



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 06 2016

**Via Electronic Mail**

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

Re: Consent Agreement and Final Order - Docket No. RCRA-04-2017-4000(b)  
Luxapalila Valley Railroad, Inc.  
Columbus, Mississippi

Dear Ms. Dickerson:

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

In addition, enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document Luxapalila Valley Railroad, Inc. on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U.S. Environmental Protection Agency, Region 4. Where used in the document, "SEC" refers to the Securities and Exchange Commission.

If you have any questions, please feel free to contact Javier E. García, of my staff, at (404) 562-8616.

Sincerely,

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

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

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2017-4000 <b>(b)</b>
	)	
Luxapalila Valley Railroad, Inc.	)	
201 North 19th Street	)	
Columbus, Mississippi 39701	)	Proceeding Under Section 3008(a) of the
	)	Resource Conservation and Recovery Act,
EPA ID No.: MSR 000 103 739	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
<hr/>		

HEARING CLERK  
2016 DEC - 6 PM 2:19  
USEPA REGION 4  
OFFICE OF REGIONAL  
COUNSEL

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of Section 17-17-1 *et seq.* of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the Mississippi Hazardous Waste Management Regulations (MHWMR) promulgated pursuant thereto and set forth at 11 Miss. Admin. Code Pt. 3, Rules 1.1 through 1.24 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, and 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925] and 11 Miss. Admin. Code Pt. 3, Rule 1.5 [40 C.F.R. Part 263].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

## II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Luxapalila Valley Railroad, Inc., a for profit corporation incorporated under the laws of the State of Mississippi. Respondent operates a business located at 201 North 19th Street, Columbus, Mississippi (Facility).

## III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Mississippi (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized state program are found at Miss. Code Ann. §§ 17-17-1 *et seq.* and 11 Miss. Admin. Code Pt. 3, Rules 1.1 through 1.24.
7. Pursuant to Section 3008(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. Mississippi has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 17-17-27(1)(c) of the Mississippi Code, Miss. Code Ann. § 17-17-27(1)(c) [Section 3003(a) of RCRA, 42 U.S.C. § 6923(a)], requires the promulgation of standards applicable to transporters of hazardous waste. The implementing regulations for these standards are found at 11 Miss. Admin. Code Pt. 3, Rule 1.5 [40 C.F.R. Part 263].
12. Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [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 11 Miss. Admin. Code Pt. 3, Rules 1.16, 1.7, and 1.11 [40 C.F.R. Parts 270, 264, and 265].

13. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations.
14. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. § 261.4(b)].
15. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.2 [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 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. Part 261, Subpart D].
16. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.2 [40 C.F.R. § 261.32], emission control dust/sludge from the primary production of steel in electric furnaces is a listed hazardous waste K061.
17. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], a “container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
18. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], a “facility” includes all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
19. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], an “owner” means the person who owns a facility or part of a facility and an “operator” means the person responsible for the overall operation of a facility.
20. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], a “person” includes an individual, trust, firm, joint stock company, Federal Agency, corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.
21. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
22. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], a “transfer facility” is any transportation-related facility, including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.
23. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10], a “transporter” is defined as a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.
24. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.5 [40 C.F.R. § 263.10], the regulations in 11 Miss. Admin. Code Pt. 3, Rule 1.5 [40 C.F.R. Part 263] apply to persons transporting hazardous

waste within the United States if the transportation requires a manifest under 11 Miss. Admin. Code Pt. 3, Rule 1.3 [40 C.F.R. Part 262].

25. Pursuant to 11 Miss. Admin. Code Pt. 3, Rule 1.5 [40 C.F.R. § 263.12], a transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 11 Miss. Admin. Code Pt. 3, Rule 1.3 [40 C.F.R. § 262.30] at a transfer facility for a period of ten days or less is not subject to regulation under 11 Miss. Admin. Code Pt. 3, Rules 1.16, 1.7, 1.11, 1.14, and 1.15 [40 C.F.R. Parts 270, 264, 265, 267, and 268] with respect to the storage of those wastes.

#### **IV. EPA ALLEGATIONS AND DETERMINATIONS**

26. Respondent is a “person” as defined in 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10].
27. Respondent is the “owner and operator” of a “transfer facility” located at 201 North 19th Street, Columbus, Mississippi, as those terms are defined in 11 Miss. Admin. Code Pt. 3, Rule 1.1 [40 C.F.R. § 260.10].
28. Respondent is a “transporter” of “hazardous waste” as those terms are defined in 11 Miss. Admin. Code Pt. 3, Rules 1.1 and 1.2 [40 C.F.R. §§ 260.10 and 261.3].
29. On September 5, 2007, Respondent notified the Mississippi Department of Environmental Quality (MDEQ) as a hazardous waste transporter of K061, a listed hazardous waste.
30. On December 24, 2015, the EPA issued Respondent an information request letter pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. In the letter, the EPA asked for Respondent’s records related to the management of railcars that contain K061.
31. After reviewing Respondent’s response to the EPA’s 3007 information request letter, the EPA determined that, on several occasions, Respondent stored manifested railcars that contained hazardous wastes (K061) for longer than ten days at the Facility.
32. The EPA therefore alleges that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste for greater than 10 days without a permit or interim status.

