



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 05 2019

CERTIFIED MAIL RETURN RECIEPT

Jenny L. Stewart, Esq.
Corporate Counsel
TestAmerica Laboratories, Inc.
4101 Shuffel Street NW
North Canton, Ohio 44720

Re: TestAmerica Laboratories, Inc.
Consent Agreement and Final Order, Docket No. RCRA-04-2019-4004(b)

Dear Ms. Stewart:

Enclosed, please find a copy of the executed Consent Agreement and Final Order (CAFO) as filed with the Regional Hearing Clerk in the above-referenced matter. Please note that payment of the civil penalty is due within 30 days of the effective date of the CA/FO, which is the date of the CA/FO is filed with the Regional Hearing Clerk. A copy of the penalty payment must be mailed to the Regional Hearing Clerk and to the Program Staff, as reference in the CA/FO. The timing of all the other obligations required by the CA/FO also begin on the effective date of the CA/FO.

Thank you for your assistant in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590, or by email at larry.lamberth@epa.gov.

Sincerely,

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

Larry L. Lamberth
Chief
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2019-4004(b)
)	
TestAmerica Laboratories, Inc.)	
2960 Foster Creighton Drive)	Proceeding Under Section 3008(a) of the
Nashville, Tennessee 37204)	Resource Conservation and Recovery Act,
EPA ID No.: EPA ID #TNR 000 000 638)	42 U.S.C. § 6928(a)
)	
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 (THWMA), Tennessee Code Annotated (Tenn. Code Ann.) § 68-212-101 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at Chapter 0400-12-01 of the Rules and Regulations of the State of Tennessee (Tenn. Comp. R. & Regs.) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, & 279]. This action seeks the imposition of civil penalties and injunctive relief pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Tenn. Comp. R. & Regs. 0400-12-01.01 through 0400-12-01.12 [40 C.F.R. Parts 260 through 270 & 273].
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, Chemical, Safety and Land Enforcement Branch, Enforcement and Compliance Assurance 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 TestAmerica Laboratories, Inc., a private corporation incorporated under the laws of the State of Delaware. Respondent is the owner and operator of an analytical laboratory located at 2960 Foster Creighton Drive, Nashville, Tennessee, 37204 (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Tennessee (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 Tenn. Comp. R. & Regs. 0400-12-01.01 through 0400-12-01.12.
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. Tennessee 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 68-212-107(d) of the THWMA, Tenn. Code Ann. § 68-212-107(d) [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 Tenn. Comp. R. & Regs. 0400-12-01-.03 [40 C.F.R. Part 262].
12. Section 68-212-108 of the THWMA, Tenn. Code Ann. § 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. The implementing regulations for this requirement are found at Tenn. Comp. R. & Regs. 0400-12-01-.06 (permitted) and Tenn. Comp. R. & Regs. 0400-12-01-.05 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [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 Tenn. Comp. R. & Regs. 0400-12-01-.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 Tenn. Comp. R. & Regs. 0400-12-01-.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 Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(d)2. [40 C.F.R. § 261.4(b)].
15. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c)1.(ii)(I) and Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(b)-(e) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D0043.
16. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) and (b) [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.
17. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) and (c) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
18. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) and (e) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous.
19. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(e) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for Chromium is identified with the EPA Hazardous Waste Number D007.
20. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(e) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for Mercury is identified with the EPA Hazardous Waste Number D009.
21. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c)1.(ii)(II) and Tenn. Comp. R. & Regs. 0400-12-01-.02(4)(a) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed “hazardous waste” if it is listed in Tenn. Comp. R. & Regs. 0400-12-01-.02(4) [40 C.F.R. Part 261, Subpart D].
22. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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 Tenn. Comp. R. & Regs. 0400-12-01-.02 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
23. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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.”

24. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “person” includes “an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, and governmental agency of this state and any department, agency, or instrumentality of the executive, legislative, and judicial branches of the federal government.”
25. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.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.”
26. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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.
27. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], “universal waste” means any of the hazardous wastes that are managed under the universal waste requirements of Tenn. Comp. R. & Regs. 0400-12-01-.12(3) [40 C.F.R. Part 273].
28. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “universal waste handler” means a generator (as defined in this section) of universal waste.
29. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “small quantity generator” is a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.
30. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “large quantity generator” is a generator who generates 1,000 kilograms or greater of hazardous waste in a calendar month.
31. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2. [40 C.F.R. § 262.34(a) (2016)], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)-(v) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the “LQG Permit Exemption”).
32. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i) [40 C.F.R. § 262.34(c)(1) (2016)], a generator may accumulate as much as 55 gallons of 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, without a permit or without having interim status, as required by Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2. [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i)(I)-(II) [40 C.F.R. § 262.34(c)(1)(i)-(ii) (2016)] (hereinafter referred to as the “SAA Permit Exemption”).

33. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(1)(b) [40 C.F.R. § 273.9], a Large Quantity Handler of Universal Waste (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
34. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11].
35. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)(I) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(d)1. [40 C.F.R. § 265.173(a)], and is a condition of the LQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
36. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)(I) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(e) [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors.
37. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(ii) [40 C.F.R. § 262.34(a)(2) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.
38. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iii) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."
39. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(2)(g) [40 C.F.R. § 265.16(c) & (d)], and is a condition of the LQG Permit Exemption, (c) Facility personnel must take part in an annual RCRA refresher training; and (d) the generator must maintain training records that include, among others: the job title, written description, and name of each employee filling the job for each position related to hazardous waste management.
40. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(3)(f) [40 C.F.R. § 265.35], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, *unless* aisle space is not needed for any of these purposes.
41. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(c)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(3)(h) [40 C.F.R. § 265.37], and is a condition of the LQG Permit Exemption, a generator is required to attempt to make

arrangements with the local authorities identified, as appropriate for the type of waste handled at his facility and the potential need for the services of these authorities.

42. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(4)(c) [40 C.F.R. § 265.52(d)], and is a condition of the LQG Permit Exemption, a generator must have a contingency plan that includes lists names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator.
43. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(4)(d) [40 C.F.R. § 265.53(b)], and is a condition of the LQG Permit Exemption, a generator is required to submit a copy of its contingency plan to local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
44. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i)(I) [40 C.F.R. § 262.34(c)(1)(i) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(d)1. [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
45. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i)(II) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
46. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(3)(e)1. [40 C.F.R. § 273.34(a)], a LQHUW must label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
47. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(3)(f)3. [40 C.F.R. § 273.35(c)], a LQHUW must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.
48. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(6)(a)1., a generator of hazardous waste is required to maintain a hazardous waste reduction plan.

IV. EPA ALLEGATIONS AND DETERMINATIONS

49. Respondent is a “person” as defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].
50. Respondent is the “owner/operator” of a “facility” located at 2960 Foster Creighton Drive, Nashville, Tennessee, 37204, as those terms are defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].
51. Respondent is a “generator” of “hazardous waste” as those terms are defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10] and Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c) [40 C.F.R. § 261.3].

52. Respondent is a “generator” of “universal waste” and a “universal waste handler” as those terms are defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].
53. Respondent owns and operates a Facility that is in the business of conducting analytical laboratory testing.
54. Respondent, through its operations, is a generator of multiple characteristic and listed hazardous wastes, including, among others, D001, D002, D007, and D009 hazardous waste.
55. On February 20, 2018, Respondent submitted an updated notification of hazardous waste activity to TDEC confirming that it operates as an LQG at all times relevant to this CA/FO.
56. On February 20, 2018, Respondent submitted an updated notification of hazardous waste activity to TDEC confirming that it operates as an LQHUUW at all times relevant to this CA/FO.
57. On February 26, 2018, TDEC and the EPA conducted a compliance evaluation inspection (CEI) at Respondent’s facility. EPA’s findings of the CEI were documented in a report mailed to Respondent, dated April 30, 2018.
58. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to make hazardous waste determinations on one container with waste profile number CH330634 and the containers in the five metal cabinets adjacent to the 90-day or less hazardous waste storage area.
59. The EPA therefore alleges that Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.
60. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to maintain a hazardous waste reduction plan.
61. The EPA therefore alleges Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.03(6)(a)1. for failure to maintain a hazardous waste reduction plan.
62. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to conduct weekly inspections at the 90-day or less hazardous waste container storage area.
63. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)(I) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the inspection requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(e) [40 C.F.R. § 265.174].
64. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to provide annual training for 33 workers and failed to list job titles for 14 workers.
65. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG

Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the personnel training requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(2)(g) [40 C.F.R. § 265.16(c) & (d)].

66. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to make arrangements with local authorities.
67. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the local authority arrangement requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(3)(h) [40 C.F.R. § 265.37].
68. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to include home or work addresses for the emergency coordinators identified in its contingency plan.
69. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the contingency plan requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(4)(c) [40 C.F.R. § 265.52(d)].
70. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to provide copies of the contingency plan to the police, fire departments, local hospitals, and local emergency response teams.
71. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], by not providing copies of the contingency plan to emergency responders and others as required by Tenn. Comp. R. & Regs. 0400-12-01-.05(4)(d) [40 C.F.R. § 265.53(b)].
72. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to close one container of hazardous waste in a 90-day or less hazardous waste container storage area.
73. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)(I) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the container management requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(d)1. [40 C.F.R. § 265.173(a)].
74. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to label three containers of hazardous waste in a 90-day or less hazardous waste container storage area.

75. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption by not complying with the labeling requirements of Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iii) [40 C.F.R. § 262.34(a)(3) (2016)].
76. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to mark accumulation start dates on three containers of hazardous waste in a 90-day or less hazardous waste container storage area.
77. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption by not complying with the dating requirements of Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(ii) [40 C.F.R. § 262.34(a)(2) (2016)].
78. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to provide adequate aisle space in a 90-day or less hazardous waste container storage area.
79. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the aisle space requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(3)(f) [40 C.F.R. § 265.35].
80. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to close 11 SAA containers of hazardous waste.
81. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 SAA Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i)(I) [40 C.F.R. § 262.34(c)(1)(i) (2016)], by not complying with the container management requirements of Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(d)1. [40 C.F.R. § 265.173(a)].
82. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to label seven SAA containers of hazardous waste.
83. The EPA therefore alleges Respondent violated Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [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 SAA Permit Exemption by not complying with the labeling requirements of Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i)(II) [40 C.F.R. § 262.34(c)(1)(ii) (2016)].
84. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to label or mark five universal waste batteries.

85. The EPA therefore alleges that Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.12(3)(e)1. [40 C.F.R. § 273.34(a)], by failing to label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
86. During the February 26, 2018, RCRA CEI, the EPA observed that Respondent failed to demonstrate the length of time the universal waste batteries had been accumulated.
87. The EPA therefore alleges that Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.12(3)(f)3. [40 C.F.R. § 273.35(c)], by failing to demonstrate the length of time that the facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.

V. TERMS OF AGREEMENT

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

88. 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.
89. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
90. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
91. 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.*
92. 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.
93. 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.
94. 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.
95. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
96. Respondent consents to the issuance of this compliance order.

97. Respondent consents to the conditions specified in this CA/FO.
98. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged in this CA/FO.
99. Each party will pay its own costs and attorneys' fees.
100. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

