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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In Re:)	
)	
Genuine Parts Company)	
2999 Circle 75 Parkway)	
Atlanta, Georgia 30339,)	Docket No. RCRA-03-2009-0103
)	
RESPONDENT.)	
)	Proceeding Under Section
Rayloc)	3008(a) and (g) of the
100 Rayloc Drive)	Resource Conservation and
Hancock, Maryland 21750)	Recovery Act, as amended,
EPA Facility I.D. #MDD061370722,)	42 U.S.C. § 6928(a) and (g)
)	
FACILITY.)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Genuine Parts Company ("Respondent" or "GPC"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
 2. The Consolidated Rules of Practice, at 40 C.F.R. § 22.13(b), provide in pertinent part that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement ("CA") and the accompanying Final Order ("FO", collectively referred to herein as the "CAFO") simultaneously commences and concludes this administrative proceeding against Respondent.
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3. The State of Maryland has received federal authorization to administer a Hazardous Waste Management Program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The Maryland Hazardous Waste Management Regulations (“MdHWMR”) originally were authorized by the U. S. Environmental Protection Agency (“EPA” or the “Agency”) on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of Maryland’s current, authorized revised MdHWMR are set forth in the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 et seq., and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. The factual allegations and legal conclusions in this CA are based on provisions of the current, authorized revised MdHWMR in effect at the time of the violations herein. This CA and of the accompanying FO address alleged violations by Respondent of Subtitle C of RCRA and of federally enforceable requirements of Maryland’s current, authorized revised MdHWMR.
5. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA. Respondent is hereby notified of EPA’s determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized MdHWMR requirements, at its facility located at 100 Rayloc Drive, Hancock, Maryland 21750 (hereinafter, the “Facility”).

Notice of Action to the State of Maryland

6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated November 21, 2008, EPA notified the State of Maryland, through the Maryland Department of the Environment (“MDE”) Hazardous Waste Program Administrator, of EPA’s intent to commence this administrative action against Respondent.

II. GENERAL PROVISIONS

7. Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations contained in this CAFO, except as provided in Paragraph 7, immediately above.
9. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.

10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
12. Respondent shall bear its own costs and attorney's fees.
13. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.
14. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law.
16. Respondent is a Georgia corporation and is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and COMAR 26.13.01.03B.
17. At all times relevant to the allegations herein, the Facility identified above, and further described below, is a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03B.
18. The Respondent's Facility, located at 100 Rayloc Drive, Hancock, Maryland, was established to rebuild auto parts, including alternators, starters and brake calipers.
19. Respondent is and, at all times relevant to this CA, was the "owner" and "operator" of the Facility, as those terms are defined in COMAR 26.13.01.03B.
20. At all times relevant to the allegations set forth in this CAFO, Respondent has been a "generator" of, and has engaged in the "storage" of, materials that are "solid waste" and "hazardous waste" in "container[s]" at the Facility, as these terms are defined in COMAR 26.13.01.03B, and as described below.

21. On May 15, 2008, duly authorized representatives of EPA (the "EPA Inspectors") conducted a compliance evaluation inspection (the "Inspection") at the Facility to assess the Respondent's compliance with federally authorized MdHWMR requirements.
22. At the conclusion of the May 15, 2008 Inspection, the EPA Inspectors reviewed their findings with Facility representatives and requested additional documentation, information and clarification of several matters via a September 17, 2008 information request letter ("IRL").
23. Via written correspondence dated September 29, 2008, Facility representatives responded to EPA's IRL (the "IRL Response") by providing requested information, documentation and narrative explanations.
24. On December 17, 2008 EPA sent a Notice of Noncompliance and Request to Show Cause letter ("NON") to the Facility advising of EPA's preliminary findings of MdHWMR violations at the Facility.
25. On the basis of the Facility Inspection and a review of the supplemental information provided to EPA in response to the IRL, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally authorized MdHWMR requirements promulgated thereunder.

