



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

SEP 30 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jere W. Morehead
President
University of Georgia
The Board of Regents of the
University System of Georgia
270 Washington Street, SW
Atlanta, Georgia 30334

Re: University of Georgia Hazardous Materials Treatment Facility
Consent Agreement and Final Order, Docket No. RCRA-04-2016-4013(b)

Dear Dr. Morehead:

Enclosed please find a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. Please note that payment of the civil penalty is due within thirty (30) days of effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590 or by email at lamberth.larry@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
The Board of Regents of the)
University System of Georgia)
270 Washington Street, SW)
Atlanta, Georgia 30334)
)
Respondent,)
)
In Re: The University of Georgia)
Hazardous Materials Treatment Facility)
148 Will Hunter Road, Athens, Georgia)
30602)
)
EPA ID No.: GAD073460941)
)
Facility)
_____)

DOCKET NO.: RCRA-04-2016-4013(b)

2016 SEP 30 AM 11:47
HEARING CLERK

USEPA, REGION 4
OFFICE OF REGIONAL
COUNSEL

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. §§ 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270 and 273]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and GHWMR, Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [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, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration 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 the Board of Regents of the University System of Georgia (Board of Regents), the department of the Georgia state government that has the exclusive right to govern, control and manage the University System of Georgia. The University of Georgia is part of the University System of Georgia. This action pertains to the University of Georgia's permitted hazardous waste treatment and storage facility located at 148 Will Hunter Road, Athens, Georgia 30602 (the Facility). Respondent is the owner/operator of the Facility.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at GHWMA, Ga. Code Ann. §§ 12-8-60 *et seq.* and GHWMR, Ga. Comp. R. and Regs. 391-3-11.01 to 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. The State of 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). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will

be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, 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 standards are found Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, 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 have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11.10(2) (permitted) and Ga. Comp. R. and Regs. 391-3-11.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. On June 12, 1997, the Georgia Environmental Protection Division (GA EPD) issued RCRA Hazardous Waste Permit Number HW-041 (S&T) (the Permit) to the University of Georgia for the storage and treatment of hazardous waste at Respondent's Facility located at 148 Will Hunter Road, Athens, Georgia 30602.
14. Pursuant to Condition I.A.1. of the Permit, the Permittee is allowed to treat and store hazardous waste in accordance with the conditions of the Permit. The Permittee also must comply with the Georgia Hazardous Waste Management Act and the Georgia Hazardous Waste Management Rules, Chapter 391-3-11, which includes certain portions of the Federal Hazardous Waste Regulations found at 40 C.F.R. Parts 260-266, 268, 270, 273, 279 and 124.
15. Pursuant to Condition I.F.1. of the Permit, the Permittee must follow the procedures and plans described in detail in the permit application dated April 14, 1997, as amended, (Permit Application). The Permit Application includes, among other documents, the Waste Analysis Plan and the Inspection Schedule, which are incorporated by reference in the Permit.
16. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(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.
17. 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 it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.4(b)].

18. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Wastes Numbers D001 through D043.
19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed hazardous waste if it is listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261, Subpart D]. Listed hazardous wastes include F-listed wastes from nonspecific sources identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31] and P- and U-listed wastes from off-spec commercial chemical products, container residues, and spill residues identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.33].
20. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(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 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 become subject to regulation.”
21. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], a “facility” includes “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], a “person” includes a department of a State.
23. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], an “owner” means the person who owns a facility or part of a facility.
24. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], an “operator” means the person responsible for the overall operation of a facility.
25. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
26. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], a “container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
27. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