VI. WORK TO BE PERFORMED

101. Respondent will institute a third-party inspection program at the Facility and its other LQG and Small Quantity Generator (SQG) facilities located within the State of Tennessee (specifically, the TestAmerica Nashville and TestAmerica Knoxville laboratories, referred to for purposes of this paragraph 101 as a "Facility" or collectively as the "Facilities"), and implement the third-party's recommendations. Respondent agrees to retain, at its expense, a qualified third-party inspection team to conduct over the course of one year at least one (1) third-party inspection at each of the Facilities, documenting the third-party inspections through photographs and written reports; providing the third-party inspection documentation to TDEC and the EPA; and implementing the third-party's recommendations.
 - a. Within 45 days of the effective date of this CA/FO, Respondent shall engage a third-party inspection team ("Third-Party Team") and submit the Third-Party Team members' resumes and qualifications to the EPA. The Third-Party Team shall have at least one person with chemistry expertise, one expert in environmental compliance auditing, and one expert in chemical process safety management. One Third-Party Team member may fulfill more than one of these expertise requirements, but the Third-Party Team shall have at least two people for inspection safety reasons.
 - b. To ensure the Third-Party Team's independence from Respondent and promote a thorough third-party inspection:
 - i. No member of the Third-Party Team may have previously performed work for Respondent or for any of Respondent's officers, although Team members who previously bid on projects but did not receive work from Respondent may participate;
 - ii. No member of the Third-Party Team shall be allowed to work for Respondent or for any of Respondent's officers for five (5) years after the third-party inspection is completed;
 - iii. Before the third-party inspection, it is permissible for the Third-Party Team to visit the Facility and the other relevant facilities for purposes of bidding on Third-Party Inspection Program work and consulting on the Third-Party Team's inspection;

- iv. Before conducting the third-party inspections, each member of the Third-Party Team shall have read this CA/FO and the CEI Report issued by the EPA, dated April 30, 2018;
 - v. During the third-party inspections, Respondent shall provide the Third-Party Team with unimpeded access to the entirety of the Facility including any other related buildings and/or appurtenances on the relevant Facility's premises on any day that Respondent is operating. Respondent shall also permit the Third-Party Team to take still photographs during its third-party inspections, provided however that the Third-Party Team shall ensure that any such photographs do not capture (i) any images that could identify any of Respondent's confidential client information such as client or project location identities, or (ii) images of any of Respondent's employees;
 - vi. After the third-party inspections, no communication shall occur between Respondent and the Third-Party Team without the TDEC and the EPA simultaneously being copied on the communication (except such communications that occur on-site while the third-party inspection is being conducted). Accordingly, all such communication must be transmitted such that the TDEC and the EPA may be copied (i.e., USPS mail or e-mail); and
 - vii. Respondent shall not have an opportunity to review or comment on the third-party inspection reports or drafts thereof before the Third-Party Team sends them to the TDEC, the EPA and Respondent.
- c. Within one year of the effective date of this CA/FO, the Third-Party Team shall conduct all third-party inspections. The purpose of the third-party inspections is to give all parties the opportunity to assess how Respondent manages hazardous waste when Respondent is operating with the highest level of care. Accordingly, the Third-Party Team may give Respondent up to three (3) days of notice before the third-party inspections. The Third-Party Team shall inspect the whole Facility, including any other related buildings and/or appurtenances on the relevant Facility's premises, indoors and outdoors.
 - d. Within 30 days after each inspection, the Third-Party Team shall simultaneously submit to the TDEC, the EPA and Respondent an inspection report and photographs ("Inspection Report"). The Inspection Report shall be organized by room and outdoor area visited, and provide detailed information about any deficiencies found, including proposed manners of correcting any deficiencies identified. Respondent shall not have the opportunity to review any draft or final Inspection Report before such submittal.
 - e. Within 20 days of receiving each Inspection Report, Respondent shall remedy and/or correct any deficiencies identified in the Inspection Report and send a letter to the TDEC and the EPA confirming that the deficiencies have been corrected unless the parties agree that another deadline is appropriate.
 - f. The Respondent shall keep copies of each Inspection Report and photographs for three (3) years.

- g. The Third-Party Team shall notify Respondent if it finds any non-RCRA-related deficiencies of EPA-administered statutes (for example, violations of the Clean Air Act, Clean Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, or Toxic Substances Control Act), and Respondent shall correct those deficiencies within 20 days of receiving each Inspection Report.
- h. Respondent shall notify the TDEC and the EPA immediately by telephone and e-mail if the Third-Party Team discovers any condition at either of the Facilities that could pose an imminent and substantial endangerment to human health or the environment.
- i. Notifications:

- i. Submissions required by this paragraph shall be in writing and shall be mailed to the following addresses with a copy also sent by electronic mail:

Alan A. Annicella
Chief, Land, Asbestos and Lead Section
Chemical, Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
newman.alan@epa.gov

