



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 17 2018

Jay Rachels
Vice President of Operations
Thiele Kaolin Company
520 Kaolin Road
Sandersville, Georgia 31082

Re: Hazardous Substances Spill Expedited Settlement Agreement
Thiele Kaolin Company
NRC No. 1187449
Docket No. CWA-04-2018-5001(b)

Dear Mr. Rachels:

This letter is to notify Thiele Kaolin Company that the Expedited Settlement Agreement (ESA) for the above-referenced matter has been signed by the U.S. Environmental Protection Agency and became effective on the date of filing with the Regional Hearing Clerk, as required by 40 C.F.R. §§ 22.6 and 22.31, as indicated on the Certificate of Service. The ESA is binding on the EPA and Thiele Kaolin Company. A copy of the ESA is enclosed.

Pursuant to the ESA, Thiele Kaolin Company, shall submit the payment of \$500 within thirty (30) days of receipt of this letter. 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) payable to the "Oil Spill Liability Trust Fund." If paying by check, Respondent shall submit a cashier's check or certified check. The check shall bear the notation "OSLTF - 311" and Respondent shall reference the title and docket number of this case on the face of the check. The payment shall be made in one of the forms stated in Enclosure A. For additional payment information, see the EPA's payments webpage <http://www2.epa.gov/financial/makepayment>.

Pursuant to 40 C.F.R. § 22.31(c), you shall send a separate copy of the check or the other instrument of payment that you use and a written statement that the payment is being made in accordance with this ESA, to the persons at the following addresses:

Ms. Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

And to:

John C. Goodwin
Environmental Engineer
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

If you have any questions, please contact John C. Goodwin at (404) 562-8488.

Sincerely,



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

Enclosures

John C. Goodwin
Environmental Engineer
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

If you have any questions, please contact John C. Goodwin at (404) 562-8488.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Lamberth", with a long horizontal flourish extending to the right.

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

Enclosures

ENCLOSURE A

COLLECTION INFORMATION

Address for payment by certified or cashier's check sent by U.S. Postal Service:

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

Address for payment by certified or cashier's check sent by non-U.S. Postal express mail:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
(314) 481-1028

Electronic Funds Transfer payment:

Wire transfers to the EPA can be done through the Federal Reserve Bank of New York using the following information:

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

Automated Clearinghouse Payments (also known as REX or remittance express):

Automated Clearinghouse payments to EPA can be made through the US Treasury using the following information:

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, MD 20737
US Treasury Contact Information:
1-866-234-5681

Findings and Alleged Violations Form
Expedited Hazardous Substances Spill Agreement

1. Thiele Kaolin Company (Respondent) is a corporation organized under the laws of Georgia with a place of business located at 3380 Highway 68 North, Sandersville, Georgia. Respondent is a person within the meaning of Section 311(a)(7) of the Clean Water Act (CWA), 33 U.S.C. § 1321(a)(7).
2. Respondent is the owner or operator of an onshore facility within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), which is located at 3380 Highway 68 North, Sandersville, Georgia (facility).
3. Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.
4. For the purposes of Section 311(b)(3) and (b)(4) of the CWA, 33 U.S.C. § 1321 (b)(3) and (b)(4), discharges of hazardous substances into or upon the navigable waters of the United States in quantities that the United States Environmental Protection Agency (EPA) has determined may be harmful to public health, welfare or environment of the United States are defined as hazardous substances in 40 C.F.R. § 116.4 that exceed a reportable quantity in pounds, as defined in 40 C.F.R. § 117.3.
5. On August 16, 2017, Respondent discharged from its facility approximately 17,000 pounds of sodium hydroxide, a hazardous substance as defined in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14), and 40 C.F.R. § 116.4, in an amount that exceeded the reportable quantity, as defined in Section 311(b)(2)(A) of the CWA, 33 U.S.C. § 1321(b)(2)(A) and 40 C.F.R. § 117.3, into or upon Limestone Creek and/or adjoining shorelines. The EPA obtained this information from the EPA On-Scene Coordinator's observations documented in the Pollution Report dated September 20, 2017.
6. Limestone Creek is a "navigable water of the United States," as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1 and is subject to the jurisdiction of Section 311 of the CWA.
7. Respondent's discharge on August 16, 2017 of approximately 17,000 pounds of sodium hydroxide was in an amount exceeding the reportable quantity of 1,000 pounds allowed to be discharged, and therefore was in a quantity that has been determined may be harmful under 40 C.F.R. § 117.3, which implements Section 311(b)(3) and (b)(4) of the CWA, 33 U.S.C. § 1321(b)(3) and (b)(4).
8. Respondent's discharge on August 16, 2017 of a hazardous substance from its facility into or upon Limestone Creek and/or adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. § 117.3 violated Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3). Pursuant to Section 311(b)(6)(B)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(i) and 40 C.F.R. § 19, Respondent is liable for civil penalties of up to \$18,477 per violation, up to a maximum of \$46,192.
9. Respondent has addressed the discharge of the hazardous substance from its facility.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
61 FORSYTH STREET, ATLANTA, GEORGIA 30303

