



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 18 2014

E. Patrick Epps, Sr.
President, Epps Aviation
1 Aviation Way
DeKalb-Peachtree Airport
Atlanta, Georgia 30341

Re: Consent Agreement and Final Order
Epps Air Service, Inc.
EPA ID No.: GAD 981 222 169
Docket No. RCRA-04-2014-4008(b)

Dear Mr. Epps:

Enclosed please find a copy of the Consent Agreement and Final Order (CA/FO) resolving the violations of the Resource Conservation and Recovery Act alleged by U. S. Environmental Protection Division against Epps Air Service, Inc. in Atlanta, Georgia. The effective date of the CA/FO is the date the CA/FO is filed with the Regional Hearing Clerk. Payment of penalty is due within 60 days of the effective date of the CA/FO.

Thank you for your assistance in resolving this matter. If you have any questions, please call me at (404) 562-9744.

Sincerely,

A handwritten signature in blue ink that reads "CÉSAR A. ZAPATA".

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

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2014-4008(b)
)	
Epps Air Service, Inc.)	
d/b/a Epps Aviation)	
1 Aviation Way)	Proceeding Under Section 3008(a) of the
DeKalb-Peachtree Airport)	Resource Conservation and Recovery Act
EPA ID No.: GAD 981 222 169)	42 U.S.C. § 6928(a)
)	
Respondent)	

RECEIVED
EPA REGION IV
2014 SEP 18 AM 10:51
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 the 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 RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (“GHWMR”), codified at GA. COMP. R. AND REGS. r. 391-3-11-.01 through 391-3-11-.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of GA. CODE ANN. § 12-8-66(a) [Section 3005 of RCRA, 42 U.S.C. § 6925] and GA. COMP. R. AND REGS. 391-3-11-.02, .07-.11, .17, and .18 [40 C.F.R. Parts 260 through 270, 273, & 279].
2. *The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, 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 Epps Air Service, Inc. d/b/a Epps Aviation, a Corporation organized under the laws of Georgia (State). Respondent leases the land from DeKalb County, Georgia and is the operator of an avionics business that provides aircraft fueling, aircraft storage, tie-down and parking, aircraft charter and sales, and a maintenance facility located at 1 Aviation Way, DeKalb-Peachtree Airport, Atlanta, Georgia (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (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 Sections 12-8-60 through 12-8-83 of the GHWMA, GA. CODE ANN. § 12-8-60 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. 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). 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 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 standards are found at GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, 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 have a permit or interim status. The implementing regulations for this requirement are found at GA. COMP. R. AND REGS. 391-3-11-.10(2) (permitted) and GA.

COMP. R. AND REGS. 391.3-11-.10(1) (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(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 GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.30], a solid waste is a hazardous waste if it is listed in 40 C.F.R. Part 261, Subpart D, and is not otherwise excluded by GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. § 260.20] and [40 C.F.R. § 260.22].
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.20], solid waste that exhibit any of the characteristics identified in GA. COMP. R. AND REGS. 391-3-11-.07 [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA hazardous waste numbers D001 through D0043.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.31(a)], the following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 40 C.F.R. §§ 260.20 and 260.22 and listed in appendix IX of this section: F001-F012, and F019-F039.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 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.
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for cadmium is a hazardous waste and is identified with the EPA Hazardous Waste Number D006 (cadmium).
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for lead is a hazardous waste and is identified with the EPA Hazardous Waste Number D008 (lead).
21. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for benzene is a hazardous waste and is identified with the EPA Hazardous Waste Number D018 (benzene).
22. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chloroform is a hazardous waste and is identified with the EPA Hazardous Waste Number D022 (chloroform).
23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for methyl ethyl ketone is a hazardous waste and is identified with the EPA Hazardous Waste Number D035 (methyl ethyl ketone).

24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that is a listed hazardous waste from a non-specific source, specifically, spent halogenated solvents used in degreasing is identified with the EPA Hazardous Waste Number F001.
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that is a listed hazardous waste from a non-specific source, specifically, spent halogenated solvents, is identified with the EPA Hazardous Waste Number F002.
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that is a listed hazardous waste from a non-specific source, specifically, spent non-halogenated solvents, is identified with the EPA Hazardous Waste Number F003.
27. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(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 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
28. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(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.”
29. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes 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.
30. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(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.”
31. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(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.
32. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], “treatment ”means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.
33. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10], “Publicly owned treatment works or POTW ” means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a “State” or “municipality” (as defined by section 502(4) of the Clean Water Act). This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

34. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. § 262.11], a person who generates a solid waste must determine if that waste is a hazardous waste.

