

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

FILED
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REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

MACY'S RETAIL HOLDINGS, INC

RESPONDENT

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Consent Agreement and Final Order
USEPA Docket No. RCRA-06-2017-0910

CONSENT AGREEMENT AND FINAL ORDER

I.
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Macy's Retail Holdings, Inc., ("Macy's" or "Respondent") and concerns forty-four (44) facilities located in EPA Region 6, in the states of Texas, Louisiana, Oklahoma, and New Mexico (the "Facilities"), which are listed with corresponding locations in Appendix I of this CAFO, and incorporated by reference as part of this CAFO.
2. Notice of this action has been given to the states of Texas, Louisiana, Oklahoma and New Mexico under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).

3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and alleged violations contained in this CAFO.
4. Respondent explicitly waives its right to appeal the proposed final order contained in this CAFO.
5. The CAFO resolves only those violations which are alleged herein.
6. This CAFO covers the violations alleged herein from the period of January 1, 2012 through December 31, 2015.
7. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated Compliance Order as set forth in Section V, Compliance Order, Paragraph 76.
8. Respondent consents to implement the Supplemental Environmental Project ("SEP") summarized in Appendix III of this CAFO, which is attached hereto, and is incorporated by reference as part of this CAFO. Further, Respondent consents to the specific terms of the SEP set forth in Section VI of this CAFO.
9. For purposes of this CAFO, citations to 40 Code of Federal Regulations ("C.F.R.") Parts 260, 261, 262, and 273 are citations to the corresponding Oklahoma Administrative Code sections at Title 252, Chapter 205 since the relevant sections of the Oklahoma Administrative Code incorporate by reference the corresponding federal regulations.
10. For purposes of this CAFO, where no differences exist, citations to 40 C.F.R. Parts 260, 261, 262, and 273 are citations to the corresponding New Mexico Administrative Code

("NMAC") sections at Title 20, Chapter 4, Part 1 since the relevant sections in the NMAC incorporate by reference the corresponding federal regulations.

II. JURISDICTION

11. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
12. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III. STATUTORY AND REGULATORY BACKGROUND

13. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976 to amend the Solid Waste Disposal Act, and the Hazardous and Solid Waste Amendments ("HSWA") enacted by Congress in 1984 to further amend the Solid Waste Disposal Act. RCRA establishes a "cradle-to-grave" program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*
14. RCRA's Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as "Subtitle C") required EPA to promulgate regulations establishing performance

standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA's RCRA hazardous waste program.

15. Pursuant to its authority under RCRA, EPA has promulgated regulations at 40 C.F.R. Parts 260 through 272 applicable to generators, transporters, and treatment, storage, and disposal facilities. These regulations include detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.
16. Pursuant to 40 C.F.R. § 261.2, a "solid waste" is any discarded material that is not otherwise excluded under 40 C.F.R. § 261.4(a), or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munitions. Materials are solid waste, as defined in 40 C.F.R. § 261.2, if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.
17. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C or it is listed in C.F.R. Part 261, Subpart D.
18. Characteristic hazardous wastes are assigned "D" codes in 40 C.F.R. Part 261, Subpart C, depending on the specific hazardous characteristic that the waste exhibits.

19. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to 40 C.F.R. § 261.21.
20. A corrosive hazardous waste has a pH of less than or equal to 2.0 or greater than or equal to 12.5 and is assigned the D002 hazardous waste code pursuant to 40 C.F.R. § 261.22.
21. 40 C.F.R. Part 265 applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.
22. The relevant RCRA statutory and regulatory requirements to this CAFO require that generators of solid waste and hazardous waste must, among other things:
 - A. Comply with the statutory notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930;
 - B. Comply with the manifest requirements, pursuant to 40 C.F.R. § 262.20;
 - C. Determine its generator status; and comply with the specific requirements set forth at 40 C.F.R. §§ 262.34 and/or 270.10.

IV.

FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

23. Respondent is incorporated in the state of New York and is authorized to do business in Texas, Louisiana, Oklahoma, and New Mexico.
24. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 30 TEX.ADMIN.CODE § 3.2(25); Louisiana Administrative Code ("LAC") 33: V.109; and 40 C.F.R. § 260.10.
25. Macy's owns and/or operates or has owned or operated the Facilities at the respective locations identified in Appendix I of this CAFO.