28. Pursuant to Condition II.B.10. of the Permit, all hazardous waste containers in storage must be clearly marked with the words "Hazardous Waste" or the specific contents of each container, the EPA Hazardous Waste Number(s), and the date the container was placed into storage.
29. Pursuant to Condition II.B.6. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.173(a)], a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
30. Pursuant to Condition I.F.2.e. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.17(b)(1)], the owner or operator of a facility that treats, stores, or disposes of ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, must take precautions to prevent reactions which generate extreme heat or pressure, fire or explosion, or violent reactions.
31. Pursuant to Condition I.F.1.b. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.15(b)(1)], Respondent must conduct inspections of safety and emergency equipment following the procedures and plans detailed in the Inspection Schedule in the Permit Application.
32. Pursuant to Condition I.F.1.a of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.13], before treating, storing or disposing of any hazardous or nonhazardous waste, Respondent must follow the procedures and plans for the sampling and analysis of hazardous waste or nonhazardous waste detailed in the Waste Analysis Plan in the Permit Application.
33. Pursuant to Condition I.F.1.a. of the Permit, before transporting and accepting any hazardous or nonhazardous waste, Respondent must follow the procedures and plans for the sampling and analysis of hazardous and nonhazardous waste in Section C-2a-2 of the Waste Analysis Plan in the Permit Application, which states that: "Materials that are improperly identified, labeled, or manifested will not be accepted for pick up."
34. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.10(3) [40 C.F.R. § 266.210], "mixed waste" means a waste that contains both RCRA hazardous waste and source, special nuclear, or byproduct material subject to the Atomic Energy Act of 1954, as amended.
35. Pursuant to Condition II.B.3. of the Permit, storage in the Liquid Radioactive Waste Storage Building (LRWSB) is expressly limited to storage of mixed waste (radioactive/hazardous waste) containing short half-life radioisotopes, with a half-life less than or equal to 90-days, for a period of up to ten half-lives. Storage of long-lived radioisotopes is not allowed under the Permit.
36. Pursuant to Condition I.F.1.a. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.13(a)(1)], Respondent is required to follow the procedures and plans for the sampling and analysis of hazardous waste as detailed Section C-2f of the Waste Analysis Plan contained in the Permit Application, which states, in part, that:

RCRA regulated [mixed] waste materials containing short-half lived radioisotopes with half-life no longer than ninety (90) days) will be held in the LRWSB for ten (10) half lives. At the end of that time period, radiation safety employees measure and verify that the isotope has decayed to background levels. The material is then treated as non-radioactive waste. At this time, the material which is either a listed or characteristic RCRA waste is moved to the Hazardous Waste Storage Building for consolidation or lab packing with the regular waste streams. The date that the material ended its decay period and the date it is moved to the Hazardous Waste Storage Building (HWSB) will be recorded on the label.

37. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “universal waste” means any of the following hazardous wastes that are managed under the universal waste requirements of part 273 of this chapter: (1) Batteries as described in § 273.2 of this chapter; (2) Pesticides as described in § 273.3 of this chapter; (3) Mercury-containing equipment as described in § 273.4 of this chapter; and (4) Lamps as described in § 273.5 of this chapter.
38. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a “Small Quantity Handler of Universal Waste” (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
39. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each universal waste battery or a container in which the batteries are contained clearly with one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
40. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.15 (a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has been accumulated from the date that it becomes a waste or was received.

IV. EPA ALLEGATIONS AND DETERMINATIONS

41. Respondent is a “person” as defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10].
42. Respondent is the “owner/operator” of a “facility” located at 148 Will Hunter Road, Athens, Georgia, 30602, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
43. Respondent is a “generator” of “hazardous waste” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3].

