



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

JUL 22 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Mowry, Esq.
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30303

Re: Consent Agreement and Final Order
In the Matter of YKK (U.S.A) Inc.
Docket No. RCRA-04-2009-4256(b)

Dear Mr. Mowry:

Enclosed, is a copy of the ratified Consent Agreement and Final Order (CA/FO) in the above-referenced matter that has been filed with the Regional Hearing Clerk and served as required in the Consolidated Rules of Practice, 40 C.F.R. § 22.6. Please make note of the provisions in Section VI of the CA/FO, with respect to payment of the assessed penalty, which is due within 30 days from the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Also, enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities Exchange Commission (SEC) any environmental actions taken by EPA.

Should you have any questions, please do not hesitate to call me at (404) 562-9536.

Sincerely,

A handwritten signature in black ink that reads "Marlene J. Tucker".

Marlene J. Tucker
Associate Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2009-4256(b)
)	
YKK (U.S.A.) Inc.)	Proceeding under Section 3008(a)
1500 Chestney Road)	of the Resource Conservation and
Macon, Georgia 31217)	Recovery Act, 42 U.S.C. § 6928(a)
EPA ID No.: GAD 069 199 628)	
)	
4234 Ocmulgee East Boulevard)	
Macon, Georgia 31217)	
EPA ID No.: GAD 001 792 936)	
)	
Respondent.)	
)	

2009 JUL 22 AM 6:23
HEARING CLERK
EPA REGION 4

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). This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (CFR), Parts 260 through 270; and the Georgia Hazardous Waste Management Act (GHWMA), § 12-8-60 through § 12-8-83 of the Official Code of Georgia Annotated (OCGA) and regulations promulgated pursuant thereto, and set forth in the Georgia Hazardous Waste Management Rules (GHWMR) at Chapter 391-3-11.
2. *The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 CFR 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 CFR §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 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 CFR § 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.

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2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 CFR 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 CFR §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 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 CFR § 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 & OPA Enforcement & Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).
5. Respondent is YKK (U.S.A.) Inc., (hereinafter, "YKK" or "Respondent"), a corporation incorporated in the state of New York and doing business in the State of Georgia.
6. Respondent is a manufacturer of zippers and owns, and operates facilities located at: Ocmulgee Park, 4234 Ocmulgee East Boulevard, Macon, Georgia 31217 (Ocmulgee Park facility), and 1500 Chestney Road, Macon, Georgia 31217 (Chestney Site facility).

III. PRELIMINARY STATEMENTS

7. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on August 21, 1984, the State of Georgia (the State) received final authorization from EPA to carry out certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in the GHWMA, § 12-8-60 through § 12-8-83, and regulations set forth at Chapter 391-3-11 of the GHWMR. For purposes of this CA/FO, citations herein to the requirements of RCRA shall constitute a citation to the equivalent requirements of the GHWMA and citations herein to the requirements of 40 CFR Parts 124, and 260 through 268, and Part 270 shall constitute a citation to the equivalent requirements of the GHWMR. The use of the CFR citations is also appropriate since the GHWMR incorporated by reference the requirements of 40 CFR Parts 124, 260 through 268, and Part 270.
8. Although EPA has granted the State authority to enforce its own hazardous waste program, 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). EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and the State.
9. 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.
10. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 CFR § 260.10 and Chapter 391-3-11-.02 of GHWMR.
11. Respondent is the "owner" and "operator" of the Ocmulgee Park and Chestney Site "facilities," as those terms are defined in 40 CFR § 260.10 and Chapter 391-3-11-.02 of the GHWMR.
12. Respondent's Ocmulgee Park facility is designated as a "Large Quantity Generator" because pursuant to 40 CFR §§ 261.5 and 262.34(g), and GHWMA § 12-8-62(15), the facility generates 1,000 kilograms or greater of hazardous waste per calendar month.

