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**U.S. EPA REGION 4
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Giant Resource Recovery–Attalla, Inc.
1229 Valley Drive Attalla, Alabama 35954
EPA ID No.: **ALD070513767**

Respondent.

Docket No. **RCRA-04-2024-4010(b)**

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

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for penalties and injunctive relief brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without the Respondent's admission of violation or adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA) Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. The Respondent (Respondent or Permittee) is Giant Resource Recovery—Attalla, Inc. a corporation doing business in the State of Alabama. This proceeding pertains to the Respondent's facility located at 1229 Valley Drive, Attalla, Alabama 35954 (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Alabama (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 within the Alabama Hazardous Waste Management and Minimization Act of 1978 (AHWMMA), Ala. Code §§ 22-30-1 *et seq.* and the Alabama Department of Environmental Management (ADEM) Administrative Code (ADEM Admin. Code) rr. 335-14-1 to 335-14-17.
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 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 CAFO.
11. Ala. Code § 22-30-14 [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 at ADEM Admin. Code r. 335-14-3 [40 C.F.R. Part 262].
12. Ala. Code § 22-30-12(b) [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 ADEM Admin. Code r. 335-14-5 (permitted) and ADEM Admin. Code r. 335-14-6 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. On August 29, 2017, ADEM issued Hazardous Waste Permit Number ALD070513767 (RCRA Permit or Permit) to the Respondent for the storage and treatment of hazardous waste. The

RCRA Permit became effective on August 29, 2017, and expires on August 28, 2027. The RCRA Permit is based on the approved Permit Application submitted by the Respondent on February 15, 2016, as modified by subsequent amendments (Permit Application).¹

14. Pursuant to ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations.
15. Pursuant to ADEM Admin. Code r. 335-14-2-.01(3) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in ADEM Admin. Code r. 335-14-2-.01(3)(a)2. [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by ADEM Admin. Code r. 335-14-2-.01(4)(b) [40 C.F.R. § 261.4(b)].
16. Pursuant to ADEM Admin. Code r. 335-14-2-.01(3)(a)2.(i) and ADEM Admin. Code r. 335-14-2-.03(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in ADEM Admin. Code r. 335-14-2-.03(2)-(5) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
17. Pursuant to ADEM Admin. Code r. 335-14-2-.03(1) and ADEM Admin. Code r. 335-14-2-.03(2) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
18. Pursuant to ADEM Admin. Code r. 335-14-2-.01(3)(a)2.(ii) and ADEM Admin. Code r. 335-14-2-.04(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 ADEM Admin. Code r. 335-14-2-.04 [40 C.F.R. Part 261, Subpart D].
19. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in ADEM Admin. Code. R. 335-14-2-.04(2) [40 C.F.R. § 261.31], including F001, F002, and F003.
20. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)117. [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 ADEM Admin. Code r. 335-14-2 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
21. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)196. and ADEM Admin. Code r. 335-14-1-.02(1)(a)194. [See 40 C.F.R. § 260.10], an “owner” is the person who owns in fee simple the property on which a facility or part of a facility is sited, and an “operator” is the person responsible for the overall operation of a facility.
22. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)200. [See 40 C.F.R. § 260.10], a “person” means any and all persons, natural or artificial, including but not limited to any individual, partnership, association, society, joint stock company, firm, company, corporation, institution,

¹ The ADEM regulations applicable to the RCRA Permit are those regulations which became effective as of March 27, 2017.

trust, estate, or other legal entity or other business organization or any governmental entity, and any successor, representative, agent or agency of the foregoing.

23. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)106. [40 C.F.R. § 260.10], a “facility” means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
24. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)264. [See 40 C.F.R. § 260.10], “storage” means the actual or intended containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.
25. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)287. [40 C.F.R. § 260.10], “treatment” is defined as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous or less hazardous.
26. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)271. [40 C.F.R. § 260.10] and Part I.D. of the RCRA Permit, a “tank” is defined as a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.
27. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)272. [40 C.F.R. § 260.10] and Part I.D. of the RCRA Permit, a “tank system” is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.
28. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)232. and Part I.D. of the RCRA Permit, “release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, pumping, or disposing into the environment of any hazardous waste or hazardous constituent.
29. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)13. [40 C.F.R. § 260.10] and Part I.D. of the RCRA Permit, “ancillary equipment” refers to any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.
30. Pursuant to ADEM Admin. Code r. 335-14-1-.02(1)(a)172. [40 C.F.R. § 260.10], a “miscellaneous unit” is defined as a hazardous waste management unit where hazardous waste is treated,

stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 C.F.R. Part 146, containment building, corrective action management unit, unit eligible for a research, development, and demonstration permit under ADEM Admin. Code r.335-14-8-.06(4) [40 C.F.R. § 270.65], or staging pile.

31. Pursuant to the RCRA Permit, Condition I.C.1., *Duty to Comply*, and ADEM Admin. Code r. 335-14-8-.03(1)(a) [40 C.F.R. § 270.30(a)], the Permittee shall comply with all conditions of the RCRA Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the AHWMMMA, and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.
32. Pursuant to Ala. Code § 22-30-12(b) and ADEM Admin. Code r. 335-14-8 [Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.30(a)], the owner and/or operator of a facility which treats, stores, or disposes of hazardous waste must comply with all conditions of a hazardous waste management permit.
33. Pursuant to the RCRA Permit, Condition IV.H., *Management in Tanks – Inspections*, the Permittee shall inspect each tank system (to include the ancillary equipment and secondary containment) and the area surrounding each tank as specified in Section 5.3 of the Permit Application, Inspection Schedule, and in accordance with the requirements of ADEM Admin. Code r. 335-14-5-.10(6) [40 C.F.R. § 264.1064(b)(1)].
34. Pursuant to the Permit Application, Section 5.3, *Inspection Schedule*, the ADEM Admin. Code r. 335-14-5 [40 C.F.R. Part 264] Subparts BB and CC inspection and monitoring requirements for tank systems for the Facility are provided in Section 10, *Air Emission Standards*, of the Permit Application.
35. Pursuant to the Permit Application, Section 10, *Air Emission Standards*, the Permittee must comply with the applicable requirements of ADEM Admin. Code rr. 335-14-5-.28 and -.29 [40 C.F.R. Part 264, Subparts BB and CC], and the Permittee's Subpart BB Inspection and Monitoring Plan (BB Plan) and Subpart CC Inspection and Monitoring Plan (CC Plan).
36. Pursuant to ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1050(b)], the requirements of ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. Part 264, Subpart BB] apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste and operate units that contain or contact hazardous waste with organic concentrations of at least 10 percent by weight.
37. Pursuant to the RCRA Permit, Condition I.C.10.d., *Standard and General Facility Conditions - Monitoring and Records*, and ADEM Admin. Code r. 335-14-8-.03 [40 C.F.R. § 270.30(j)(3)],

records for monitoring shall specify the date(s), exact place, and times of sampling or measurements; the names of individual(s) who performed the sampling or measurements; the date(s) analyses were performed; the names of individual(s) who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

