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

In the Matter of:	:	
	:	
Eden Wood Preserving LLC	:	**U.S. EPA Docket No. RCRA-03-2020-0098**
28114 Old Eden Road & Route 13	:	
Fruitland, Maryland 21826	:	**Proceeding under Sections 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §§ 6928(a) and (g)**
Respondent.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III ("Complainant") and Eden Wood Preserving LLC ("Respondent") (collectively the "Parties"), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the 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 Rule of Practice"), 40 C.F.R. Part 22. 42 U.S.C. § 6928(a)(2), RCRA § 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator, who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant's civil penalty claims against Respondent under RCRA (or the "Act") for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA" or "the Agency") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Maryland has been granted final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations ("COMAR"), Title 10, Subtitle 51 et seq., in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The State of Maryland Hazardous Waste Management Regulations ("MdHWMR") originally were authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

5. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to initiate an enforcement action whenever EPA determines that a person is in violation of any requirement of RCRA Subtitle C, EPA's regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment if a civil penalty against any person who violates any requirement of Subtitle C of RCRA.

6. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).

7. EPA has given the State of Maryland, through the Maryland Department of the Environment ("MDE"), prior notice as of March 11, 2019 concerning the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.

9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.

10. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.

11. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and waives its right to appeal the accompanying Final Order.

12. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

13. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

15. For the times relevant to the allegations set forth below, Eden Wood Preserving LLC. was a corporation, organized under the laws of the State of Delaware on August 18, 2011. As such, Eden Wood Preserving was a 'person' as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10 and COMAR 26.13.01.03B(61) and was subject to the assessment of civil penalties for the violations alleged herein.

16. At all times relevant to the alleged violations contained herein, Respondent was the owner of a facility located at 28114 Old Eden Road & Route 13, Fruitland, Maryland 21826 (hereinafter "the Facility").

17. The Facility uses Chromated Copper Arsenate ("CCA") in various concentrations to pressure treat wood for a range of uses that require different "charges" of CCA to preserve the wood during its use. There is an approximately 12,500 square foot drip pad with a six-inch curb at the Facility intended to prevent run-on or run-off.

18. The Facility was constructed in 1978 with additions to the drip pad in 1984 and 1993.

19. Respondent has operated at the Facility since 2011. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the "operator" and the "owner" of the Facility, as those terms are defined in COMAR 26.13.01.03.B(58) and (59).

20. Respondent has been assigned EPA ID Number MDD095415840 for the generation of hazardous waste at the Facility. The Facility does not have a permit for the treatment, storage or disposal of hazardous wastes.

21. As part of its operations, Respondent generates wood preservative drippage hazardous waste with EPA Hazardous Waste No. F035. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in COMAR 26.13.01.03.B(29), (73) and (31).

22. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, engaged in the temporary "storage" of "solid waste" and "hazardous waste" in "containers" and on a "drip pad" at the Facility, as well as in the collection system and a "sump" associated with the treatment cylinders, as those terms are defined in COMAR 26.13.01.03.B(9), (16-1), (31), (73), (76) and (76-1).

23. At all times relevant to the allegations set forth in this Consent Agreement, and as

described below, Respondent is, and has been, engaged in the use of a "drip pad" for the wood-preservative treatment and temporary outdoor storage of wood at the Facility, as the term "drip pad" is defined in 40 C.F.R. § 264.570 and in COMAR 26.13.01.03(16-1).

24. On August 22, 2018, inspectors from EPA and MDE conducted a Compliance Evaluation Inspection ("CEI") of the Facility owned and operated by the Respondent, Eden Wood Preserving LLC.

25. On July 22, 2019, EPA sent a Request to Show Cause and Request for Information ("Show Cause letter") to Respondent advising it of EPA's preliminary findings of violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent's compliance with the MdHWMR and federal hazardous waste regulations at the Facility.

26. In response to the Show Cause Letter, Respondent provided EPA with information during a meeting on September 16, 2019 and in written responses dated October 21, 2019 and November 21, 2019.

27. On the basis of EPA's findings during the Inspection and Respondent's response to EPA's Show Cause letter, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized MdHWMR requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

28. At all times relevant to the allegations set forth in this Consent Agreement, Respondent's Facility is, and has been, a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03.B(23).

Count I

Operating a Treatment, Storage or Disposal Facility Without a Permit or Interim Status

29. The allegations of Paragraphs 1 through 28 of this Consent Agreement are incorporated herein by reference.

30. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), 40 C.F.R. 262 & 270 require, with certain exceptions not relevant here, that no person who owns or operates a facility for the treatment, storage or disposal of hazardous waste may do so without first obtaining a permit or interim status for the facility. COMAR 26.13.07.01A also requires a permit or interim status for the treatment, storage or disposal of hazardous waste.

31. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (*i.e,* "interim status") until such time as final administrative disposition of such application is made.

32. Respondent has never had "interim status" pursuant to RCRA Section 3005(e) or a permit issued pursuant to RCRA Section 3005(a) for the treatment, storage, or disposal of hazardous waste at the Facility.

33. Pursuant to COMAR 26.13.03.05E, large quantity generators of hazardous waste who accumulate hazardous waste on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section, including, *inter alia*:

    a. Pursuant to COMAR 26.13.03.05E(1)(d), the generator must comply with the requirements of COMAR 26.13.05.09, including:

        i. The requirement to keep containers holding hazardous waste always closed during storage, except when necessary to add or remove waste, in accordance with COMAR 26.13.05.09D; and,
        ii. The requirement to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion and other factors, in accordance with COMAR 26.13.05.09E.

    b. Pursuant to COMAR 26.13.03.05E(1)(e), the generator must clearly mark each container with the date upon which each period of accumulation begins so that the mark is visible for inspection on each container; and,

    c. Pursuant to COMAR 26.13.03.05E(1)(f), while being accumulated in containers on site, the generator must label or mark each container with the words "Hazardous Waste," and,

    d. Pursuant to COMAR 26.13.03.05E(1)(g), the generator must comply with the requirements of COMAR 26.13.05.02G, .03, and .04, including the requirements that:

1. Facility personnel take part in an annual review of the initial hazardous waste management training required by COMAR 26.13.05.02G(1)(a) in accordance with COMAR 26.13.05.02G(3);

2. The owner or operator maintain at the facility a written job description for each position related to hazardous waste management in accordance with COMAR 26.13.05.02G(4)(b);

3. The owner or operator maintain at the facility records that document the training or job experience required under COMAR 26.13.05.02G(1), (2) and (3) has been given to, and completed by, facility personnel in accordance with COMAR 26.13.05.02G(4)(d); and

4. Each owner or operator have a contingency plan for his facility, in accordance with COMAR 26.13.05.04.

e. Pursuant to COMAR 26.13.03.05E(1)(l), the generator that accumulates hazardous wastes in drip pads must comply with the requirements of COMAR 12.13.05.17-1 – 17-4, which include:

1. COMAR 26.13.05.17-2: Design and Operating Requirements; and

2. COMAR 26.13.05.17-3: Inspections

34. At the time of the August 22, 2018 CEI, the Respondent had failed to keep containers holding hazardous waste always closed during storage, except when necessary to add or remove waste, in accordance with COMAR 26.13.05.E(1)(d), as follows:

a. Universal waste lamps (which must be treated as hazardous waste in Maryland due to lack of authorization as universal waste by EPA) were stored in a loft in an open box.

35. At the time of the August 22, 2108 CEI, the Respondent had failed to label or mark each container with the words “Hazardous Waste,” in accordance with COMAR 26.13.03.05.E(1)(e), as follows:

a. Universal waste lamps (which must be treated as hazardous waste in Maryland due to lack of authorization as universal waste by EPA) were stored in a loft in an open box with no label or mark to indicate it contained hazardous waste.

36. At the time of the August 22, 2108 CEI, the Respondent had failed to mark a hazardous waste container with a date upon which a period of accumulation had begun, as required in accordance with COMAR 26.13.03.05.E(1)(f)(ii), as follows:

a. Universal waste lamps (which must be treated as hazardous waste in Maryland due to lack of authorization as universal waste by EPA) were stored in a loft in an open box with no date upon which a period of accumulation had begun.

37. At the time of the August 22, 2018 CEI, the Respondent had failed to maintain the hydraulic conductivity of the drip pad in accordance with COMAR 26.13.05.17-2A(2)(a), as follows:

    a. Respondent failed to seal, coat or cover the drip pad as required by COMAR 26.13.05.17-2A(2)(a) prior to and at the time of the August 22, 2018 CEI.

38. At the time of the August 22, 2018 CEI, the Respondent failed to maintain the existing drip pad in accordance with COMAR 26.13.05.17-2A(2)(b) as follows:

    a. At the time of the CEI, the inspectors observed deteriorated areas of the drip pad, such as cracks and gaps in the concrete surface of the drip pad, which could adversely affect its ability to contain liquids, as required by COMAR 26.13.05.17-2A(2)(b).

39. At the time of the August 22, 2018 CEI, the Respondent failed to properly inspect its drip pad to detect evidence of deterioration or cracking of the drip pad surface, as required by COMAR 26.13.05.17-3E(1)(c), as follows:

    a. At the time of the CEI, the inspectors examined documents entitled "Drip Pad Inspection/Cleaning/Waste Removal Record" dating from 2015 through August 22, 2018.

    b. The documents that preceded the CEI showed, under the column with the heading "Presence of any surface deterioration or cracks," the letter "N", which is believed to indicate No – that no surface deterioration or cracks were detected at the time of the inspections.

    c. Prior to the CEI, in at least one weekly inspection, the Facility failed to detect the damage and deterioration that EPA observed during its August 22, 2018 CEI. Therefore, Eden Wood failed to detect surface deterioration or cracks during a weekly inspection, as required by COMAR 26.13.05.17-3E(1)(c).

40. In failing to comply with the COMAR 26.13.03.05E permit exemption requirement, the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent is in violation of COMAR 26.13.07.01A and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count II
Failure to Provide Written Description of Training Requirements in Job Description

41. The allegations of Paragraphs 1 through 40 of this Consent Agreement are incorporated herein by reference.

42. According to COMAR 26.13.05.02G(4)((b), the owner or operator shall maintain the following documents and records at the facility that include, among other things:

a written job description for each position listed under § G(4)(a) of this regulation. The description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education or other qualifications and duties of employees assigned to each position.

43. At the time of the August 22, 2018 CEI, the EPA inspector examined the job descriptions in the Facility's records and noted that the job descriptions reviewed did not contain education requirements for each position, which is in violation of COMAR 26.13.05.02G(4)(b).

44. In failing to comply with COMAR 26.13.05.02G(4)(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count III
Failure to Perform Inspections of Hazardous Waste Storage Areas on a Weekly Basis

45. The allegations of Paragraphs 1 through 44 of this Consent Agreement are incorporated herein by reference.

46. According to COMAR 26.13.05.09E, the Respondent shall inspect containers for storage of hazardous waste on at least a weekly basis.

47. At the time of the August 22, 2018 CEI, the EPA inspector reviewed three years of Eden Wood's inspection records for hazardous waste storage. The 2017 and 2018 records indicated that Respondent did not conduct a total of 16 weeks of inspections, which is in violation of COMAR 26.13.05.09E.

48. In failing to comply with COMAR 26.13.05.09E, which incorporates by reference 40 CFR 265.174, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count IV
Failure to Maintain Hydraulic Conductivity of Entire Drip Pad

49. The allegations of Paragraphs 1 through 48 of this Consent Agreement are incorporated herein by reference.

50. The Respondent is required to maintain the hydraulic conductivity of the drip pad in accordance with COMAR 26.13.05.17-2A(2)(a).