13. At the time of the compliance evaluation inspection (CEI) Respondent's Chestney Site facility was designated as a "Small Quantity Generator" because pursuant to 40 CFR § 262.34(d) and GHWMA § 12-8-92(13), the facility generated more than 100 kilograms but less than 1,000 kilograms of hazardous waste per calendar month.
14. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a) and GHWMA § 12-8-66 authorizes the regulation of facilities that generate hazardous waste. The implementing regulations for these requirements are found in 40 CFR Part 262 and Chapter 391-3-11-.08 of the GHWMR.
15. Section 3005 of RCRA, 42 U.S.C. § 6925, and GHWMA § 12-8-66 set forth the requirement for having interim status or a permit for the treatment, storage or disposal of hazardous waste. The implementing regulations for this requirement are found in 40 CFR Parts 124 and 270, and Chapter 391-3-11-.11 of the GHWMR.
16. Pursuant to 40 CFR § 261.2 and Chapter 391-3-11 of the GHWMR, a "solid waste" is any discarded material that is not otherwise excluded by regulation.
17. Pursuant to 40 CFR § 261.3 and Chapter 391-3-11 of the GHWMR, a solid waste is a "hazardous waste" if it meets any of the criteria set out in this section and is not excluded from regulation as a hazardous waste under 40 CFR § 261.4(b) and Chapter 391-3-11 of the GHWMR.
18. Pursuant to 40 CFR § 260.10 and Chapter 391-3-11-.02 of the GHWMR, a "generator" is any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261, or whose act first causes a hazardous waste to be subject to regulation.
19. Pursuant to 40 CFR § 262.11 and Chapter 391-3-11-.08 of the GHWMR, a person who generates a solid waste must determine if that waste is a hazardous waste.
20. Pursuant to 40 CFR § 262.34(a) (2) and (3), and Chapter 391-3-11-.08 of the GHWMR, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided, among other things, the accumulation start date and the words "Hazardous Waste" are marked on the containers.
21. Pursuant to 40 CFR §§ 262.34(d)(2) and 265.174, and Chapter 391-3-11-.08 of the GHWMR, a generator who generates greater than 100 kilograms but less than 1000 kilograms in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or interim status provided, among other things, the generator does weekly inspections of container storage areas for leaks and deterioration.
22. Pursuant to 40 CFR § 279.22(c)(1) and Chapter 391-3-11-.17 of the GHWMR, a generator of used oil is required to store used oil in containers that are labeled or marked clearly with the words "Used Oil."
23. Pursuant to 40 CFR §§ 273.30 and 273.38(a), and Chapter 391-3-11-.18 of the GHWMR, a large quantity handler of universal waste must send or take universal waste to a designated

universal waste handler or a destination facility as defined in 40 CFR § 273.9 and Chapter 391-3-11-.18 of the GHWMA.

24. Pursuant to 40 CFR §§ 262.23 and 262.40, and GHWMA § 12-8-67, a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a manifest(s) in accordance with the requirements set forth at 40 CFR § 262.20.
25. Pursuant to 40 CFR § 262.42(a)(1) and (2), and Chapter 391-3-11-.08 of the GHWMR, a generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an exception report(s) to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest within 45 days of the date the waste was accepted by the transporter.
26. Pursuant to 40 CFR §§ 262.40, 262.41, 262.42, 268.7(a), 265.16 and 265.53 and Chapter 391-3-11-.08.,16, and .10 of the GHWMR, a generator must maintain a copy of each manifest, biennial report, land disposal restriction certification, training record, contingency plan, and hazardous waste storage area inspection report at its facility for at least three years.

