



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

MAR 06 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Harvieux
Engineering Manager
Elringklinger USA, Inc.
4961 Golden Parkway
Buford, Georgia 30518

SUBJ: Elringklinger USA, Inc.
Consent Agreement and Final Order, Docket Number: RCRA-04-2012-4002(b)
EPA I.D. No.: GAR 000 061 671

Dear Mr. Harvieux

Please find enclosed a copy of the fully executed Consent Agreement and Final Order (CAFO) in the above referenced matter. The CAFO was effective upon filing and payment of \$15,500 is due within 30 days of the effective date of the CAFO.

Please do not hesitate to contact Marirose Pratt at (404) 562- 9023 with any legal or Daryl Himes at 562-8614 with any technical questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lamberth".

Larry Lamberth, Chief
South Section
RCRA and OPA Enforcement and Compliance Branch

Enclosure

cc: Mark Smith, GA EPD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

2012 MAR - 6 AM 7:26

RECEIVED
EPA REGION IV

HEARING CLERK

IN THE MATTER OF:) Docket Number: RCRA-04-2012-400 (b)
)
Elringklinger U.S.A, Inc.) Proceeding under Section 3008(a)
4961 Golden Parkway) of the Resource Conservation and
Buford, Georgia 30518) Recovery Act, 42 U.S.C. § 6928(a)
)
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EPA ID No.: GAR 000 061 671)
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)
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Respondent)
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CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Sections 12-8-60 through 12-8-83 of the Georgia Hazardous Waste Management Act (GHWMA), GA. CODE ANN. § 12-8-60 *et seq.* (Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921-6939e). This action seeks civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of the GHWMA and the regulations promulgated pursuant thereto, set forth in the Georgia Hazardous Waste Management Rules (GHWMR), codified at GA. COMP. R. AND REGS. 391-3-11.01 through 391-3-11.18 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260 through 270).
2. 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, 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).
3. The parties have conferred solely 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 (the EPA).
5. Respondent is Elringklinger U.S.A., Inc., a corporation incorporated under the laws of the State of Delaware and doing business in the State of Georgia (Georgia or the State), located at 4961 Golden Parkway, Buford, Georgia 30518.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), Georgia has received final authorization from the EPA to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Georgia authorized program are found at GA. CODE ANN. § 12-8-60 through 12-8-83 and GA. COMP. R. AND REGS. 391-3-11.01 through 391-3-11.18.
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 with respect to those requirements. Georgia has received 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), to address violations of the requirements of the authorized state program. The EPA exercises this authority in the manner set forth in the Memorandum of Agreement between the EPA and the State of Georgia.
9. As Georgia's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations alleged herein will be to the authorized Georgia program; however, for ease of reference, the federal citations will follow in parentheses.
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. Section 12-8-64(1)(A) of the GHWMA, GA. CODE ANN. § 12-8-64(1)(A) (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 requirements are found at GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. Part 262).
12. Section 12-8-64(1)(A) of the GHWMA, GA. CODE ANN. § 12-8-64(1)(A) (Section 3004 of RCRA, 42 U.S.C. § 6924) requires the promulgation of regulations establishing standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. The implementing regulations for these requirements are found at GA. COMP. R. AND REGS. 391-3-11-.10(2) (40 C.F.R. Part 264).

13. GA. CODE ANN. § 12-8-66 (Section 3005 of RCRA, 42 U.S.C. § 6925) sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must either have a permit or achieve interim status. The implementing regulations for this requirement are found at GA. COMP. R. AND REGS. 391.3-11-.10(1) (interim status) and (2) (permitted) (40 C.F.R. Parts 264 (permitted) and 265 (interim status)).
14. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.2), the term "solid waste" means any discarded material that is not otherwise excluded by regulation. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
15. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.3), a solid waste is a "hazardous waste" if the solid waste meets any of the criteria set out in GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.3(a)(2)) and it is not otherwise excluded from regulation as a hazardous waste by operation of GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.4(b)).
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. §§ 261.3 and 261.21), a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision or any agency, board, department or bureau of a state or the federal government.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term "generator" means any person, by site, whose act or process produces hazardous waste identified or listed in GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. Part 261) or whose act first causes a hazardous waste to be subject to regulation.
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term "facility" means all contiguous land and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of hazardous waste.
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term "owner" means the person who owns a facility or part of a facility and the term "operator" means the person responsible for the overall operation of a facility.
21. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)), a generator of greater than 1,000 kilograms of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)) (hereinafter referred to as the "LQG permit exemption").
22. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(c)(1)), a generator may accumulate as much as 55 gallons of hazardous waste in a container 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, without a permit or without having interim status and without complying with GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)), provided the

generator complies with the satellite accumulation area (SAA) management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(c)(1)) (hereinafter referred to as the "SAA permit exemption").

23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(1)(i)), a condition of the LQG permit exemption requires a generator to perform weekly inspections of its containers in accordance with the inspection requirements specified within GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.174).
24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(4)), a condition of the LQG permit exemption requires a generator to designate a primary emergency coordinator within its hazardous waste contingency plan in accordance with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.65(d)).
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(4)), a condition of the LQG permit exemption requires a generator to comply with the hazardous waste training requirements in accordance with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.16).
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(c)(1)(i)), a condition of the SAA permit exemption requires a generator to store hazardous waste in containers that always remain closed except when it is necessary to add or remove waste from a container, in accordance with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.173(a)).