26. During the period of August 2014 through August 2016, EPA conducted a RCRA investigation and record review of Macy's' activities as a generator of hazardous waste for the Facilities in Region 6, including the issuance of a RCRA information request dated August 18, 2015 ("Investigation").
27. From the Investigation, EPA concluded that in general Macy's handles customer returns and otherwise unsalable liquid and semi-liquid cosmetics and fragrances that are "solid waste" within the meaning of 30 TEX.ADMIN.CODE § 335.1(138), LAC 33:V.109 and 40 C.F.R. § 261.2.
28. From the Investigation, EPA determined that for the periods relevant to this CAFO, Macy's operated as if it was a Conditionally Exempt Small Quantity Generator ("CESQG") and did not file with the Administrator a notification of hazardous waste activities for the Facilities listed in Appendix I of this CAFO; as such, Respondent did not describe all its waste activities, including locations and general description of such activities and the identified hazardous wastes generated and managed at the Facilities listed in Appendix I of this CAFO.
29. The Facilities listed in Appendix I of this CAFO are each a "facility" within the meaning of 30 TEX.ADMIN.CODE § 335.1(59), LAC 33:V.109, and 40 C.F.R. § 260.10.
30. EPA concluded that at all times relevant to this CAFO, all forty-four (44) Facilities listed in Appendix I of this CAFO have generated "solid waste" streams (liquid and semi-liquid cosmetic and fragrance) that are also "hazardous waste" as defined at 30 TEX.ADMIN.CODE §§ 335.1 (69) and (70), LAC 33:V.109 and 4903 B and 40 C.F.R. §§ 261.21 and 261.22.

31. EPA concluded that the waste streams described in Paragraph 27 above are hazardous waste because they exhibited the characteristics of ignitability and/or corrosivity, respectively and have the EPA Hazardous Waste numbers D001 and/or D002.
32. Macy's is a "generator" of "hazardous waste" as those terms are defined in 30 TEX ADMIN.CODE §§ 335.1(65) & (69), LAC 33:V.109, and 40 C.F.R. § 260.10.
33. For several instances during the period of 2012 through 2015, where Respondent generated hazardous waste greater than 100 kilograms but less than 1000 kilograms in a calendar month at the Facilities listed in Appendix I of this CAFO, EPA determined that for the period such hazardous waste (liquid and semi-liquid cosmetic and fragrance) remained onsite, Macy's operated as a Small Quantity Generator ("SQG") at the Facilities listed in Appendix I to this CAFO.
34. As a generator of hazardous waste, Macy's is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, LAC Title 33, Part V, Chapter 11, and 40 C.F.R. Parts 262 and/or 270.

TEXAS: Thirty-Nine (39)¹ Facilities

Claim i. Failure to comply with the RCRA Notification Requirements

35. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
36. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person required to obtain an EPA ID number and generating a characteristic or listed hazardous waste shall

¹ Please note that Store 686, which is listed in Appendix I and is located in Memorial Mall, Houston, Texas has an EPA Identification number. Further, Claims i and ii do not apply to this location and no penalties were assessed against Store 686 for Claims i. and ii.

file with the Administrator a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person.

37. During the Investigation, EPA determined that for the periods relevant to this CAFO, Macy's, for several instances, generated hazardous waste in the quantities that exceeded the CESQG status and triggered the SQG status, thereby requiring Macy's to obtain an EPA ID number for the Texas Facilities listed in Appendix I of this CAFO and fully comply with the requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
38. Respondent violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for the Texas Facilities listed in Appendix I of this CAFO during the period of 2012 through 2015.

Claim ii. Failure to Comply with the Manifest Requirements

39. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
40. Pursuant to 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)(1)], a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.
41. During the period of 2012 through 2015 and for the manifests reviewed by EPA, Respondent generated and offered for shipment hazardous waste to licensed treatment or disposal facilities using hazardous waste manifests, but failed to include an EPA ID number on such manifests and thus did not comply fully with the various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.
42. Without EPA ID numbers on the required manifests, Respondent failed to completely and adequately prepare its hazardous waste manifest for several shipments of hazardous

waste, during the period of 2012 through 2015, in violation of 30 TEX.ADMIN.CODE §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)].

Claim iii. Failure to Comply with the Applicable Generator Requirements

43. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.

44. From the Investigation, EPA determined that Macy's emergency procedures and contingency plans for the Texas Facilities listed in Appendix I to this CAFO did not fully comply, respectively with the requirements of 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 262.34 (d) (5) (i) through (iv).

45. For the periods that Macy's operated as a SQG at the Texas Facilities listed in Appendix I of this CAFO, Macy's failed to fully meet the SQG generator exemption conditions set forth at 40 C.F.R. §§ 262.34(d)(4) and (d)(5), therefore violated 40 C.F.R. §§ 270.1 and 270.10.

LOUISIANA: Two (2) Facilities

Claim iv. Failure to comply with the RCRA Notification Requirements

46. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.

47. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person required to obtain an EPA ID number and generating a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person.

