

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
Aerospace/Defense Coatings)
of Georgia, Inc.)
2790 Grace Road)
Macon, Georgia 31206)
)
EPA I.D. No.: GAR 000 033 951)
)
Respondent)

Docket Number: RCRA-04-2011-4000(b)
Proceeding under Section 3008(a)
of the Resource Conservation and
Recovery Act, 42 U.S.C. § 6928(a)

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 EPA REGION 4

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 et seq., and Section 12-8-60 through 12-8-83 of the Georgia Hazardous Waste Management Act, (GHWMA). This action seeks injunctive relief and civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of RCRA and regulations promulgated pursuant thereto as set forth at Title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 260 through 270 and 273; and pursuant to Section 12-8-71 of GHWMA, O.C.G.A. § 12-8-71, and regulations promulgated pursuant thereto as set forth in Chapter 391-3-11 of the Official Compilation of Rules and Regulations of State of Georgia, Department of Natural Resources, Hazardous Waste Management (GHWMR), Ga. Comp. R. & Regs. r. 391-3-11.01 through 391-3-11.18.
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred solely for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any

issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this Consent Agreement, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA & OPA Enforcement & Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).
5. Respondent is Aerospace/Defense Coatings of Georgia, Inc., a Florida corporation operating in the State of Georgia. The facility is located at 2790 Grace Road, Macon, Bibb County, Georgia, 31206.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on August 21, 1984, the State of Georgia (the State) received final authorization from EPA to carry out certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the State's authorized program are found in the GHWMA, O.C.G.A. Sections 12-8-60 through 12-8-83, and in regulations set forth at Chapter 391-3-11 of the GHWMR, Ga. Comp. R. & Regs. r. 391-3-11.01 through 391-3-11.18. For purposes of this CA/FO, citation(s) set out herein to a provision of RCRA shall constitute citation(s) to the equivalent provision of the GHWMA unless otherwise noted. Similarly, citation(s) set out herein to a requirement or standard of 40 C.F.R. Parts 124 and 260 through 268, and Parts 270 and 273 shall constitute a citation to the equivalent requirement or standard of the GHWMR.
7. Although EPA has granted the State authority to enforce its own hazardous waste program, 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). EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and Georgia.
8. 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.
9. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a) and Section 12-8-64 of GHWMA, O.C.G.A. § 12-8-64, authorize the regulation of facilities that generate hazardous waste. The corresponding implementing regulations are found at 40 C.F.R. Part 262 and GHWMR Section 391-3-11-.08.
10. Section 3004 of RCRA, 42 U.S.C. § 6922, and Section 12-8-64 of GHWMA, O.C.G.A. § 12-8-64, require the promulgation of regulations establishing standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The corresponding implementing regulations are found at 40 C.F.R. Part 264 and GHWMR Section 391-3-11-.10, respectively.

11. Section 3005 of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66, set forth the requirement that a facility treating, storing, or disposing of hazardous waste must either have a permit or achieve interim status. The corresponding implementing regulations regarding permits and interim status standards are found at 40 C.F.R. Part 270 and Parts 264 and 265, respectively, and GHWMR Sections 391.3-11-.11 and 391.3-11-.10.
12. Pursuant to 40 C.F.R. § 261.2 and GHWMR Section 391-3-11-.02, a "solid waste" is, inter alia, any discarded material that is not otherwise excluded by regulation.
13. Pursuant to 40 C.F.R. § 261.3 and GHWMR Section 391-3-11-.02, a solid waste is a "hazardous waste" if the solid waste meets any of the criteria set out in 40 C.F.R. § 261.3 and it is not otherwise excluded from regulation as a hazardous waste by operation of 40 C.F.R. § 261.4(b).
14. Pursuant to 40 C.F.R. § 260.10 and GHWMR Section 391-3-11-.02, "person" means an individual, trust, firm, joint stock company, Federal Agency, corporation (including government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.
15. Pursuant to 40 C.F.R. § 260.10 and GHWMR Section 391-3-11-.02, "generator" means 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 be subject to regulation.
16. Pursuant to 40 C.F.R. § 260.10 and GHWMR Section 391-3-11-.02, "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
17. Pursuant to 40 C.F.R. § 260.10 and GHWMR Section 391-3-11-.02, "owner" means the person who owns a facility or part of a facility and "operator" means the person responsible for the overall operation of a facility
18. Pursuant to 40 C.F.R. § 262.11 and GHWMR Section 391-3-11-.08, a person who generates a solid waste, as defined in 40 C.F.R. § 261.2 and GHWMR Section 391-3-11-.02, respectively, must determine if that solid waste is a hazardous waste.
19. Pursuant to 40 C.F.R. § 261.20 and GHWMR Section 391-3-11-.07, a solid waste that exhibits any of the characteristics in 40 C.F.R. § 261.21 - 24 is a characteristic hazardous waste.
20. Pursuant to 40 C.F.R. § 261.24(a) and GHWMR Section 391-3-11-.07, a solid waste exhibits the characteristic of toxicity if, when using the Toxicity Characteristic Leaching Procedure (TCLP) and the required test methods, the extract from the waste contains any of the contaminants listed in Table 1 of 40 C.F.R. § 261.24 at the concentration equal to or greater than the respective value given in that table.