38. Pursuant to the RCRA Permit, Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application, including Exhibit 10-2 of the Permit Application (Sample Inspection/Monitoring Log), the Respondent's BB Plan, and ADEM Admin. Code R. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)], the Permittee must record the equipment identification number, visual exam, background parts per million (ppm), monitoring ppm, leak determination, date, inspector name, and comments, in the Subpart BB Leak Detection and Repair Monitoring Logs (Subpart BB LDAR Logs) for monitoring conducted on equipment subject to the volatile organic air emission requirements of the AHWMA and RCRA.
39. Pursuant to the Respondent's BB Plan and ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)], the Permittee must record the following information in the Facility operating record: For each piece of equipment to which 40 C.F.R. Part 264, Subpart BB applies: (i) equipment identification number and hazardous waste management unit identification; (ii) approximate locations within the Facility; (iii) type of equipment; (iv) percent-by-weight total organics in the hazardous waste stream at the equipment; (v) hazardous waste state at the equipment (e.g., gas/vapor or liquid); and (vi) method of compliance with the standard.
40. Pursuant to the RCRA Permit, Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's BB Plan, and ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1052], the Permittee is required to monitor pumps in light liquid service monthly using the EPA's Reference Method 21 (Determination of Volatile Organic Compound Leaks (VOCs)) as set forth in 40 C.F.R. Part 60, Appendix A-7.
41. Pursuant to the Respondent's BB Plan and ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1057], valves for which a leak is not detected for two successive months may be monitored the first month of each succeeding quarter until a leak is detected. If a leak is detected, the Permittee must resume monitoring the valve monthly until a leak is not detected for two successive months.
42. Pursuant to the RCRA Permit, Condition I.C.10.b., *Standards and General Facility Conditions - Monitoring and Records*, and ADEM Admin. Code r. 335-14-5 [ADEM Admin. Code r. 335-14-8-.03] [40 C.F.R. § 270.30(j)(2)], the Permittee shall maintain at the Facility records of all monitoring information, including all calibration and maintenance records.
43. Pursuant to the Respondent's BB Plan and ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1063(b)], leak detection monitoring shall comply with Reference Method 21; the detection instrument shall meet the performance criteria of Reference Method 21; and the instrument shall be calibrated before use on each day of its use by the procedures specified in

Reference Method 21. The Respondent utilized two calibration forms as part of its Subpart BB LDAR Logs to record instrument calibration data for Reference Method 21 monitoring: a Method 21 Calibration Form used for the purpose of calibrating the VOC monitoring instrument before use on each day of its use, including information relating to initial warmup, calibration, and span gas adjustments, and a Method 21 Calibration Precision Test Form (collectively, the Calibration Forms).

44. Pursuant to ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1080], the requirements of ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. Part 264, Subpart CC], apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste with an average volatile organic concentration of more than 500 parts per million by weight (ppmw) in tanks, surface impoundments, or containers.
45. As set forth in the Permit Application, Section 10.3.2, *Tanks*, and in accordance with ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1084(b)], based on the size of the tanks and vapor pressure of the material stored, the Respondent's Storage Tanks 1-8, Tank 9 (Kruncher Unit), the Disperser Tank and Overflow Tank, and Tanks R1 and R2, are subject to Tank Level 1 Controls.
46. Pursuant to the RCRA Permit, Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's CC Plan, and ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1084(k)(1)], once a defect has been detected, a first attempt to repair the defect must be conducted within five calendar days. Final repairs to the defect must be completed no later than 45 calendar days after detection. These corrective actions and repair completion dates must be entered in the "Subpart CC Inspection and Monitoring Logs."
47. Pursuant to the RCRA Permit, Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's CC Plan, and ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1089(b)(1)], once a defect has been detected, the Permittee must document in the Subpart CC Inspection and Monitoring Logs, actions taken to repair defective equipment, and the delay of repair of any defective equipment. This documentation must include: (i) a tank identification number; and (ii) a record for each inspection, which shall include (A) the date the inspection was conducted, and (B) for each defect detected: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event the repair of defect is delayed, the Permittee must record the reason for the delay and the date the completion of the repair of the defect is expected.

IV. FINDINGS OF FACTS

48. The Respondent's Facility is a commercial hazardous waste treatment and storage facility, located at 1229 Valley Drive, Attalla, Etowah County, Alabama.

49. The Respondent receives hazardous wastes at the Facility where such wastes are stored, blended, and/or processed prior to being shipped offsite for reuse or disposal. The wastes, which mainly consist of spent solvents (F001, F002, and F003), are used as fuel for boilers and industrial furnaces. The Facility includes storage and blending tanks, container storage and processing areas, a tanker truck loading and unloading pad, a solid fuel bulk repackaging area, a rail spur and railcar loading area, an onsite laboratory, a drum re-conditioning furnace, a Kruncher Unit (aerosol/non-aerosol can recycling unit), and an associated warehouse for aerosol/non-aerosol can storage.
50. The Respondent's RCRA Permit authorizes the Respondent to store 207,704 gallons of hazardous waste in existing storage tanks. Tanks 1-9 each have a storage capacity of 20,000 gallons. Tanks R1 and R2 each have a storage capacity of 11,700 gallons, and the Disperser Tank and the Overflow Tank together have a storage capacity of 1,304 gallons.
51. On August 19-20, 2020, the EPA, along with ADEM, conducted a RCRA compliance evaluation inspection (CEI) at the Facility.
52. During the CEI, the EPA's air sampling team conducted air monitoring on the Respondent's tanks and reviewed the Facility's records and procedures for addressing volatile organic emissions from hazardous waste tanks and ancillary equipment, and containers. The EPA's findings of the CEI were documented in a report dated December 4, 2020 (CEI Report).
53. On December 4, 2020, the EPA issued an Information Request Letter (IRL) pursuant to Section 3007 of RCRA to the Respondent requesting, inter alia, all Leak Detection and Repair (LDAR) records from July 1, 2018 to December 31, 2020 (the Requested Time Frame).
54. On January 22, 2021, the Respondent responded to the EPA's IRL by submitting the requested information for the Requested Time Frame (IRL Response).
55. Following the receipt of the Respondent's IRL Response, the EPA completed a nonfinancial record review (NRR) of the IRL Response. The findings of the NRR were memorialized in a RCRA Information Request Response Review on October 27, 2021 (NRR Report) which was provided to the Respondent.
56. On January 4, 2022, the Respondent provided a response to the findings of the October 27, 2021 NRR Report.
57. Based on the NRR, the EPA found that the Respondent failed to make an applicability determination as to whether the hydrostatic relief devices (valves) on its Kruncher Unit were subject to Subpart BB requirements.
58. Based on the NRR, the EPA found that the Subpart BB LDAR Logs used by the Facility to record leak detection and repair data did not include, in several instances, the name of the inspector or the monitoring ppm.