48. During the Investigation, EPA determined that for the periods relevant to this CAFO, Macy's, for several instances, generated hazardous waste in the quantities that exceeded the CESQG status and triggered the SQG status, thereby requiring Macy's to obtain an

EPA ID number and fully comply with the requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

49. Although Macy's obtained an EPA ID number for each of the Louisiana Facilities listed in Appendix I of this CAFO, Macy's did not fully comply with the notification requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

50. Respondent violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its Louisiana Facilities listed in Appendix I to this CAFO during the period of 2012 through 2015.

Claim v. Failure to Comply with the Applicable Generator Requirements

51. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.

52. From the Investigation, EPA determined that Macy's contingency plans and emergency procedures for the Facilities did not fully comply with the requirements of LAC 33.V.1109.E.7.d and LAC 33.V.1513.A through F, [40 C.F.R. §262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 262.34(d)(5) (i) through (iv)].

53. For the periods that Macy's operated as a SQG at the Louisiana Facilities listed in Appendix I to this CAFO, Macy's failed to fully meet the SQG generator exemption conditions, specifically LAC 33.V.1109.E.7.d and LAC 33.V.1513.A through F, [40 C.F.R. §262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 262.34(d)(5) (i) through (iv)] and therefore violated 40 C.F.R. §§ 270.1 and 270.10.

OKLAHOMA: Two (2) Facilities

Claim vi. Failure to comply with the RCRA Notification Requirements

54. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
55. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person required to obtain an EPA ID number and generating a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person.
56. During the Investigation, EPA determined that for the periods relevant to this CAFO, Macy's, for several instances, generated hazardous waste in the quantities that exceeded the CESQG status and triggered the SQG status, for the Oklahoma Facilities listed in Appendix I to this CAFO thereby requiring Macy's to obtain an EPA ID number for each of its Oklahoma Facilities listed in Appendix I of this CAFO and fully comply with the requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
57. Respondent violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its Oklahoma Facilities listed in Appendix I to this CAFO during the period of 2012 through 2015.

Claim vii. Failure to Comply with the Manifest Requirements

58. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
59. Pursuant to 40 C.F.R. § 262.20(a)(1), a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.
60. During the period of 2012 through 2015 and for the manifests reviewed by EPA, Respondent generated and offered for shipment hazardous waste to licensed treatment or

disposal facilities using hazardous waste manifests, but failed to include an EPA ID number on such manifests and thus did not comply fully with the various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.

61. Without EPA ID numbers on the required manifests, Respondent failed to completely and adequately prepare its hazardous waste manifest for several shipments of hazardous waste, during the period of 2012 through 2015, in violation of 40 C.F.R. § 262.20(a).

Claim viii. Failure to Comply with the Applicable Generator Requirements

62. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
63. From the Investigation, EPA determined that Macy's emergency procedures and contingency plans for the Oklahoma Facilities listed in Appendix I of this CAFO did not fully comply, respectively with the requirements of 40 C.F.R. §262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 262.34 (d) (5) (i) through (iv).
64. For the periods that Macy's operated as a SQG at the Oklahoma Facilities listed in Appendix I of this CAFO, Macy's failed to fully meet the SQG generator exemption conditions set forth at 40 C.F.R. §§ 262.34(d)(4) and (d)(5), therefore violated 40 C.F.R. §§ 270.1 and 270.10.

NEW MEXICO: One (1) Facility

Claim ix. Failure to comply with the RCRA Notification Requirements

65. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
66. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person required to obtain an EPA ID number and generating a characteristic or listed hazardous waste shall

file with the Administrator a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person.

67. During the Investigation, EPA determined that for the periods relevant to this CAFO, Macy's, for several instances, generated hazardous waste in the quantities that exceeded the CESQG status and triggered the SQG status, thereby requiring Macy's to obtain an EPA ID number and fully comply with the requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
68. Respondent violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its New Mexico Facility during the period of 2012 through 2015.

Claim x. Failure to Comply with the Manifest Requirements

69. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
70. Pursuant to 40 C.F.R. § 262.20(a)(1), a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.
71. During the period of 2012 through 2015 and for the manifests reviewed by EPA, Respondent generated and offered for shipment hazardous waste to licensed treatment or disposal facilities using hazardous waste manifests, but failed to include an EPA ID number on such manifest and thus did not comply fully with the various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.
72. Without EPA ID numbers on the required manifests, Respondent failed to completely and adequately prepare its hazardous waste manifest for several shipments of hazardous waste, during the period of 2012 through 2015, in violation of 40 C.F.R. § 262.20(a).

Claim xi. Failure to Comply with the Applicable Generator Requirements

73. The allegations in Paragraphs 1-34 are realleged and incorporated herein by reference.
74. From the Investigation, EPA determined that Macy's emergency procedures and contingency plans for the Facility did not fully comply, respectively with the requirements of 40 C.F.R. §262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, specifically 40 C.F.R. § 265.37 and 40 C.F.R. § 262.34 (d) (5) (i) through (iv).
75. For the periods that Macy's operated as a SQG at the New Mexico Facility listed in Appendix I to this CAFO, Macy's failed to fully meet the SQG generator exemption conditions set forth at 40 C.F.R. §§ 262.34(d)(4) and (d)(5), therefore violated 40 C.F.R. §§ 270.1 and 270.10.