51. At the time of the August 22, 2018 CEI, the Respondent had failed to maintain the hydraulic conductivity of the drip pad in accordance with COMAR 26.13.05.17-2A(2)(a) as follows:

    a. The inspectors observed damaged areas of the drip pad at the time of the August

22, 2018 CEI. The damage to the drip pad created a condition in which areas of the drip pad were no longer sealed or coated at the time of the CEI. Respondent failed to seal, coat or cover the drip pad prior to and at the time of the August 22, 2018 CEI, which is in violation of COMAR 26.13.05.17-2A(2)(a).

52. In failing to comply with COMAR 26.13.05.17-2A(2)(a) Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count V
Failure to Maintain Drip Pad Free of Cracks, Gaps, Corrosion or Other Deterioration

53. The allegations of Paragraphs 1 through 52 of this Consent Agreement are incorporated herein by reference.

54. The Respondent is required to maintain the existing drip pad to avoid cracks, gaps and deterioration of the drip pad, in accordance with COMAR 26.13.05.17-2A(2)(b).

55. At the time of the CEI, the inspectors observed deteriorated areas of the drip pad, such as cracks and gaps in the concrete surface of the drip pad, which could adversely affect its ability to contain liquids. Respondent is thus in violation of COMAR 26.13.05.17-2A(2)(b).

56. In failing to comply with COMAR 26.13.05.17-2A(2)(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count VI
Failure to Detect Damage and Deterioration to Drip Pad During Weekly Inspections

57. The allegations of Paragraphs 1 through 56 of this Consent Agreement are incorporated herein by reference.

58. Respondent is required, through the course of weekly inspections, to detect whether damage and deterioration to the drip pad have occurred, in accordance with COMAR 26.13.05.17-3E(1)(c).

59. EPA reviewed drip pad inspection records from 2015 through August 22, 2018. The documents reviewed were entitled "Drip Pad Inspection/Cleaning/Waste Removal Record." However, under the column with the heading "Presence of any surface deterioration or cracks," the letter "N" was written, which is believed to indicate No – that no surface deterioration or cracks were detected at the time of the inspections.

60. At the time of the August 22, 2018 CEI, the EPA inspector detected cracks, gaps and deterioration of the drip pad, even though the weekly inspection records of the Facility noted that there was no presence of any surface deterioration or cracks.

61. At least the weekly inspection conducted by the Facility before the August 22, 2018 CEI

failed to detect the damage and deterioration of the drip pad that EPA observed during the CEI. Therefore, Eden Wood failed to detect surface deterioration or cracks during weekly inspections, as required by COMAR 26.13.05.17-3E(1)(c).

62. In failing to comply with COMAR 26.13.05.17-3E(1)(c), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

63. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of FIFTY THOUSAND dollars ($50,000.00), which Respondent shall be liable to pay in accordance with the terms set forth below.

64. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: 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 applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

65. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

    a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, EPA Docket No. RCRA-03-2020-0098;

    b. All checks shall be made payable to the "United States Treasury";

    c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

    d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

        https://www.epa.gov/financial/makepayment

e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Daniel T. Gallo
Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
gallo.dan@epa.gov

66. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

67. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

68. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is electronically transmitted, mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).

69. ADMINISTRATIVE COSTS: The costs of the EPA'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 – Case 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.

70. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31

C.F.R. § 901.9(d).

71. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

COMPLIANCE ORDER

72. As a condition of this settlement, Respondent is hereby ORDERED, pursuant to Section 3008(a) of the Act, 42 U.S.C. § 6928(a), and does consent, to implement and execute Attachment A, Sampling and Analysis Plan ("SAP"), of this Consent Agreement and Final Order, at Respondent's Facility as specified in Attachment A. The SAP requires Respondent to perform the requisite Compliance Tasks, each of which is also referred to as an "Activity" or "Activities" in the SAP, and shall consist of:

    1) Planning/Preparatory/Mobilization Activities
    2) Field Work
    3) Analytical Data Analysis
    4) Data Validation
    5) Report of Findings

73. Respondent shall perform the Compliance Tasks described in the SAP in the timeframe specified in Section 2.3 of the SAP: the "Project Timeline." Respondent shall commence to perform SAP Compliance Tasks no later than fourteen (14) days after this Consent Agreement and Final Order becomes effective. "Days" as used herein shall mean calendar days unless specified otherwise.

74. Respondent shall develop and perform all work undertaken pursuant to this Compliance Order, as appropriate and as approved by EPA, in accordance with the SAP.

75. For any sampling activities under the SAP, Respondent shall provide split or duplicate samples to EPA and/or its field representative(s) from the U.S. Army Corps of Engineers (USACE). Samples taken shall be recorded on the "USACE QA Sample Scheme" spreadsheet, or a similar spreadsheet, which provides a comprehensive listing to EPA of all samples taken.

76. Respondent shall notify EPA and the USACE not less than 14 days in advance of any planned sample collection activity under the SAP unless shorter notice is agreed to by EPA. In addition, EPA and the USACE shall have the right to take any additional samples that EPA or the USACE deem necessary. A representative from the USACE must be present in order for the Respondent to perform any field activity under the SAP, unless EPA waives the requirement. Samples collected without the presence of a USACE representative will not be accepted and will require re-sampling in the presence of a USACE representative, unless EPA waived this requirement.

77. Respondent shall provide, at a minimum, fourteen (14) day advance notice, by phone and email, prior to the commencement of any sampling or field activity under the SAP to the following individuals:

William E. "Skip" Harris, Industrial Hygienist
U.S. Army Corps of Engineers
Geo-Environmental Section
Philadelphia District

- Correspondence with Mr. Harris should be directed to:

  William.E.Harris@usace.army.mil
  Cell phone number: 609-781-2913.

Stephen Forostiak, EPA-Region III
RCRA Section/Air, RCRA & Toxics Branch
Enforcement & Compliance Assurance Division
1650 Arch Street (3ED22)
Philadelphia, PA 19103-2029
Phone: 215/814-2136
Fax: 215/814-3163
forostiak.stephen@epa.gov

In addition, please provide email notice of any planned field activity under the SAP to:

Joseph Loeper, USACE: Joseph.M.Loeper@usace.army.mil
Diane Schott, EPA Region III: schott.diane@epa.gov
Daniel Gallo, EPA Region III: gallo.dan@epa.gov

78. In the event that EPA finds that a release may be present and additional data is needed, EPA reserves the right to request additional sampling to confirm the observations from the initial sampling.

79. Respondent shall provide to EPA, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within Respondent's possession or control or that of its contractors or agents relating to activities performed at the Facility to implement the SAP, or to implement this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the SAP work. Respondent shall also make available to EPA, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the SAP work.

80. Unless otherwise specified, reports, correspondence, approvals, notices, and other submissions by either party relating to or required under this Compliance Order shall be in writing. Email is an acceptable method for submissions in writing.

81. Respondent shall submit a Report of Findings in accordance with the SAP. The Report of Findings shall include, in addition to any information specified in the SAP:

a. A certification that all Compliance Tasks contained in Section 2.3 of the SAP have been completed and that complete information has been submitted to EPA;

b. The following information:

- Figure(s) showing sample location using sample IDs provided to the laboratory
- Data summary table
- Field notes
- Photographic documentation
- Boring logs with XRF measurements for each boring
- Chain of Custody Documents
- Sample Analysis Reports
- Data Validation Reports
  At a minimum, the following shall be provided in the data validation reports:
  - A description of the data validation review and associated findings, and
  - Final validated results, signed by the data validator
- A copy of the SAP
- Waste Characterization, Transportation and Disposal Documentation
  - An existing waste characterization covers waste that will be generated during the investigation; therefore a new characterization is not expected.

c. The itemized costs for SAP expenditures, along with the sum total of all costs incurred by the Respondent for completion of all SAP Compliance tasks. For each itemized cost, the Respondent shall:

i. Clearly identify and provide acceptable financial documentation evidencing its actual payment of all itemized SAP costs;

ii. For purposes of this Paragraph, "acceptable financial documentation" includes payment invoices, purchase orders, payment receipts, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment was made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment was made.

82. Submissions to EPA: the Report of Findings, any notice, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order, shall be certified by a responsible corporate officer of Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or (2) any other person who

performs similar policy or decision-making functions for the corporation. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of the Respondent:

> I certify under penalty of law that this document and all attachments are true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 fines and imprisonment for knowing violations.
>
> Signature: _____
> Name: _____
> Title: _____

83. Except as otherwise provided herein, notifications or submissions to EPA required by this Compliance Order shall be sent via email and by mail to:

> Stephen Forostiak (3ED22)
> RCRA Section
> Air, RCRA & Toxics Branch
> Enforcement and Compliance Assurance Division
> U.S. Environmental Protection Agency Region III
> 1650 Arch Street
> Philadelphia, PA 19103-2029
> forostiak.stephen@epa.gov; and
>
> Daniel T. Gallo (3RC40)
> Assistant Regional Counsel
> U.S. Environmental Protection Agency Region III
> 1650 Arch Street
> Philadelphia, PA 19103-2029
> gallo.dan@epa.gov

84. In the event a force majeure event impacts the ability of the Respondent to perform the SAP in accordance with the SAP Section 2.3 Project Timeline, Respondent shall contact EPA at the earliest sign of a potential delay. For purposes of this Compliance Order, "force majeure" 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 obligation under this Compliance Order despite Respondent's best efforts to fulfill the obligation. Increased costs or expenses associated with the implementation of actions called for in this Consent Agreement, or a change in Respondent's economic circumstances does not constitute force majeure. Respondent

shall identify how COVID-19 or a force majeure was the cause of the delay, and the decisions and actions taken in response, including best efforts to meet the timeline and steps to be taken to complete the SAP at the earliest opportunity. EPA and Respondent shall work cooperatively to mutually agree to a reasonable extension, based upon proper COVID-19 or force majeure related justification, to any phase of the Compliance Tasks/Activities contained within the 12-week Project Timeline of the SAP. Respondent shall act responsibly under the circumstances in order to minimize the duration of any delay caused by COVID-19 or a force majeure in implementing and completing the SAP.

GENERAL SETTLEMENT CONDITIONS

85. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

86. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

OTHER APPLICABLE LAWS

87. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the Resource Conservation and Recovery Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

88. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the Resource Conservation and Recovery Act, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION /PARTIES BOUND

89. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

90. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

91. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

SAMPLING AND ANALYSIS PLAN
EDEN WOOD PRESERVING
FRUITLAND, MARYLAND

Prepared for:
EDEN WOOD PRESERVING, LLC
28114 OLD EDEN ROAD
FRUITLAND, MARYLAND 21826

REVISED AUGUST 2020

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Innovative Solutions. Outstanding Support.

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TABLE OF CONTENTS

1.0 INTRODUCTION

This Sampling and Analysis Plan (SAP) has been prepared on behalf of Eden Wood Preserving, LLC (Eden) to define the scope of environmental quality assessment activities to be performed at the Eden facility located at 28114 Old Eden Road, Fruitland, Maryland (the "Site"). Figure 1-1 identifies the Site location on a U.S. Geological Survey Quadrangle map. This environmental quality assessment work is being performed in response to requests made by the United States Environmental Protection Agency (U.S. EPA) in letters dated December 23, 2019 and January 22, 2020 (U.S. EPA, 2019 and U.S. EPA, 2020, respectively), and comments made on a February 2020 SAP that were received from U.S. EPA on March 12, 2020.

This SAP identifies the specific procedures to be followed during the implementation of the environmental quality assessment activities to facilitate the production of representative and valid data during the investigative activities. Additionally, this SAP will be conducted in accordance with a Site-specific health and safety plan.

