



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

AUG 25 2016

VIA US MAIL and EMAIL

Georgia Pacific LLC  
100 Mill Supply Road  
Crossett, Arkansas 71635

Re: In the Matter of Georgia Pacific LLC:  
Consent Agreement and Final Order  
EPA Docket No. RCRA-06-2016 -0909

Dear Mr. Champion,

Enclosed is an Administrative Consent Agreement and Final Order ("CAFO") approved in the settlement for the above referenced CAFO. As you are aware, the CAFO includes an assessment of a civil penalty and compliance order pursuant to Section 3008 of the Resource Conservation and Recovery Act. This CAFO must be signed upon receipt by an authorized representative of Georgia Pacific LLC and returned to the attention of Jacob A. Gallegos (6RC-ER) at the above address.

The U.S. Environmental Protection Agency, Region 6, appreciates your cooperation throughout this process. If you have questions, or if you would like to discuss any of the proposed terms of this CAFO, please do not hesitate to contact me at (214) 665-9798 or by email: [gallegos.jacob@epa.gov](mailto:gallegos.jacob@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gallegos", written over a large, stylized circular flourish.

Jacob A. Gallegos, Esq.  
Assistant Regional Counsel

Enclosure

UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY  
 REGION 6  
 DALLAS, TX

FILED  
 2016 AUG 25 PM 3:35  
 REGIONAL HEARING CLERK  
 EPA REGION VI

IN THE MATTER OF:

Georgia-Pacific LLC  
 Respondent

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Consent Agreement and Final Order

USEPA Docket No. RCRA-06-2016-0909

CONSENT AGREEMENT AND FINAL ORDER

I.  
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Georgia-Pacific LLC (“Respondent”), and concerns the pulp and paper mill located at 100 Mill Supply Rd, Crossett, Arkansas 71635 (“ Facility”) that was owned by Respondent at all times relevant to the violations alleged herein (“relevant time period”).
2. Notice of this action has been given to the State of Arkansas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(2).
3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. The Respondent explicitly waives any right to contest the allegations and its right to appeal

the final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. The CAFO only resolves those violations which are alleged herein.
6. Respondent consents to the issuance of the CAFO hereinafter recited, and consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order.

## II. JURISDICTION

7. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA") and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b) (2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

## III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is a limited liability company organized under the laws of the State of Delaware and authorized to conduct business in Arkansas.
10. Respondent is a "person" as that term is defined in APC&EC Regulation No. 23 § 260.10, Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.
11. During the relevant time period, Respondent operated a pulp and paper mill located at 100 Mill Supply Road, Crossett, Arkansas, 71635.
12. The place of business described in paragraph 11 is a "facility" as defined at APC&EC

Regulation No. 23 § 260.10 [40 C.F.R. § 260.10].

13. Respondent was the “owner” and “operator” of the Facility as those terms are defined at APC&EC Regulation No. 23 § 260.10 [40 C.F.R. § 260.10] during the relevant time period.
14. During the relevant time period, Respondent was a large quantity generator of hazardous waste pursuant to RCRA § 3010(a), 42 U.S.C. § 6930(a).
15. During the relevant time period, Respondent was a small quantity handler of universal waste.
16. A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. APC&EC Regulation No. 23 §§ 273.15(a) and (b) [40 C.F.R. § 273.15(a) and (b)].
17. From February 3, 2015 to February 12, 2015, representatives of EPA’s National Enforcement Investigations Center conducted a multimedia compliance inspection at the Facility (“NEIC inspection”). During this inspection, EPA took photographs of the following containers of universal waste: one container of mercury containing devices dated December 2, 2013, one container of batteries dated December 9, 2013, and one container of lamps dated April 13, 2013.
18. On or about September 30, 2015, Respondent provided EPA with the FedEx shipping documents demonstrating the container of mercury containing devices was shipped for recovery/treatment/disposal on April 17, 2015 and Manifest No. 014092601 JJK, demonstrating the container of batteries and the container of fluorescent lamps were shipped for recovery/treatment/disposal on March 18, 2015.
19. Respondent accumulated the universal waste for more than a year. A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date

the universal waste is generated, unless such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. APC & EC Regulation 23 §§ 273.15(a) and (b)[40 CFR §§273.15(a) and (b)]

20. Respondent provided additional documentation to EPA on or about April 19, 2016 relevant to Respondent's accumulation of universal waste at the Facility from 2012 through 2015. The April 19, 2016 submission also included a Standard Operating Procedure developed by Respondent designed to ensure compliance with the accumulation time requirements applicable to a small quantity handler of universal waste.
21. During review of the additional documents submitted by the Respondent, representatives of EPA found a deficiency in Manifest No 014092601K, which included itemization of one container of paint related waste shipped to the State of Texas as a universal waste. Paint related waste is classified as a universal waste in the State of Texas. However, it is considered to be a hazardous waste in the State of Arkansas.
22. Specifically, Respondent failed to identify the EPA hazardous waste code for the container of paint-related waste on Manifest No. 014092601K.
23. During review of the additional documents submitted by the Respondent, representatives of EPA also found two deficiencies in Manifest No. 010650191 JJK.
24. Specifically, Respondent failed to identify the EPA waste code for a hazardous waste itemized on Manifest No. 010650191 JJK.
25. Respondent also failed to include the manifest tracking number on the continuation sheet for Manifest No. 010650191 JJK.