And

Mr. Patrick J. Flood, Director
Division of Solid Waste Management
Tennessee Department of Environment and Conservation
William R Snodgrass Tennessee Tower
312 Rosa L Parks Avenue, 14th Floor
Nashville, Tennessee 37243
pat.flood@tn.gov

- ii. The EPA and/or the TDEC will send all written communications to the following representative(s) for Respondent:

TestAmerica Laboratories, Inc.
4101 Shuffel St. NW
North Canton, OH 44720
Tel. (203) 202-8811
Attn: Jenny L. Stewart, Esq., Corporate Counsel
Email: jenny.stewart@testamericainc.com

- j. All submissions made by the Respondent or the Third-Party Team to the EPA pursuant to the requirements of this CA/FO shall contain the following certification signed by a responsible corporate officer:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision 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 fine and imprisonment for knowing submissions of false information."

VII. PAYMENT OF CIVIL PENALTY

102. Respondent consents to the payment of a civil penalty in the amount of ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED DOLLARS (\$150,700.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
103. 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

104. 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:

Alan A. Annicella
Chief, Land, Asbestos and Lead Section
Chemical, Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

105. 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 or, if paying in installments, not paid in accordance with the installment schedule provided above. 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. 31 U.S.C. § 3717(e)(2). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
106. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VIII. PARTIES BOUND

107. 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.
108. 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.
109. 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

110. 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.
111. 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.
112. 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

113. 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

114. 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:

Joan Redleaf Durbin
Associate Regional Counsel
RCRA/FIFRA/TSCA Law Office
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9544

115. 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:

TestAmerica Laboratories, Inc.
4101 Shuffel St. NW
North Canton, OH 44720
Tel. (203) 202-8811
Attn: Jenny L. Stewart, Esq., Corporate Counsel
Email: jenny.stewart@testamericainc.com

XII. SEVERABILITY

116. 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.

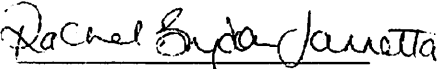
XIII. EFFECTIVE DATE

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

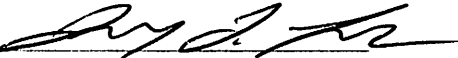
In the matter of TestAmerica Laboratories, Inc., Docket No. RCRA-04-2019-4004(b):

AGREED AND CONSENTED TO:

TESTAMERICA LABORATORIES, INC.

By:  Dated: 5/8/2019
Rachel Brydon Jannetta, President

United States Environmental Protection Agency

By:  Dated: 05/30/19
Larry L. Lamberth, Chief
Chemical, Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

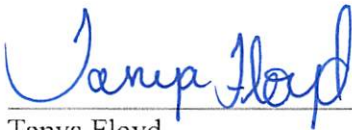
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2019-4004(b)
)	
TestAmerica Laboratories, Inc.)	
2960 Foster Creighton Drive)	Proceeding Under Section 3008(a) of the
Nashville, Tennessee 37204)	Resource Conservation and Recovery Act,
EPA ID No.: EPA ID #TNR 000 000 638)	42 U.S.C. § 6928(a)
)	
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 3rd day of June, 2019.

BY: 
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 TestAmerica Laboratories, Inc., Docket Number: RCRA-04-2019-4004(b), and have served the parties listed below in the manner indicated:

Joan Redleaf Durbin
Associate Regional Counsel
RCRA/FIFRA/TSCA Law Office
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Alan A. Annicella
Chief, Land, Asbestos and Lead Section
Chemical, Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

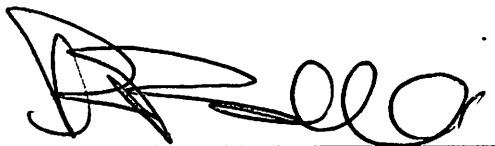
(Via EPA's electronic mail)

TestAmerica Laboratories, Inc.
4101 Shuffel St. NW
North Canton, OH 44720
Tel. (203) 202-8811
Attn: Jenny L. Stewart, Esq., Corporate Counsel

(Via Certified Mail - Return Receipt Requested)

Date:

6-5-19



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