



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 13 2017

CERTIFIED MAIL RETURN RECEIPT

Dr. Ronald S. Posner
President
Antennas for Communications, Ocala, FL, Inc.
2499 S.W. 60th Avenue
Miami, Florida 34474

Re: Antennas for Communications, Ocala, FL, Inc.
EPA ID # FLR 000 197 079 and FLR 000 160 499
Consent Agreement and Final Order, Docket No. RCRA-04-2016-4018(b)

Dear Dr. Posner,

Enclosed, please find a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above-reference matter. Please note that payment of the civil penalty is due within ninety (90) days of the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Also enclosed is a copy of a document titled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts the Respondent on notice of their potential duties to disclose to the Securities and Exchange Commission any environmental actions taken by the EPA.

Thank you for assistance in resolving this matter. If you have questions, please feel free to contact Parvez Mallick at 404-562-8594 or by email at mallick.parvez@epa.gov.

Sincerely,

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

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

cc: Glen Perrigan, FDEP, Tallahassee
John White, FDEP, Central District

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2016-4018(b)
)	
Antennas for Communications,)	
Ocala, FL, Inc.)	
2499 S.W. 60th Avenue)	Proceeding Under Section 3008(a) of the
Ocala, Florida 34474)	Resource Conservation and Recovery Act,
EPA ID No.: FLR 000 197 079)	42 U.S.C. § 6928(a)
and)	
350 Cypress Road)	
Ocala, Florida 34474)	
EPA ID No.: FLR 000 160 499)	
)	
Respondent)	

USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL
2017 SEP 13 PM 4:30
HEARING CLERK

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 Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Rule 62-730 *et seq.* of the Florida Administrative Code Annotated (Fla. Admin. Code Ann. r.) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Fla. Admin. Code Ann. r. 62-730 *et seq.* [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*, 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, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. 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 Antennas for Communications, Ocala, FL, Inc., incorporated under the laws of the State of Florida and doing business in Florida. Respondent owns and operates a manufacturing facility located at 2499 S.W. 60th Avenue, Ocala, Florida 34474 (“the 60th Avenue facility”). Additionally, Respondent owns and previously operated a manufacturing facility located at 350 Cypress Road, Ocala, Florida 34472 (“the Cypress Road facility”).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (State) 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 Florida authorized program are found at Fla. Stat. § 403.702 et seq. and Fla. Admin. Code Ann. r. 62-730 et seq.
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. Florida 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). 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. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [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 Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].
12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005(a) of RCRA, 42 U.S.C. § 6925(a)], sets forth the requirement that facilities that treat, store, or dispose of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180(1) (permitted) and Fla. Admin. Code Ann. r. 62-730.180(2) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [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.
14. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D0043. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 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.
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.30], a solid waste is a hazardous waste if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D] and is not otherwise excluded by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 260.22]. Listed hazardous wastes include the “F-listed” wastes identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31(a)]. F001 through F005 listed wastes are spent solvents from nonspecific processes. When spent, the following non-halogenated solvents are F003 listed hazardous wastes: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.

18. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “facility” includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes, inter alia, a firm, corporation, partnership, individual or association.
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [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 Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.11].
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.150(2)(b), all generators or persons who own or operate a facility which treats, stores, or disposes of hazardous waste must notify the Florida Department of Environmental Protection (FDEP) of all changes in status using form “8700-12FL – Florida Notification of Regulated Waste Activity.”
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)], a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (SQG) and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the applicable conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(1)-(5)] (hereinafter referred to as the “SQG Permit Exemption”).
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.34(d)(2)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)], and is a condition of the SQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.34(d)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 262.34(a)(2) and (a)(3)] and is a condition of the SQG Permit Exemption, a generator is required to ensure that each waste container is both clearly marked with the date upon which the period of accumulation began and that it is visible for inspection (40 C.F.R. § 262.34(a)(2)) and also that each waste container is labeled or marked clearly with the words “Hazardous Waste” (40 C.F.R. § 262.34(a)(3)).

27. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(2)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.174], and is a condition of the SQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored to look for leaking containers and for deterioration of containers caused by corrosion or other factors. In addition, Fla. Admin. Code Ann. r. 62-730.160(5) requires that written documentation of such inspections be kept at least three years from the date of the inspection.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31], and is a condition of the SQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(5)(i)-(ii)], which are conditions of the SQG Permit Exemption, a generator is required to: (i) designate at least one employee as the emergency coordinator; (ii) post next to the telephone the name and phone number of the emergency coordinator, the location of fire extinguishers and spill control material, and the phone number of the fire department (unless the facility has a direct alarm).
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(4)], which incorporates Fla. Admin. Code. Ann. r. 62-730.180(2) [40 C.F.R. § 265.37], and is a condition of the SQG Permit Exemption, a generator is required to attempt to make arrangements with the local emergency response teams as appropriate for the type of waste handled at his facility and the potential need for the services of these authorities.

IV. EPA ALLEGATIONS AND DETERMINATIONS

31. Respondent is a “person” as that term is defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
32. Respondent is the current “owner” or “operator” of a “facility” located at 2499 S.W. 60th Avenue, Ocala, Florida, (“the 60th Avenue facility”) as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
33. Respondent was the “owner” or “operator” of a “facility” located at 350 Cypress Road, Ocala, Florida, (“the Cypress Road facility”) as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
34. Respondent manufactures satellite dishes, conical horn antennas, radomes and custom shelters.

35. Respondent is a “generator” of “hazardous waste” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].
36. On November 13, 2009, Respondent notified the FDEP that the Cypress Road facility was a SQG of hazardous waste, as that term is defined in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)].
37. On May 1, 2013, inspectors with the FDEP performed a compliance evaluation inspection (CEI) at Respondent’s Cypress Road facility. The findings of the CEI were documented in a Report that FDEP mailed to Respondent on June 20, 2013.
38. During the May 1, 2013 CEI of the Cypress Road facility, the FDEP inspectors, observing that the gate to the facility was chained and locked and that the electrical service had been discontinued, concluded that the facility appeared to have been abandoned. The inspectors further observed approximately 90 containers of various types and sizes that were either full or partially-full of unknown liquids. In preparation for eventual off-site disposal, Respondent ultimately determined that these wastes constituted approximately 2,600 pounds of D001 and F003 listed hazardous waste.
39. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid wastes generated at its Facility.
40. During the May 1, 2013 CEI of the Cypress Road facility, FDEP inspectors contacted Respondent by phone and, upon arrival of Respondent’s representatives, were informed that Respondent had closed the Cypress Road facility in or around August 2011. FDEP had not previously been informed by Respondent that the facility’s generator status had changed.
41. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 by failing to notify FDEP of all changes in status of a facility that treats, stores, or disposes of hazardous waste using FDEP Form “8700-12FL – Florida Notification of Regulated Waste Activity” as required in Fla. Admin. Code Ann. r. 62-730.150(2)(b).
42. During the May 1, 2013 CEI of the Cypress Road facility, FDEP inspectors observed numerous containers which were ultimately shown to have contained hazardous wastes but which had neither the initial date of storage nor the words “Hazardous Waste” set forth on the container.
43. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status because Respondent, having not labeled the containers with either the initial storage date or the words “Hazardous Waste,” failed to meet a condition of the SQG Permit Exemption by not complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(4)].