Pursuant to U.S. EPA's direction, sampling activities performed on behalf of Eden will be overseen by the US Army Corps of Engineers (USACE). Notice will be given to U.S. EPA and USACE a minimum of two weeks in advance of the sampling event.

2.0 PROJECT SCOPE AND SCHEDULE

2.1 Site Information/Background

The Site is an operating wood preserving facility that pressure-treats wood products with chromated copper arsenate (CCA).

In response to a screening-level groundwater quality evaluation performed in the vicinity of the facility's RCRA Subpart W drip pad (KU Resources, 2019), U.S. EPA requested additional environmental quality assessment activities in an area adjacent to the screening level evaluation sampling locations (U.S. EPA, 2019 and U.S. EPA, 2020).

The study area is located in the wood preserving operations area, at the concrete infeed/outfeed area for the wood preserving cylinder. The sampling will be performed in an unpaved area adjacent to the concrete slab.

The objective of this SAP is to assess soil and groundwater quality in the area identified by U.S. EPA through the collection of soil and groundwater samples for chemical analysis.

2.2 Project Description

Pursuant to the U.S. EPA request, the environmental quality evaluation activities will include the following primary components:

- The advancement of soil borings and collection of soil samples to assess soil quality in the study area; and
- The installation of temporary groundwater monitoring points to provide a screening-level assessment of groundwater quality in the study area.

Specific sample design and methodology are provided within Section 3.0 of this SAP.

2.3 Project Timeline

The anticipated timeline for the activities identified within this SAP is summarized as follows:

ACTIVITY	ANTICIPATED START DATE	ANTICIPATED COMPLETION DATE
1) Planning/Preparatory/Mobilization Activities	Week 1 (Upon SAP Approval)	Week 3
2) Field Work	Week 4	Week 4
3) Analytical Data Analysis	Week 5	Week 7
4) Data Validation	Week 8	Week 10
5) Report of Findings	Week 8	Week 12

Note that the anticipated project timeline is highly dependent upon drilling subcontractor availability and weather conditions, and may have to be extended.

2.4 Measurement Quality Indicators

The analytical laboratory for this project will be Pace Analytical Services, LLC (Pace Analytical) in Greensburg, Pennsylvania. The Pace Analytical measurement quality indicators for this project are as follows:

SOIL

	Reporting Limit (mg/kg)	Minimum Detection Limit (mg/kg)
Arsenic	0.5	0.4807
Chromium	0.5	0.0919
Copper	1.0	0.5836

GROUNDWATER

	Reporting Limit (µg/L)	Minimum Detection Limit (µg/L)
Arsenic	5.0	2.02
Chromium	5.0	0.347
Copper	5.0	2.67

3.0 MEASUREMENT AND DATA ACQUISITION

3.1 Conceptual Site Model

Wood preserving operations have taken place at the Site since approximately 1978, and are ongoing. CCA has always been used as the wood preservative at the Site. Eden Wood Preserving, LLC acquired and began operating the wood preserving facility in September 2011.

The Site ground surface is generally comprised of pavement or improved ground (gravel) to facilitate heavy equipment traffic. The uppermost natural soil was observed to be interbedded clay and fine to fine/medium sand intervals in the 2019 screening level groundwater quality evaluation. The uppermost saturated zone was observed to be between approximately six and eight feet below ground surface (bgs) in the 2019 screening level groundwater quality evaluation.

The U.S. EPA has requested a specific environmental sampling program for the purpose of assessing soil and groundwater quality in the study area. This sampling program will focus on soil quality in the unsaturated soil column, and groundwater quality in two sampling zones. Soil and groundwater samples will be analyzed for chromium, arsenic, and copper.

3.2 Sampling Design

A sampling program was developed by U.S. EPA (U.S. EPA, 2019, U.S. EPA, 2020a, and U.S. EPA, 2020b). Subsequently, U.S. EPA incorporated the use of X-ray fluorescence (XRF) techniques in the field sampling program. The field sampling program is as follows:

- Four sets of three direct-push technology (DPT) borings for a total of twelve DPTs:
  - One DPT set comprised of three DPTs along the narrow portion of the drip pad, near the west side of the door pit of the treatment cylinder;
  - One DPT set comprised of three DPTs along the narrow portion of the drip pad, near the east side of the door pit of the treatment cylinder;
  - One DPT set comprised of three DPTs midway along the west side of the narrow portion of the drip pad; and
  - One DPT set comprised of three DPTs midway along the east side of the narrow portion of the drip pad.
- For each DPT set, advance two (2) soil DPTs and one (1) combination groundwater and soil DPT. Each DPT within a DPT set will be 10 lateral feet apart, with the combination groundwater/soil DPT being the middle DPT of each three-DPT set. Each DPT will be within two lateral feet of the narrow cylinder rail.

- Composite soil samples will be collected. Each composite soil sample will consist of three discrete soil samples:
    - One discrete soil sample from each DPT within a three-DPT set. Each discrete soil sample will be collected from the top of the upper clay layer encountered approximately 1.7 feet bgs (during 2019 groundwater quality evaluation).
    - XRF readings will be taken for each composite soil sample.
    - One composite soil sample will be collected with enough volume for quality assurance/ quality control (QA/QC) samples and for the purpose of splitting samples with U.S. EPA.
- From each groundwater DPT:
    - One grab filtered and unfiltered groundwater sample at the top of the encountered saturated zone; and
    - One grab filtered and unfiltered groundwater sample within the next 10-foot depth interval.
- Each soil and groundwater sample will be analyzed for arsenic, chromium, and copper via method SW846 6010B.

- Field QA/QC samples will be collected and will include:
    - Soil: one blind duplicate, matrix spike, and matrix spike duplicate soil sample; and
    - Groundwater: one blind duplicate (filtered and unfiltered), one matrix spike/matrix spike duplicate (filtered and unfiltered), one field blank with deionized water, one filter rinse with deionized water, and one equipment rinse with deionized water.

Sampling locations are shown on Figure 3-1. Investigation locations will be recorded by taking distance measurements from known points. Due to the temporary nature of the groundwater sampling points, monitoring well casing elevations will not be determined; however, the approximate depth to water will be measured from ground surface at each sampling location.

3.3 Sampling Methods

A summary of the sampling techniques for the various environmental media to be investigated at the Site follows.

3.3.1 Soil Boring and Soil Sampling Methodology

Soil borings will be advanced using DPT drilling equipment, and soil samples will be collected continuously from ground surface to the boring termination depth. Borings will be advanced to a nominal depth of five feet bgs at the end locations of each three-DPT set. In the middle location, the boring will be advanced to a nominal depth of 10 feet, to determine the depth to the top of the saturated zone for subsequent groundwater sampling purposes. All samples will be examined in the field and field logs noting soil and lithologic descriptions, environmental quality observations, and other pertinent information will be maintained.

Soil samples will be collected at each boring location for analytical purposes from the top of the upper clay unit (if present). If this layer is found to contain variable clay fractions mixed with other materials (i.e. sandy clay), the samples will be biased toward the zone containing the highest clay fraction noted. If the clay(ey) unit is not present at a depth of approximately 1.5 feet bgs, soil samples will be collected from a different interval based on field observations/field decisions. For example, if a clay-containing unit is found at a deeper depth within the nominal five-foot sampling interval, the samples will be collected from this deeper interval. If no clayey materials are encountered, the samples will be collected from a nominal depth interval of 1.0 to 2.0 feet bgs. Any non-routine sampling circumstances will be discussed in the field with the USACE oversight representative, concurrence regarding collection of the sample(s) will be reached, and this concurrence will be recorded in the field notes.

Soil samples from each of the three boring locations in each DPT set will be placed in a one-gallon sealable plastic bag and thoroughly kneaded to composite the soil samples. Each bagged composite sample will be stored on ice, until all bagged composite soil samples are collected. If it is found in the field that kneading is not effective for generating a composite sample, the collection of discrete samples from each DPT location will be considered.

An XRF unit will then be used to collect field measurements of arsenic, chromium, and copper for each of the composited samples. All XRF field measurements will be collected in one event such that the unit will not have to undergo multiple calibrations over time. Prior to collecting the field measurements, the XRF unit will be turned on and allowed to go through the unit's start-up cycle. Two XRF readings will then be collected from a standard prepared by the National Institute of Standards and Technology (NIST), and the readings and standard deviations will be recorded. This information will be compared with the published concentrations of the standard. If the XRF readings are both within two standard deviations of the published standard concentrations, the XRF calibration step will be considered complete. If the two readings do not correspond with the NIST standard, two additional readings will be collected from the NIST standard, making sure that the XRF unit is properly seated on the standard's window. If the second calibration attempt is not successful, the unit will be turned off, re-started, and readings from the NIST standard will again be collected.

Following completion of the calibration step, two XRF readings (reporting arsenic, chromium, and copper) will be collected for each composite sample. These readings and the reported standard deviation will be recorded in the field notes, and the average of these two readings will be determined for each composite sample. XRF data for the arsenic, chromium, and copper measurements that are stored digitally by the XRF unit will be downloaded into spreadsheet format upon return to the office, and the spreadsheet will also be retained with the field notes.

Following the collection of the XRF field measurements, each composite sample will then be transferred to a laboratory provided sample jar. Additional aliquots of the composited sample will then be collected for QA/QC purposes, as discussed in Section 3.2.

Once collected, all soil samples for laboratory analysis will be stored on ice within insulated coolers prior to transport to the analytical laboratory under chain-of-custody protocols. Soil samples will be analyzed for the parameters discussed in Section 3.2.

Upon completion, boreholes will be backfilled to ground surface with bentonite chips, which will be hydrated with potable water. Boreholes where groundwater monitoring points are to be installed will not be immediately backfilled.

The DPT tooling will be decontaminated by washing with potable water and phosphate-free detergent prior to use at each sampling location, and before demobilizing from the Site. Excess soil will be managed with the facility's hazardous waste.

Disposable PPE will be managed with the facility's hazardous waste. DPT acetate liners will be washed on the facility's drip pad, and the liners will be disposed with the facility's trash. Other decontamination fluids will be placed on the facility's drip pad or in the cylinder door pit.

3.3.2 Groundwater Monitoring Point Installation and Groundwater Sampling Methods

Upon soil boring termination at a depth of approximately 10 feet at the middle boring at each three-DPT set, a Geoprobe® Screen Point Groundwater Sampler equipped with an approximate four-foot length of stainless steel screen will be installed on the DPT tooling and advanced to a depth approximately four feet into the observed uppermost saturated zone (total depth estimated to be 10 to 12 feet bgs, based on October 2019 water levels). Upon reaching the sampling depth, the outer sheath will be withdrawn to expose the screen. A length of polyethylene tubing will be inserted through the tooling to a point approximately six inches from the base of the sampler. A peristaltic pump will be attached to the tubing, and the temporary point will be pumped until the discharged water stream is visibly free of turbidity, or until the sampler determines that the turbidity cannot be effectively removed. The discharged water stream will then be directed to a laboratory-supplied pre-preserved sample bottle to collect the unfiltered groundwater sample. A 0.45-micron in-line filter will then be attached to the pump discharge and the filtered sample will be collected in the pre-preserved sample bottle.

Prior Site experience suggests that the groundwater flow into the Screen Point Groundwater Sampler will be adequate to collect samples following the above protocol. In the event that a Screen Point Groundwater Sampler purges to dryness prior to the flow from the peristaltic pump being visibly free of turbidity, the pump will be stopped and the groundwater level will be allowed to recover. This process will be repeated as necessary until the flow is visibly free of turbidity and the sample can be collected, or it is determined that field conditions will not allow the turbidity-free target to be attained. In that case, the groundwater level will be allowed to recover sufficiently to allow sampling, and the inability to attain the turbidity-free target will be recorded in the field notes.