21. Pursuant to 40 C.F.R. § 261.24(b) and GHWMR Section 391-3-11-.07, a solid waste that exhibits the characteristic of toxicity for chromium is a D007 characteristic hazardous waste.
22. Pursuant to 40 C.F.R. § 262.34(c)(1) and GHWMR Section 391-3-11-.08, a generator may accumulate as much as 55 gallons of hazardous waste in a container at or near any point of generation where wastes initially accumulate without a permit or without having interim status, provided the container is marked with the words "Hazardous Waste" or other similar identification of the container's contents and provided the requirements of 40 C.F.R. § 262.34(c)(1)(i) and GHWMR Section 391-3-11-.08, respectively, are met.
23. Pursuant to 40 C.F.R. § 265.173(a) and GHWMR Section 391-3-11-.10, requirements of 40 C.F.R. § 262.34(c)(1)(i) and GHWMR Section 391-3-11-.08, respectively, a generator may accumulate as much as 55 gallons of hazardous waste in a container at or near any point of generation where wastes initially accumulate without a permit or without having interim status, provided the container holding hazardous waste always remains closed except when it is necessary to add or remove waste from the container.
24. Pursuant to 40 C.F.R. § 262.34(a)(4) and GHWMR Section 391-3-11-.08, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided the facility is maintained and operated so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 C.F.R. § 265.31 and GHWMR 391.3-11-.10.
25. Pursuant to 40 C.F.R. § 262.34(a)(4) and GHWMR Section 391-3-11-.08, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided the owner or operator of the facility has a contingency plan for the facility that is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, as required by 40 C.F.R. Part 265, Subpart D, and GHWMR 391.3-11-.10.
26. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii) and GHWMR Section 391-3-11-.08, respectively, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, provided the owner or operator of the facility performs daily inspections of tanks managing hazardous wastes at the facility and documents these inspections in the operating record of the facility, as required by 40 C.F.R. § 265.195 and GHWMR 391.3-11-.10.

IV. EPA'S ALLEGATIONS AND DETERMINATIONS

27. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10, and Section 12-8-62(18) of GHWMA, O.C.G.A. § 12-8-62(18), and GHWMR 391-3-11-.02.

28. Respondent is the "owner" and "operator" of a "facility" located at 2790 Grace Road, Macon, Bibb County, Georgia, as those terms are defined in 40 C.F.R. § 260.10 and GHWMR 391-3-11-.02
29. Operations performed by the Respondent at the facility involve painting and metal preparation activities including, but not limited to, sulfuric and chromic acid anodizing of aluminum and chemical conversion coating of aluminum.
30. Two metal buildings on concrete slabs, referred to as Building 2 and Building 3, are located at the facility.
31. Building 2 is utilized for painting operations and metal preparation activities; Building 3 is used primarily for painting operations only.
32. Respondent's most recent Notification of Hazardous Waste Activity dated April 2, 2008, indicated that the facility is a large quantity generator of characteristic and listed hazardous wastes including D001, D007, F003, and F005.
33. On February 4, 2010, a representative of EPA performed a RCRA Compliance Evaluation Inspection (CEI) of Respondent's facility.
34. On March 4, 2010, during a Case Development Inspection Evaluation (CDIE), EPA collected representative samples of wastewaters from tanks located at the Respondent's facility.
35. Subsequent analysis of the samples revealed wastewaters generated from Respondent's metal finishing operations, which were contained in two twenty-thousand (20,000) gallon tanks at Respondent's facility in the area of Building 2, were toxicity-characteristic hazardous wastes for chromium (D007) pursuant to 40 C.F.R. § 261.24.
36. On July 29, 2010, EPA issued a Notice of Violation (NOV) to Respondent identifying alleged violations of RCRA that EPA noted during the CEI and the CDIE.
37. As a consequence of Respondent's operation of the facility, Respondent is a generator of hazardous waste.
38. At the time of the CEI, EPA observed that Respondent had not made a hazardous waste determination on certain solid paint wastes or wastewaters generated at the facility.
39. Accordingly, Complainant alleges that Respondent violated 40 C.F.R. § 262.11 and GHWMR Section 391-3-11-.08 by failing to make a hazardous waste determination on paint wastes and on waste waters generated by Respondent at the facility.
40. During the CEI, EPA observed that Respondent's fifty-five (55) gallon satellite containers of paint waste accumulating in Buildings 2 and 3, as well as containers of F006 listed hazardous