44. Neither during the May 1, 2013 CEI of the Cypress Road facility nor subsequent to the inspection was Respondent able to provide FDEP with any weekly inspections records of the Cypress Road facility for the period August 2010 to May 2013, inclusive.
45. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status because Respondent failed to meet a condition of the SQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. §262.34(d)(2)] by failing to meet the weekly inspection requirements of Fla. Admin. Code. Ann. r. 62-730.180(2) [40 C.F.R. § 265.174].
46. The EPA further alleges that Respondent violated Fla. Admin. Code Ann. r § 62-730.160(5) by failing to maintain written documentation of weekly inspections of the Cypress Road facility for the three year period prior to the date of the inspection.
47. During the May 1, 2013 CEI of the Cypress Road facility, the FDEP inspectors observed numerous rusting and poorly maintained containers of unknown waste abandoned outside the main building at the facility near the fence of an adjacent used oil storage facility. FDEP inspectors further observed distressed vegetation located within a depression in the earth along the south side of a concrete pad at the Cypress Road facility upon which containers of hazardous waste were stored. More than two and one-half years later, during a December 17, 2015 CEI of the Cypress Road facility, EPA and FDEP inspectors observed the same area of depressed vegetation.
48. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status because Respondent failed to meet a condition of the SQG Permit Exemption given in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. 262.34(d)(2)] by not complying with the operation and maintenance requirements set out in Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31].
49. During the May 1, 2013 CEI of the Cypress Road facility, the FDEP observed that Respondent did not have at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures, and that Respondent had failed to post the name and number of the emergency coordinator next to the telephone.
50. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SQG Permit Exemption by not complying with the emergency preparedness requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)(5)].
51. During the May 1, 2013 CEI of the Cypress Road facility, the FDEP found that Respondent was unable to provide documents showing that Respondent had made

arrangements with appropriate local authorities concerning the type of waste handled at the facility and the potential need for the services of those authorities.

52. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status because Respondent failed to meet a condition of the SQG Permit exemption set forth in Fla. Admin. Code Ann. r § 62-730.160(1) [40 C.F.R. § 262.34(d)(4)] by not complying with the requirement to make appropriate arrangements with local emergency response authorities set out in Fla. Admin. Code Ann. r § 62-730.180(2) [40 C.F.R. § 265.37].
53. On October 24, 2013, Respondent notified the FDEP that, although it had ceased generating hazardous waste at the Cypress Road facility, it nevertheless remained the owner of the Cypress Road facility.
54. On January 31, 2013, Respondent notified the FDEP that the 60th Avenue facility was a SQG of hazardous waste, as that term is defined in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(d)].
55. On December 17, 2015, inspectors with the EPA and the FDEP conducted a CEI at the Respondent's SW 60th Avenue facility as well as a follow-up CEI at Respondent's Cypress Road facility. The findings of these CEIs were documented in an inspection report that EPA mailed to Respondent on March 28, 2016.
56. During the December 17, 2015 CEI of the SW 60th Avenue facility, the inspectors observed one 55-gallon container of waste acetone (D001, F003) stored in the facility's less-than-180-day hazardous waste storage area that was not closed.
57. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status because Respondent failed to meet a condition of the SQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. 262.34(d)(2)] by not complying with the container management requirements of Fla. Admin. Code. Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)].
58. During the December 17, 2015 CEI of the SW 60th Avenue facility, a review of Respondent's records by the inspectors revealed that Respondent had not conducted weekly inspections of the hazardous waste containers located in the less-than-180-day hazardous waste storage area during the periods December 9, 2012 through January 2, 2013, and December 18, 2013 through January 1, 2014.
59. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status because Respondent failed to meet a condition of the SQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. 262.34(d)(2)] by not complying with the inspection requirements of Fla. Admin. Code. Ann. r. 62-730.180(2) [40 C.F.R. § 265.174].

60. During the December 17, 2015 CEI of the SW 60th Avenue facility, a review of the facility's records by the inspectors revealed that Respondent on four occasions had failed to maintain signed returned copies of manifests from the designated facility and had not filed exception reports with FDEP noting its failure to receive such a copy.
61. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status by failing to comply with the exception reporting requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.42(b)].