44. Respondent is the owner/operator of a hazardous waste treatment and storage facility.
45. On June 11, 2014 and September 14, 2015, the EPA and GA EPD conducted compliance evaluation inspections (CEIs) at Respondent's Facility. The findings of the CEIs were documented in Inspection Reports mailed to the University of Georgia's Hazardous Waste and Treatment Facility, dated September 16, 2014 and November 9, 2015, respectively.
46. During the 2014 CEI, the EPA observed that Respondent had failed to label or mark containers holding hazardous waste in the HWSB with the words "hazardous waste" or with the specific contents of the container, the EPA Hazardous Waste Number(s), and the date on which the container was placed into storage.
47. The EPA therefore alleges that Respondent violated Condition II.B.10. of the Permit, by failing to mark the hazardous waste containers with the words "Hazardous Waste" or the specific contents of each container, the EPA Hazardous Waste Number(s), and the date on which each the container was placed into storage.
48. During the 2014 CEI, the EPA observed that Respondent had failed to properly close three containers holding hazardous waste: one blue, 16-gallon drum in the HWSB, Bin J and two one-gallon containers in the HWSB, Bin L.
49. The EPA therefore alleges that Respondent violated Condition II.B.6. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.173(a)], by failing to close containers holding hazardous waste, except when it is necessary to add or remove waste.
50. During the 2014 CEI, the EPA found that Respondent had consolidated incompatible hazardous waste on May 28, 2014 in the HWSB of the Facility, which resulted in a fire.
51. The EPA therefore alleges that Respondent violated Condition I.F.2.e. of the Permit and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.17(b)(1)], by mixing incompatible waste and failing to take precautions to prevent reactions which generate extreme heat or pressure, fire or explosion, or violent reactions.
52. During the 2014 CEI, the EPA observed that since March 2013, Respondent had failed to inspect the fire extinguishers, eyewashes, decontamination showers, and emergency communication systems in the HWSB, LRWSB, and the Dry Radioactive Waste Storage Building, as detailed in the Inspection Schedule in the Permit Application.
53. The EPA therefore alleges that Respondent violated Condition I.F.1.b. of the Permit and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.15(b)(1)], by failing to inspect emergency equipment using the procedures and plans detailed in the Inspection Schedule in the Permit Application.
54. During the 2014 CEI, the EPA observed that Respondent transported and accepted into the Facility materials that were improperly identified or labeled from the University of

Georgia's Athens Campus, which is prohibited by Section C-2a-2 of the Waste Analysis Plan in the Permit Application.

55. The EPA therefore alleges that Respondent violated Condition I.F.1.a. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.13], by failing to follow the procedures and plans for the sampling and analysis of hazardous waste detailed in Section C-2a-2 of the Waste Analysis Plan in the Permit Application.
56. During both CEIs, the Respondent's management of the mixed waste in the LRWSB was regulated by the Permit. The EPA observed that Respondent failed to manage waste in the LRWSB in accordance with the Facility's Permit Condition II.B.3., which expressly limits storage of mixed waste (radioactive/hazardous waste) in the LRWSB to waste containing short half-life radioisotopes, with a half-life less than or equal to 90-days, for a period of up to ten half-lives. During the 2014 and/or 2015 CEIs, the EPA observed Respondent failed to manage mixed waste according to the Permit, as follows:
 - a. During the 2014 CEI, the EPA observed at least five containers holding mixed waste with short-half radioisotopes, dated September 29, 2011 or October 13, 2011, which had been stored in the LRWSB for longer than the ten half-lives allowed by the Permit.
 - b. During the 2015 CEI, the EPA observed three containers holding mixed waste with short-half radioisotopes, dated November 11, 2011, February 17, 2011, and March 20, 2012, which had been stored in the LRWSB for longer than the ten half-lives allowed by the Permit.
 - c. During the 2015 CEI, the EPA reviewed documentation demonstrating that at least two of the containers of mixed waste stored in the LRWSB contained long-lived radioisotopes, which Respondent was not allowed to store pursuant to the Permit.
57. The EPA therefore alleges that Respondent violated Condition II.B.3. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.11(5)(b) [40 C.F.R. § 270, Subpart C], by failing to limit waste stored in the LRWSB to mixed waste containing only short half-life radioisotopes, with half-lives less than or equal to 90-days for a period that does not exceed ten half-lives allowed by the Permit and by storing long-lived radioisotopes, without a Permit.
58. During 2014 and 2015 CEIs, the EPA observed that Respondent had failed to record on the label of the mixed waste the date on which the hazardous waste ended its decay period and the date it was moved to the HWSB, which is a requirement in Section C-2f of the Waste Analysis Plan in the Permit Application.
59. The EPA therefore alleges that Respondent violated Condition I.F.1.a. of the Permit, and Ga. Comp. R. and Regs. 391-3-11-.10(2) [40 C.F.R. § 264.13(a)(1)], by failing to follow the procedures and plans for the sampling and analysis of hazardous waste detailed in Section C-2f of the Waste Analysis Plan contained in the Permit Application.