COUNT I

(Operating a Hazardous Waste Storage Facility Without a Permit)

26. The allegations of Paragraphs 1 through 25 of this CA are incorporated herein by reference as though fully set forth at length.
27. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), COMAR 26.13.07.01A, provide, in pertinent part, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.
28. COMAR 26.13.03.05E(1) provides, in pertinent part, that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less, if:

* * *

(d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;

(e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and

(f) Each container is:

(i) properly labeled and marked according to COMAR 26.13.03.05.B and C (“Labeling” and “Marking”), and

(ii) labeled or marked clearly with the words “Hazardous Waste”, while being accumulated on-site.

29. COMAR 26.13.05.09(D), referenced in COMAR 26.13.03.05E(1)(d) and in Paragraph 28, above, pertains to the “Management of Containers” and provides that “[a] container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.”
30. COMAR 26.13.05.09(E), referenced in COMAR 26.13.03.05E(1)(d) and in Paragraph 28, above, pertains to “Inspections” and provides that “[t]he owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.”
31. COMAR 26.13.05.09B, referenced in COMAR 26.13.03.05E(1)(d) and in Paragraph 28, above, pertains to the “Condition of Containers” and provides that “[i]f a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this chapter.”
32. At the time of the May 15, 2008 Inspection, the Respondent was storing cadmium contaminated clean-out debris at the less-than-90-day hazardous waste container accumulation area of the Facility and at a second location proximate to such area. Such debris was identified by Facility personnel during the Inspection, and in the Facility’s subsequent IRL Response, as hazardous waste and was shipped off-site from the Facility on May 20, 2008 under a Facility manifest that described the debris as D006 hazardous waste.

33. At the time of the May 15, 2008 Inspection, the Respondent was storing D006 hazardous waste cadmium contaminated clean-out debris in twelve 55-gallon containers at the less-than-90-day hazardous waste container accumulation area of the Facility that were not being kept closed during storage at a time when it was not necessary to add or remove waste.
34. At the time of the May 15, 2008 Inspection, the Respondent was storing D006 hazardous waste cadmium contaminated clean-out debris at the less-than-90-day hazardous waste container accumulation area of the Facility and at a second location proximate thereto in fifteen 55-gallon containers that were not labeled or marked with the words "Hazardous Waste" while being accumulated on-site at the Facility.
35. At the time of the May 15, 2008 Inspection, the Respondent was storing D006 hazardous waste cadmium contaminated clean-out debris at the less-than-90-day hazardous waste container accumulation area of the Facility and at a second location proximate thereto in sixteen 55-gallon containers upon which the date that each period of accumulation began was not marked and visible for inspection.
36. During the week immediately preceding the May 15, 2008 EPA Facility Inspection, Respondent's Facility personnel failed to inspect the Facility's less-than-90-day hazardous waste container accumulation area for the purpose of checking for leaks and deterioration of the containers of D006 hazardous waste that were then in storage at that Facility location.
37. At the time of the May 15, 2008 Inspection, the Respondent was storing D006 hazardous waste cadmium contaminated clean-out debris at the less-than-90-day hazardous waste container accumulation area of the Facility in several 55-gallon hazardous waste containers that were dented, rusty and in poor condition, and the hazardous waste content of these containers was not otherwise being managed in compliance with applicable regulatory requirements.
38. At the time of the May 15, 2008 Inspection, the Respondent failed to:
 - (a) comply with the hazardous waste container management requirements of COMAR 26.13.05.09B, D and E, as required pursuant to COMAR 26.13.03.05E(1)(d), by failing to: (1) transfer hazardous waste from containers not in good condition to containers that were in good condition, or to manage such hazardous waste in some other way that complied with applicable requirements; (2) keep containers of hazardous waste closed during storage at times when it was not necessary to add or remove waste; and (3) inspect hazardous waste container storage areas adequately for leaks and deterioration of the containers on a weekly

basis;

- (b) mark containers of hazardous waste with an accumulation start date(s), as required pursuant to COMAR 26.13.03.05E(1)(e); and
 - (c) label or mark containers of hazardous waste with the words “Hazardous Waste” while being accumulated on-site at the Facility, as required pursuant to COMAR 26.13.03.05E(1)(f)(ii).
39. Respondent has never had a permit or interim status pursuant to COMAR 26.13.07, Section 3005 of RCRA, 42 U.S.C. § 6925, or 40 C.F.R. § 270.1(b) for the storage of hazardous waste at the Facility.
40. Respondent failed to qualify for the “less than 90 day” generator accumulation exemption of COMAR 26.13.03.05E for the Facility by failing to satisfy the conditions for those exemptions as set forth in COMAR 26.13.03.05E(1)(d), (e) and (f)(ii), as described in Paragraphs 26 through 39, above.
41. Respondent violated COMAR 26.13.07.01A. and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility without a permit or interim status.