V.
COMPLIANCE ORDER

76. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and submit any and all documents, photos, and/or other appropriate evidence, required by this compliance order, to EPA and within the time period specified below:
- A. Within sixty (60) calendar days of the effective date of this CAFO, Respondent shall certify that it has employed an Independent Third-Party that meets the requirements of Appendix II of this CAFO to conduct the RCRA audits at these eleven (11) facilities
- a. Houston, West Alabama Store 687
 - b. Dallas Nth Central Express Store 665
 - c. Friendswood Store 717
 - d. McAllen Store 701
 - e. Sugar Land Store 688
 - f. West Plano, West Park Store 671
 - g. Houston Willow Brook Store 715

- h. Houston, Woodlands Store 716
- i. Tulsa, Store 680
- j. Albuquerque, Store 456
- k. Baton Rouge, Store 690

to determine Respondent's compliance with its statutory and regulatory management requirements of hazardous waste Sections 3002 and 3010 of RCRA, 42 U.S.C.

§§ 6922 and 6930, and the respective regulations set forth at

30 TEX.ADMIN.CODE, Chapter 335, Subchapters C and H, the LAC 33.V. 1513, and 40 C.F.R. Parts 262 and 273 and in compliance with Appendix II of this CAFO, Independent Third-Party Requirements and Duties;

- B. The Independent Third-Party audits of the facilities listed in Section V, Subparagraph 76.A of this CAFO shall begin no later than one hundred and eighty (180) calendar days after the effective date of this CAFO;
- C. Within sixty (60) calendar days of the completion of the Independent Third Party-audits, Respondent shall submit to EPA a summary, by facility, that describes the nature and extent of the areas of non-compliance and areas of concern identified as a result of the Independent Third-party audits, and a description of the corrective actions taken or that will be taken to address the same or similar areas of non-compliance and areas of concern at all currently operating Facilities listed in Appendix I to this CAFO. The summary by facility of noncompliance and actions taken or that will be taken to address the noncompliance should include the dates upon which each noncompliance was identified, corrected and/or will be corrected;
- D. Within ninety (90) days after the completion of the Independent Third Party-audits, notice of such areas of non-compliance, identified in Subparagraph 76.C of this Section V of the CAFO, further shall be sent to all Macy's facilities (approximately

626 facilities nationwide, not located in Region 6) with instructions to review such issues and address instances of non-compliance. In addition, and in connection with the Supplemental Environmental Project ("SEP") designed for Region 6 and described in Section VI.ii., Paragraph 84 of this CAFO, Macy's will promote the webinars and recorded sessions to appropriate personnel at all of its approximately 626 Macy's stores nationwide that are not located in Region 6.

- E. Based on the Independent Third-Party final report and within one (1) year of the effective date of this CAFO, Respondent shall certify that it has completed all corrective actions at all currently operating Facilities listed in Appendix I of the CAFO to address the areas of non-compliance and areas of concern identified in Respondent's summary as a result of the Independent Third-Party's audits as referenced in Sub-Paragraph 76.C of this CAFO. Further, Respondent shall certify that it has assessed all its solid waste streams at each Facility listed in Appendix I of this CAFO to determine the accurate waste codes and has developed and implemented standard operating procedure(s) ("SOP") for each Facility to ensure that Macy's is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal restrictions. The Respondent's SOP for each Facility shall also ensure that Macy's is operating in compliance with the universal

waste rules set forth at 40 C.F.R. §§ 273.13 through 273.16. Further, Respondent shall certify that it has provided the notice of non-compliance issues to all Macy's Facilities as required under Subparagraph 76.D;

- F. Within one (1) year of the effective date of this CAFO, Respondent shall submit to EPA a copy of its SOP described in Subparagraph 76. E of this CAFO;
- G. EPA has the discretion to review the SOP and provide written comments to Respondent within thirty (30) days of EPA's receipt of the SOP. Where EPA has provided written comments to Respondent for its SOP, Respondent shall incorporate the comments as part of its SOP for all Facilities listed in Appendix I of this CAFO. However, where EPA has not provided written comments within thirty (30) days of receipt of the SOP, Respondent should consider the submitted SOP satisfactory for purposes of this CAFO; and
- H. Within one (1) year of the effective date of this CAFO, Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for the Facilities and within the prescribed time period, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930.

77. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Macy's or a qualified designee appointed in writing by such owner or officer and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am

aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

78. Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Waste Compliance II Section (6EN-H2)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attn: Debra Pandak

In the alternative, documents required by this CAFO may be sent to Debra Pandak via email at Pandak.Debra@epa.gov.

VI.
TERMS OF SETTLEMENT

i. **Penalty Provisions**

79. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Three Hundred and Seventy-Five Thousand Dollars (\$375,000):

80. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

81. The following are Respondent's options for transmitting the penalties:

Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

Re: MACY'S RETAIL HOLDINGS, INC
RCRA-06-2017-0910

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

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

82. The case name and docket number (In the Matter of Macy's Retail Holdings, Inc.,

Docket No. RCRA-06-2017-0910) shall be clearly documented on or within

Respondent's chosen method of payment to ensure proper credit.

The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Waste Compliance II Section (6EN-H2)
Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
Attention: Debra Pandak

Adherence to this request will ensure proper credit is given when penalties are received by EPA.

83. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and 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). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Supplemental Environmental Project

84. Respondent shall complete the SEP described in Appendix III of this CAFO, and in accordance with all provisions of this Sub-Section VI.ii, as described below.

- A. Within ninety (90) days of the effective date of this CAFO, Respondent shall submit to the EPA a SEP work plan for review and approval, with a detailed description of the project, including the necessary information to demonstrate that the SEP and Macy's performance of the SEP comply with the 2015 update to SEP Policy, which can be found at <https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf>.
- B. With EPA's review and approval of the SEP work plan, and without amendment to the CAFO, the work plan will be incorporated into this CAFO by reference as the Oklahoma and Texas -Training Project for the Retail Industry (the "OKTP") SEP. The EPA has thirty (30) days to review and approve the SEP work plan from the date of its receipt, including the submittal of comments that shall be incorporated as part of EPA's approval.
- C. Respondent shall implement the activities of the work plan, no later than ninety (90) days after its receipt EPA's review and approval.
- D. With regard to the OKTP SEP, Respondent certifies the truth and accuracy of each of the following:
 - a. That all cost information that is provided to the EPA in connection with EPA's approval of the OKTP is complete and accurate and that Respondent in good faith estimates that the cost to implement the OKTP SEP is \$105,000;
 - b. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the OKTP SEP by any federal, state, or local law or

regulation and is not required to perform or develop the OKTP SEP by agreement, grant, or as injunctive relief required in any other forum;

- c. That the OKTP SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
- d. That Respondent has not received and will not receive credit for the OKTP SEP in any other enforcement action;
- e. That Respondent will not receive reimbursement for any portion of the OKTP SEP from another person or entity; and
- f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the OKTP SEP.

E. Respondent certifies that:

- a. It 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 III and this CAFO; and
- b. It has inquired of the OKTP SEP recipient and/or implementer whether either is a party to an open federal financial assistance transaction that is funding or could fund the same activity as a SEP and has been informed by the recipient and/or implementer that neither is a party to such transaction.

- F. Within sixty (60) days after the completion of the OKTP SEP, Respondent shall submit a completion report to EPA, certifying that the SEP funds have been applied

to the project, how the funds were used, an evaluation of the SEP's success, and a certification that the SEP has been completed in accordance with the CAFO, the approved work plan, and Appendix III of this CAFO.

- G. The total expenditure for the OKTP SEP shall not be less than \$105,000.

Respondent shall include documentation of the expenditures made in connection with the OKTP SEP as part of the OKTP SEP completion report.

- H. Respondent agrees that any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the OKTP SEP, with the exception of any advertisements for the training, 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, *In the Matter of: Macy's Retail Holdings Inc., Docket No. RCRA-06-2017-0910* to enforce federal laws".

- I. Respondent shall complete the OKTP SEP in a timely and satisfactory manner, to ensure that the EPA and the public receives the benefits expected by the SEP. For purposes of this CAFO, the OKTP SEP shall have been satisfactorily completed (i) when the program has been implemented and completed within one (1) year after the effective date of the CAFO, (ii) Macy's has spent no less than \$105,000, (iii) Macy's has periodically advertised the program in more than one media in the month that immediately precedes a training event, and (iv) Macy's is able to document the capacity to host at least four hundred (400) participants other than Macy's employees at the training sessions offered in the states of Oklahoma and Texas and via webinar.

iii. Stipulated Penalties

85. Respondent shall pay any stipulated penalty due under this CAFO, within thirty (30) days after receiving the EPA's written demand.

Supplemental Environmental Project

86. Respondent shall be liable for stipulated penalties to be paid to the Treasurer United States, in accordance with the payment instructions set forth in Section VI.i. (Penalty Provisions), for its failure to: (i) Meet interim milestones, to submit required progress reports and to provide a SEP completion report, beginning sixty (60) days after a submission due date and at a rate of \$400 per day and thereafter that each specific failure continues; and (ii) Satisfactorily complete the SEP, as defined in Section VI.ii Paragraph 84.I above or if Respondent halts or abandons work of the SEP, Respondent will pay a stipulated penalty of \$107,625 together with interest accruing from the date the CAFO became effective, and the interest will be assessed in accordance with Paragraph 83 of this CAFO.

