



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

**JUL 18 2013**

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Todd Hayes, Deputy VP Ops & EHSS Governance  
BAE Systems Ordnance System Inc.  
Holston Army Ammunition Plant  
4509 West Stone Drive  
Kingsport, Tennessee 37660

RE: Holston Army Ammunition Plant  
Consent Agreement and Final Order (CA/FO)  
Docket No. RCRA-04-2013-4001(b)

Dear Mr. Hayes:

Enclosed is a copy of the executed CA/FO as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CA/FO is effective on the date it is filed with the RHC, and the penalty due date is calculated from the effective date.

Also enclosed is a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts BAE Systems Ordnance Systems Inc. on notice of its potential duty to disclose to the Securities Exchange Commission any environmental actions taken by the United States Environmental Protection Agency.

If you have any questions, please feel free to contact me at (404)562-8530 or [buso.roberto@epa.gov](mailto:buso.roberto@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob", written over a circular stamp or watermark.

Roberto X. Buso  
Associate Regional Counsel  
Office of Environmental Accountability

Enclosures

cc: Michael K. Stagg, Esq., Waller Lansden Dortch & Davis, LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

RECEIVED  
EPA REGION IV  
2013 JUL 18 PM 2:27  
HEARING ROOM

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2013-4001(b)
	)	
BAE Systems Ordnance Systems Inc.,	)	
Holston Army Ammunition Plant	)	Proceeding Under Section 3008(a) of the
4509 West Stone Drive	)	Resource Conservation and Recovery Act,
Kingsport, Tennessee 37660	)	42 U.S.C. § 6928(a)
EPA ID No.: TN5 21 002 0241	)	
	)	
Respondent	)	
_____	)	

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated (T.C.A.) §§ 68-212-101 *et seq.*, as amended [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and regulations promulgated pursuant thereto and set forth at Tenn. Comp. R. & Regs. Chapter (TRC) 1200-01-11 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270 & 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of T.C.A. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] and TRC 1200-01-11 [40 C.F.R. Parts 260 through 270 & 279].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

**II. THE PARTIES**

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA). Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.



5. Respondent is BAE Systems Ordnance Systems Inc., co-operator of the Holston Army Ammunition Plant, an explosives production complex in Kingsport, Tennessee. Respondent is incorporated under the laws of the State of Delaware, doing business in the State of Tennessee (State), with its principal office at 4509 West Stone Drive, Kingsport, Tennessee 37660-1048. (Facility). Respondent is a large quantity generator of hazardous waste. The Facility is permitted to burn explosive waste pursuant to RCRA Permit No. TNHW-148, issued by the Tennessee Department of Environment and Conservation/Division of Solid and Hazardous Waste Management (TDEC) on March 21, 2011.

### III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized state program are found at T.C.A. §§ 68-212-101 *et seq.* and TRC 1200-01-11.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. T.C.A. § 68-212-107 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at TRC 1200-01-11-.03 [40 C.F.R. Part 262].
12. T.C.A. § 68-212-107 [Section 3004 of RCRA, 42 U.S.C. § 6924] requires the promulgation of standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The corresponding implementing regulations for these requirements are found at TRC 1200-1-11-.06 [40 C.F.R. Part 264].
13. T.C.A. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status, unless it is otherwise exempt from this requirement as provided by the applicable regulations. The implementing regulations for this requirement are found at TRC 1200-01-11-.06 (permitted),

TRC 1200-01-11-.07 (permit program requirements) and TRC 1200-01-11-.05 (interim status) [40 C.F.R. Parts 264 (permitted), 270 (permit program requirements) and 265 (interim status), respectively].