#### **V. TERMS OF AGREEMENT**

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

33. For the purposes of this CA/FO, Respondent admits only the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
34. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.

35. With respect to issuance or enforcement of this CA/FO, Respondent waives any right to contest the allegations, and its right to appeal the proposed Final Order accompanying the Consent Agreement.
36. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
37. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
38. With respect to issuance or enforcement of this CA/FO, Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
39. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
40. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
41. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts and determinations stipulated to in this CA/FO.
42. Each party will pay its own costs and attorneys' fees.

## **VI. PAYMENT OF CIVIL PENALTY**

43. Respondent consents to the payment of a civil penalty in the amount of ONE HUNDRED AND SIX THOUSAND AND ONE HUNDRED DOLLARS (\$106,100.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
44. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency  
**Fines and Penalties**  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

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

If paying by ACH, Respondent shall remit payment to:

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

45. Respondent shall submit a copy of the payment to the following addresses:

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

And to:

Larry L. Lamberth, Chief  
South Section, RCRA & OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

46. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
  - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
  - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
47. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

## VII. PARTIES BOUND

48. This CA/FO shall be binding on the EPA and Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
49. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
50. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

## VIII. RESERVATION OF RIGHTS

51. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or



hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.

52. Complainant reserves the right to take enforcement action against Respondent for any future actions not addressed in this CA/FO that violate RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
53. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

#### **IX. OTHER APPLICABLE LAWS**

54. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

#### **X. SERVICE OF DOCUMENTS**

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

Joan Redleaf Durbin  
Associate Regional Counsel  
Office of RCRA/CERCLA Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9544  
[redleaf-durbin.joan@epa.gov](mailto:redleaf-durbin.joan@epa.gov)

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

Brooke Frankel Dickerson  
Arnall Golden Gregory LLP  
171 17<sup>th</sup> Street NW, Suite 2100  
Atlanta, GA 30363  
(404) 873-8632  
[brooke.dickerson@agg.com](mailto:brooke.dickerson@agg.com)

**XI. SEVERABILITY**

57. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.


**XII. EFFECTIVE DATE**

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

*In the matter of Luxapalila Valley Railroad, Inc., Docket No. RCRA-04-2017-4000(b)*

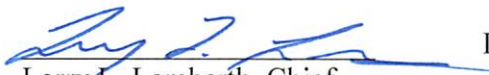
**AGREED AND CONSENTED TO:**

**Luxapalila Valley Railroad, Inc.**

By:   
Luxapalila Valley Railroad, Inc.

Dated: 12/1/16

**United States Environmental Protection Agency**

By:   
Larry L. Lamberth, Chief  
Enforcement and Compliance Branch  
RCR Division  
EPA, Region 4

Dated: 12/5/16

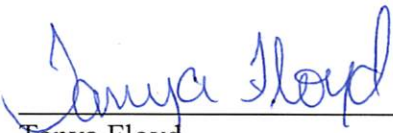
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2017-4000(b)
	)	
Luxapalila Valley Railroad, Inc.	)	
201 North 19th Street	)	
Columbus, Mississippi 39701	)	Proceeding Under Section 3008(a) of the
	)	Resource Conservation and Recovery Act,
EPA ID No.: MSR 000 103 739	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**BEING AGREED, IT IS SO ORDERED** this 6<sup>th</sup> day of December, 2016.

BY:   
Tanya Floyd  
Regional Judicial Officer  
EPA Region 4

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Luxapalila Valley Railroad, Inc., Docket Number: RCRA-04-2017-4000(b), and have served the parties listed below in the manner indicated:

Joan Redleaf Durbin (Via EPA's electronic mail)  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Quantindra Smith (Via EPA's electronic mail)  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

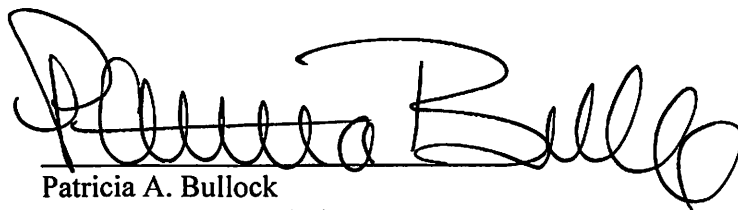
Javier García (Via EPA's electronic mail)  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Brooke Frankel Dickerson  
Arnall Golden Gregory LLP  
171 17th Street NW, Suite 2100  
Atlanta, GA 30363  
(404) 873-8632  
brooke.dickerson@agg.com (Via Certified Mail - Return Receipt Requested)

Catherine A. Pushchak (Via Certified Mail – Return Receipt Requested)  
Corporate Counsel  
Genesee & Wyoming Railroad Services, Inc.  
20 West Avenue  
Darien, CT 06820

Art Rowland (Via Certified Mail - Return Receipt Requested)  
Plant Manager  
Steel Dust Recycling, LLC  
PO Box 819  
Millport, AL 35576

Date: 12-6-16

A handwritten signature in black ink, appearing to read "Patricia Bullock". The signature is written in a cursive style with a large, sweeping initial "P".

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