COUNT II

(Failure to Submit Timely Biennial Report)

42. The allegations of Paragraphs 1 through 41 of this CA are incorporated herein by reference as though fully set forth at length.
43. Facility records reviewed by the EPA Inspectors at the Facility on May 15, 2008 and records thereafter provided to EPA by Facility personnel with the IRL Response document the Respondent’s calendar year 2007 generation of hazardous waste at the Facility and the off-site shipment of hazardous waste to facilities within the United States.
44. COMAR 26.13.03.06B(1)(a) pertains to “Annual or Biennial Reporting” and requires that a person who generates hazardous waste and ships it off-site to a facility within the United States must periodically submit reports to the Maryland Secretary of the Environment (the “Secretary”) or his/her designee concerning hazardous waste generated during the preceding calendar year on EPA or State Form 8700-13A or on an alternate form provided by the Secretary.

45. COMAR 26.13.03.06B(1)(b) and (c) further provide that the reports required by COMAR 26.13.03.06B(1)(a) must be submitted *biennially, by March 1 of each even numbered year for the preceding calendar year*, for reporting periods beginning January 1, 1997.
46. COMAR 26.13.03.06B(1)(d) requires, in relevant part, that each such report required by COMAR 26.13.03.06B(1)(a) must “contain, at a minimum”, information described in COMAR 26.13.03.06B(1)(d)(i) through (viii).
47. Respondent did not submit a Facility biennial report for the 2007 reporting period until May 16, 2008.
48. Respondent violated COMAR 26.13.03.06B(1)(c)(ii) by failing to submit to the Secretary or to his/her designee, on or before March 1, 2008, a 2007 calendar year biennial report containing the information required pursuant to COMAR 26.13.03.06B(1)(d)(i) through (viii).

COUNT III

(Failure to Keep Containers of Hazardous Waste Closed During Storage)

49. The allegations of Paragraphs 1 through 48 of this CA are incorporated herein by reference as though fully set forth at length.
50. Based upon the activity described in Paragraph 33, above, of this CA, Respondent violated COMAR 26.13.05.09(D) by failing to keep twelve containers of D006 hazardous waste cadmium contaminated clean-out debris closed during storage at the less-than-90-day hazardous waste container accumulation area of the Facility at times when it was not necessary to add or remove waste from such containers.

COUNT IV

(Failure to Perform Weekly Inspection of Hazardous Waste Container Storage Area)

51. The allegations of Paragraphs 1 through 50 of this CA are incorporated herein by reference as though fully set forth at length.
52. Based on the activities described in Paragraph 36, above, of this CA, Respondent violated COMAR 26.13.05.09(E) by failing to inspect the Facility’s less-than-90-day hazardous waste container accumulation area to check for leaks and deterioration of the hazardous waste containers that were then in storage at that Facility location during the week immediately preceding the May 15, 2008 EPA Inspection of the Facility.

COUNT V

(Failure to Comply with Container Condition Requirements)

53. The allegations of Paragraphs 1 through 52 of this CA are incorporated herein by reference as though fully set forth at length.
54. Based on the activities described in Paragraph 37, above, of this CA, Respondent violated COMAR 26.13.05.09(B) by failing to transfer D006 hazardous waste that was being stored at the less-than-90-day hazardous waste container accumulation area of the Facility in containers that were dented, rusty and in poor condition to other containers that were in good condition, or to otherwise manage such hazardous waste in compliance with the requirements of Chapter 05 of COMAR Title 26, Subtitle 13.