waste sludge, generated by Respondent's treatment of wastewater from its electroplating operations accumulating just outside of Building 3, had not been labeled with the words "Hazardous Waste" or such other words that would identify the contents of the containers.

41. Accordingly, Complainant alleges that Respondent failed to meet an exemption to Section 3005 of RCRA found at 40 C.F.R. § 262.34(c)(1)(ii) and GHWMR Section 391-3-11-.08 by its failure to label such satellite containers accumulating hazardous wastes at the facility with the words "Hazardous Waste" or with such other words that would identify the contents of the containers. Complainant therefore alleges that Respondent was illegally storing hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66.
42. During the CEI, EPA observed that Respondent was not properly managing its containers of hazardous paint wastes at the facility by failing to keep said containers closed except when necessary to add or remove waste.
43. Accordingly, Complainant alleges that Respondent failed to comply with the requirements of 40 C.F.R. § 265.173(a) and GHWMR Section 391-3-11-.08 and therefore failed to meet an exemption to Section 3005 of RCRA found at 40 C.F.R. § 262.34(c)(1)(i) and GHWMR Section 391-3-11-.10, respectively, by Respondent's failure to keep containers managing hazardous waste at the facility closed except when hazardous waste was being added or removed. Complainant therefore alleges that Respondent was illegally storing hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66.
44. During the CEI, EPA observed that Respondent had not managed all of its F006 listed hazardous wastes at the facility in such a manner as to minimize the possibility of any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.
45. Accordingly, Complainant alleges that Respondent failed to comply with the requirements of 40 C.F.R. § 265.31 and GHWMR Section 391-3-11-.10 and therefore failed to meet an exemption to Section 3005 of RCRA found at 40 C.F.R. § 262.34(a)(4) and GHWMR Section 391-3-11-.08, respectively, by Respondent's failure to minimize the possibility of any unplanned or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. Complainant therefore alleges that Respondent was illegally storing hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66.
46. At the time of the CEI, EPA observed that Respondent did not have a contingency plan in place for the facility designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

47. Accordingly, Complainant alleges that Respondent failed to comply with the requirements in Subpart D of 40 C.F.R. Part 265 and GHWMR Section 391-3-11-.10 and therefore failed to meet an exemption to Section 3005 of RCRA found at 40 C.F.R. § 262.34(a)(4) and GHWMR Section 391-3-11-.08, respectively, by Respondent's failure to have a contingency plan in place for the facility designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Complainant therefore, further alleges that Respondent was illegally storing hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66.
48. During the CEI, EPA observed that Respondent was not performing daily inspections of tanks at the facility managing D007 characteristic hazardous wastes for chromium.
49. Accordingly, Complainant alleges that Respondent failed to comply with the requirements of 40 C.F.R. § 265.195 and GHWMR Section 391-3-11-.10 and therefore failed to meet an exemption to Section 3005 of RCRA found at 40 C.F.R. § 262.34(a)(1)(ii) and GHWMR Section 391-3-11-.08, respectively, by Respondent's failure to perform daily inspections on tanks at the facility managing D007 characteristic hazardous wastes. Complainant therefore, alleges that Respondent was illegally storing hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925, and Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66.

V. TERMS OF AGREEMENT

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

50. Within thirty (30) calendar days of receipt of the executed copy of this CA/FO, Respondent shall submit to EPA and to the Georgia Environmental Protection Division (GAEPD) of the Georgia Department of Natural Resources (GADNR) a certification signed by a responsible corporate representative stating that Respondent's facility located at 2790 Grace Road, Macon, Georgia, is in compliance with all applicable provisions of RCRA and regulations promulgated pursuant thereto as set forth at 40 C.F.R. Parts 260 through 279, as well as of GHWMA and regulations promulgated pursuant thereto as set forth at GHWMR Chapter 391-3-11, and that all other violations of RCRA have been corrected.

