



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

NOV 10 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Horton
Plant Manager
GAF Materials Corporation
1 Brampton Road
Savannah, Georgia 31408-2109

SUBJ: Consent Agreement and Final Order
Docket No. CWA-04-2011-7003

Dear Mr. Horton:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO) for the above referenced matter. This CAFO became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the Expedited Settlement Agreement (ESA) has been executed by both parties and is binding on the EPA and you. Upon receipt of your assessed penalty of \$500.00, the EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed ESA is enclosed.

You must submit your payment within seven (7) days of your receipt of this letter by either electronic funds transfer, certified or cashiers check made payable to "Environmental Protection Agency." The check and a letter accompanying the check shall reference the name of the responsible party (Oil Spill Liability Trust Fund-311, GAF Materials Corporation) and the EPA docket number CWA-04-2011-7003, and shall be sent depending upon your preferred method of payment identified in the enclosed collection information sheet.

At the same time, you shall send a separate copy of each check and a written statement that the payment is being made in accordance with this CAFO, to the persons at the following addresses:

Ms. Belinda Johnson
Acting Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Mr. Mel Rechtman
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

If you have any questions, please contact Mel Rechtman at (404) 562-8745.

Sincerely,



Frank S. Ney, Acting Branch Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosures

cc: USCG

COLLECTION INFORMATION

CHECK PAYMENTS:

U.S. Environmental Protection Agency
Fines and Penalties
P.O. Box 979077
St. Louis, Missouri 63197-9000

WIRE TRANSFERS:

Wire transfers 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"

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

Contact: Natalie Pearson 314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency
US Treasury REX / ACH Receiver
5700 Rivertech Court
Riverdale, Maryland 20737
Contacts: John Schmid 202-874-7028 or
Remittance Express 1-866-234-5681
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.
This payment option can be accessed from the information below:

www.pay.gov

Enter sfo 1.1 in the search field

Open form and complete required fields.



SEP 2 2011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

61 FORSYTH ST S.W. ATLANTA, GEORGIA 30303

EXPEDITED SPILL PREVENTION, CONTROL AND COUNTERMEASURES SETTLEMENT AGREEMENT

DOCKET NO. CWA-04-2011-7003

On: October 22, 2008

At: GAF/Elk Materials, 1 Brampton Road, Chatham County, Savannah, Georgia, owned or operated by GAF Materials Corporation (Respondent), an authorized representative of the United States Environmental Protection Agency conducted an inspection to determine compliance with the Spill Prevention, Control and Countermeasures (SPCC) regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j), (the Act), and found that Respondent had failed to comply with the SPCC regulations as noted on the attached SPCC Alleged Violations, which is hereby incorporated by reference.

The EPA finds the Respondent is subject to the SPCC regulations and has violated the SPCC regulations as further described in the SPCC Alleged Violations. The Respondent admits being subject to 40 CFR § 112 and that the EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the SPCC Alleged Violations. Respondent neither admits nor denies the Alleged Violations.

The EPA is authorized to enter into this Expedited Settlement Agreement under the authority vested in the Administrator of the EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement Agreement in order to settle the civil violations described in the Alleged Violations for a penalty of \$500. The Respondent consents to the assessment of this penalty.

This Expedited Settlement Agreement 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 its violations, has corrected its violations pursuant to federal requirements at a cost of \$5000. The Respondent also by signature on this Expedited Settlement Agreement agrees to payment of the penalty assessed. Do not enclose payment. Upon receiving written execution of this Agreement, Respondent shall submit payment within 45 days by certified check or electronic funds transfer for \$500 payable to the "US Environmental Protection Agency CWA-311". Instructions on how to make this payment will be included in the written notice that will be issued when the Expedited Settlement Agreement becomes effective.

Upon signing and returning this Expedited Settlement Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to the EPA's approval of the Expedited Settlement Agreement without further notice.

After this Expedited Settlement Agreement becomes effective and the assessed penalty is paid, the EPA will take no further action against the Respondent for the violation of Section 311(j)(3) of the Act described in the Form. However, the EPA does not waive any rights to take any enforcement action for

any other past, present, or future violation by the Respondent of Section 311(j)(3) of the Act or of any other federal statute or regulation. By its first signature, the EPA ratifies the Findings and Alleged Violation set forth in the Form.