HAZARDOUS SUBSTANCE SPILL EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO.: CWA-04-2018-5001(b)

On or about August 16, 2017, at 3380 Highway 68 North, Sandersville, Georgia, Thiele Kaolin Company (Respondent) discharged approximately 17,000 pounds of sodium hydroxide in violation of the Clean Water Act (CWA) § 311(b)(3), 33 U.S.C. § 1321(b)(3), as described on the attached "Findings and Alleged Violations Form" (Form), which is hereby incorporated by reference.

The United States Environmental Protection Agency finds that Respondent's conduct is subject to the discharge prohibition of CWA § 311(b)(3), 33 U.S.C. § 1321(b)(3) in conjunction with 40 C.F.R. § 110.3. Respondent admits being subject to CWA § 311(b)(3), and that the EPA has jurisdiction over Respondent and Respondent's conduct as described in the Form. Respondent neither admits nor denies the allegations in the Form.

The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) under the authority vested in the Administrator of the EPA CWA § 311(b)(6)(B)(i), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 C.F.R. § 22.13(b) and § 22.18(b)(2)-(3). The parties enter into this ESA in order to settle the civil violation described in the Form for a penalty of \$500. Respondent consents to the assessment of this penalty.

This ESA is also subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, it has cleaned up the spill pursuant to federal requirements, and it has taken corrective actions that will prevent future spills. Respondent, also by signature on this ESA, agrees to pay the penalty assessed within thirty (30) calendar days of receiving written notice that the ESA has been executed and effective. **Do not enclose payment.** The EPA will provide instructions in writing on the procedures for making the penalty payment to the "Oil Spill Liability Trust Fund" with a copy of the Final Order.

After the parties sign this ESA and Respondent pays the civil penalty, the EPA will take no further action against Respondent for the violations described in the Form. However, the EPA does not waive any rights to take any enforcement action for any other violations by Respondent of CWA § 311(b)(3) or any other federal statute or regulations.

Upon signing and returning this ESA to the EPA, Respondent waives any right to judicial review under CWA § 311(b)(6)(G), 33 U.S.C. § 1321(b)(6)(G), any right to appeal or request a hearing to contest any fact or allegation, and consents to the EPA's approval of the ESA without further notice. Failure by Respondent to pay the penalty assessed by this ESA in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to CWA § 311(b)(6)(H), 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

This ESA is binding on the parties signing below. Each person signing this ESA certifies that he or she has the authority to sign for the party who he or she represents and to bind that party to its terms. The ESA is effective upon the EPA's filing of the ESA with the Regional Hearing Clerk. If Respondent does not sign and return this ESA as presented within thirty (30) calendar days of the date of its receipt, the proposed ESA will be withdrawn without prejudice to the EPA's ability to file any other enforcement action for the noncompliance identified in the Form.

APPROVED BY RESPONDENT:

Name (print): Jay Rachel's
Title (print): Vice President + DOO
Signature: Jay Rachel
Date: 6/13/2018

APPROVED BY THE EPA:

Larry L. Lamberth Date 7/3/2018
Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

FINAL ORDER
IT IS SO ORDERED:

Tanya Floyd Date July 16, 2018
Tanya Floyd
Regional Judicial Officer

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 Thiele Kaolin Company, Docket Number: CWA-04-2018-5001(b), and have served the parties listed below in the manner indicated:

Teresa Mann
Assistant 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)

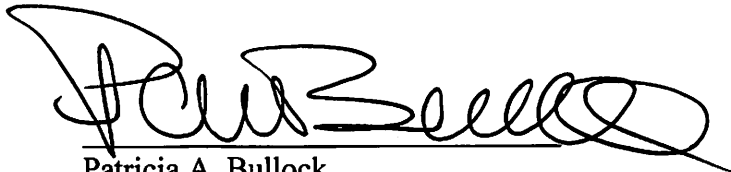
Quantindra Smith
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Jay Rachels
Vice President of Operations
Thiele Kaolin Company
520 Kaolin Road
Sandersville, Georgia 31082

(Via Certified Mail - Return Receipt
Requested)

Date: 7-17-18



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