14. T.C.A. § 68-212-107 (Section 3014 of RCRA, 42 U.S.C. § 6935) requires the promulgation of regulations establishing such performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil.
15. Pursuant to TRC 1200-1-11-.02(1)(b)1(i) [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
16. Pursuant to TRC 1200-1-11-.02(1)(c) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in TRC 1200-1-11-.02(1)(c)1(ii) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by TRC 1200-1-11-.02(1)(c)1(i) [40 C.F.R. § 261.3].
17. Pursuant to TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10], a “generator” is any person, by site, whose act or process produces hazardous waste identified or listed in TRC 1200-1-11-.02 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
18. Pursuant to TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10], a “facility” means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
19. Pursuant to T.C.A. § 68-212-104(18) [Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)] and TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10], a “person” includes, inter alia, an individual, firm, corporation, partnership, or association.
20. Pursuant to TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
21. Pursuant to TRC 1200-1-11-.03(1)(b) [40 C.F.R. § 262.11], any person who generates a solid waste must determine if the waste is a hazardous waste using a method prescribed in the regulations.
22. Pursuant to TRC 1200-01-11-.03(4)(e)2 [40 C.F.R. § 262.34(c)(3)], a generator of hazardous waste may, without a permit or interim status, accumulate as much 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near the point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, provided the generator complies with TRC 1200-01-11-.05(9)(b) [40 C.F.R. § 265.171], requiring that if a container holding hazardous waste is not in good condition or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this rule.



23. Pursuant to TRC 1200-01-11-.11(1)(a) [40 C.F.R. § 279.1], “used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.
24. Pursuant to TRC 1200-01-11-.11(3)(c)2(i) [40 C.F.R. § 279.22(b)] containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration).
25. Pursuant to T.C.A. § 68-212-108 and TRC 1200-01-11-.07(8)(a) [Section 3005 of RCRA, 42 U.S.C. § 6925 and 40 C.F.R. Part 270.30], the owner and/or operator of a facility which treats, stores, or disposes of hazardous waste must obtain a permit during the active life (including the closure period) of the unit, and must comply with all conditions of a hazardous waste management permit.
26. Pursuant to Condition III.E.2 of RCRA Permit No. TNHW-148, Respondent is required to maintain, calibrate and operate process monitoring, control and recording equipment, as specified in Attachment 8 of the Permit.
27. Pursuant to Condition III.F.11 of RCRA Permit No. TNHW-148, Respondent is required to conduct inspections of the unit on each day of thermal treatment and weekly when the unit is not in operation, in accordance with the inspection checklist included as Attachment 4 of the Permit.

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

28. Respondent is a “person” as defined in T.C.A. § 68-212-104(18) [Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)] and TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10].
29. Respondent is the “operator” of a “facility” located at 4509 West Stone Drive, Kingsport, Tennessee 37660-1048, as those terms are defined in TRC 1200-1-11-.01(2)(a) [40 C.F.R. § 260.10].
30. On September 18, 2011, the EPA conducted a multi-media Compliance Evaluation Inspection (CEI) pursuant to the Federal Facilities Enforcement Office Inspection Initiative at Respondent’s facility.
31. During the CEI, the inspection team observed that a container storing explosive hazardous waste in a satellite accumulation area was in poor condition (bulging at bottom).
32. Because Respondent failed to comply with the requirements of TRC 1200-01-11-.03(4)(e)2 [40 C.F.R. § 262.34(c)(3)] by failing to ensure that containers storing hazardous waste in a satellite accumulation area are in good condition, as required by TRC 1200-01-11-.05(9)(b) [40 C.F.R. § 264.171], Respondent violated T.C.A. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925].
33. During the CEI, the inspection team observed that a container storing used oil at the Steam Plant was in poor condition (bulging at the top).
34. The EPA therefore alleges that Respondent violated TRC 1200-01-11-.11(3)(c)2(i) [40 C.F.R. § 279.22(b)], by failing to ensure that containers storing used oil are in good condition.

35. During the CEI, the inspection team discovered that Respondent had failed to conduct adequate waste determinations on the following solid wastes: (i) explosive-contaminated used oil stored in Area B between buildings 156 and 157; (ii) an unlabeled waste drum containing potentially contaminated residues from soil sampling conducted at the Burning Ground; and, (iii) DMSO-acetone waste generated for the first time at Area B Agile Manufacturing (G-10).
36. EPA therefore alleges that Respondent violated TRC 1200-01-11-.03(1)(b) [40 C.F.R. § 262.11], by failing to make adequate hazardous waste determinations on the solid waste described in Paragraph 36.
37. During the CEI, the inspection team discovered that Respondent had failed to conduct and record inspections of the miscellaneous unit in accordance with the inspection checklist included as Attachment 4 of the Permit (as specifically required by Permit Condition III.F.11).
38. EPA therefore alleges that Respondent violated T.C.A. § 68-212-108 and TRC 1200-01-11-.07(8)(a) [Section 3005 of RCRA, 42 U.S.C. § 6925 and 40 C.F.R. § 270.30] by failing to comply with Permit Condition III.F.11.
39. During the CEI, the inspection team discovered that Respondent had failed to maintain, calibrate and operate process monitoring, control and recording equipment consistent with Attachment 8 of the Permit (as specifically required by Permit Condition III. E. 2).
40. EPA therefore alleges that Respondent violated T.C.A. § 68-212-108 and TRC 1200-01-11-.07(8)(a) [Section 3005 of RCRA, 42 U.S.C. § 6925 and 40 C.F.R. § 270.30] by failing to comply with Permit Condition III.E.2.