59. Based on the NRR, the EPA found that the Respondent had failed to identify the monitoring frequency (method of compliance) of each piece of equipment subject to the BB Plan and ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)], as required.
60. Based on the NRR, the EPA found that the Respondent did not maintain records of all monitoring information, including calibration and maintenance records. The Calibration Forms in the Respondent's Subpart BB LDAR Logs used to record calibration data for Reference Method 21 monitoring did not consistently include the name of the person conducting the calibration and/or the LDAR monitoring, the exact location and time of sampling, or measurements.
61. Based on the NRR, the EPA found that the Respondent conducted monthly monitoring of its Subpart BB pumps only 14 times during the 29-month Requested Time Frame and therefore failed to monitor the pumps 15 times during this Requested Time Frame.
62. Based on the NRR, the EPA found that the Respondent failed to maintain monitoring records for its Subpart BB valves for two consecutive quarters (November 2019 through June 2020) during the Requested Time Frame.
63. Based on the NRR, the EPA determined that the Respondent failed to complete and document Calibration Forms for all monitoring events in 2020 and failed to document that before-use calibration was conducted on each day of its use in accordance with Method 21 for monitoring events in 2020.
64. At the time of the CEI and the NRR, the Respondent utilized the following tanks subject to Level 1 controls: Tanks 1-8, Tank 9 (Kruncher Unit), Disperser Tank and Overflow Tank, and Tanks R1 and R2.
65. Based on the EPA's review of the Respondent's CC Plan and Subpart CC Inspection and Monitoring Logs for the Level 1 tanks, some of Respondent's tank closure devices were found to have had a defect for an extended period of time without repair.
66. Based on the NRR, at least six instances were identified where the Respondent failed to make first efforts at repair of a defect no later than five calendar days after detection or failed to complete such repair no later than 45 calendar days after detection: (1) Tank 3 EPVT 9/6/2019; (2) Tank 3 EPVT 8/14/2020; (3) Tank 5 EPVT 5/1/2020; (4) Tank 5 EPVT 9/6/2019; (5) Tank 7 EPVT 9/6/2019; and (6) Tank 9 Flame Arrestor 8/19/2020. In addition, the Respondent also failed in at least six instances referenced above to document in its Subpart CC Inspection and Monitoring Logs, actions taken to repair the defect or the reason for the delay of the repair.

V. ALLEGED VIOLATIONS

67. The Respondent is a "person" as defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)200. [40 C.F.R. § 260.10].

68. The Respondent is the “owner” and “operator” of a “facility” located in Attalla, Alabama, as those terms are defined in ADEM Admin. Code rr. 335-14-1-.02(1)(a)196., 194. and 106. [40 C.F.R. § 260.10].
69. The Respondent is a “generator” of “hazardous waste” as those terms are defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)117. [40 C.F.R. § 260.10] and ADEM Admin. Code r. 335-14-2-.01(3). [40 C.F.R. § 261.3].
70. The Respondent owns and operates “tanks” as defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)271. [40 C.F.R. § 260.10].
71. The Respondent owns and operates a “tank system” as defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)272. [40 C.F.R. § 260.10].
72. The Respondent failed on several instances to record the name of the inspector and the monitoring ppm in its Subpart BB LDAR Logs. The EPA therefore alleges that the Respondent violated ADEM Admin. Code R. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application, including Exhibit 10-2 of the Permit Application (Sample Inspection/Monitoring Log), and the Respondent’s BB Plan, which requires the Respondent to record, inter alia, the name of the inspector and monitoring ppm in the Subpart BB LDAR Logs.
73. The Respondent failed to identify the monitoring frequency (method of compliance) of the equipment subject to ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. Part 264, Subpart BB], as required. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent’s BB Plan, by failing to identify and record the method of compliance for each piece of equipment to which Subpart BB of Part 264 applies, in the Facility’s operating record.
74. The Respondent failed to maintain records of all required monitoring information, including calibration and maintenance records. The Calibration Forms in the Respondent’s Subpart BB LDAR Logs did not consistently include the name of the person conducting the calibration and/or the LDAR monitoring, or the exact place and time of the sampling or measurements. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-8-.03 [40 C.F.R. § 270.30(j)(3)] and Permit Condition I.C.10.d., by failing to include the name of the person conducting the calibration and/or the LDAR monitoring, and the exact place and time of the sampling or measurements.
75. The Respondent failed to conduct monthly monitoring of its Subpart BB pumps on 15 instances during the 29-month Requested Time Frame. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1052] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Application and the Respondent’s BB Plan, which

requires that the Respondent monitor its pumps in light liquid service monthly using Method 21.

76. The Respondent failed to make an applicability determination as to whether its hydrostatic relief devices (valves) on its Kruncher Unit were subject to Subpart BB requirements. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1050(b)], which requires an applicability determination and application of Subpart BB requirements to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight.
77. The Respondent failed to maintain monitoring records for two consecutive quarters (November 2019 through June 2020) for its Subpart BB valves during the 29-month Requested Time Frame. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)] and Permit Condition I.C.10.b, which requires the Respondent to maintain records of all monitoring information at the Facility.
78. The Respondent's Subpart BB LDAR Logs demonstrate that the Respondent failed to complete Calibration Forms for all monitoring events in 2020 and failed to document that before-use calibration was conducted on each day of its use for monitoring events in 2020. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1063(b)] and Permit Condition I.C.10.b by failing to maintain at the Facility all required calibration and maintenance records.
79. The Respondent failed on at least six instances as identified in Paragraph 66 above, to repair defects timely as required by the Permit. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1084(k)(1)] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's CC Plan, by failing to make first efforts at repair of each defect no later than five calendar days after detection and failing to complete such repair no later than 45 calendar days after detection.
80. The Respondent failed to document in its Subpart CC Inspection and Monitoring Logs, actions taken to repair equipment found to be defective as identified above in Paragraph 66, or the reason for the delay of the repair. The EPA therefore alleges that the Respondent violated ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1089(b)(1)] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's CC Plan, by failing to document in the Subpart CC Inspection and Monitoring Logs, actions taken to repair equipment found to be defective, and/or the reason for the delay of the repair.

VI. STIPULATIONS

81. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

82. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), the Respondent:
- a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to the issuance of this compliance order;
 - e. consents to the conditions specified in this CAFO;
 - f. consents to any stated Permit Action in this CAFO;
 - g. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - h. waives its rights to appeal the Final Order accompanying this CAFO.
83. For the purpose of this proceeding, the Respondent:
- a. agrees that this CAFO states a claim upon which relief may be granted against the Respondent;
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering the Respondent's compliance history in any subsequent enforcement actions;
 - c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that the Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
 - e. 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 CAFO; and

f. agrees to comply with the terms of this CAFO.