The Screen Point Sampler will then be advanced an additional 10 feet, and a second groundwater sample will be collected following the above methodology. Following extraction of the Screen Point

Sampler, the boreholes will be backfilled to ground surface with bentonite chips, which will be hydrated with potable water.

The Standard Operating Procedure for the Geoprobe® Screen Point Groundwater Sampler is included as Appendix A.

Once collected, all groundwater samples for laboratory analysis will be stored on ice within insulated coolers prior to transport to the analytical laboratory under chain-of-custody protocols. Groundwater samples will be analyzed for the parameters discussed in Section 3.2.

The Screen Point Groundwater Sampler and DPT tooling will be decontaminated by washing with potable water and phosphate-free detergent prior to use at each sampling location, and prior to demobilizing from the Site. Purge water and decontamination water generated during investigation activities will be placed on the facility's drip pad or in the cylinder door pit. Other investigation derived waste will be managed as described in Section 3.3.1, above.

3.4 Analytical Methods Requirements

The analytical methods to be used during the implementation of this Site-specific SAP are identified in Section 3.2. Section 2.4 includes the measurement quality indicators for this project.

4.0 ASSESSMENT AND OVERSIGHT

During field activities, the field sampling personnel will determine whether the field activities are following protocols delineated in this SAP. If the protocols are not being followed, the issues will be immediately addressed and resolved.

The selected laboratory for the project, Pace Analytical in Greensburg, Pennsylvania, has documented QA protocols, and will provide the Level IV data package that is necessary to support this project.

5.0 DATA VALIDATION AND USABILITY

Per U.S. EPA's request, analytical data obtained during this evaluation will be subjected to a Stage 2B Manual Data Validation as described in *"Guidance for Labeling Externally Validated Laboratory Analytical Data for Superfund Use"* (EPA540-R-08-005) (U.S. EPA, 2009). To facilitate this validation, the analytical laboratory will provide a Level IV data package.

Any limitations on the use of the data will be noted in the summary report of activities.

6.0 REFERENCES

KU Resources, 2019. *"Report of Findings, Groundwater Quality Evaluation, October 2019, Eden Wood Preserving, Fruitland, Maryland."* KU Resources, Inc. October 2019.

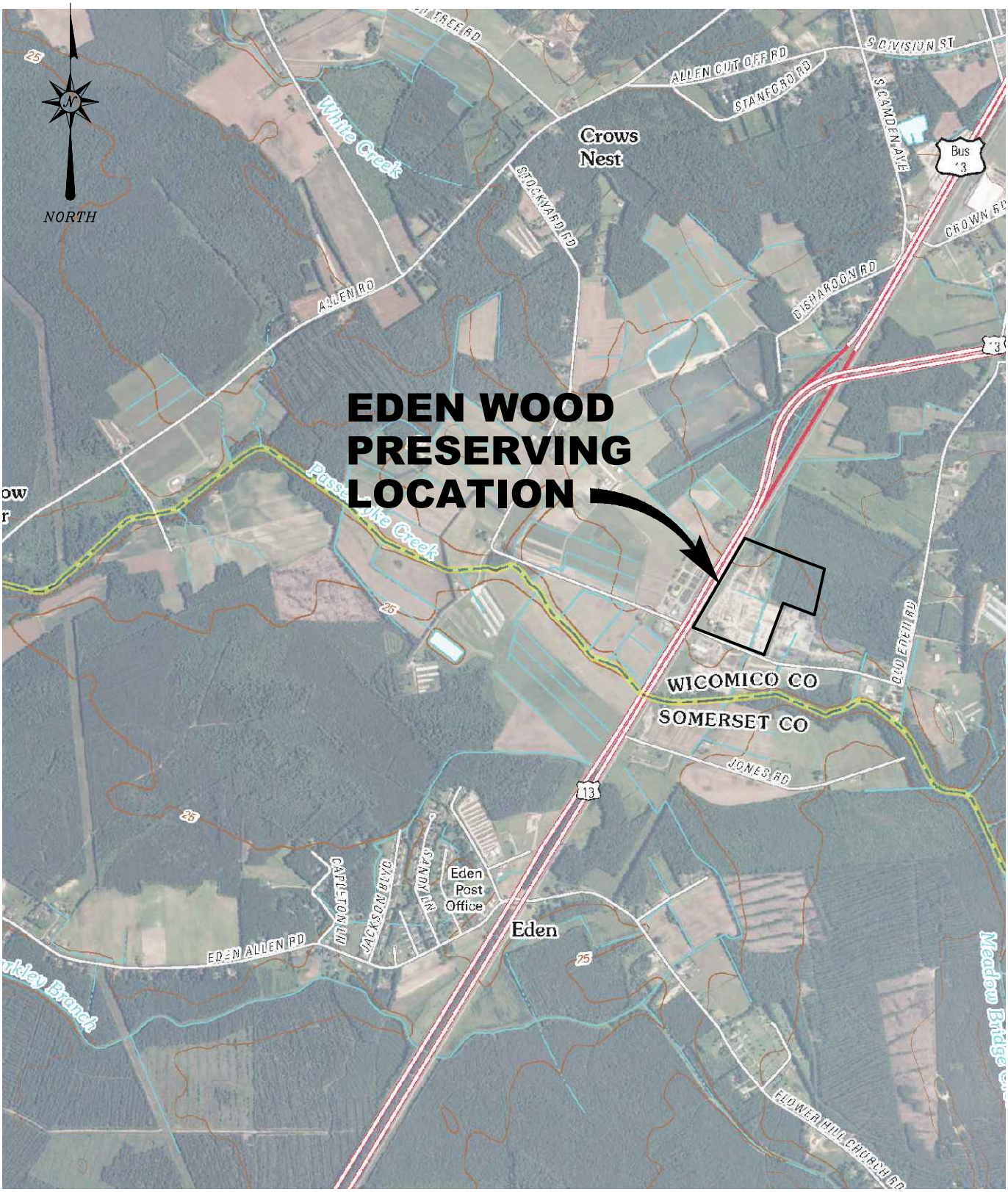
U.S. EPA, 2009. *"Guidance for Labeling Externally Validated Laboratory Analytical Data for Superfund Use"* (EPA540-R-08-005). U.S. Environmental Protection Agency. January 13, 2009.

U.S. EPA, 2019. *"Sampling Requests."* Attachment to letter from Daniel T. Gallo, U.S. Environmental Protection Agency Region III to Dan J. Jordanger, Hunton Andrews Kurth LLP. December 23, 2019.

U.S. EPA, 2020a. Letter from Daniel T. Gallo, U.S. Environmental Protection Agency Region III to Dan J. Jordanger, Hunton Andrews Kurth LLP. January 22, 2020.

U.S. EPA, 2020b. *"Comments, February 2020 Eden Wood Preserving Sampling and Analyses Plan,"* Included with Email from Daniel T. Gallo, U.S. Environmental Protection Agency Region III to Dan J. Jordanger, Hunton Andrews Kurth LLP. March 11, 2020.

FIGURES



REFERENCE:
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REVISION	DATE	DESCRIPTION

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CHECKED	–
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CAD FILE NO.	11274A001
PROJECT NO.	EWP.11274.IWP

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FIGURE 1–1
SITE LOCATION MAP
SAMPLING AND ANALYSIS PLAN
EDEN WOOD PRESERVING
CITY OF FRUITLAND
WICOMICO COUNTY, MARYLAND

PREPARED FOR
EDEN WOOD PRESERVING
FRUITLAND, MARYLAND

REFERENCE:
IMAGE BY GOOGLE EARTH DATED 3-8-2013.

SCALE – FEET
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APPROVED	DRK	10/18/2019
CHECKED	DRK	10/18/2019
DRAWN	RAM	10/08/2019
CAD FILE NO.		19434A003
PROJECT NO.		EWP19434EM

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FIGURE 3-1

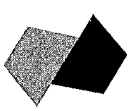
PLANNED SAMPLING LOCATIONS
SAMPLING AND ANALYSIS PLAN
EDEN WOOD PRESERVING

CITY OF FRUITLAND
WICOMICO COUNTY, MARYLAND

PREPARED FOR
EDEN WOOD PRESERVING
FRUITLAND, MARYLAND

APPENDIX

Appendix A
Standard Operating Procedure
Screen Point Groundwater Sampler



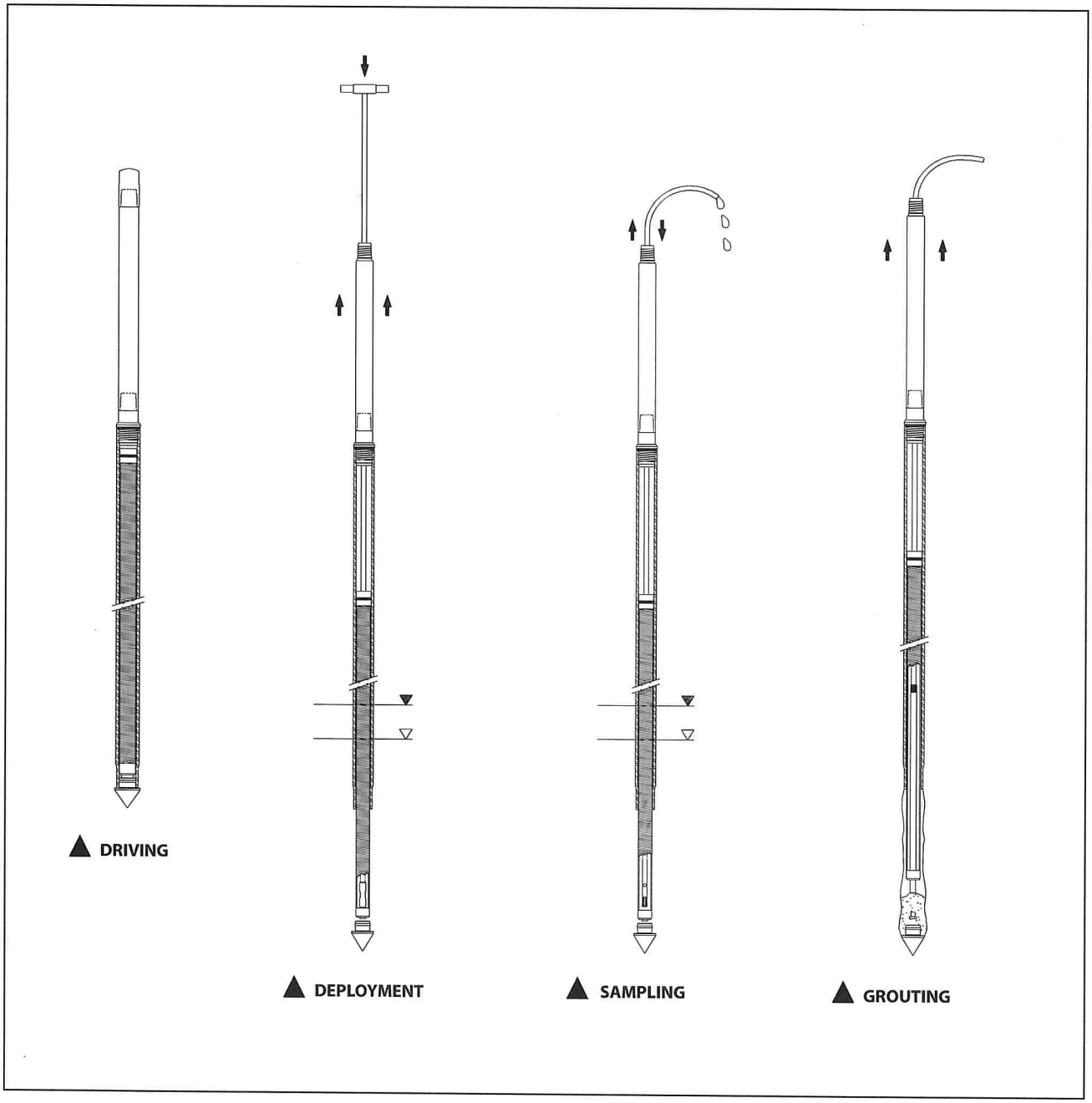
GEOPROBE® SCREEN POINT 15 GROUNDWATER SAMPLER

STANDARD OPERATING PROCEDURE

Technical Bulletin No. MK3141

PREPARED: October, 1995

REVISED: November, 2007



GEOPROBE® SCREEN POINT 15 GROUNDWATER SAMPLER

Geoprobe Systems®

Geoprobe® and Geoprobe Systems®, Macro-Core® and Direct Image® are Registered Trademarks of Kejr, Inc., Salina, Kansas

Screen Point 15 Groundwater Sampler is manufactured under U.S. Patent 5,612,498

1.0 OBJECTIVE

The objective of this procedure is to drive a sealed stainless steel or PVC screen to depth, deploy the screen, obtain a representative water sample from the screen interval, and grout the probe hole during abandonment. The Screen Point 15 Groundwater Sampler enables the operator to conduct abandonment grouting that meets American Society for Testing and Materials (ASTM) Method D 5299 requirements for decommissioning wells and borings for environmental activities (ASTM 1993).