## V. TERMS OF AGREEMENT

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

41. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
42. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
43. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
44. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
45. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.



46. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
47. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
48. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
49. The parties agree that compliance with the terms of this CA/FO shall resolve Respondents liability for the violations alleged and the facts stipulated to in this CA/FO.
50. Each party will pay its own costs and attorneys' fees.

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

51. Respondent consents to the payment of a civil penalty in the amount of THIRTY TWO THOUSAND ONE HUNDRED THIRTY DOLLARS (\$32,130.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
52. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank  
Government Lockbox 979077  
**U.S. EPA Fines & Penalties**  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101  
(314) 418-4087

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

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

If paying by ACH, Respondent shall remit payment to:

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

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

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

and to:

César A. Zapata  
Chief, RCRA and OPA Enforcement and Compliance Branch  
RCRA Division,  
U.S Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

54. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or



stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

55. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

#### **VII. PARTIES BOUND**

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

#### **VIII. RESERVATION OF RIGHTS**

59. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
60. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations, and to enforce the terms and conditions of this CA/FO.
61. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

## **IX. OTHER APPLICABLE LAWS**

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

## **X. SERVICE OF DOCUMENTS**

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

Roberto X. Busó  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-8530

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

Todd Hayes, Deputy VP Ops & EHSS Governance  
BAE Systems Ordnance Systems Inc.  
Holston Army Ammunition Plant  
4509 West Stone Drive  
Kingsport, Tennessee 37660

with a copy to:

Michael K. Stagg, Esq.  
Waller Lansden Dortch & Davis, LLP  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219

## **XI. SEVERABILITY**

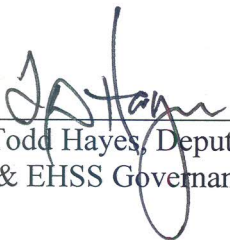
65. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions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



*In the matter of BAE Systems Ordnance Systems Inc., Docket No. RCRA-04-2013-4001(b):*

**AGREED AND CONSENTED TO:**

*BAE Systems Ordnance Systems Inc.*

  
\_\_\_\_\_  
Todd Hayes, Deputy VP Ops  
& EHSS Governance

Date: 19 JUNE 2013

**United States Environmental Protection Agency**

By: 

Dated: 07/17/13

César A. Zapata, Chief  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2013-4001(b)
	)	
BAE Systems Ordnance Systems Inc.,	)	
Holston Army Ammunition Plant	)	Proceeding Under Section 3008(a) of the
4509 West Stone Drive	)	Resource Conservation and Recovery Act,
Kingsport, Tennessee 37660	)	42 U.S.C. § 6928(a)
EPA ID No.: TN5 21 002 0241	)	
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

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

**BEING AGREED, IT IS SO ORDERED** this 18 day of July, 2013.

BY: Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer  
U.S. EPA Region 4



**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of BAE Systems Ordnance Systems Inc., Docket Number: RCRA-04-2013-4001(b), and have served the parties listed below in the manner indicated:

Roberto X. Busó  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

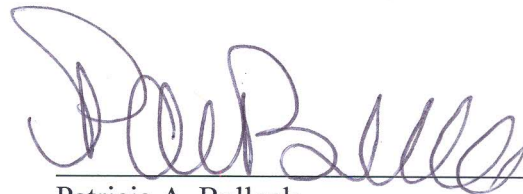
Todd Hayes, Deputy VP Ops  
& EHSS Governance  
BAE Systems Ordnance Systems Inc.  
Holston Army Ammunition Plant  
4509 West Stone Drive  
Kingsport, Tennessee 37660

(Via Certified Mail - Return Receipt Requested)

Michael K. Stagg, Esq.  
Waller Lansden Dortch & Davis, LLP  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219

Via Certified Mail - Return Receipt Requested)

Date: 7-18-13



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