84. Within 120 days of receipt of the executed copy of this CAFO, the Respondent shall submit to the EPA a certification signed by a duly authorized representative stating that the Facility is in compliance with the authorized State program found in the requirements of the AHWMMMA and the ADEM Code, and the Act and its implementing regulations, and that all violations alleged in this CAFO have been corrected. This certification shall contain the following:

"I certify under penalty of law, to the best of my knowledge and belief, that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

85. The certification required to be submitted under this CAFO shall be emailed to:

Raj Aiyar
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
aiyar.raj@epa.gov

86. In accordance with 40 C.F.R. § 22.5, the individuals named in the Certificate of Service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

87. The Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **TWO HUNDRED THIRTY-FIVE THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS [\$235,782.00]**, which is to be paid within 30 days of the Effective Date of this CAFO.
88. 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.
- a. If the Respondent sends payment by standard U.S. Postal Service delivery, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, MO 63197-9000

- b. If the Respondent sends payment by non-standard mail delivery (e.g., FedEx, DHL, UPS, USPS certified, registered, etc.) the payment shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

- c. If paying by EFT, the 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, NY 10045
Beneficiary: Environmental Protection Agency

- d. If paying by ACH, the 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, MD 20737
REX (Remittance Express): 1-866-234-5681

89. The Respondent shall send proof of payment, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
R4_REGIONAL_HEARING_CLERK@EPA.GOV

and

Raj Aiyar
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
aiyar.raj@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

90. “Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the Facility name and Docket No. **RCRA-04-2024-4010(b)**.
91. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if the Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled 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. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:
- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO or, in the case of a stipulated penalty, from the date that the EPA first mails notice to the Respondent that a stipulated penalty is due. If the civil penalty or stipulated penalty is paid within 30 days of the Effective Date of this CAFO or the date that the EPA first mails notice to the Respondent that a stipulated penalty is due, interest is waived. However, if the civil penalty or stipulated penalty is not paid in full within 30 days, interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than 90 days past due, the Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

- c. Monthly Handling Charge. The Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average costs incurred. 31 C.F.R. § 901.9(b)-(c) and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

92. In addition to what is stated in the prior Paragraph, if the Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

- a. refer the debt to a credit reporting agency or a collection agency (*see* 40 C.F.R. §§ 13.13 and 13.14);
- b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (*see* 40 C.F.R. Part 13, Subparts C and H);
- c. suspend or revoke the Respondent's licenses or other privileges, or suspend or disqualify the Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (*see* 40 C.F.R. § 13.17); and/or
- d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

93. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send a completed Form 1098-F ("Fines, Penalties, and Other Amounts") to the Internal Revenue Service (IRS) annually with respect to any court order and settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (for example, a copy of Form 1098-F). In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and the Respondent herein agrees, that:

- a. The Respondent shall complete a Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. The Respondent shall therein certify that its completed Form W-9 includes the Respondent's correct Tax Identification Number (TIN) or that the Respondent has applied and is waiting for issuance of a TIN;
- c. The Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center Region 4 contact, Jessica Henderson (henderson.jessica@epa.gov), on or before the date that the Respondent's initial penalty payment is due, pursuant to Paragraph 87 of this CAFO, and the EPA recommends encrypting Form W-9 email correspondence; and
- d. In the event that the Respondent has certified in its completed Form W-9 that it has applied for a TIN and that TIN has not been issued to the Respondent by the date that its initial penalty payment is due, then the Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA's Cincinnati Finance Center of this fact, via email, by the date that the Respondent's initial penalty payment is due; and
 - ii. provide the EPA's Cincinnati Finance Center with the Respondent's TIN, via email, within five days of the Respondent's issuance and receipt of the TIN.
- e. Failure to comply with providing Form W-9 or a TIN may subject the Respondent to a penalty. *See* 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1.

94. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. WORK TO BE PERFORMED

- 95. Within 30 days of the Effective Date of this CAFO, the Respondent shall submit to the EPA a sample Subpart BB LDAR Log Form for EPA approval. The sample Subpart BB LDAR Log Form shall include the following information: (i) equipment identification number, (ii) visual exam, (iii) background ppm, (iv) monitoring ppm, (v) leak determination date, (vi) inspector name and, (vii) comments. Upon approval, the Subpart BB LDAR Log Form shall also be submitted to ADEM.
- 96. Within 30 days of the Effective Date of this CAFO, the Respondent shall identify and record the method of compliance in the Facility's operating record for each piece of equipment subject to ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. Part 264, Subpart BB], in accordance with ADEM Admin. Code r. 335-14-5-.28 [40 C.F.R. § 264.1064(b)(1)] and Permit Condition IV.H., which incorporates Sections 5.3 and 10 of the Permit Application and the Respondent's BB Plan.

97. Within 30 days of the Effective Date of this CAFO, the Respondent shall submit to the EPA for approval, a sample Reference Method 21 Calibration Form which includes the following information: (i) date(s), (ii) exact location, (iii) times of the sampling, (iv) names of the individual(s) who performed the analysis, (v) the analytical techniques or methods used, and (vi) results of such analysis. Upon approval, the Reference Method 21 Calibration Form shall also be submitted to ADEM.
98. Within 30 days of the Effective Date of this CAFO, the Respondent shall submit to the EPA for approval, a sample Weekly Pump Inspection Log for the inspection of pumps. The sample Weekly Pump Inspection Log shall include the following information: (i) pump type, (ii) equipment identification number, (iii) pump location, (iv) indication of liquid dripping from the pump seal, (v) condition of the pump sensor, (vi) leak determination date, (vii) first attempt of repair, and (viii) repair completion date. Upon approval, the Weekly Pump Inspection Log shall also be submitted to ADEM.
99. Within 30 days of the Effective Date of this CAFO, the Respondent shall submit to the EPA for approval, a sample Tank Inspection Form for its Subpart CC Inspection and Monitoring Logs, in accordance with the requirements of ADEM Admin. Code r. 335-14-5-.29 [40 C.F.R. § 264.1089(b)(1)]. The sample form shall include the following information: (i) tank identification number, and (ii) the date the inspection was conducted. (iii) For each defect detected during the inspection, the Respondent shall record on the form: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event the repair of defect is delayed, the Respondent must record on the form the reason for the delay and the date the completion of the repair of the defect is expected. Upon approval, the Tank Inspection Form shall also be submitted to ADEM.

IX. SUPPLEMENTAL ENVIRONMENTAL PROJECT

100. In response to the alleged violations of RCRA and the AHWMMMA and in settlement of this matter, although not required by RCRA or any other federal, state, or local law, the Respondent agrees to implement a supplemental environmental project (SEP), as described in Appendix A.
101. The Respondent shall modify and replace its 40 C.F.R. 264, Subpart CC Level 1 control system on hazardous waste permitted Tanks 1-8, which may require a modification of the RCRA Permit. The SEP is more specifically described in Appendix A and incorporated herein by reference.
102. The Respondent shall spend no less than **SIX HUNDRED FORTY-ONE THOUSAND EIGHT HUNDRED THIRTY-ONE DOLLARS** [\$641,831.00] on implementing the SEP. The Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report. If the Respondent's implementation of the SEP as described in Appendix A does not expend the full amount set forth in this Paragraph, and if the EPA determines that the amount remaining reasonably could be applied toward the SEP, the Respondent will expend the remaining amount in a manner consistent with the SEP.