IV. EPA ALLEGATIONS

27. Respondent is a generator of hazardous wastes at its Ocmulgee Park and Chestney Site facilities.
28. On May 29, 2008, the Georgia Environmental Protection Division (GAEPD) inspected an EZ Emission facility in Rex, Georgia, after receiving a complaint from the owner about unknown containers that were discovered at the EZ Emission facility. During the inspection, GAEPD discovered approximately nine containers marked "Hazardous Waste" and affixed with Respondent's shipping labels. GAEPD further discovered that the containers had been placed at this location by Simple Solutions, a hazardous waste management vendor that Respondent had utilized. Respondent subsequently arranged for these containers to be removed to a properly-permitted disposal facility.
29. As part of GAEPD's investigation concerning Respondent's discovered wastes above-referenced in paragraph 28, on June 12, 2008, GAEPD inspected a private residence in Albany, Georgia owned by Rob Lewis, principal of Simple Solutions, and discovered approximately seven containers affixed with Respondent's shipping labels. This residential location was also Simple Solutions' business address supplied to GAEPD. In December 2007, GAEPD inspected this location and observed a number of drums.
30. On August 6, 2008, representatives of EPA and GAEPD conducted a RCRA compliance evaluation inspection (CEI) of Respondent's Ocmulgee Park and Chestney Site facilities to determine Respondent's compliance status and to investigate the circumstances that resulted in the abandonment of Respondent's wastes referenced in paragraphs 28 and 29.

31. Based on the discovery of Respondent's wastes at the locations identified above in paragraphs 28, and 29, and the CEI, on February 4, 2009, EPA issued a Notice of Violation to Respondent identifying alleged violations of RCRA.
32. During the CEI, EPA and GAEPD observed the below referenced conditions relating to storage, labeling, marking, inspection and recordkeeping. The Respondent also allegedly failed to properly mark containers with the words "Used Oil," and arranged to transport shipments of universal waste to a permitted solid waste facility that was a universal waste transfer facility but not a designated universal waste handler or a destination facility.
33. On February 26, 2009, Respondent informed EPA and GAEPD that additional containers of wastes affixed with YKK's shipping labels were discovered to have been stored by Simple Solutions at a self-storage facility in Macon, Georgia, that had been rented by Simple Solutions' principal, Rob Lewis.
34. On February 27, 2009, EPA inspected the self-storage facility referenced in paragraph 33, and confirmed that approximately 57 containers of Respondent's wastes were left in storage. YKK subsequently arranged for these containers to be removed to a properly-permitted location pending further investigation.
35. On March 11, 2009, EPA held a show cause meeting with Respondent to discuss the findings of the CEI and Respondent's wastes discovered at the three separate locations identified above in paragraphs 28, 29, 33 and 34.
36. After consideration of the information discussed at the above-referenced show cause meeting, the alleged violations in this CA/FO constitute all of EPA's alleged violations.
37. At the CEI, Respondent's zipper manufacturing business involves electroplating and painting processes which generate waste streams that are characteristically hazardous for ignitability (D001), corrosivity (D002), reactivity (D003 and D010), and toxicity (D007, D008 and D035), as those terms are defined at 40 CFR §§ 261.21, 261.22, 261.23 and 261.24, and GHWMA § 12-8-62.
38. Respondent also generates waste streams that are spent non-halogenated solvents (F003), wastewater treatment sludge (F006), and electroplating process waste (F007 and F008), as listed in 40 CFR § 261.31, and GHWMA § 12-8-62.
39. Respondent also generates used oil as that term is defined at 40 CFR § 279.1 and Chapter 391-3-11.17 of the GHMWR, at both its Ocmulgee Park and Chestney Site facilities. Respondent also generates universal waste as that term is defined at 40 CFR § 273.9 and Chapter 391-3-11-.18 of the GHWMR, at its Chestney Site facility.
40. At the CEI, Respondent had accumulated waste sodium chlorite (D010) in a 300-gallon tote, in the area identified as MF1 (TZ-Tight Zipper) located at its Ocmulgee Park facility for over 90 days without obtaining a permit or interim status. Based on the accumulation start date, May 1, 2008, Respondent had stored the sodium chlorite for approximately 97 days.

41. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and GHWMA § 12-8-66, by storing hazardous waste for over 90 days without obtaining a permit or interim status.
42. EPA alleges that at the time of the CEI, the Respondent had failed to mark a roll-off filter press sludge container (F006) in the 90-day storage area of Slider Plant II with the accumulation start date and the words "Hazardous Waste."
43. EPA therefore alleges that the Respondent has violated Section 3005 of RCRA and Chapter 391-3-11-.08 of the GHWMR, by failing to meet the exemptions in 40 CFR § 262.34, for storing hazardous waste 90 days or less without obtaining a permit or interim status.
44. EPA alleges that at the time of the CEI, EPA reviewed Respondent's weekly hazardous waste storage log and determined that the Respondent had failed to perform weekly inspections of the container storage areas at its Ocmulgee Park and Chestney Site facilities. Specifically, EPA's record review indicated that Respondent did not have log inspections on the following four occasions between January 2006 and August 2008: January 4, 2006; June 29, 2006; October 12, 2007; and May 9, 2008.
45. EPA therefore alleges that the Respondent has violated Section 3005 of RCRA and GHWMA § 12-8-66, for failing to meet the requisite exemptions in 40 CFR §§ 262.34(d)(2) and 265.174, for storing hazardous waste 90 days or less without a permit or interim status.
46. EPA alleges that at the time of the CEI, the Respondent had containers of used oil at the Slider Plant I located at its Ocmulgee Park facility and failed to mark the 55-gallon container with the words "Used Oil."
47. EPA therefore alleges that the Respondent has violated 40 CFR § 279.22(c)(1) and Chapter 391-3-11-.17 of the GHWMR.
48. EPA alleges at the time of the CEI, the Respondent had arranged to transport two shipments of universal waste including 3,330 fluorescent lamps from its Chestney Park facility to Environmental Quality Industrial Services, Inc. (EQIS), located in Atlanta, Georgia. EQIS was a permitted solid waste handling facility and a universal waste transfer facility, but was not a designated universal waste handler or a destination facility, as those terms are defined at 40 CFR § 273.9 and Chapter 391-3-11-.18.
49. EPA therefore alleges that the Respondent has violated 40 CFR §§ 273.30 and 273.38(a), and Chapter 391-3-11-.18 of the GHWMR.
50. EPA alleges that the Respondent failed to prepare manifests for at least three shipments of hazardous wastes, referenced above in paragraphs 28, 29, 33 and 34, and therefore violated 40 CFR §§ 262.23 and 262.40, and GHWMA § 12-8-67.

51. EPA alleges that the Respondent failed to submit exception reports for the three shipments of hazardous wastes referenced above in paragraphs 28, 29, 33, and 34, and therefore violated 40 CFR § 262.42(a)(1) and (a)(2), and Chapter 391-3-11-.08 of the GHWMR.
52. EPA alleges that at the time of the CEI, the Respondent failed to readily locate and produce a copy of each manifest, biennial report, land disposal restriction certification, training record, contingency plan, and hazardous waste storage area inspection report at its Ocmulgee Park and Chestney Site facilities. During the CEI, EPA requested that Respondent produce the above-referenced records for review. Respondent at EPA's request, later submitted copies of the requested documents by an agreed upon date.
53. EPA therefore alleges that Respondent has violated 40 CFR §§ 262.40, 262.41, 262.42, 268.7(a), 265.16 and 265.53, and Chapter 391-3-11-.08, .16, and .10 of the GHWMR.

V. TERMS OF AGREEMENT

Based on the foregoing Allegations, the parties agree to the following:

54. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
55. The Respondent neither admits nor denies the factual allegations set out above.
56. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
57. 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.
58. Respondent waives any right it may have pursuant to 40 CFR § 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.
59. 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.
60. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA and the GHWMA, alleged in this CA/FO. Except as otherwise expressly provided in paragraphs 67 and 68, Complainant hereby releases any and all civil claims for penalties as to Respondent (including Respondent's successors, assigns, officers, directors, attorneys, and current employees), and covenants not to institute any civil suit for penalties or take administrative enforcement action against Respondent (including Respondent's

successors, assigns, officers, directors, attorneys, and current employees), with respect to any alleged violations in this CA/FO.