This certification shall be as follows:

"I certify under penalty of law, to the best of my knowledge and belief that Aerospace/Defense Coatings of Georgia, Inc., located, inter alius loci, at 2790 Grace Road, Macon, Georgia, which was the subject of Consent Agreement and Final Order, Docket No. RCRA-04-2011-4000(b) (CA/FO) is in compliance with all applicable provisions of RCRA and regulations promulgated pursuant thereto as set forth at

40 C.F.R. Parts 260 through 279, as well as of GHWMA and regulations promulgated pursuant thereto as set forth at GHWMR Chapter 391-3-11, and that all other violations of RCRA have been corrected.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

51. The certification required to be submitted under this CA/FO shall be mailed to:

Larry Lamberth, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division – 10th Floor
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

and to:

Mr. Mark Smith, Chief
Hazardous Waste Management Branch
Environmental Protection Division
Georgia Department of Natural Resources
Floyd Towers East, Room 1154
205 Butler Street, S.E.
Atlanta, Georgia 30334

52. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the paragraphs above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
53. The Respondent neither admits nor denies the factual allegations or the alleged violations set out in this CA/FO.
54. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
55. 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.
56. 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.
57. 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.

58. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA alleged in this CA/FO which include all the violations identified during the CEI, the CDIE, and in the NOV.
59. Respondent, by signing this CA/FO, certifies that all violations identified in the NOV and alleged in this CA/FO have been corrected.
60. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

61. Respondent consents to the payment of a civil penalty in the amount of Twenty-Four Thousand Six Hundred and Thirty Dollars (US \$24,630.00), plus interest of One Hundred Twenty-Three Dollars and Fifteen Cents (US \$123.15) which is to be paid in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Payment Amount
Thirty (30) calendar days following the effective date of this CA/FO.	US \$12,315.00
One (1) calendar year after thirty (30) calendar days following the effective date of this CA/FO.	US \$12,438.15

62. Payment shall be made by check with good and sufficient funds, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent elects to send payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank
 Government Lockbox 979077
 US EPA Fines & Penalties

1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read: "D 68010727
Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

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

Respondent shall submit a copy of the payment to the following addressees:

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

and to:

Larry Lamberth, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

63. If Respondent fails to remit the civil penalty as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if it is not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- (a) Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
- (b) Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.
- (c) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

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

VII. PARTIES BOUND

65. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents and all persons, including independent contractors, contractors and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

66. 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.

67. 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

68. 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.

69. 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.
70. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the transportation, storage, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.
71. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

72. 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

73. 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 the proceeding:

Gregory D. Luetscher
Associate Regional Counsel
U.S. EPA – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
(404) 562-9677

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

Mr. Thomas Scott, President
Aerospace/Defense Coatings of Georgia, Inc.
P.O. Box 10295
Macon, Georgia 31216

XI. SEVERABILITY

75. 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


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

AGREED AND CONSENTED TO:

FOR Aerospace/Defense Coatings of Georgia, Inc.

By:  Dated: 2-23-11
Thomas Scott
President

FOR U.S. Environmental Protection Agency

By:  Dated: 6/30/11
Larry Lamberth
Acting Chief
RCRA and OPA Enforcement & Compliance Branch
RCRA Division

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Aerospace/Defense Coatings)	
of Georgia, Inc.)	Proceeding under Section 3008(a)
2790 Grace Road)	of the Resource Conservation and
Macon, Georgia 31206)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: GAR 000 033 951)	
)	
Respondent)	
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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 21st day of June, 2011.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer

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 Aerospace/Defense Coatings of Georgia, Inc., Docket Number: RCRA-04-2011-4000(b), on JUN 21 2011, 2011, and on JUN 21 2011, 2011, served copies on each of the parties listed below in the manner indicated:

Gregory D. Luetscher (Via EPA's internal mail)
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Mr. Thomas Scott (Via Certified Mail- Return Receipt Requested)
President
Aerospace/Defense Coatings of Georgia, Inc.
P.O. Box 10295
Macon, Georgia 31216

Quantindra Smith (Via EPA Electronic Mail)

Date: 6-21-11


Patricia A. Bullock
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