103. The Respondent shall complete the SEP within 20 months of the Effective Date of this CAFO.
104. The SEP is consistent with applicable the EPA policy and guidelines, specifically the EPA's 2015 *Update to the 1998 Supplemental Environmental Projects Policy* (March 10, 2015) (SEP Policy). The SEP advances at least one of the objectives of RCRA by reducing VOC emissions from the Respondent's Subpart CC Level 1 Tanks by installing additional emission control system technology. The SEP is not inconsistent with any provision of RCRA. The SEP relates to the alleged violations, and is designed to reduce:
- a. The likelihood that releases of hazardous waste will occur in the future by reducing the organic air emissions from the permitted tanks;
 - b. The adverse impact to public health and/or the environment to which the alleged violations could contribute, specifically by reducing emissions from the permitted tanks;
or
 - c. The overall risk to public health and/or the environment potentially affected by the alleged violations by reducing the release of hazardous waste, and/or hazardous waste constituents.
105. The Respondent certifies the truth and accuracy of each of the following:
- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that the Respondent in good faith estimates that the cost to implement the SEP is \$641,831.00;
 - b. That, as of the date of executing this CAFO, the Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
 - c. That the SEP is not a project that the Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
 - d. That the Respondent has not received and will not have received credit for the SEP in any other enforcement action;
 - e. That the Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
 - f. That for federal income tax purposes, the Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and

- g. That the Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Appendix A.
- 106. Any public statement, oral or written, in print, film, or other media, made by the Respondent or a representative of the Respondent making reference to the SEP under this CAFO from the date of its execution of this CAFO shall include the following language: “This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the federal laws.”
- 107. SEP Reports
 - a. The Respondent shall submit a SEP Completion Report to the EPA within 90 days following the completion of the SEP. The SEP Completion Report shall contain the following information, with supporting documentation:
 - i. A detailed description of the SEP as implemented;
 - ii. A description of any operating problems encountered and the solutions thereto;
 - iii. Itemized costs;
 - iv. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
 - v. A description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).
 - b. Periodic Reports. The Respondent shall submit additional reports as required by Appendix A to the EPA in accordance with the schedule and requirements recited therein.
 - c. The Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subparagraphs (a) and (b) above shall be deemed a violation of this CAFO and the Respondent shall become liable for stipulated penalties pursuant to Paragraph 109 below.
 - d. The Respondent shall submit all notices and reports required by this Section to Raj Aiyar at aiyar.raj@epa.gov, and F. Marshall Binford at binford.marshall@epa.gov. The EPA shall submit any notices required by this Section to Stephen P. Holt at sholt@gchi.com, and Elizabeth B. Partlow at beth@partlowlaw.com.
 - e. In itemizing its costs in the SEP Completion Report, the Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and

itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

108. EPA acceptance of SEP Report

- a. After receipt of the SEP Completion Report described in Paragraph 107 above, the EPA will, in writing to the Respondent, either:
 - i. Identify any deficiencies in the SEP Completion Report itself along with a grant of an additional 30 days for the Respondent to correct any deficiencies; or
 - ii. Indicate that the EPA concludes that the project has been completed satisfactorily; or
 - iii. Determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with Paragraph 109 herein.
- b. If the EPA elects to exercise option (i) above, i.e., if the SEP Completion Report is determined to be deficient but the EPA has not yet made a final determination about the adequacy of SEP completion itself, the Respondent may object in writing to the notification of deficiency given pursuant to this Paragraph within 10 days of receipt of such notification. The EPA and the Respondent shall have an additional 30 days from the receipt by the EPA of the notification of objection to reach agreement on changes necessary to the SEP Completion Report. If agreement cannot be reached on any such issue within this 30-day period, the EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to the Respondent, which decision shall be final and binding upon the Respondent, subject to the dispute resolution procedures set forth in Section X (Dispute Resolution) below.

109. Stipulated Penalties

- a. Except as provided in subparagraphs (b) and (c) below, if the Respondent fails to satisfactorily complete the requirements regarding the SEP specified in Appendix A by the deadline in Paragraph 103, the Respondent agrees to pay, in addition to the civil penalty in Paragraph 87, the following per day per violation stipulated penalty for each day the Respondent is late meeting the applicable SEP requirement:
 - i. \$250 per day for days 1-30
 - ii. \$300 per day for days 31 – 60
 - iii. \$500 per day after 60 days
- b. If the Respondent fails to timely submit any SEP reports, such as those referred to in Paragraph 107, in accordance with the timelines set forth in this CAFO, the Respondent

agrees to the following per day stipulated penalty for each day after the report was due until the Respondent submits the report in its entirety:

- i. \$100 per day for days 1-30
 - ii. \$150 per day for days 31 – 60
 - iii. \$300 per day after 60 days
- c. If the Respondent does not satisfactorily complete the SEP, including spending the minimum amount on the SEP set forth in Paragraph 102 above, the Respondent shall pay a stipulated penalty to the United States in the amount of **SEVEN HUNDRED AND SIX THOUSAND FORTY-ONE DOLLARS [\$706,041.00]**. “Satisfactory completion” of the SEP is defined as the Respondent spending no less than \$641,831.00 to design and install a system to reduce the emissions from the permitted tanks, no later than 20 months after the Effective Date of the CAFO. The determinations of whether the SEP has been satisfactorily completed shall be in the sole discretion of the EPA, subject to the dispute resolution procedures set forth in Section X (Dispute Resolution) below.
- d. The EPA retains the right to waive or reduce a stipulated penalty at its sole discretion.
- e. The Respondent shall pay stipulated penalties not more than 15 days after receipt of a written demand by the EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 88 above. Interest and late charges shall be paid as stated in Paragraph 91.

X. DISPUTE RESOLUTION

110. The Parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. The Parties agree the procedures contained in this Section are the sole procedures for resolving disputes arising under this CAFO.
111. If Respondent disagrees, in whole or in part, with any written decision (Initial Written Decision) by the EPA pursuant to Section IX (Supplemental Environmental Project), the Respondent shall notify the EPA of the dispute (Notice of Dispute) in writing within 14 days of the Respondent’s receipt of the Initial Written Decision. The Notice of Dispute shall be emailed to:

Raj Aiyar
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
aiyar.raj@epa.gov

Araceli B. Chavez, Chief
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
chavez.araceli@epa.gov

F. Marshall Binford
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 4
binford.marshall@epa.gov

112. The Respondent and the EPA shall attempt to resolve the dispute informally. The period for informal negotiations shall not exceed 21 days from the date of the Notice of Dispute, unless it is modified by written agreement of the Parties to the dispute (Negotiation Period). The EPA agrees to confer in person, by telephone, or by video conference to resolve any such disagreement with the Respondent as long as the Respondent's request for a conference will not extend the Negotiation Period. The Negotiation Period may be modified by written agreement of the Parties to the dispute.
113. If the Parties cannot resolve the dispute informally under the preceding Paragraph, then the position advanced by the EPA shall be considered binding unless, within 21 days after the conclusion of the informal Negotiation Period, the Respondent invokes the formal dispute resolution procedures by serving on the EPA at the addresses specified in Paragraph 111 above, and to the Director of the Enforcement and Compliance Assurance Division, EPA Region 4, a written Statement of Position on the matter in dispute, including, but not limited to, the specific points of the dispute, the position the Respondent claims should be adopted as consistent with the requirements of this CAFO, the basis for the Respondent's position, any factual data, analysis or opinion supporting that position and any supporting documentation relied upon by the Respondent. If the Respondent fails to follow any of the requirements contained in this Paragraph, then it shall have waived its right to further consideration of the disputed issue.
114. Within 14 days after receipt of the Respondent's Statement of Position, the EPA will serve on the Respondent and to the Director of the Enforcement and Compliance Assurance Division, EPA Region 4, its Statement of Position, including but not limited to any factual data, analysis or opinion supporting that position and any supporting documentation relied upon by the EPA.
115. Following receipt of both Statements of Position, the Director of the Enforcement and Compliance Assurance Division, EPA Region 4, will issue a final written decision resolving the dispute, which sets forth the basis for the EPA's decision. The Respondent agrees that such

decision shall not be appealed further and shall be incorporated into and become an enforceable element of this CAFO, once it is signed by the Respondent and approved by the Regional Judicial Officer in accordance with Paragraph 125.