2.0 BACKGROUND

2.1 Definitions

Geoprobe®: A brand name of high quality, hydraulically powered machines that utilize both static force and percussion to advance sampling and logging tools into the subsurface. The Geoprobe® brand name refers to both machines and tools manufactured by Geoprobe Systems®, Salina, Kansas. Geoprobe® tools are used to perform soil core and soil gas sampling, groundwater sampling and monitoring, soil conductivity and contaminant logging, grouting, and materials injection.

Screen Point 15 (SP15) Groundwater Sampler: A direct push device consisting of a PVC or stainless steel screen that is driven to depth within a sealed, steel sheath and then deployed for the collection of representative groundwater samples. The assembled SP15 Sampler is approximately 50.5 inches (1283 mm) long with an OD of 1.5 inches (38 mm). Upon deployment, up to 41 inches (1041 mm) of screen can be exposed to the formation. The Screen Point 15 Groundwater Sampler is used primarily with 1.25-inch probe rods and machines equipped with a GH40 Series (GH40, GH41, or GH42) Hydraulic Hammer.

Rod Grip Pull System: An attachment mounted on the hydraulic hammer of a direct push machine which makes it possible to retract the tool string with extension rods or flexible tubing protruding from the top of the probe rods. The Rod Grip Pull System includes a pull block with rod grip jaws and two support straps that are bolted directly to the machine. A removable handle assembly straddles the tool string while hooking onto the pull block to effectively grip the probe rods as the hammer is raised. A separate handle assembly is required for each probe rod diameter.

2.2 Discussion

In this procedure, the assembled Screen Point 15 Groundwater Sampler (Fig. 2.1A) is threaded onto the leading end of a Geoprobe® probe rod and advanced into the subsurface with a Geoprobe® direct push machine. Additional probe rods are added incrementally and advanced until the desired sampling interval is reached. While the sampler is advanced to depth, O-ring seals at each rod joint, the drive head, and the expendable drive point provide a watertight system. This system eliminates the threat of formation fluids entering the screen before deployment and assures sample integrity.

Once at the desired sampling interval, extension rods are sent downhole until the leading rod contacts the bottom of the sampler screen. The tool string is then retracted approximately 44 inches (1118 mm) while the screen is held in place with the extension rods (Fig. 2.1B). As the tool string is retracted, the expendable point is released from the sampler sheath. The tool string and sheath may be retracted the full length of the screen or as little as a few inches if a small sampling interval is desired.

There are three types of screens that can be used in the Screen Point 15 Groundwater Sampler. Two of the these, a stainless steel screen with a standard slot size of 0.004 inches (0.10 mm) and a PVC screen with a standard slot size of 0.010 inches (0.25 mm), are recovered with the tool string after sampling. The third screen is also manufactured from PVC with a standard slot size of 0.010 inches (0.25 mm), but is designed to be left downhole when sampling is complete. This disposable screen has an exposed screen length of approximately 43 inches (1092 mm). The two screens that are recovered with the sampler both have an exposed screen length of approximately 41 inches (1041 mm).

(continued on following page)

An O-ring on the head of the stainless steel screens maintains a seal at the top of the screen. As a result, any liquid entering the sampler during screen deployment must first pass through the screen. PVC screens do not require an O-ring because the tolerance between the screen head and sampler sheath is near that of the screen slot size.

The screens are constructed such that flexible tubing, a mini-bailer, or a small-diameter bladder pump can be inserted into the screen cavity. This makes direct sampling possible from anywhere within the saturated zone. A removable plug in the lower end of the screens allows the user to grout as the sampler is extracted for further use.

Groundwater samples can be obtained in a number of ways. A common method utilizes polyethylene (TB25L) or Teflon® (TB25T) tubing and a Check Valve Assembly (GW4210). The check valve (with check ball) is attached to one end of the tubing and inserted down the casing until it is immersed in groundwater. Water is pumped through the tubing and to the ground surface by oscillating the tubing up and down.

An alternative means of collecting groundwater samples is to attach a peristaltic or vacuum pump to the tubing. This method is limited in that water can be pumped to the surface from a maximum depth of approximately 26 feet (8 m). Another technique for groundwater sampling is to use a stainless steel Mini-Bailer Assembly (GW41). The mini-bailer is lowered down the inside of the casing below the water level where it fills with water and is then retrieved from the casing.

The latest option for collecting groundwater from the SP15 sampler is to utilize a Geoprobe® MB470 Series Mechanical Bladder Pump (MBP)*. The MBP may be used to meet requirements of the low-flow sampling protocol (Puls and Barcelona 1996, ASTM 2003). Through participation in a U.S. EPA Environmental Technology Verification study, it was confirmed that the MB470 can provide representative samples (EPA 2003).

**The Mechanical Bladder Pump is manufactured under U.S. Patent No. 6,877,965 issued April 12, 2005.*

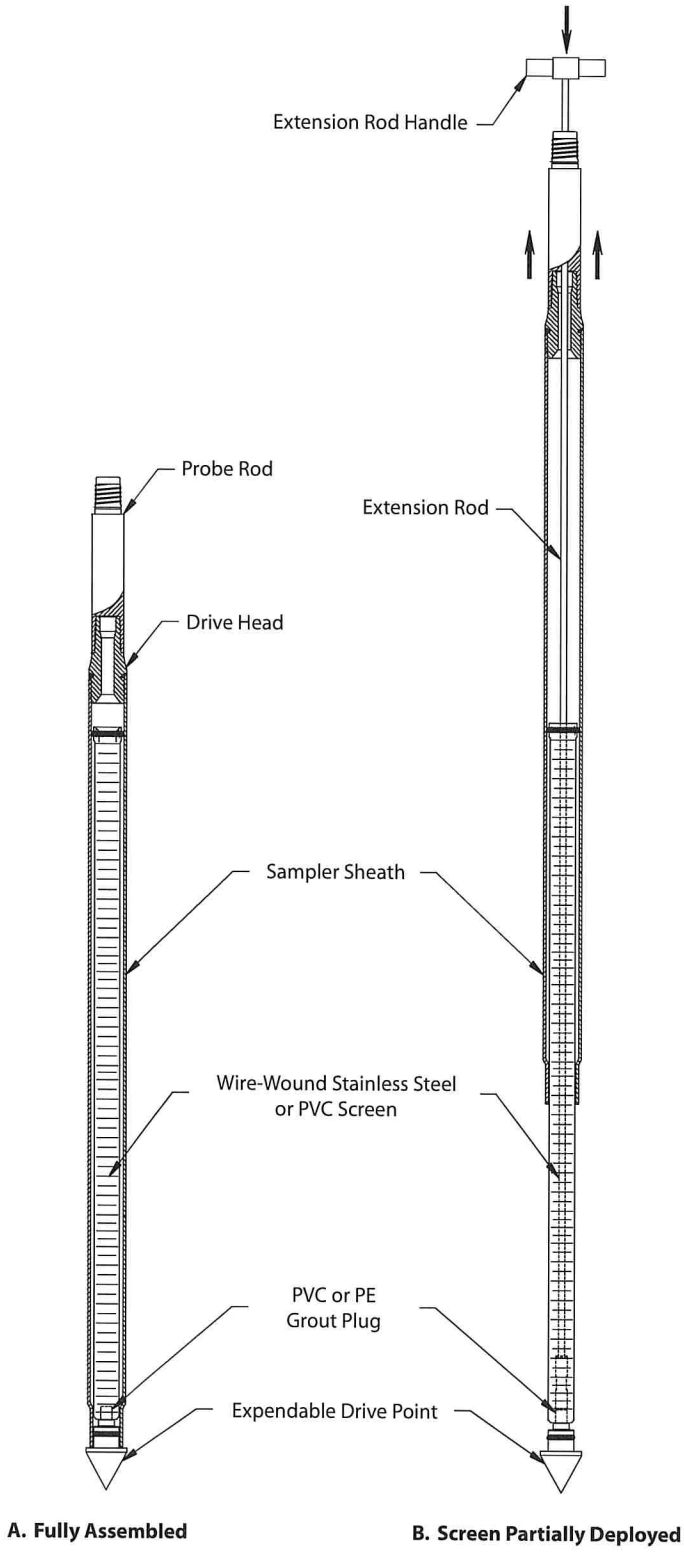


FIGURE 2.1
Screen Point 15Groundwater Sampler

3.0 TOOLS AND EQUIPMENT

The following tools and equipment can be used to successfully recover representative groundwater samples with the Geoprobe® Screen Point 15 Groundwater Sampler. Refer to Figures 3.1 and 3.2 for identification of the specified parts. Tools are listed below for the most common SP15 / 1.25-inch probe rod configuration. Additional parts for optional rod sizes and accessories are listed in Appendix A.