Third-Party Audit

87. Respondent shall be liable to the EPA for the stipulated penalties set forth below for each violation identified by the Independent Third-Party consultant or as a result of the Third-Party audit findings if: the violation is not cured by the Respondent within seven (7) calendar days from the date it was identified by the consultant or Respondent, pursuant to Paragraph 76.C of this CAFO and (a) the violation identified is not a violation of the types cited in Section IV of this CAFO and for the period of January 1,

2012 through December 31, 2015; or (b) the violation identified occurred after the effective date of the CAFO and is a violation similar to a violations cited in Section IV of this CAFO or otherwise.

Period of Failure to Comply	Penalty Per Day Per Violation
8 th through 20 th day	\$100.00
21 st through 30 th day	\$250.00
Greater than 30 days	\$500.00

iv. Force Majeure

88. Force majeure for purposes of Section VI.ii. (Supplemental Environmental Project) of this CAFO, is defined as any event arising from causes beyond the control of Respondent, of any entity controlled by Respondent, or of Respondent's contractors that delays or prevents the performance of any SEP obligation despite Respondent's best efforts. The requirement that Respondent exercise best efforts to fulfill the obligation includes using best efforts to anticipate any potential force majeure and best efforts to address the effects of any potential force majeure: (i) as it is occurring; and (ii) following the potential force majeure such that the delay and any adverse effects of the delay are minimized to the greatest extent possible. Force majeure does not include Respondent's financial inability to perform its SEP obligation.

89. If any force majeure event occurs or has occurred that may delay the performance of the OKTP SEP, Respondent shall provide notice by electronic or facsimile transmission as soon as possible, pursuant to Paragraph 78 of this CAFO, but not later than seventy-two (72) hours after the time when Respondent first confirmed that the event might cause a

delay. Within ten (10) days thereafter, Respondent shall provide written notice to EPA with an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; 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 Respondent such event may cause or contribute to an endangerment to public health, welfare or the environment. Respondent shall include with any notice available documentation supporting a claim that the delay was attributable to a force majeure. Respondent shall be deemed to know of any circumstance of which Respondent, any entity controlled by Respondent, or Respondent's contractors knew or reasonably should have known. Failure to comply with the above requirements regarding an event shall preclude Respondent from asserting any claim of force majeure regarding that event; however, despite the late notice, if EPA is able to assess to its satisfaction whether the event is a force majeure under Paragraph 88 and whether Respondent has exercised its best efforts under Paragraph 88, EPA may, in its unreviewable discretion, excuse in writing Respondent's failure to submit timely notices under this Paragraph.

v. Cost

90. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated pursuant to those Acts.

vi. Termination and Satisfaction

91. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order, payment of the civil penalty, and has satisfactorily completed the SEP, Respondent shall so certify in writing and in accordance with the certification language set forth in Section V (Compliance Order), Paragraph 77. Unless the EPA, objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

92. This CAFO resolves the claims set forth in Section IV, Factual Allegations and Alleged Violations, and Macy's, and its officers, directors, employees, and affiliated entities are released from civil liabilities as provided in 40 C.F.R. §§ 22.18(c) and 22.31 upon the termination of this CAFO.

vii. Effective Date of Settlement

93. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

viii. Appendices

94. The following Appendices are attached to and are part of this CAFO:

Appendix I represents a list of all of Macy's' Facilities in Region 6 that are subject to this CAFO;

Appendix II represents the Third-party language that embodies the understanding between the Parties; and

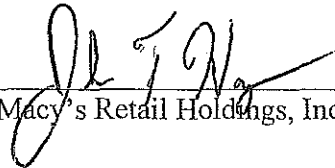
Appendix III represents the narrative of the Supplemental Environmental Project ("SEP").

Re: MACY'S RETAIL HOLDINGS, INC
RCRA-06-2017-0910

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:


Date: 9/19/17



Macy's Retail Holdings, Inc.

FOR THE COMPLAINANT:

Date: 9/21/17



Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division


FINAL ORDER

95. Pursuant to the Consolidated Rules of Practice Governing the Administrative

Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified.