116. During the pendency of the dispute resolution process, unless there has been a written modification by the EPA of a compliance date, or excusable delay as defined in Section XI (Force Majeure and Excusable Delay), the existence of a dispute as defined in this Section and the EPA's consideration of matters placed into dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to this CAFO which is not directly in dispute.

XI. FORCE MAJEURE AND EXCUSABLE DELAY

117. Force majeure, for purposes of this CAFO, is defined as any event arising from causes not reasonably foreseen and beyond the control of the Respondent or any person or entity controlled by the Respondent, including but not limited to the Respondent's contractors, that delays or prevents the timely performance of any obligation under this CAFO despite the Respondent's best efforts to fulfill such obligation. The requirement that the Respondent exercise "best efforts to fulfill such obligation" shall include, but not be limited to, best efforts to anticipate any potential force majeure event and address it before, during, and after its occurrence, such that any delay or prevention of performance is minimized to the greatest extent possible. Force majeure does not include increased costs of the work to be performed under this CAFO; financial inability to complete the work; minor precipitation events; or changed circumstances arising out of sale, lease, or transfer of the Respondent's interest in any and/or all portions of the Facility.
118. If any event occurs or has occurred that may delay the performance of any obligation under this CAFO, whether or not caused by a force majeure event, the Respondent shall contact by telephone and communicate orally with the EPA's Project Coordinator or, in his or her absence, his or her Section Chief or, in the event both of the EPA's designated representatives are unavailable, the Director of the Enforcement and Compliance Assurance Division, EPA Region 4, within 72 hours of when the Respondent first knew or should have known that the event might cause a delay. Within five (5) days thereafter, the Respondent shall provide to the EPA in writing the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; all other obligations affected by the force majeure event, and what measures, if any, taken or to be taken to minimize the effect of the event on those obligations; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the Respondent's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of the Respondent, such event may cause or contribute to an endangerment to public health, welfare or the environment. The Respondent shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude the Respondent from asserting any claim of force

majeure for that event, unless such failure is waived by the EPA at its discretion. The Respondent shall be deemed to have notice of any circumstances of which its contractors had or should have had notice. If the EPA determines that the delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this CAFO that is affected by the force majeure event will be extended by the EPA for such time as the EPA determines is necessary to complete such obligation. An extension of the time for performance of such obligation affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation, unless the Respondent can demonstrate that more than one obligation was affected by the force majeure event. If the EPA determines that the delay or anticipated delay has been or will be caused by a force majeure event, the EPA will notify the Respondent in writing of the length of the extension, if any, for performance of such obligations affected by the force majeure event.

119. If the EPA disagrees with the Respondent's assertion of a force majeure event, the Respondent may elect to invoke the dispute resolution provision, and shall follow the time frames set forth in Section X (Dispute Resolution). In any such proceeding, the Respondent shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that the Respondent complied with the requirements of this Section. If the Respondent satisfies this burden, the time for performance of such obligation will be extended by the EPA for such time as is necessary to complete such obligation.

XII. EFFECT OF CAFO

120. In accordance with 40 C.F.R. § 22.18(c), the Respondent's full compliance with this CAFO shall only resolve the Respondent's liability for federal civil penalties and injunctive relief for the violations and facts specifically alleged above.
121. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), completion of the SEP as provided in Section IX (Supplemental Environmental Project), and completion of the work to be performed in Section VIII (Work to be Performed) shall satisfy the requirements of this CAFO; but, shall not in any case affect the right of the EPA or the United States to pursue other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
122. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
123. Nothing in this CAFO shall relieve the Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be

construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

124. Nothing herein shall be construed to limit the power of the EPA to undertake any action against the Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
125. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer, except that the Regional Judicial Officer need not approve written agreements between the Parties modifying the compliance schedules described in Section IX (Supplemental Environmental Project) or Appendix A. The Director of the Enforcement and Compliance Assurance Division shall have the authority to extend the deadlines in Section IX (Supplemental Environmental Project) and Appendix A.
126. The provisions of this CAFO shall apply to and be binding upon the Respondent and its successors and assigns. The Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.
127. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter the Respondent's obligations and responsibilities under this CAFO.
128. By signing this Consent Agreement, the Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
129. By signing this Consent Agreement, the Complainant and the undersigned representative of the Respondent each certify that one is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party one represents to this CAFO.
130. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
131. By signing this Consent Agreement, the Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. The Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

132. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by the Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give the Respondent notice of its intent to revoke, which shall not be effective until received by the Respondent in writing.
133. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
134. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO 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 CAFO shall remain in force and shall not be affected thereby.
135. 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), and 26 C.F.R. § 1.162-21(b)(2), performance of Section VIII (Work to be Performed), is restitution, remediation, or required to come into compliance with law.

XIII. EFFECTIVE DATE

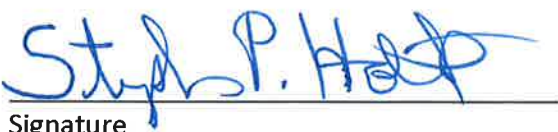
136. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of ***Giant Resource Recovery-Attalla, Inc.***, Docket No. **RCRA-04-2024-4010(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:


Signature

September 23, 2024
Date

Printed Name: Stephen P. Holt

Title: Executive Vice President

Address: 654 Judge Street, Harleyville, S.C. 29448

The foregoing Consent Agreement In the Matter of ***Giant Resource Recovery – Attalla, Inc.***, Docket No. **RCRA-04-2024-4010(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Giant Resource Recovery–Attalla, Inc.
1229 Valley Drive Attalla, Alabama 35954
EPA ID No.: **ALD070513767**

Respondent.