SP15 Sampler Parts	**Part Number**
SP15 Sampler Sheath	GW1510
SP15 Drive Head, 0.625-inch bore, 1.25-inch rods*	GW1512
Screen, Wire-Wound Stainless Steel, 4-Slot*	GW1520
SP15 O-ring Service Kit, 1.25-inch rods *(includes 4 each of the O-ring packets below)*	GW1505K
O-rings for Top of SP15 Drive Head, 1.25-inch rods only (Pkt. of 25)	*AT1250R*
O-rings for Bottom of SP15 Drive Head (Pkt. of 25)	*GW1516R*
O-rings for GW1520 Screen Head (Pkt. of 25)	*GW1520R*
O-rings for SP15 Expendable Drive Point (Pkt. of 25)	*GW1555R*
Grout Plugs, PE (Pkg. of 25)	GW1552K
Expendable Drive Points, steel, 1.625-inch OD (Pkg. of 25)*	GW1555K
Screen Point 15 Groundwater Sampler Kit, 1.25-inch Probe Rods *(includes 1 each of: GW1505K, GW1510, GW1513, GW1520, GW1535, GW1540, GW1552K, and GW1555K)*	GW1512K

Probe Rods and Probe Rod Accessories	**Part Number**
Drive Cap, 1.25-inch probe rods, (for GH40 Series Hammer)	AT1200
Pull Cap, 1.25-inch probe rods	AT1204
Probe Rod, 1.25-inch x 48-inch*	AT1248
Rod Grip Pull System, 1.0-/1.25-inch probe rods (for GH40 Series Hammer)	GH1250K

Extension Rods and Extension Rod Accessories	**Part Number**
Screen Push Adapter	GW1535
Grout Plug Push Adapter	GW1540
Extension Rod, 48-inch*	AT671
Extension Rod Coupler	AT68
Extension Rod Jig	AT690
Extension Rod Quick Link Coupler, pin	AT695
Extension Rod Quick Link Coupler, box	AT696

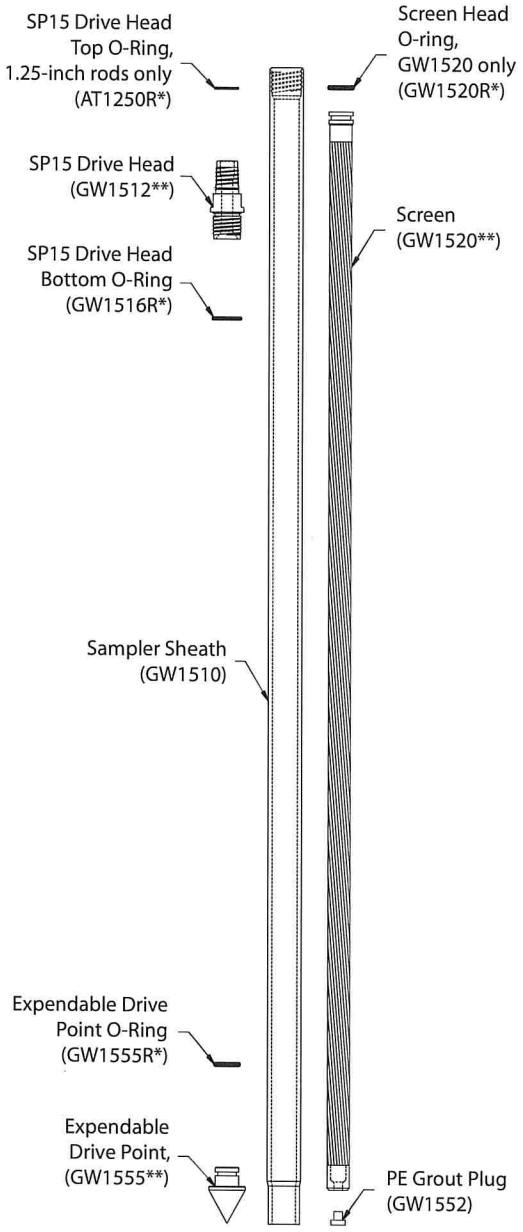
Grout Accessories	**Part Number**
Grout Nozzle, for 0.375-inch OD tubing	GW1545
High-Pressure Nylon Tubing, 0.375-inch OD / 0.25-inch ID, 100-ft. (30 m)	11633
Grout Machine, self-contained*	GS1000
Grout System Accessories Package, 1.25-inch rods	GS1012

Groundwater Purging and Sampling Accessories	**Part Number**
Polyethylene Tubing, 0.375-inch OD, 500 ft.*	TB25L
Check Valve Assembly, 0.375-inch OD Tubing*	GW4210
Water Level Meter, 0.438-inch OD Probe, 100 ft. cable*	GW2000
Mechanical Bladder Pump**	MB470
Mini Bailer Assembly, stainless steel	GW41

Additional Tools	**Part Number**
Adjustable Wrench, 6.0-inch	FA200
Adjustable Wrench, 10.0-inch	FA201
Pipe Wrenches	NA

* See Appendix A for additional tooling options.

** Refer to the Standard Operating Procedure (SOP) for the Mechanical Bladder Pump (Technical Bulletin No. MK3013) for additional tooling needs.



* Included in the SP15 O-ring Service Kit (GW1505K)
** Part numbers show most common tool configuration. See Appendix A for alternative parts.

FIGURE 3.1
SP15 Sampler Parts

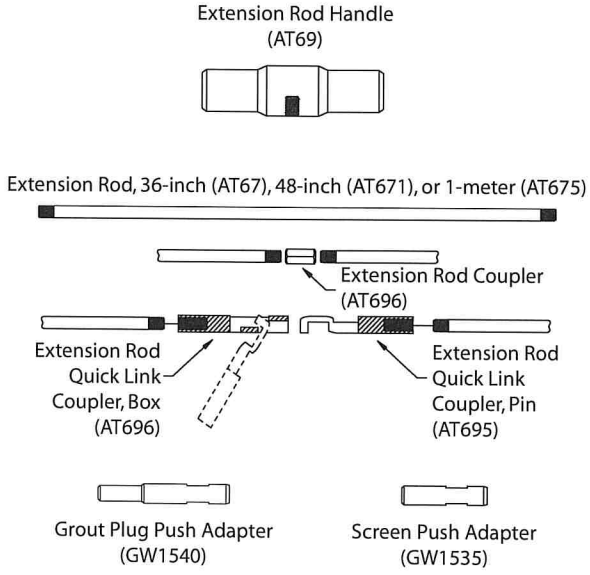


FIGURE 3.2
Geoprobe® Extension Rods and Accessories

4.0 OPERATION

4.1 Basic Operation

The SP15 sampler utilizes a stainless steel or PVC screen which is encased in an alloy steel sampler sheath. An expendable drive point is placed in the lower end of the sheath while a drive head is attached to the top. O-rings on the drive head and expendable point provide a watertight sheath which keeps contaminants out of the system as the sampler is driven to depth.

Once the sampling interval is reached, extension rods equipped with a screen push adapter are inserted down the ID of the probe rods. The tool string is then retracted up to 44 inches (1118 mm) while the screen is held in place with the extension rods. The system is now ready for groundwater sampling. When sampling is complete, a removable plug in the bottom of the screen allows for grouting below the sampler as the tool string is retrieved.

4.2 Sampler Options

The Screen Point 15 and Screen Point 16 Groundwater samplers are nearly identical. Subtle differences in the design of the SP16 sampler makes it more durable than the earlier SP15 system. Operators of GH60-equipped machines should always utilize SP16 tooling. Operators of machines equipped with GH40 Series hammers may also choose SP16 tooling when sampling in difficult probing conditions.

A 1.75-inch OD Expendable Drive Point (17066K) and Disposable PVC Screen (16089) provide two useful options for the SP15 sampler. The 1.75-inch drive point may be used when soil conditions make it difficult to remove the sampler after driving to depth. The disposable PVC screen may be left downhole after sampling (when regulations permit) to eliminate the time required for screen decontamination.

4.3 Decontamination

In order to collect representative groundwater samples, all sampler parts must be thoroughly cleaned before and after each use. Scrub all metal parts using a stiff brush and a nonphosphate soap solution. Steam cleaning may be substituted for hand-washing if available. Rinse with distilled water and allow to air-dry before assembly.

4.4 SP15 Sampler Assembly (Figure 4.1)

Part numbers are listed for a standard SP15 sampler using 1.25-inch probe rods. Refer to Page 6 for screen and drive head alternatives.

1. Place an O-ring on a Steel Expendable Drive Point (GW1555). Firmly seat the expendable point in the necked end of a Sampler Sheath (GW1510).

2. Install a PE Grout Plug (GW1552) in the lower end of a Wire-wound Stainless Steel Screen (GW1520). Place a GW1520R O-ring in the groove on the upper end of the screen.

3. Slide the screen inside the sampler sheath with the grout plug toward the bottom of the sheath. Lubricate the O-ring with distilled water if needed. Ensure that the expendable point is not displaced by the screen.

4. Install a bottom O-ring (GW1516R) on a Drive Head (GW1512). Thread the drive head into the sampler sheath using an adjustable wrench if necessary to ensure complete engagement of the threads. Attach a Drive Cap (AT1200) to the top of the drive head.

Sampler assembly is complete

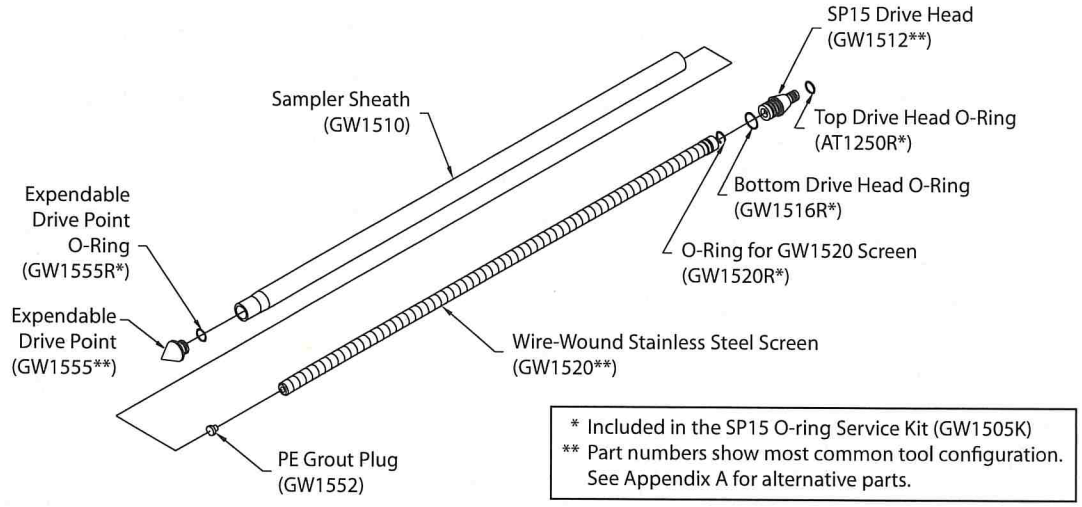


FIGURE 4.1
Screen Point 15 Groundwater Sampler Assembly

4.5 Advancing the SP15 Sampler

To provide adequate room for screen deployment with the Rod Grip Pull System, the probe derrick should be extended a little over halfway out of the carrier vehicle when positioning for operation.

1. Begin by placing the assembled sampler (Fig. 2.1.A) in the driving position beneath the hydraulic hammer of the direct push machine as shown in Figure 4.2.

2. Advance the sampler with the throttle control at slow speed for the first few feet to ensure that the sampler is aligned properly. Switch to fast speed for the remainder of the probe stroke.

3. Completely raise the hammer assembly. Remove the drive cap and place an O-ring in the top groove of the drive head. Distilled water may be used to lubricate the O-ring if needed.

   Add a probe rod (length to be determined by operator) and reattach the drive cap to the rod string. Drive the sampler the entire length of the new rod with the throttle control at fast speed.

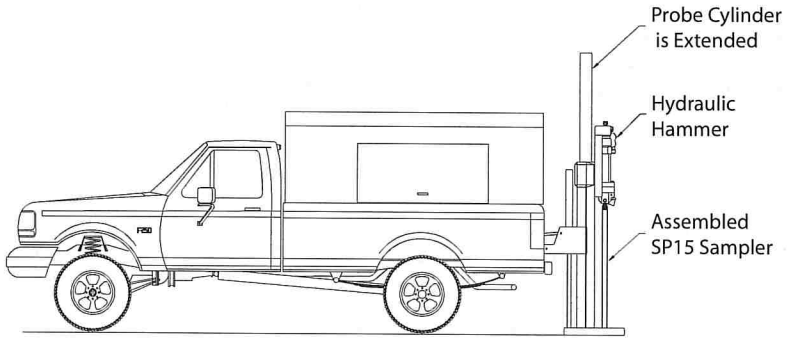


FIGURE 4.2
Screen Point 15 Groundwater Sampler in Driving Position

4. Repeat Step 3 until the desired sampling interval is reached. Approximately 12 inches (305 mm) of the last probe rod must extend above the ground surface to allow attachment of the puller assembly. A 12-inch (305 mm) rod may be added if the tool string is over-driven.