IV. EPA ALLEGATIONS AND DETERMINATIONS

35. Respondent is a “person” as defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10].
36. Respondent is the “owner/operator” of a “facility” located at 1 Aviation Way, DeKalb-Peachtree Airport, Atlanta, Georgia, as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. § 260.10].
37. Respondent is a “generator” of “hazardous waste” as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) [40 C.F.R. §§ 260.10 and 261.3].
38. The Facility periodically generates hazardous waste as a result of its maintenance activities, including painting, and floor cleaning (mop water), and from aircraft waste fuel filters. A review of the Facility’s manifest show the following waste codes were being generated at the Facility: D001, D008, D018, D022, D035, F001, F002, and F003.
39. Respondent notified the State that the Facility is a small quantity generator (SQG) of hazardous waste. However, the facility’s rate of hazardous waste generation may fluctuate, causing the hazardous waste generator status of the Facility to change.
40. On June 26, 2013, the EPA and State conducted a compliance evaluation inspection (CEI) at Respondent’s Facility. The findings of the CEI were documented in a Report mailed to Respondent, dated January, 14 2014.
41. At the time of the inspection, the Facility was being operated as a conditionally exempt small quantity (CESQG) generator of hazardous waste.
42. During the CEI, the EPA and State inspectors observed numerous mop buckets containing waste mop water being staged throughout one of the hangers. According to Respondent, the standard procedure for the management of the mop buckets was to dispose the waste mop water by pouring the water into the fuel truck drive through secondary containment. This secondary containment was located approximately 500 feet from the hanger. The secondary containment leads to an oil and water separator which then discharges to the sanitary sewer. The sanitary sewer leads to a Clean Water Act regulated POTW. At the time of the inspection, the Facility had not conducted a waste determination on the waste mop water.
43. The EPA therefore alleges that Respondent failed to make a hazardous waste determination on solid waste at its Facility and therefore violated GA. COMP. R. AND REGS. 391-3-11-.08(1) [40 C.F.R. § 262.11].
44. At the time of the CEI, the EPA and State inspectors observed 22 waste fuel filters that were stored within the Facility’s Fuel Depot. The Facility personnel stated that these filters are allowed to evaporate to prevent the excess liquid from dripping. Once the filters dry the Facility personal manifest them offsite as a hazardous waste (waste codes D001 (ignitable), D008 (lead), and D018 (benzene)).

45. Evaporation is a form of treatment. The EPA therefore alleges that the Respondent violated GA. CODE ANN. § 12-8-66 [Section 3005(a) of RCRA, 42 U.S.C. § 6925] by treating hazardous waste without a permit or interim status.

V. TERMS OF AGREEMENT

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

46. 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.
47. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
48. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
49. 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.*
50. 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.
51. 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.
52. 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.
53. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
54. 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.
55. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

56. Respondent consents to the payment of a civil penalty in the amount of FORTY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$41,700.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.

57. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
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

58. 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:

Larry Lamberth, Chief
South Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

59. 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. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
60. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

61. 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.

62. 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.
63. 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

64. 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.
65. 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.
66. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

IX. OTHER APPLICABLE LAWS

67. 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

68. 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:

Joan Redleaf Durbin
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9544

69. 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:

E. Patrick Epps, Sr.
President, Epps Aviation
1 Aviation Way
DeKalb-Peachtree Airport
Atlanta, Georgia 30341

Marian Epps
Chief Financial Officer, Epps Aviation
1 Aviation Way
DeKalb-Peachtree Airport
Atlanta, Georgia 30341

David M. Meezan, Esq.
Kamarek Mowrey Cloud Laseter LLP
1230 Peachtree Street N.E., Suite 3600
Atlanta, Georgia 30309

XI. SEVERABILITY

70. 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

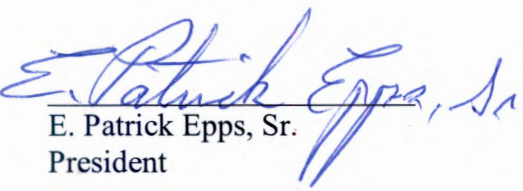
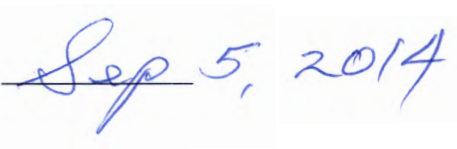
71. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

(Signatures on next page)

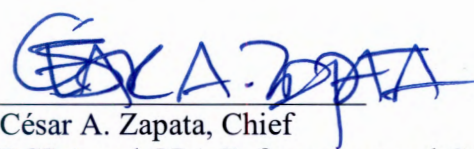
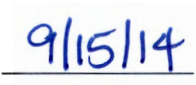
In the matter of Epps Air Service, Inc. d/b/a/ Epps Aviation, Docket No. RCRA-04-2014-4008(b):

AGREED AND CONSENTED TO:

Epps Air Service, Inc. d/b/a/ Epps Aviation

By:  Dated: 
E. Patrick Epps, Sr.
President

United States Environmental Protection Agency

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2014-4008(b)
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Epps Air Service, Inc.)	
d/b/a Epps Aviation)	Proceeding Under Section 3008(a) of the
1 Aviation Way)	Resource Conservation and Recovery Act,
DeKalb-Peachtree Airport)	42 U.S.C. § 6928(a)
EPA ID No.: GAD 981 222 169)	
)	
Respondent)	
_____)	

FINAL ORDER

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

BEING AGREED, IT IS SO ORDERED this 18 day of Sept., 2014.

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 Epps Air Service, d/b/a Epps Aviation, Docket Number: RCRA-04-2014-4008(b), and have served the parties listed below in the manner indicated:

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

(Via EPA's electronic mail)

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

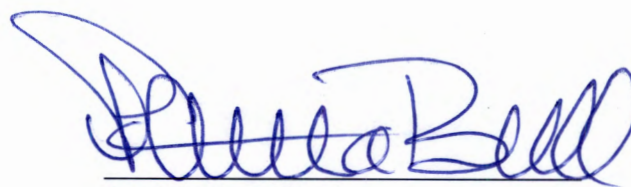
(Via EPA's electronic mail)

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(Via Certified Mail - Return Receipt Requested)

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