Docket No. **RCRA-04-2024-4010(b)**

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

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and the Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, 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 Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of ***Giant Resource Recovery – Attalla, Inc.***, Docket No. **RCRA-04-2024-4010(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

Via email to all Parties at the following email addresses:

To the Respondent: Elizabeth B. Partlow
Law Offices of Elizabeth B. Partlow, LLC
Post Office Box 2444
Columbia, South Carolina 29202
beth@partlowlaw.com
(803) 814-0868

To the EPA: Raj Aiyar
Environmental Engineer
aiyar.raj@epa.gov
(404) 562-8993

F. Marshall Binford
Associate Regional Counsel
binford.marshall@epa.gov
(404) 562-9543

Regional Hearing Clerk
R4_REGIONAL_HEARING_CLERK@EPA.GOV

APPENDIX A



Giant Resource Recovery – Attalla, Inc.
Proposed Supplemental Environmental Project

Submitted to:
United States Environmental Protection Agency, Region
IV Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Submitted by:
Giant Resource Recovery – Attalla, Inc.
EPA ID #: ALD070513767
1229 Valley Drive
Attalla, Alabama 35954

November 2023

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1.0 INTRODUCTION

Giant Resource Recovery – Attalla, Inc. (GRR) is a permitted treatment, storage, and disposal facility (TSDF), a large quantity generator (LQG) of hazardous waste, a large quantity handler of universal waste, and a used oil generator. GRR processes industrial wastes including paints, thinners, waste petroleum products, aerosol products, organic chemicals, and contaminated material among other wastes. GRR receives wastes in bulk tanker trucks, rail cars, and containers. GRR has the ability to consolidate and blend hazardous waste in tanks and containers. Blended wastes are shipped off-site to facilities permitted to accept this waste. Some of the waste received at GRR is stored for a time and sent to another facility for treatment, storage, or disposal. Most, but not all, of the wastes managed at GRR are wastes designated as characteristic or listed as hazardous waste by the EPA and the State of Alabama. GRR also receives used oil and non-hazardous waste. The site is separated into three areas. The container and tank blending and processing areas (chemical plant), the aerosol can processing area, and the drum furnace area. ADEM's Hazardous Waste Permit Number ALD 070 513 767 was issued on August 29, 2017 and expires on August 28, 2027.

This Supplemental Environmental Project is proposed as part of the resolution of EPA's Opportunity to Show Cause letter dated October 27, 2021, and received by GRR on October 28, 2021.

2.0 SUPPLEMENTAL ENVIRONMENTAL PROJECT

The proposed SEP meets the requirements set forth in EPA's Supplemental Environmental Projects Policy.¹

The purpose of this SEP is to reduce VOC emissions from certain tanks at GRR's facility in Attalla, Alabama. Reductions will be made through modifications and replacement of the existing Subpart CC Level 1 control system on hazardous waste permitted tank numbers one through eight (1-8). Estimated cost of the SEP is \$641,831. See Table 1 for details. Environmental benefits include (1) a reduction in annual volatile organic compound (VOC) (primarily hazardous air pollutant (HAP)) emissions, and (2) a reduction in the likelihood of Subpart CC violations.

Tanks 1-8 operate with Level 1 controls and are equipped with a fixed roof. The tanks' closure devices form a continuous barrier and vent directly to the atmosphere in accordance with Subpart CC. Level 1 controls offer approximately six percent (6%) overall control of annual VOCs and HAPs when operating in full compliance with the regulatory requirements found at 40 CFR §264.1080. This SEP will replace the existing Level 1 control devices with new Level 1 control devices bolted on to flanged piping and vented to two carbon canisters in series. The new system will control 90% of VOC/HAPs for an increase in control of 1500%.

The SEP includes the following equipment and design:

¹ <https://www.epa.gov/enforcement/2015-update-1998-us-epa-supplemental-environmental-projects-policy> (last accessed November 20, 2023).

- Engineering evaluation of the Level 1 controls to confirm specifications meet Subpart CC, NFPA 30, and API 2000 minimum requirements (e.g., sizing, pressure settings)
- Engineering design and Level 1 equipment with flanged fittings
- Engineering piping, placement and identification design (P&ID) with associated safety devices, flame arrestors, back flow prevention, and nitrogen purge
- Engineering design and sizing of carbon system that will achieve 90% (minimum) overall reduction in VOCs and HAPs
- Structural support for the new piping and equipment
- Schedule of materials
- Permitting costs
- Labor, installation, and employee training

2.1 Category of SEP

The hazardous waste fuel storage tanks vent to the atmosphere during normal operations in accordance with Subpart CC, Level 1 controls. This SEP fits into the category of Pollution Reduction. GRR plans to accomplish this action by installing an emissions control system technology to further minimize its tank air emissions released into the environment beyond the level required by regulations.

2.2 Benefits of SEP

The proposed SEP will effectively achieve and promote several of EPA's overarching goals. The SEP will result in a reduction in discharge of pollutants to the environment by reducing the VOC emissions from the tanks to the air by 90%. Additionally, the SEP will improve compliance by installing bolted flanged piping and valves connected to the carbon absorption system to help reduce defects found during annual Subpart CC inspections.

3.0 LEGAL GUIDELINES

GRR's SEP satisfies all SEP legal guidelines. There is a sufficient and direct nexus between the alleged Subpart CC violations and the proposed carbon adsorption system project. The project will reduce the likelihood of similar alleged violations in the future while minimizing adverse impacts and overall risks.

GRR acknowledges that the EPA may perform oversight to ensure that the project is implemented pursuant to the provisions of the settlement. GRR retains the right to select the organization or contractor to design and install the carbon adsorption system.

GRR has performed a reasonable inquiry to ensure that the SEP does not inadvertently augment federal appropriations and will execute the appropriate certification in the settlement agreement. GRR will also comply with the SEP certification requirements of the SEP Policy (Policy ¶ X.B.).

4.0 SCHEDULE

GRR has prepared the following schedule to describe the schedule for completing the SEP. This schedule is GRR's best estimate to date based on received cost estimates and knowledge.

First, GRR will issue a purchase order number to the selected, qualified engineering firm within 60 days following execution of the settlement agreement. GRR estimates that it will take 4-6 months to complete the engineering design phase by a qualified engineering firm. Upon completion of the design phase, GRR will submit an updated schedule to EPA in a quarterly progress report as detailed in Section 5.1.

Next, GRR will provide a copy of the design specifications to the third-party vendor and qualified installation personnel. GRR will verify equipment component pricing with a third-party vendor and begin acquiring the equipment components based on design specifications. Additionally, GRR will obtain all necessary permits for the construction and operation of the carbon absorption system in accordance with applicable regulations. GRR will work with ADEM to submit complete applications to obtain any necessary permits, but the timing of issuance of the permits is beyond GRR's control.

After receiving all of the necessary permits then GRR will initiate the SEP. Accordingly, upon receipt of all equipment components, GRR will begin planning and implementing the installation phase with qualified installation personnel. GRR will provide an updated schedule to the EPA in its quarterly progress report regarding the anticipated mobilization date to commence construction of the carbon adsorption system.

GRR expects that construction of the carbon adsorption system may be phased to minimize operational disruption. For example, GRR may individually connect tanks to the carbon filter system (e.g., tank 1 is successfully connected and vents to the new carbon system, then tank 2 is connected, etc.) However, GRR is not precluded from utilizing the carbon adsorption system and its tanks during installation using its existing Level 1 controls. Prior to startup, GRR will develop a Carbon System Plan to document its breakthrough monitoring, carbon replacement, maintenance, repair, and operating plan for the carbon absorption system. As GRR anticipates that the system may be utilized prior to completion, GRR intends to operate it in compliance with its permits.

