therefore, EPA alleges Respondent violated 40 C.F.R. § 761.97(a).

IV. Consent Agreement

20. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.

21. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying this consent agreement.
22. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
23. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.
24. This CAFO constitutes a settlement by the EPA of all claims for civil penalties pursuant to Section 16(a) of TSCA, for the specific violations alleged in this CAFO and in the Notice of Violation dated April 15, 2013. Except as specifically provided in this CAFO, the EPA reserves all other civil and criminal enforcement authorities, including the authority to address imminent hazards. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by the EPA, and it is the Respondent's responsibility to comply with said laws and regulations.
25. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

26. Respondent consents to the payment of a civil penalty in the amount of **SIXTY THOUSAND NINE HUNDRED AND TWENTY DOLLARS (\$60,920.00)**, which shall be paid within 30 days after the effective date of this CAFO.
27. Respondent shall remit the civil penalty by either (1) a cashier's or certified check made payable to the "Treasurer, United States of America," or (2) wire transfer, in accordance with instructions provided below. If payment is made by check through the U.S. Postal Service, Respondent shall send the check to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000

**The check shall reference on its face the name of the
Respondent and Docket Number of this CAFO.**

For payment submittal by any overnight delivery service (U.S.P.S., Fed Ex, UPS, DHL, etc.),
please use the following address:

U. S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

For payment by wire transfer, in lieu of a cashier's or certified check, if desired, should be
directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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."**

28. At the time of payment, Respondent shall send a written statement that the payment has been made in accordance with this CAFO (along with a copy of the check if payment is made by check, or indicating that payment was by wire transfer) to each of the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960;

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

and

Saundi Wilson
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

29. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
30. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
31. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
32. This CAFO shall be binding upon the Respondent, its successors and assigns.
33. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

VI. Effective Date

34. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Intonu, LLC
Docket No.: TSCA-04-2014-2906(b)

By: W John Marynowski (Signature) Date: 7/8/14

Name: W JOHN MARYNOWSKI (Typed or Printed)

Title: OWNER/MEMBER (Typed or Printed)

Complainant: U.S. Environmental Protection Agency

By: G. Alan Farmer Date: 7/29/14
G. Alan Farmer, Director
RCRA Division
61 Forsyth Street
Atlanta, Georgia 30303-8960

APPROVED AND SO ORDERED this 5 day of August, 2014.

By: Susan B. Schub
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed a true and correct copy of the foregoing Consent Agreement and Final Order (CAFO) in the Matter of Intonu, LLC, Docket Number TSCA-04-2014-2906(b), on the parties listed below in the manner indicated:

Brooke F. Dickerson
Arnall Golden Gregory
171 17th Street, NW
Suite 2100
Atlanta, Georgia 30363

(via Certified Mail)

W. John Marynowski
Owner/Member
Intonu, LLC
5225 Phillip Lee Drive
Atlanta, Georgia 30336

(Via Certified Mail - Return Receipt Requested)

John C. Spinrad, Esq.
Arnall Golden Gregory LLP
171 17th Street, NW
Suite 2100
Atlanta, Georgia 30363
john.spinrad@agg.com

(Via Electronic Mail and Certified Mail – Return Receipt Requested)

Robert Caplan
Senior Attorney
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

(via EPA's internal mail)

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

(via EPA's internal mail)

Date: 8/6/14



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