5. Remove the drive cap and retract the probe derrick away from the tool string.

4.6 Screen Deployment

1. Thread a Screen Push Adapter (GW1535) onto an extension rod of suitable length (AT67, AT671, or AT675). Attach a threaded coupler (AT68) to the other end of the extension rod. Lower the extension rod inside the tool string taking care not to drop it downhole.

2. Add extension rods until the adapter contacts the bottom of the screen. To speed up this step, it is recommended that Extension Rod Quick Links (AT695 and AT696) are used at every other rod joint.

3. Ensure that at least 48 inches (1219 mm) of extension rod protrudes from the probe rod. Thread an extension rod handle (AT69) on the top extension rod.

4. Maneuver the probe assembly into position for pulling.

5. Raise (pull) the tool string while physically holding the screen in place with the extension rods (Fig. 4.3.B). A slight knock with the extension rod string will help to dislodge the expendable point and start the screen moving inside the sheath.

   Raise the hammer and tool string about 44 inches (1118 mm) if using a GW1520 or GW1530 screen. At this point the screen head will contact the necked portion of the sampler sheath (Fig. 4.3.C.) and the extension rods will rise with the probe rods. Use care when deploying a PVC screen so as not to break the screen when it contacts the bottom of the sampler sheath.

   The Disposable Screen (16089) will extend completely out of the sheath if the tool string is raised more than 45 inches (1143 mm). Measure and mark this distance on the top extension rod to avoid losing the screen during deployment.

6. Remove the rod grip handle, lower the hammer assembly, and retract the probe derrick. Remove the top extension rod (with handle) and top probe rod. Finally, extract all extension rods.

7. Groundwater samples can now be collected with a mini-bailer, peristaltic or vacuum pump, check valve assembly, mechanical bladder pump, or other acceptable small diameter sampling device.

   When inserting tubing or a bladder pump down the rod string, ensure that it enters the screen interval. The leading end of the tubing or bladder pump will sometimes catch at the screen head giving the illusion that the bottom of the screen has been reached. An up-and-down motion combined with rotation helps move the tubing or bladder pump past the lip and into the screen.

4.7 Abandonment Grouting for GW1520 and GW1530 Screens

The SP15 Groundwater Sampler can meet ASTM D 5299 requirements for abandoning environmental wells or borings when grouting is conducted properly. A removable grout plug makes it possible to deploy tubing through the bottom of GW1520 and GW1530 screens. A GS500 or GS1000 Grout Machine is then used to pump grout into the open probe hole as the sampler is withdrawn. The following procedure is presented as an example only and should be modified to satisfy local abandonment grouting regulations.

1. Maneuver the probe assembly into position for pulling. Attach the rod grip puller to the top probe rod. Raise the tool string approximately 4 to 6 inches (102 to 152 mm) to allow removal of the grout plug.

2. Thread the Grout Plug Push Adapter (GW1540) onto an extension rod. Insert the adapter and extension rod inside the probe rod string. Add extension rods until the adapter contacts the grout plug at the bottom of the screen. Attach the handle to the top extension rod. When the extension rods are slightly raised and lowered, a relatively soft rebound should be felt as the adapter contacts the grout plug. This is especially true when using a PVC screen.