IV. CIVIL PENALTIES

55. Respondent agrees to pay a civil penalty in the amount of **Forty Three Thousand Dollars (\$43,000.00)**, in settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations alleged and set forth in Section III (“EPA Findings of Fact and Conclusions of Law”) of this CA. Such civil penalty shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of the CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
56. The civil penalty settlement amount set forth in Paragraph 55, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 (“RCRA Penalty Policy”), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19 and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* (“Skinner Memorandum”). Pursuant to 40 C.F.R. Part 19, and as provided in the Skinner Memorandum and in the RCRA Penalty Policy, penalties for RCRA violations occurring after January 30, 1997 were increased by 10% to account for inflation, not to exceed a \$27,500.00 per violation statutory maximum penalty. Pursuant to 40 C.F.R. Part 19, and as provided in the Skinner Memorandum,

penalties for RCRA violations occurring after March 15, 2004 and before January 13, 2009 have been increased by an additional 17.23% to account for subsequent inflation, not to exceed a \$32,500.00 per violation statutory maximum penalty.

57. Payment of the civil penalty as required by Paragraph 55, above, shall be made via one of the following methods:

- a. All checks shall be made payable to “**United States Treasury**”;
- b. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

Contact: Natalie Pearson, 314-418-4087

- c. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency – Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

- d. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”

- e. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

- f. On-Line Payment Option: WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- g. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm

58. All payments by the Respondent shall include the Respondent's full name and address and the EPA Docket number of this Consent Agreement (RCRA-03-2009-0103).
59. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or EFT authorization, as applicable, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

A.J. D'Angelo
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

60. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
61. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CA and FO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
62. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
63. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
64. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CA and in the accompanying FO.

V. CERTIFICATIONS

65. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the current, authorized revised MdHWMR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this Consent Agreement.

VI. OTHER APPLICABLE LAWS

66. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. RESERVATION OF RIGHTS

67. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

68. Payment of the civil penalty as specified in Section IV ("Civil Penalties"), above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA Section 3008(a), 42 U.S.C. § 6928(a), for the violations alleged in this CA.

IX. PARTIES BOUND

69. This CA and the accompanying FO shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this CA on behalf of Respondent acknowledges that he or she is fully authorized to enter into this CA and to bind the Respondent to the terms and conditions of this CA and the accompanying FO.

X. EFFECTIVE DATE

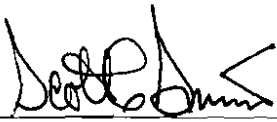
70. The effective date of this CAFO is the date on which the FO is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. ENTIRE AGREEMENT

71. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For the Respondent:

Date: March 13, 2009

By: 

Mr. Scott Smith
Senior Vice President & Corporate Counsel
Genuine Parts Company

In Re: Genuine Parts Company
EPA Facility I.D. #MDD061370722

Consent Agreement
Docket No. RCRA-03-2009-0103

For the Complainant:

Date: 3/16/2009

By:




A.J. D'Angelo
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached FO.

Date: 3/17/09

By:



Abraham Ferdas, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

UNITED STATES
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RESPONDENT.)

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42 U.S.C. § 6928(a) and (g)

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Hancock, Maryland 21750)
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FACILITY.)

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Genuine Parts Company, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (*"Consolidated Rules of Practice"*), 40 C.F.R. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, by the Hazardous and Solid Waste Amendments of 1984 (collectively

referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the *Consolidated Rules of Practice*, after having determined, based on the representations of the Parties set forth in the Consent Agreement, that the civil penalty of Forty Three Thousand Dollars (\$43,000.00) agreed to therein was based upon a consideration of the factors set forth in RCRA Section 3008(a), 42 U.S.C. § 6928(a), **IT IS HEREBY ORDERED** that Respondent pay a civil monetary penalty of Forty Three Thousand Dollars (\$43,000.00) in accordance with the provisions of the foregoing Consent Agreement and comply timely with each of the additional terms and conditions thereof.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

3/19/09
Date

Renée Sarajian
Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
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FACILITY.)	


CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, 5th Floor, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Consent Agreement and of the accompanying Final Order. I further certify that on the date set forth below, I caused true and correct copies of the same to be mailed via Certified Mail, Return Receipt Requested, Postage Prepaid (Article No. 7004 2890 0000 5075 5121), to the following person at the following address:

Mr. Scott Smith
Senior Vice President & Corporate Counsel
Genuine Parts Company
2999 Circle 75 Parkway
Atlanta, GA 30339

MAR 19 2009

Date


A.J. D'Angelis (3RC30)
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