61. Respondent by signing this CA/FO also certifies that all violations alleged in this CA/FO have been corrected.
62. Each party will pay its own costs and attorney's fees.

VI. PAYMENT OF CIVIL PENALTY

63. Respondent consents to the payment of a civil penalty in the amount of TWO HUNDRED AND FORTY THOUSAND DOLLARS (\$240,000) within 30 calendar days of the effective date of this CA/FO.
64. Payment shall be made by Automated Clearhouse (ACH) (also known as REX or remittance express). The Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

Respondent shall reference the facility name and the docket number for this matter on the payment confirmation and in a cover letter transmitting the confirmation to the following addressees:

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

and to:

Larry Lamberth, Chief
South Enforcement & Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

65. If Respondent fails to remit the civil penalty as agreed to herein, 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. 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 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 CFR § 102.13(c).
 - (b) Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.
 - (c) Non-Payment Penalty. On any portion of a civil penalty more than 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).
66. Penalties paid pursuant to this CA/FO are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

VII. RESERVATION OF RIGHTS

67. 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 facilities may present an imminent and substantial endangerment to human health or the environment.
68. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
69. Except as expressly provided in paragraph 60, 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 transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facilities.
70. The Parties agree that Respondent is not required to perform weekly inspections of its container storage areas for either facility during any week that such facility is closed for a

week or more in connection with a normal shutdown. Further, Respondent may maintain records required to be maintained under RCRA for both the Ocmulgee Park facility and the Chestney Site facility at the Chestney Site Facility. Further, Respondent is not required to affix an accumulation start date on the pail beneath the paint table as such pail is a satellite accumulation container.

71. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

VIII. PARTIES BOUND

72. This CA/FO shall be binding upon Respondent and its successors and assigns.
73. 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.
74. 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.

IX. SERVICE OF DOCUMENTS

75. 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 Complainant in the proceeding:

Marlene J. Tucker
Associate Regional Counsel
OEA – 13th Floor
U.S. EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
(404) 562-9536

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

Robert Mowrey, Esq.
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

X. SEVERABILITY

77. 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.

XI. EFFECTIVE DATE

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

AGREED AND CONSENTED TO:

YKK (U.S.A.) Inc.

By: Michael J. Blunt
Michael J. Blunt
President

Dated: 7/13/09

U.S. Environmental Protection Agency

By: Caroline Robinson
Caroline Robinson, Chief
RCRA & OPA Enforcement & Compliance Branch
RCRA Division

Dated: 7/16/09

In the Matter of YKK (U.S.A.) Inc.
Docket Number: RCRA-04-2009-4256(b)

CERTIFICATE OF SERVICE

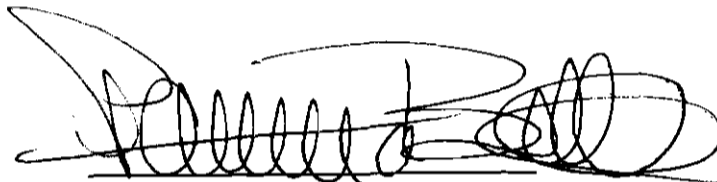
I hereby certify that on JUL 22 2009, I filed the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of YKK (U.S.A.) Inc., Docket Number: RCRA-04-2009-4256(b), and that on JUL 22 2009 I served a true and correct copy of the CA/FO on the parties listed below in the manner indicated:

Marlene J. Tucker
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Robert Mowrey, Esq.
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

(Via Certified Mail- Return Receipt Requested)



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511

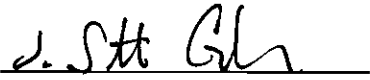
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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EPA ID No.: GAR 000 022 558)
Respondent.)
_____)

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 CFR 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 CFR §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 21st day of July, 2009.

BY: 
sm A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4