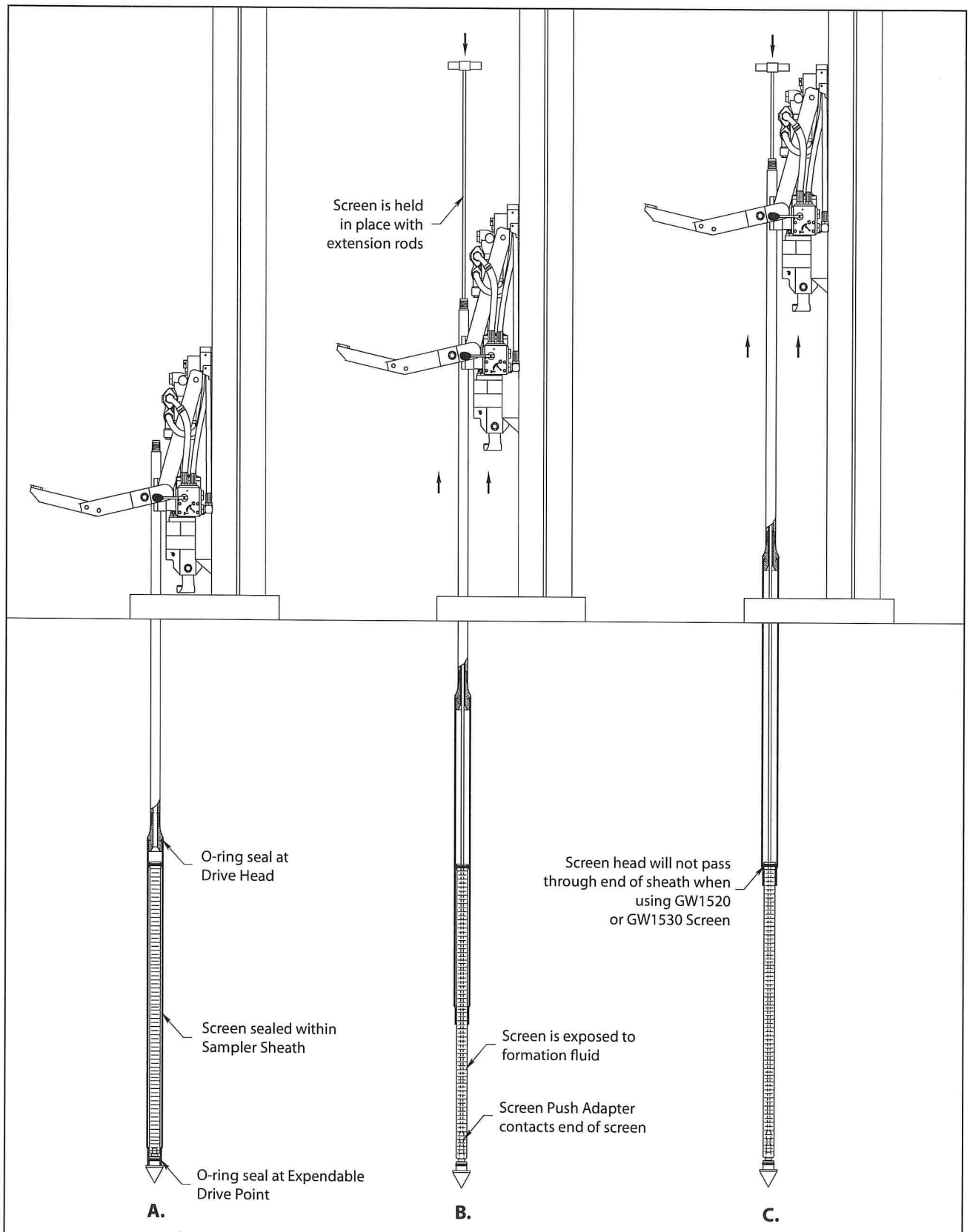


FIGURE 4.3
Screen Deployment for SP15 Sampler

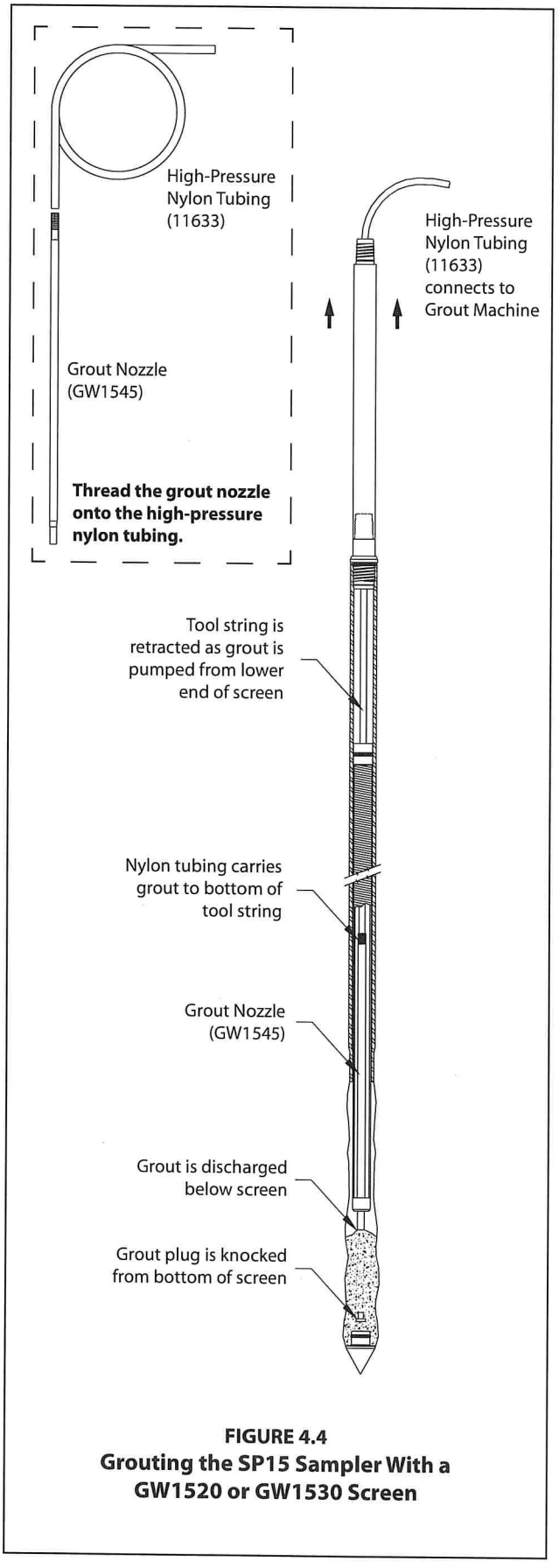


FIGURE 4.4
Grouting the SP15 Sampler With a GW1520 or GW1530 Screen

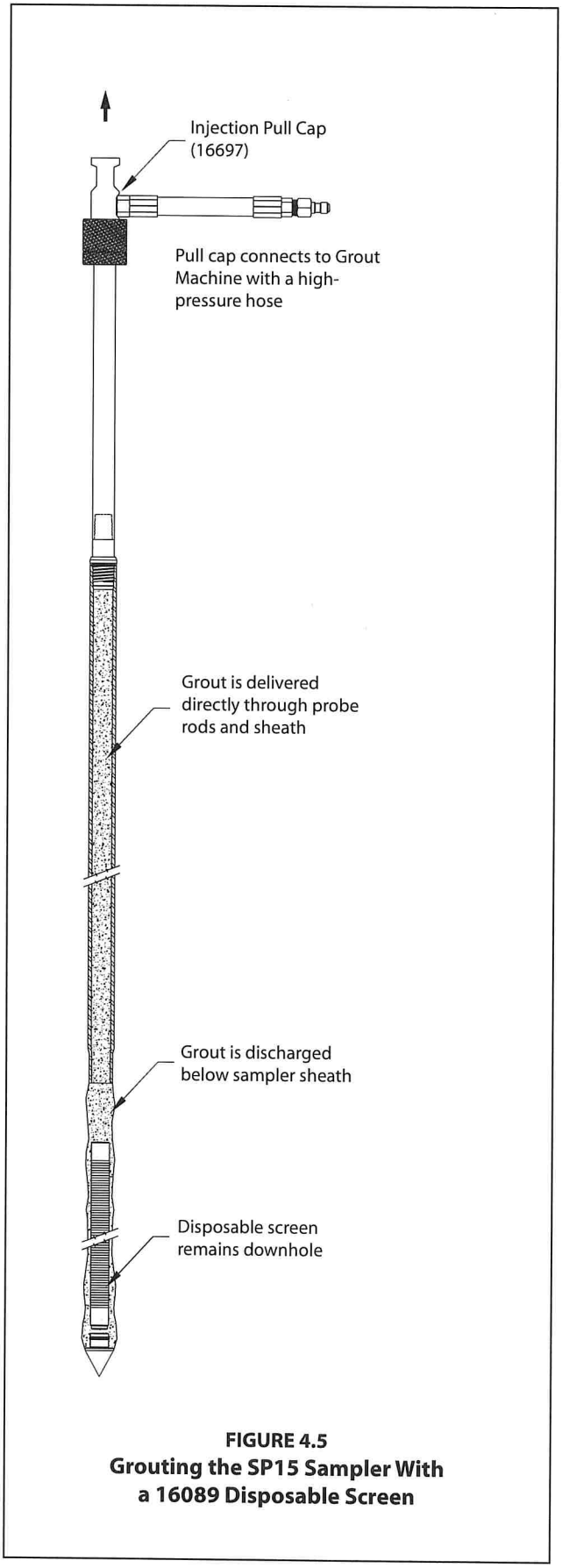


FIGURE 4.5
Grouting the SP15 Sampler With a 16089 Disposable Screen

3. Place a mark on the extension rod even with the top of the probe rod. Apply downward pressure on the extension rods and push the grout plug out of the screen. The mark placed on the extension rod should now be below the top of the probe rod. Remove all extension rods.

   Note: When working with a stainless steel screen, it may be necessary to raise and quickly lower the extension rods to jar the grout plug free. When the plug is successfully removed, a metal-on-metal sensation may be noted as the extension rods are gently "bounced" within the probe rods.

4. A Grout Nozzle (GW1545) is now connected to High-Pressure Nylon Tubing (11633) and inserted down through the probe rods to the bottom of the screen (Fig. 4.4). It may be necessary to pump a small amount of clean water through the tubing during deployment to jet out sediments that settled in the bottom of the screen. Resistance will sometimes be felt as the grout nozzle passes through the drive head. Rotate the tubing while moving it up-and-down to ensure that the nozzle has reached the bottom of the screen and is not hung up on the drive head.

   Note: *All probe rods remain strung on the tubing as the tool string is pulled. Provide extra tubing length to allow sufficient room to lay the rods on the ground as they are removed. An additional 20 feet is generally enough.*

5. Operate the grout pump while pulling the first rod with the rod grip pull system. Coordinate pumping and pulling rates so that grout fills the void left by the sampler. After pulling the first rod, release the rod grip handle, fully lower the hammer, and regrip the tool string. Unthread the top probe and slide it over the tubing placing it on the ground near the end of the tubing.

6. Repeat Step 5 until the sampler is retrieved. Do not bend or kink the tubing when pulling and laying out the probe rods. Sharp bends create weak spots in the tubing which may burst when pumping grout. Remember to operate the grout pump only when pulling the rod string. The probe hole is thus filled with grout from the bottom up as the rods are extracted.

7. Promptly clean all probe rods and sampler parts before the grout sets up and clogs the equipment.

4.8 Abandonment Grouting for the 16089 Disposable Screen

ASTM D 5299 requirements can also be met for the SP15 sampler when using the 16089 disposable screen. Because the screen remains downhole after sampling, the operator may choose either to deliver grout to the bottom of the tool string with nylon tubing or pump grout directly through the probe rods using an Injection Pull Cap (16697). A GS500 or GS1000 Grout Machine is needed to pump grout into the open probe hole as the sampler is withdrawn. The following procedure is presented as an example only and should be modified to satisfy local abandonment grouting regulations.

1. Maneuver the probe assembly into position for pulling with the rod grip puller.

2. Thread the screen push adapter onto an extension rod. Insert the adapter and extension rod inside the probe rod string. Add extension rods until the adapter contacts the bottom of the screen. Attach the handle to the top extension rod.

3. The disposable screen must be extended at least 46 inches (1168 mm) to clear the bottom of the sampler sheath. Considering the length of screen deployed in Section 4.6, determine the remaining distance required to fully extend the screen from the sheath. Mark this distance on the top extension rod.

4. Pull the tool string up to the mark on the top extension rod while holding the disposable screen in place.

   The screen is now fully deployed and the sampler is ready for abandonment grouting. Apply grout to the bottom of the tool string during retrieval using either flexible tubing (as described in Section 4.7) or an injection pull cap (Fig. 4.5). This section continues with a description of grouting with a pull cap.

5. Remove the rod grip handle and maneuver the probe assembly directly over the tool string. Thread an Injection Pull Cap (16697) onto the top probe rod and close the hammer pull latch over the top of the pull cap.

6. Connect the pull cap to a Geoprobe® grout machine using a high-pressure grout hose.

7. Operate the pump to fill the entire tool string with grout. When a sufficient volume has been pumped to fill the tool string, begin pulling the rods and sampler while continuing to operate the grout pump. Considering the known pump volume and sampler cross-section, time tooling withdrawal to slightly "overpump" grout into the subsurface. This will ensure that all voids are filled during sampler retrieval.

   The grouting process can lubricate the probe hole sufficiently to cause the tool string to slide back downhole when disconnected from the pull cap. Prevent this by withdrawing the tool string with the rod grip puller while maintaining a connection to the grout machine with the pull cap.

4.9 Retrieving the Screen Point 15 Sampler

If grouting is not required, the Screen Point 15 Sampler can be retrieved by pulling the probe rods as with most other Geoprobe® applications. The Rod Grip Pull System should be used for this process as it allows the operator to remove rods without completely releasing the tool string. This avoids having the probe rods fall back downhole when released during the pulling procedure. A standard Pull Cap (AT1204) may still be used if preferred. Refer to the Owner's Manual for your Geoprobe® direct push machine for specific instructions on pulling the tool string.

5.0 REFERENCES

American Society of Testing and Materials (ASTM), 2003. D6771-02 Standard Practice for Low-Flow Purging and Sampling for Wells and Devices Used for Ground-Water Quality Investigations. ASTM, West Conshocken, PA. (www.astm.org)

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Puls, Robert W., and Michael J. Barcelona, 1996. Ground Water Issue: Low-Flow (Minimal Drawdown) Ground Water Sampling Procedures. EPA/540/S-95/504. April.

U.S. Environmental Protection Agency (EPA), 2003. Environmental Technology Verification Report: Geoprobe Inc., Mechanical Bladder Pump Model MB470. Office of Research and Development, Washington, D.C. EPA/600R-03/086. August.

Appendix A
ALTERNATIVE PARTS

The following parts are available to meet unique soil conditions. See section 3.0 for a complete listing of the common tool configurations for the Geoprobe® Screen Point 15 Groundwater Samplers.

SP15 Sampler Parts and Accessories	**Part Number**
SP15 Drive Head, 0.5-inch bore, 1.25-inch rods	GW1513
SP15 Drive Head, 0.625-inch bore, 1.5-inch rods	14998
SP15 Drive Head, 1.0-inch rods	GW1515
Expendable Drive Points, aluminum, 1.625-inch OD (Pkg. of 25)	GW1555ALK
Expendable Drive Points, steel, 1.75-inch OD (Pkg. of 25)	17066K
Screen, PVC, 10-Slot	GW1530
Screen, Disposable, PVC, 10-Slot	16089

Groundwater Purging and Sampling Accessories	**Part Number**
Polyethylene Tubing, 0.25-inch OD, 500 ft	TB17L
Polyethylene Tubing, 0.5-inch OD, 500 ft	TB37L
Check Valve Assembly, 0.25-inch OD Tubing	GW4240
Check Valve Assembly, 0.5-inch OD Tubing	GW4220
Check Valve Assembly, 0.625-inch OD Tubing	GW4230
Water Level Meter, 0.375-inch OD Probe, 100-ft. cable	GW2001
Water Level Meter, 0.438-inch OD Probe, 200-ft. cable	GW2002
Water Level Meter, 0.375-inch OD Probe, 200-ft. cable	GW2003
Water Level Meter, 0.438-inch OD Probe, 30-m cable	GW2005
Water Level Meter, 0.438-inch OD Probe, 60-m cable	GW2007
Water Level Meter, 0.375-inch OD Probe, 60-m cable	GW2008

Grouting Accessories	**Part Number**
Grout Machine, auxiliary-powered	GS500

Probe Rods, Extension Rods, and Accessories	**Part Number**
Probe Rod, 1.25-inch x 36-inch	AT1236
Probe Rod, 1.25-inch x 1-meter	AT1239
Probe Rod, 1.5-inch x 1-meter	17899
Probe Rod, 1.5-inch x 48-inch	13359
Drive Cap, 1.5-inch rods (for GH40 Series Hammer)	15590
Rod Grip Pull Handle, 1.5-inch Probe Rods (for GH40 Series Hammer)	GH1555
Extension Rod, 36-inch	AT67
Extension Rod, 1-meter	AT675

A DIVISION OF KEJR, INC.

Corporate Headquarters
601 N. Broadway • Salina, Kansas 67401
1-800-GEOPROBE (1-800-436-7762) • Fax (785) 825-2097
www.geoprobe.com

In Re: Eden Wood Preserving LLC
EPA Docket No. RCRA-03-2020-0098

For Respondent: Eden Wood Preserving LLC

Date: 8-14-2020

By: Sarah Latham

Sarah Latham
President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: August 27, 2020

By: KAREN MELVIN Digitally signed by KAREN MELVIN Date: 2020.08.27 13:43:58 -04'00'

Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 08/19/2020

By: DANIEL GALLO Digitally signed by DANIEL GALLO Date: 2020.08.19 11:54:12 -04'00'

Daniel T. Gallo
Assistant Regional Counsel
U.S. EPA – Region III

In Re: Eden Wood Preserving LLC
EPA Docket No. RCRA-03-2020-0098

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:	
Eden Wood Preserving LLC **28114 Old Eden Road & Route 13, Fruitland, Maryland 21822**	**EPA Docket No. RCRA-03-2020-0098**
Respondent.	**FINAL ORDER**
	Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6928(a) and (g)

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Eden Wood Preserving LLC, 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.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation,* pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***FIFTY THOUSAND DOLLARS ($50,000.00)***, in accordance with the

payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA Subtitle C and the regulations promulgated thereunder.

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

August 28, 2020
Date

JOSEPH LISA
Digitally signed by JOSEPH LISA
Date: 2020.08.28 08:42:27 -04'00'

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

In the Matter of:	:	
	:	
Eden Wood Preserving LLC	:	**U.S. EPA Docket RCRA-03-2020-0098**
28114 Eden Road	:	
Fruitland, MD 21822,	:	**Proceeding under Section 3008(a) and (g) of the**
	:	**Resource Conservation and Recovery Act (RCRA),**
Respondent.	:	**as amended,**
	:	**42 U.S.C. § 6928(a) and (g).**
	:	
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CERTIFICATE OF SERVICE

I certify that on August 28, 2020, the original and one (1) copy of the foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via ELECTRONIC TRANSMITTAL, or mail, to:

Sarah Latham, President
Eden Wood Preserving LLC
28114 Eden Road
Fruitland, MD 21822
Email: slatham@edenwoodpreserving.com

Dan Jordanger, Attorney at Law
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