**Count I:**

26. The allegations in Paragraphs 1 – 25 are realleged and incorporated herein by reference.
27. A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, unless such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.. APC & EC 23 §§ 273.15(a) and (b) [40 CFR §§273.15(a) and (b)].
28. During the NEIC inspection, representatives of EPA identified one container of mercury waste dated December 2, 2013, one container of batteries dated December 9, 2013 and one container of fluorescent lamps dated April 4, 2013.
29. Documents sent by Respondent to EPA on September 30, 2015 show that the container of mercury waste was shipped by Federal Express (Tracking no: 691191790556061) on April 17, 2015, and the two containers of fluorescent lamps and batteries were shipped by manifest (014092601 JJK) on March 18, 2015.
30. Respondent failed to comply with the requirements set forth in APC & EC 23 § 273.15(a) [40 CFR §273.15(a)].

**Count II:**

31. The allegations in Paragraphs 1 – 30 are realleged and incorporated herein by reference.
32. Pursuant to APC & EC 23 § 262 (40 C.F.R. § 262), in relevant part, a person who generates a solid waste must determine if that waste is hazardous; and if that waste is offered, for transport, for offsite treatment, storage, or disposal, the generator must prepare a manifest on EPA Form 8700-22 according to the instructions found within the Appendix to Part 262— Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions).

33. As specified in Paragraphs 21 – 25, EPA found deficiencies in two of Respondent's manifests that accompanied shipments of hazardous waste from the Facility, and one instance where Respondent did not identify the EPA hazardous waste code for a container of paint-related waste.
34. Specifically, Respondent failed to identify the EPA hazardous waste code for a container of paint-related waste on Manifest No. 014092601K, according to the instructions found within the Appendix to Part 262, Instructions –US EPA Form 8700-22 and 8700-22A, in violation of APC & EC 23 § 262 (40 C.F.R. § 262 ).
35. Respondent also failed to adequately complete Manifest No. 010650191 JJK, according to the instructions found within the Appendix to Part 262, Instructions –US EPA Form 8700-22 and 8700-22A, in violation of APC & EC 23 § 262 (40 C.F.R. § 262 ).

IV.  
COMPLIANCE ORDER

36. The Facility has provided to EPA documentation describing how the Facility has addressed the violations alleged herein, including details of corrective actions the Facility has taken to ensure compliance.
37. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed and include the following certification:

“I certify under the penalty of law that these documents and all the attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 violations.”

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency  
Compliance Assurance and Enforcement Division  
Hazardous Waste Enforcement Branch  
Compliance Enforcement Section (6EN-H1)  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Attn: Tripti Thapa

V.  
TERMS OF SETTLEMENT

**A. Penalty Provisions**

38. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Eleven Thousand Five Hundred Dollars (\$11,500.00).

39. The penalty shall be paid within forty-five (45) days of the effective date of this CAFO, made payable to the Treasurer United States.

40. The following are Respondent's options for transmitting the penalty payment:

Checks sent via U.S. Postal Mail (including certified mail) or U.S. Postal Service Express

Mail should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Checks sent via Overnight Mail (non-U.S. Postal Service) should be remitted to:

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



SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfers should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (**In the Matter of Georgia-Pacific LLC, Docket No. RCRA-06-2016-0909**) shall be documented on or within your chosen method of payment to ensure proper credit.

41. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Mark Potts, Branch Chief  
Waste Enforcement Branch (6EN-H)  
Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Attn: Tripti Thapa

Your adherence to this request will ensure proper credit is given when the penalty payment is received by EPA.

42. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the

CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (60) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt that remains delinquent more than ninety (90) days pursuant to 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent pursuant to 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

**B. Costs**

43. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**C. Termination and Satisfaction**

44. When Respondent believes that it has complied with all the requirements of this CAFO, by submitting payment of the civil penalty, Respondent shall certify this in writing and in accordance with the certification language set forth in Section IV (Compliance Order), Paragraph 36. Unless EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. Effective Date of Settlement**

45. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:

Date: 8/19/16



Traylor Champion  
Senior Vice President Environmental Affairs and  
Product Safety  
Georgia-Pacific LLC  
133 Peachtree Street NE  
Atlanta, GA 30303

FOR THE COMPLAINANT:

Date: 25 AUG 2016,



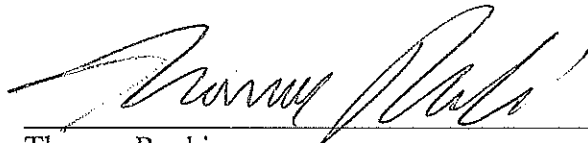
John Blevins  
Director  
Compliance Assurance and Enforcement Division

## FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: \_\_\_\_\_

8/25/16



\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25 day of August, 2016, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method below:

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED** 7014015000024527466

Traylor Champion  
Senior Vice President Environmental Affairs and Product Safety  
Georgia-Pacific LLC  
133 Peachtree Street NE  
Atlanta, GA 30303

  
\_\_\_\_\_  
Ms. Lori Jackson  
Paralegal