This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 9/26/17



Thomas Rucki
Regional Judicial Officer

Re: MACY'S RETAIL HOLDINGS, INC
RCRA-06-2017-0910

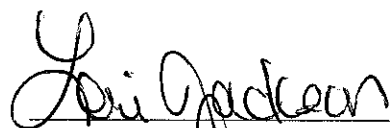
CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of Sept, 2017, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7001 0366 0003 6674 8216

Macy's Retail Holdings, Inc.
7 West Seventh St
Cincinnati, OH 45202
Attn: General Counsel

Wendy Schmidt
GVP, Law Operations
Macy's Corporate Services, Inc.
680 Folsom Street, 12th Floor
San Francisco, CA 94107


Ms. Lori Jackson
Paralegal

APPENDIX I

MACY'S REGION 6 FACILITIES

	Macy's Store #	Location
	Texas	
1	687	Houston, West Alabama
2	665	Dallas, N Central Expwy
3	666	Dallas, Noel Road
4	667	Frisco
5	720	Houston, Alameda
6	717	Friendswood
7	669	Mesquite, Town East Mall
8	668	Plano, North Central
9	704	Austin
10	455	El Paso
11	705	San Antonio, La Cantera
12	707	San Antonio, NW Loop 410
13	701	McAllen
14	691	Houston-West Oaks
15	682	Irving
16	677	Hurst
17	672	Garland
18	702	San Antonio - San Pedro
19	703	Laredo
20	688	Sugar Land
21	710	Austin - Mopac
22	689	Houston-Sage Rd
23	718	Humble
24	724	Pearland
25	686	Houston-Memorial Mall
26	671	Plano - West Park
27	673	Tyler
28	675	Fairview
29	683	Denton
30	708	Corpus Christi
31	711	San Antonio - SW Military
32	714	Temple
33	715	Houston, 4000 Willowbrook
34	716	Houston- 1201 Lake Woodlands Drive
35	721	Houston- 500 Greenspoint Mall
36	722	College Station

APPENDIX I

MACY'S REGION 6 FACILITIES

	Macy's Store #	Location
37	725	Texas City
38	715B	Houston, FM 1960
39	719	Houston, 1110 Main St.
	Louisiana	
40	690	Baton Rouge
41	693	Metairie
	Oklahoma	
42	679	Oklahoma City
43	680	Tulsa
	New Mexico	
44	456	Albuquerque, North East Manuel Blvd

APPENDIX II

INDEPENDENT THIRD-PARTY REQUIREMENTS AND DUTIES

1. Respondent shall hire Independent Third-Party(ies) to perform audits of the hazardous waste management and disposal program at Respondent's eleven (11) facilities identified in Section V, Sub-paragraph 76.A of the referenced Consent Agreement and Final Order ("CAFO"). Respondent shall bear all costs associated with the Independent Third-Party audits, cooperate fully with the Independent Third-Party consultant, and provide the consultant with access to all records, employees, etc., that the consultant and Respondent deem necessary to effectively audit the hazardous waste materials program at the eleven (11) facilities identified in the referenced CAFO.
2. Independent Third-Parties and their personnel selected by Respondent to perform the duties set forth in Section V of the referenced CAFO:
 - a. shall have expertise and competence in the relevant regulatory programs under federal and state environmental laws, and at least five years of experience, including current experience and training, with the requirements of RCRA; and
 - b. shall have conducted at least four (4) similar audits within the last three (3) years.
3. The Independent Third-Party and its personnel shall act impartially when performing all activities under this section. To demonstrate independence and impartiality, Respondent shall have no financial interest in the Independent Third-Party and shall require in its contract and relationship with the Independent Third-Party, that:
 - a. the Independent Third-Party and its personnel not have any conflict of interest that will compromise, in any way, the independence of the audit;
 - b. the Independent Third-Party and its personnel not have conducted past research; development, design, construction services, or consulting for Respondent within the last 3 years, and shall not have ever worked at any Respondent's facilities. For purposes of this section, consulting shall not include performing or participating in other third-party audits or evaluations required by this CAFO; and
 - c. the Independent Third-Party and its personnel not provide other business or consulting services to the Respondent, including advice or assistance to implement the findings or recommendations in the Audit report, for a period of at least 3 years following the Independent Third-Party's submittal of the final Audit report;
4. All Independent Third-Party personnel who conduct or otherwise participate in the Audit shall sign and date a conflict of interest statement attesting that the personnel:
 - a. has met and followed the Independent Third-Party requirements in Section 3 (a through c) of this Appendix II; and