IV. EPA'S ALLEGATIONS AND DETERMINATIONS

27. Respondent is a "person" within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
28. At all times relevant to this CA/FO, Respondent was the "owner" and/or "operator" of a "facility" located at 4961 Golden Parkway, Buford, Georgia 30518 as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
29. Respondent operates an automobile parts manufacturing facility. Operations performed at the facility involve the production of heat shields and head gaskets utilized within the engine compartment of automobiles.
30. Respondent's most recent Hazardous Waste Generator Notification to Georgia, dated June 14, 2011, characterized the facility as a LQG for ignitable hazardous waste (D001).
31. Respondent, as a result of its operations at the facility, is a generator of hazardous waste.
32. On August 11, 2011, representatives of the EPA performed a RCRA compliance evaluation inspection (CEI) of the Respondent's facility located at 4961 Golden Parkway, Buford, Georgia 30518. The findings of the CEI were documented in a RCRA inspection report, dated October 13, 2011.
33. On November 16, 2011, the EPA issued a Notice of Violation/Opportunity to Show Cause Letter, to Respondent identifying alleged violations of RCRA that the EPA noted during the CEI.

34. At the time of the August 11, 2011 CEI, Respondent was storing hazardous waste in its paint mixing room in containers that were open when waste was not being added or removed.
35. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA permit exemption in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(c)(1)(i)), by not complying with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.173(a)).
36. At the time of the August 11, 2011 CEI, Respondent had not been performing weekly inspections of the containers of hazardous waste in its 90 day accumulation area in accordance with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.174).
37. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG permit exemption in GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(1)(i)), by not complying with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.174).
38. At the time of the August 11, 2011 CEI, Respondent had not designated a primary hazardous waste coordinator in its contingency plan.
39. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG permit exemption in GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(4)), by not complying with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.52(d)).
40. At the time of the August 11, 2011 CEI, Respondent had not listed the job titles, job descriptions, and hazardous waste training required of those employees involved in the management of hazardous waste. In addition, employees at the facility involved in the management of hazardous waste had not been trained in the management of hazardous waste.
41. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG permit exemption in GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)(4)), by not complying with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.16).

V. TERMS OF AGREEMENT

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

42. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the paragraphs above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

43. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
44. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
45. 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.
46. 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 the EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.
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 Georgia hazardous waste program.
49. The parties agree that compliance with the terms of this CA/FO shall resolve all of Respondent's liability for civil penalties for the violations alleged and 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 FIFTEEN THOUSAND FIVE HUNDRED DOLLARS (US \$15,500.00), which is to be paid in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Payment Amount
Thirty (30) calendar days following the effective date of this CA/FO.	U.S. \$15,500.00

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 elects to send 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 elects to send 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 and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

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:

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

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

Patricia A. Bullock
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. EPA - 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 it is not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- (a) Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 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 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 penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) of this Paragraph.

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

VII. PARTIES BOUND

56. This CA/FO shall be binding upon 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 transportation, storage, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.
62. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

63. 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

64. 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 the proceeding:

Marirose J. Pratt
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9023

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

Mr. Michael Harvieux
Engineering Manager
Elringklinger U.S.A., Inc.
4961 Golden Parkway
Buford, Georgia 30518

XI. SEVERABILITY

66. 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.

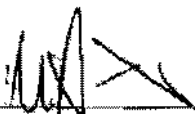
XII. EFFECTIVE DATE

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

In the matter of Elringklinger U.S.A., Inc., Docket No. RCRA -04-2012-4002(b)


AGREED AND CONSENTED TO:

Elringklinger U.S.A., Inc.

By: 
Michael Harvieux
Engineering Manager
Elringklinger U.S.A., Inc.

Dated: 02-08-12

U.S. Environmental Protection Agency

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

Dated: 03/01/12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) Docket Number: RCRA-04-2012-4002(b)
)
Elringlinger U.S.A., Inc.) Proceeding under Section 3008(a)
4961 Golden Parkway) of the Resource Conservation and
Buford, Georgia 30518) Recovery Act, 42 U.S.C. § 6928(a)
)
)
EPA ID No.: GAR 000 061 671)
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)
)
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 5th day of March, 2012.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
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 Elringklinger U.S.A., Inc., Docket Number: RCRA-04-2012-4002(b), and have served copies on each of the parties listed below in the manner indicated:

Marirose J. Pratt
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9441

(Via the EPA Electronic Mail)

Mr. Michael Harvieux
Engineering Manager
Elringklinger U.S.A., Inc.
4961 Golden Parkway
Buford, Georgia 30518

(Via Certified Mail- Return Receipt
Requested)

Daryl Himes
RCRA and OPA Enforcement and
Compliance Branch
U.S. EPA - Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

(Via the EPA Electronic Mail)

Quantindra Smith
RCRA and OPA Enforcement and
Compliance Branch
U.S. EPA - Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

(Via the EPA Electronic Mail)

Date: 3-6-12



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9686