V. TERMS OF AGREEMENT

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

62. 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.
63. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
64. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement, and any right to confer with the Administrator.
65. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO.
66. 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 communicate on 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.
67. 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.
68. 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.
69. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

70. Each party will pay its own costs and attorneys' fees.
71. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of RCRA referenced herein.
72. This CA/FO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA, Subtitle C, 42 U.S. C. §§ 6921- 6939e, or any regulations promulgated thereunder.

VI. DEMONSTRATION OF COMPLIANCE

73. By entering into this Consent Agreement, Respondent certifies that it is in full compliance with RCRA and the State's authorized hazardous waste program.

VII. PAYMENT OF CIVIL PENALTY

74. Respondent consents to the payment of a civil penalty in the amount of **THIRTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$32,500)**, which is to be paid within ninety (90) calendar days of the effective date of this CA/FO.
75. Payment(s) 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
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

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

76. Respondent shall submit a copy of the payment to the following individuals:

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

and to:

Parvez Mallick, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

VIII. PARTIES BOUND

77. 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.
78. 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.

79. 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.

IX. RESERVATION OF RIGHTS

80. 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.
81. 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.
82. 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.

X. OTHER APPLICABLE LAWS

83. 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.

XI. SERVICE OF DOCUMENTS

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

Gregory D. Luetscher
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
Luetscher.greg@epa.gov
(404) 562-9677

85. A copy of any documents that Complainant files in this action shall be sent to the following individuals who represent Respondent in this matter and who are authorized to receive service for Respondent in this proceeding:

Dr. Ronald S. Posner
President
Antennas for Communications, Ocala, FL, Inc.
2499 S.W. 60th Avenue
Miami, Florida 34474

Douglas J. Rillstone, Esq.
Partner
Broad and Cassel Attorneys at Law
215 South Monroe Street
Suite 400
Tallahassee, FL 32301

XII. SEVERABILITY

86. 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.

XIII. EFFECTIVE DATE


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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

In the matter of Antennas for Communications, Ocala, FL, Inc., Docket No. RCRA-04-2016-4018(b):


AGREED AND CONSENTED TO:

FOR Antennas for Communications, Ocala, FL, Inc.

By: 
Dr. Ronald S. Posner
President
Antennas for Communications, Ocala, FL, Inc.
2499 S.W. 60th Avenue
Ocala, Florida 34474

Date: 09/01/2017

FOR The United States Environmental Protection Agency

By: 
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4

Date: 09/13/17

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2016-4018(b)
)	
Antennas for Communications,)	Proceeding Under Section 3008(a) of the
Ocala, FL, Inc.)	Resource Conservation and Recovery Act,
2499 S.W. 60th Avenue)	42 U.S.C. § 6928(a)
Ocala, Florida 34474)	
EPA ID No.: FLR 000 197 079)	
and)	
350 Cypress Road)	
Ocala, Florida 34474)	
EPA ID No.: FLR 000 160 499)	
)	
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 13th day of September, 2017

BY: Tanya Floyd
Tanya Floyd
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 Antennas for Communications, Ocala, FL, Inc., Docket Number: RCRA-04-2016-4018(b)*, and have served the parties listed below in the manner indicated:

Gregory D. Luetscher
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)

Parvez Mallick
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

(Via EPA's Electronic Mail)

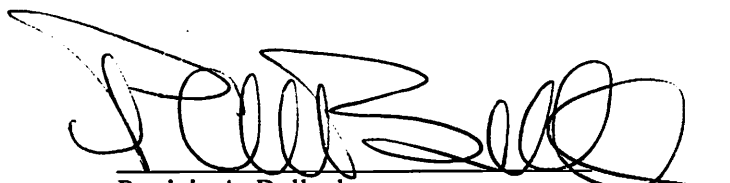
Quantindra Smith
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

(Via EPA's Electronic Mail)

Douglas J. Rillstone, Esq.
Partner
Broad and Cassel Attorneys at Law
215 South Monroe Street
Suite 400
Tallahassee, FL 32301

(Via Certified Mail-Return
Receipt Requested)

Date: 9-13-17



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