This Expedited Settlement Agreement is binding on the parties signing below, and effective upon the EPA's filing of the document with the Regional Hearing Clerk. If the Respondent does not sign and return this Expedited Settlement Agreement as presented within 7 days of the date of its receipt, the proposed Expedited Spill Settlement Agreement is withdrawn without prejudice to the EPA's ability to file any other enforcement action for the violation identified in the Form.

APPROVED BY RESPONDENT:

Name (print) DAVID HORTON

Title (print) Plant Manager

Signature Date 8/30/11

APPROVED BY EPA:

Signature Date 10/25/11

Frank S. Ney, Acting Branch Chief RCRA and OPA Enforcement & Compliance Branch RCRA Division

IT IS SO ORDERED:

Signature Date 11/10/11

Susan B. Schub, Regional Judicial Officer

RECEIVED EPA REGION IV 2011 NOV 10 PM 1:46 HEARING CLERK

**Spill Prevention Control and Countermeasure Inspection Findings,
Alleged Violations and Proposed Penalty**

Company Name: GAF Materials Corporation

Docket Number: CWA-04-2011-7003

Facility Name: GAF/Elk Materials

Date: October 22, 2008

Address: 1 Brampton Road
Savannah, GA 31408

Inspector's Name: Scott Covode, Alyssa Hughes & Leo Francendese

Facility Contact: Brian Rearley

EPA Approving Official: Frank S. Ney
EPA Enforcement Contact: Stanley Tam

On October 22, 2008, a representative(s) of the US Environmental Protection Agency (EPA) inspected GAF/Elk Materials' facility located at 1 Brampton Road, Savannah, Georgia. The purpose of this inspection was to determine the facility's compliance status with the requirements of the oil pollution prevention regulations at Title 40 of the Code of Federal Regulations (40 CFR) Part 112, promulgated pursuant to Section 311(j) of the Clean Water Act, 33 USC §13421(j).

Summary of Findings

The inspection revealed the following deficiencies:

1. The SPCC Plan was not certified by a professional engineer.
40 CFR § 112.3(d)..... \$450.00
2. The SPCC Plan did not identify methods of disposal for recovered materials.
40 CFR § 112.7(a)(3)(v)..... \$50.00

TOTAL PENALTY \$500.00

Docket No. CWA-04-2011-7003

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached Consent Agreement and Final Order, in the Matter of GAF Materials Corporation, Docket No. CWA-04-2011-7003 (filed with the Regional Hearing Clerk on NOV 10 2011, 2011) was served on NOV 10 2011, 2011 in the manner specified to each of the persons set forth below:

Mr. David Horton
Plant Manager
GAF Materials Corporation
1 Brampton Road
Savannah, Georgia 31408-2109

CERTIFIED MAIL
Returned Receipt Requested

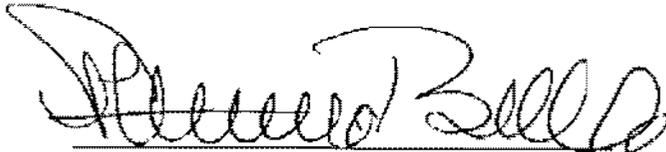
Mel Rechtman
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

via EPA's Internal Mail

Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

via EPA's Internal Mail and PDF

Date: 11-10-11


Belinda Johnson, Acting Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

PAYMENT DUE DATE: _____

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mel Rechtman on 9/7/11
(Name) (Date)

in the ROECB at 404/562-8745
(Office) (Phone Number)

- | | |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree
USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement
EMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree
DOJ COLLECTS | <input type="checkbox"/> Oversight Billing - Cost Package required:
Sent with bill |
| | <input type="checkbox"/> Not sent with bill |
| <input type="checkbox"/> Other Receivable | <input type="checkbox"/> Oversight Billing - Cost Package not required |
| <input type="checkbox"/> This is an original debt | <input type="checkbox"/> This is a modification |

PAYEE: GAF Materials Corporation

The Total Dollar Amount of the Receivable: \$500.00
(If installments, attach schedule of amounts and respective due dates. See other side of this form.)

The Case Docket Number: CWA-04-2011-7003

The Site Specific Superfund Account Number:

The Designated Regional/Headquarters Program Office: RCRA Division

To Be Completed By Cincinnati Finance Center

The IFMS Accounts Receivable Control Number is: _____ Date: /2010

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|--|---|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD)
3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order Should be to:

- | | |
|--|---|
| 1. Originating Office
2. Regional Hearing Clerk | 3. Designated Program Office
4. Regional Counsel (EAD) |
|--|---|