Once installation is complete, the entire system will be fully inspected and verified by an Alabama licensed Professional Engineer (PE). The PE will produce a construction completion certification for GRR to submit as part of its SEP Completion Report.

Table 2 contains the approximate schedule with milestones.

4.1 Quarterly Progress Reports

GRR will prepare and submit SEP quarterly progress reports to EPA by the 15th day following the end of the quarter, until submission of the SEP Completion Report. The quarterly progress report

will provide a summary of events that occurred in the quarter, summary of activities to be performed during the next quarter, an update to Table 2, and an update to Table 1.

4.2 SEP Completion Report

GRR will submit a final SEP completion report to EPA within 90 days following the completion of the construction certification report from the Alabama licensed PE. However, GRR is not precluded from utilizing the carbon adsorption system and its tanks during installation. The SEP Completion Report will be certified by an appropriate corporate official acceptable to the EPA. At a minimum, the report will provide evidence of SEP completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from SEP recipients, etc.) and document all SEP expenditures.

5.0 CONCLUSION

The proposed SEP meets the requirements set forth by the EPA's Supplemental Environmental Projects Policy. The proposed SEP is an environmentally beneficial project which GRR agrees to undertake in settlement of an enforcement action but is not otherwise legally obligated to perform. This proposed SEP will reduce VOC emissions by 90% and reduce likelihood of future alleged Subpart CC violations.

**Giant Resource Recovery – Attalla, Inc.
Proposed Supplemental Environmental Project**

**TABLE 1
ESTIMATED COSTS**

**Giant Resource Recovery – Attalla, Inc. (GRR)
Proposed Supplement Environmental Project (SEP)**

Table 1: SEP Estimated Costs

<i>CAPITAL EQUIPMENT COST</i> ^[1]	Number	Cost Per Unit	Total Cost	Factor ^[2]
Emergency Vent Tanks 1,2,3, 8 - 8"	4	\$ 6,553	\$ 26,213	
Pressure Relief & Vacuum Breaker Tanks 1,2,3,8 - 2"	4	\$ 3,379	\$ 13,515	
In-Line Flame Arrester Tanks 1,2,3,8 - 2"	4	\$ 3,762	\$ 15,046	
Emergency Vent Tanks 4,5,6,7 - 10"	4	\$ 6,347	\$ 25,387	
Pressure Relief & Vacuum Breaker Tanks 4,5,6,7 - 2"	4	\$ 3,379	\$ 13,515	
In-Line Flame Arrester Tanks 4,5,6,7- 2"	4	\$ 3,762	\$ 15,046	
8" Bi-Directional DA for Group D Vapors	2	\$ 50,182	\$ 100,363	
2" Bi-Directional DA for Group D Vapors	1	\$ 8,508	\$ 8,508	
Carbon Absorption System ^[3]	3	\$ 26,494	\$ 79,482	
TOTAL CAPITAL EQUIPMENT COSTS			\$ 297,075	
<i>INSTALLATION COSTS</i> ^[1]				
Structural			\$ 14,854	0.05
Erection			\$ 29,708	0.1
Piping			\$ 35,649	0.12
Instrumentation			\$ 5,942	0.02
Electrical			\$ 5,942	0.02
Painting			\$ 8,912	0.03
Testing/Start-Up			\$ 8,912	0.03
Retraining			\$ 14,854	0.05
TOTAL INSTALLATION COSTS			\$ 124,772	
<i>ASSOCIATED COSTS</i> ^[1]				
Estimated Engineering Services	1	\$ 62,290	\$ 62,290	
Contractor Fees			\$ 29,708	0.1
Freight			\$ 8,912	0.03
Taxes			\$ 17,825	0.06
Annual Variable Cost ^[3]	3	\$ 23,750	\$ 71,250	
Permitting Cost ^[3]	2	\$ 15,000	\$ 30,000	
TOTAL ASSOCIATED COSTS			\$ 219,984	
			TOTAL: \$ 641,831	

Notes:

^[1] GRR has engaged with third party vendors to obtain Capital Equipment Cost; however, prices may change based on Engineering Design finalization. Some prices are estimated based on factors as discussed in footnote 2.

^[2] Factor generated from Perry Chemical Engineering Handbook, Sixth Edition Fixed-Capital estimation, Chapter 25, pg. 64, Table 25-52, adjusted based on site specific professional engineering judgment. Factors are multiplied by the Capital Equipment Cost where no pricing has been provided.

^[3] Estimate based on GRR experience.

**Giant Resource Recovery – Attalla, Inc.
Proposed Supplemental Environmental Project**

**TABLE 2
ESTIMATED PROJECT SCHEDULE**

Table 2
Estimated Project Schedule
Giant Resource Recovery - Attalla, Inc.
EPA ID No. ALD070513767

Work Task No.	Milestone/Event ^[1]	Estimated Duration ^[2] (working days)	Estimated Completion Date ^[2]	Time (no unit)												
				1	2	3	4	5	6	7	8	9	10	11	12	
1	Select and Issue PO# Qualified Engineering Firm	60	(* + 60)													
2	Engineering Design Phase Led By Qualified Engineering Firm	120	(* + 60) + 120													
3	Third-Party Vendor and Qualified Installation Personnel Review Final Engineering Design and Confirm Pricing	30	(* + 180) + 30													
4	Obtain All Necessary Permits ^[3]	30	(* + 180) + 30													
5	Develop Carbon System Plan	30	(* + 180) + 30													
6	Order and Receive Equipment	80	(* + 210) + 80													
7	Construction and Installation by Qualified Installation Personnel	180	(* + 290) + 180													
8	Construction Complete ^[4]	1	(* + 470) + 1													
9	Start up/Shake down of Carbon Adsorption System	30	(* + 471) + 30													
10	Construction Completion Inspection and Certification by P.E.	15	(* + 501) + 15													
11	Operation of Carbon Adsorption System ^[3]	1	(* + 516) + 1													
12	Preparation and Submittal of SEP Completion Report	90	(* + 517) + 90													

Notes: ^[1] These tasks will be commenced after GRR has received EPA approval of the Proposed Supplemental Environmental Project (SEP) detailed in the November 20, 2023 submittal.
^[2] These dates are estimates, not final, and are subject to revision and change. Blank cells indicate that no estimated duration or due date is known at this time. An updated schedule will be submitted to EPA in quarterly progress reports.
^[3] Time to obtain the necessary permits is beyond GRR's control once complete applications have been accepted.
^[4] GRR expects that construction of the carbon adsorption system may be phased to minimize operational disruption. For example, GRR may individually connect tanks to the carbon filter system (e.g., tank 1 is successfully connected and vents to the new carbon system, then tank 2 is connected, etc.) However, GRR is not precluded from utilizing the carbon adsorption system and its tanks during installation using its existing Level 1 controls.