60. During the 2014 CEI, the EPA observed that Respondent had failed to properly label or mark two spent lead acid batteries that were being stored at the Facility with one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
61. The EPA therefore alleges that Respondent violated Ga. Comp. r. & Regs. 391-3-11-.18 [40 C.F.R. § 273.14(a)], by failing to clearly label or date two spent lead acid batteries with any of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
62. During the 2014 CEI, the EPA observed that Respondent had failed to demonstrate the length of time that the two spent lead acid batteries had been accumulated.
63. The EPA therefore alleges that Respondent violated Ga. Comp. r. & Regs. 391-3-11-.18 [40 C.F.R. § 273.15(a) and (c)], by failing to demonstrate the length of time that the facility’s universal waste had been accumulated from the date that the universal waste became a waste or was received.

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, to the best of its knowledge, 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 NINETY NINE THOUSAND, NINE HUNDRED DOLLARS (\$99,900), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
75. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment 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) 425-1818

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:

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

76. Respondent shall submit a copy of the payment to the following individuals:

Regional Hearing Clerk
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

77. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges, which accrue or may accrue under subparagraphs (a) and (b).

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

VII. PARTIES BOUND

79. 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.
80. 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.
81. 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

82. 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.
83. 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.

84. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

IX. OTHER APPLICABLE LAWS

85. 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

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

Teresa Mann
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9572

87. 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:

Adam G. Sowatzka
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 572-3508
asowatzka@kslaw.com

XI. SEVERABILITY

88. 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

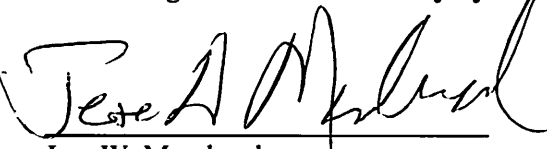
89. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

[CONTINUED ON NEXT PAGE]

In the matter of University of Georgia Docket No. RCRA-04-2016-4013(b):

AGREED AND CONSENTED TO:

The Board of Regents of the University System of Georgia

By:  Dated: 9/28/10
Jere W. Morehead
President
University of Georgia

[CONTINUED ON NEXT PAGE]

In the matter of University of Georgia Docket No. RCRA-04-2016-4013(b):

AGREED AND CONSENTED TO:

United States Environmental Protection Agency

By:  Dated: 9/28/16
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

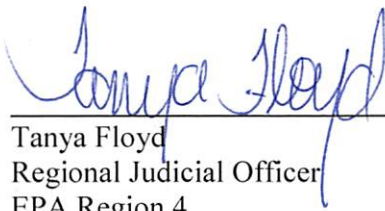
IN THE MATTER OF:) DOCKET NO.: RCRA-04-2016-4013(b)
)
The Board of Regents of the)
University System of Georgia)
270 Washington Street, SW)
Atlanta, Georgia 30334)
)
Respondent,)
)
In Re: The University of Georgia) Proceeding Under Section 3008(a) of the
Hazardous Materials Treatment Facility) Resource Conservation and Recovery Act,
148 Will Hunter Road, Athens, Georgia) 42 U.S.C. § 6928(a)
30602)
)
EPA ID No.: GAD073460941)
)
Facility)
_____)

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 30th day of September, 2016.

BY:



Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of University of Georgia Hazardous Material Transfer Facility, Docket Number: RCRA-04-2016-4013(b), and have served the parties listed below in the manner indicated:

Teresa Mann
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

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

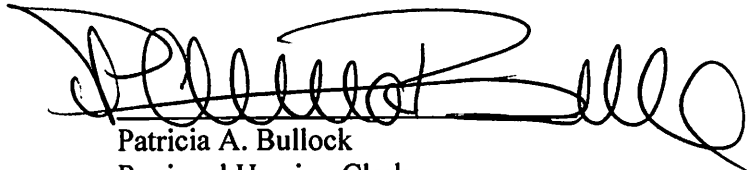
(Via EPA's electronic mail)

Adam G. Sowatzka
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, Georgia 30309

(Via Certified Mail - Return Receipt Requested)

Date:

9-30-16



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