- b. has received no financial benefit from the outcome of the evaluation or audits, apart from payment for such evaluation or audit services.
5. Respondent shall neither hire as an employee nor as a consultant any of the Independent Third-Party's personnel who conducted or otherwise participated in the evaluation/audit for a period of at least 3 years following the Independent Third Party's submittal of its final report.
6. The Independent Third-Party shall retain, and if directed by Respondent shall produce for Respondent and/or for EPA, copies of any of the audit-related reports and records for audits performed pursuant to this Appendix II.
7. Unless otherwise set forth in this CAFO, within sixty (60) days after the effective date of the CAFO, Respondent shall submit to EPA the identity of its Independent Third-Party consultant(s) and a copy of the consultants' conflict of interest statement.
8. General Evaluation or Audit Report Requirements. In addition to the specific requirements for each third party audit set forth under this CAFO, Respondent shall require the Independent Third Party to include, as part of its final report after completion of the audit, the following:
 - a. the name and address of the Facility(ies) reviewed and the date of the audit;
 - b. a description of the information reviewed and the on-site activities conducted by the Auditor to perform the audit in accordance with this Appendix;
 - c. a detailed description of each suspected area of noncompliance ("AON") found at each Facility, including the days of noncompliance, if known, with the legal requirement;
 - d. supporting data and information documenting each suspected AON, such as analytical data, schematic diagrams and photographs, and invoices of installed equipment;
 - e. a recommendation on what corrective measures need to be taken by Respondent to address each suspected AON; and
 - f. a certification by the Independent Third-Party that the evaluation or audit has been fully completed in accordance with the federal and state law.
9. The Independent Third-Party shall provide a copy of the final audit report to Respondent and EPA within thirty (30) days of completion.

APPENDIX III

SUPPLEMENTAL ENVIRONMENTAL PROJECT DESCRIPTION

Macy's Retail Holdings, Inc., ("Macy's") proposes to implement an environmental compliance promotion project for the retail industry in States of Oklahoma and Texas. The supplemental environmental project ("SEP") will consist of financing the development of and hosting a series of compliance promotion activities through several different media. The objective of the SEP is to educate the retail industry, particularly smaller retailers, in the States of Oklahoma and Texas about the hazardous waste laws and regulations that apply to their operations, and then to make a recorded version of that training available more generally to retailers on a nationwide basis for a period of one year and to promote the availability of the training through certain industry associations.

Expected Environmental Benefit

Macy's SEP will achieve the objectives outlined in the United States Environmental Protection Agency's SEP Policy, as it goes above and beyond what is legally required in order to comply with the applicable federal and state hazardous waste laws, and it secures additional environmental benefits to those achieved through compliance alone. The anticipated environmental benefits from the proposed SEP will be reducing risks to public health and the environment by improving compliance with the applicable hazardous waste laws in the retail sector.

The value of Macy's environmental compliance promotion project will be substantial, as there are little to no compliance promotion materials available that specifically target the retail industry. This SEP will disseminate an extensive amount of information to the retail sector in Oklahoma and Texas in order to raise awareness of, and educate the industry on, the federal and, at a higher level, state hazardous waste laws that apply to the day-to-day operations of a retailer. Increasing the retail sector's knowledge of the regulatory requirements that apply to the industry will, in turn, reduce the instances in which hazardous wastes are improperly managed and disposed of by the retail industry.

Project Description

Compliance Promotion Activities

As part of the implementation of the SEP, Macy's will present (i) four (4) live sessions per day over two (2) days at Macy's facilities and/or hotels in Oklahoma, (ii) two (2) live sessions over two (2) days at Macy's facilities and/or hotels in Texas; and (iii) four (4) interactive webinars with an opportunity for questions and answers over the course of one year from the effective date of the CAFO. The live sessions will be held in the vicinity of Tulsa and Oklahoma City in Oklahoma, and Dallas and Houston in Texas. A recorded version of the training further will be made available for any retailer to view on the training vendor's website for a period of one year, and such availability will be promoted through the Oklahoma Retail Merchants Association and

the Texas Retailers Association, as well as a national retail industry association. Macy's will retain one or more third-party contractor(s) to develop and conduct the trainings.

Training Materials

At or before each scheduled training, Macy's will provide participants with educational materials that correspond to the session. These training materials will serve to reinforce participants' understanding of the hazardous waste laws and regulations discussed during the training session, and will also serve as a resource that may be referenced and used to promote compliance going forward. These materials also will be made available in conjunction with the recorded session.

Advertising

Macy's will advertise each scheduled training session at least two (2) times within the thirty (30) days preceding the session. Macy's will advertise each training session in at least two (2) locations (e.g., in an industry publication or website, a local trade paper or a local newspaper). These advertising provisions are minimum requirements for the project (i.e., Macy's may conduct additional advertising if necessary to increase attendance, provided sufficient budget is available), and they are intended to provide Macy's flexibility to target different and/or particular audiences for each training event.

Project Cost

The estimated cost of the SEP is One Hundred and Five Thousand dollars (\$105,000.00). Macy's will provide EPA with a work plan and an estimated budget itemizing each component of this SEP within ninety (90) days of the effective date of the CAFO.

Timeline

Macy's will implement and complete this environmental compliance promotion project within one (1) year of the effective date of the CAFO and in compliance with the referenced CAFO.