

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**In the Matter of:**

Axalta Coating Systems  
7961 Winchester Road  
Front Royal, VA 22630

Respondent.

Axalta Coating Systems  
7961 Winchester Road  
Front Royal, VA 22630

Facility.

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: U.S. EPA Docket No. RCRA-03-2020-0007  
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: Proceeding under Section 3008(a) of the Resource  
: Conservation and Recovery Act, as amended, 42  
: U.S.C. Section 6928(a)  
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U.S. EPA-REGION 3-RHC  
FILED-10OCT2019AM10:58

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Axalta Coating Systems (“Respondent”) (collectively the “Parties”), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. §§ 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. 42 U.S.C. Section 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. Section 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent under RCRA (or the “Act”) for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

### **JURISDICTION**

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Commonwealth of Virginia has received federal authorization to administer a Hazardous Waste Management Program (the “Virginia Hazardous Waste Management Program”) in lieu of the federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§6921 – 6939(g). Effective December 18, 1984, the VHWMR was authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). *See 65 Fed. Reg.* 46606 (July 31, 2000)), June 20, 2003 (*see 68 Fed. Reg.* 36925 (June 20, 2003)), July 10, 2006 (*see 71 Fed. Reg.* 27216 (May 10, 2006)) July 30, 2008 (*see 73 Fed. Reg.* 44168 (July 30, 2008)) and in part on November 4, 2013 with revisions not applicable here (*see 78 Fed. Reg.* 54178). The Virginia Hazardous Waste Management Regulations (VHWMR) incorporate, with certain exceptions, specific provisions of Title 40 of the 2010 Code of Federal Regulations by reference.
- 5.. EPA has given the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of RCRA and the federally authorized Virginia Hazardous Waste Management Regulations, codified at 9 VAC 20-60-12 *et. seq.*
7. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).

### **GENERAL PROVISIONS**

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
10. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

11. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO and waives its right to appeal the accompanying Final Order.
12. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
13. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Respondent is, and was at the time of the violations alleged herein, a corporation of the State of Delaware.
16. Respondent is, and at the time of the violations alleged herein, a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903, 9 VAC 20-60-260.A.
17. Respondent is, and at all times relevant to this Consent Agreement was, the "owner" and "operator" of a "facility," described in paragraph 18, below, as the terms "facility", "owner" and "operator" are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
18. The facility referred to in Paragraph 17, above, including all of its associated equipment and structures (hereinafter the "Facility"), is an automobile coatings manufacturing facility located at 7961 Winchester Road, Front Royal, Virginia, 22630.
19. Respondent is assigned EPA ID No. VAD980554539.
20. Respondent is and, at all times relevant to this CAFO has been, a "generator" of, and has engaged in the "storage" in "tanks" at the Facility of materials described below that are "solid wastes" and "hazardous wastes" as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
21. On May 15 – 16, 2018, representatives of EPA and the VADEQ conducted an EPA Compliance Evaluation Inspection (EPA CEI) at Respondent's Facility.

22. Respondent generates waste solvent at the Facility which is a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of 9 VAC 20-60-261.A, which incorporates by reference 40 C.F.R. § 261.21, because it exhibits the characteristic of ignitability.
23. Respondent generates more than 1000 kilograms of hazardous waste in a calendar month, and as such is a “large quantity generator.”
24. From at least May 15, 2018 to the present, the material described in Paragraph 22, above, was in “storage” in containers and tanks at the Facility.

**Count I**  
**Failure to Make Hazardous Waste Determinations**

25. The preceding paragraphs are incorporated by reference.
26. 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.11 with exceptions not relevant herein, provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the following methods:
  - (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4.
  - (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 C.F.R. Part 261.
  - (c) For purposes of compliance with 40 C.F.R. Part 268, or if the waste is not listed in subpart D of 40 C.F.R. Part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. Part 261 by either:
    - (1) Testing the waste according to the methods set forth in subpart C of 40 C.F.R. Part 261, or according to an equivalent method approved by the Administrator under 40 C.F.R. § 260.21; or
    - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
27. At the time of the 2018 EPA CEI, Respondent had a fourteen-gallon step can near Unloading Station #9 labeled as “Oily Waste Can” at the Facility. Respondent did not conduct a hazardous waste determination on the contents of this fourteen-gallon step can.
28. At the time of the 2018 EPA CEI, a 55-gallon drum was located near the parts washer in the Tote Wash area at the Facility and was marked as “Trash” and was one-third full of hazardous waste used gloves, wipes and other debris. Respondent did not conduct a hazardous waste determination on the contents of the 55-gallon drum marked “Trash.”

29. The material in the step-can described in Paragraph 28, above and in the 55-gallon drum described in Paragraph 28, above are “solid waste” within the meaning of 9 VAC 20-60-260.A and 40 C.F.R. § 261.2.
30. On May 15 – 16, 2018 Respondent violated 9 VAC 20-60-262.A by failing to make hazardous waste determinations for solid waste at the Facility.
31. In failing to comply with 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.11, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

## **Count II**

### **Failure to Qualify for a Permit Exemption or Obtain Interim Status or a Permit**

32. The preceding paragraphs are incorporated by reference.
33. 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), provide, in pertinent part, that a person may not own or operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
34. Respondent does not have a hazardous waste treatment or storage permit or interim status pursuant to 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), for the treatment or storage of hazardous waste at the Facility.
35. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), a large quantity generator may accumulate hazardous waste on-site for 90 days or less in containers without a permit or without having interim status provided that the generator complies with, *inter alia*, the requirements of 40 C.F.R. § 265.174. 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.
36. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.191. 40 C.F.R. § 265.191 provides that for each existing tank system that does not have secondary containment meeting the requirements of 40 C.F.R. § 265.193, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in 40 C.F.R. § 265.191(c), the owner or operator must obtain and keep on file at the facility a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with § 270.11(d) of this chapter, that attests to the tank system’s integrity.

37. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.193(a). 40 C.F.R. § 265.193(a)(1-2) requires secondary containment for all new and existing tank systems that store or treat hazardous waste either prior to the tank being placed in service; within 2 years of the hazardous waste listing, or when the tank system has reached 15 years of age.
38. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.195. 40 C.F.R. § 265.195(a) and (b) require the owner or operator to inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design. The owner or operator must inspect at least once each operating day: (1) Overfill/spill control equipment to ensure that it is in good working order; (2) Above ground portions of the tank system, if any, to detect corrosion or releases of waste; and (3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste. 40 C.F.R. § 265.195(g) further provides that the owner or operator must document in the operating record of the facility an inspection of those items in 40 C.F.R. § 265.195(a) and (b).
39. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.1050(c). 40 C.F.R. § 265.1050(c) requires each piece of equipment to which 40 C.F.R. Part 265 Subpart BB applies to be marked in such a manner that it can be distinguished readily from other pieces of equipment.
40. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 1063(d). 40 C.F.R. § 265.1063(d) requires that, in concert with the waste analysis plan required by 40 C.F.R. § 265.13(b), an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using one of the methods set forth at 40 C.F.R. § 265.1063(d)(1) – (3).

41. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.1082(b) and 40 C.F.R. § 265.1085(b).
42. 9 VAC 20-60-262.A incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which requires compliance with 40 C.F.R. § 265.1082(b). 40 C.F.R. § 265.1082(b) requires owners or operators of facilities and units in existence on the effective date of a statutory or EPA regulatory amendment that renders the facility subject to 40 C.F.R. Part 265 Subparts I, J, or K to meet the following requirements: (1) Install and begin operation of control equipment or waste management units required to comply with 40 C.F.R. Part 265 Subpart CC, and (2) complete modifications of production or treatment processes to satisfy exemption criteria of 40 C.F.R. § 265.1083(c).
43. 9 VAC 20-60-262.A incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which requires compliance with 40 C.F.R. § 265.1085(b). 40 C.F.R. § 265.1085(b) requires the owner or operator to control air pollutant emissions from each tank subject to this section in accordance with 40 C.F.R. § 265.1085(b)(1) or (2).
44. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the Air Emission Standards for Equipment Leaks in 40 C.F.R. Subpart BB. 40 C.F.R. § 265.1057(a) requires each valve in gas/vapor or light liquid service to be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b) and shall comply with 40 C.F.R. § 265.1057 (b) - (e), except as provided by 40 C.F.R. § 265.1057 (f) - (h), and 40 C.F.R. §§ 265.1061 and 265.1062.
45. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(3), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, while being accumulated on-site, each tank is labeled or marked clearly with the words, "Hazardous Waste."
46. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in tanks for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.16(d)(2). 40 C.F.R. § 265.16(d)(2) requires that the owner or operator maintain at the Facility a written job description for each position listed under 40 C.F.R. § 265.16(d)(1).

47. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.31. 40 C.F.R. § 265.31 requires that facilities be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
48. 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4), provides that a large quantity generator of hazardous waste may accumulate hazardous waste on site in containers for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.35. 40 C.F.R. § 265.35 requires that the owner or operator 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.
49. At the time of the 2018 EPA CEI, Respondent failed to conduct a weekly inspection between January 26, 2018 and February 9, 2018, as required by 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 40 C.F.R. § 262.34(a)(1)(i), which references 40 C.F.R. § 265.174.
50. At the time of the 2018 EPA CEI, the Resin Area Catch Tank (RACT) at the Facility did not have secondary containment and Respondent had not obtained a tank assessment performed by a professional engineer for the RACT.
51. At the time of the 2018 EPA CEI, Tanks 5103 and 5104 had inadequate secondary containment, and the RACT did not have secondary containment.
52. From at least May 15, 2013 until May 15, 2018, Respondent did not conduct daily inspections of the RACT.
53. At the time of the 2018 EPA CEI, Respondent did not mark any of the equipment associated with the RACT to which 40 C.F.R. Part 265 Subpart BB applies and did not mark certain equipment associated with Tanks 5103 and 5104 to which 40 C.F.R. Part 265 Subpart BB applies.
54. At the time of the 2018 EPA CEI, Respondent had not determined whether equipment associated with the RACT contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10 percent by weight using one of the methods set forth at 40 C.F.R. § 265.1063(d)(1) – (3).
55. From at least May 15, 2013 until May 15, 2018, Respondent did not have any air pollutant emission control equipment on the RACT.



56. From at least May 15, 2013 until May 15, 2018, Respondent did not perform monthly monitoring on the valves associated with the RACT.
57. At the time of the 2018 EPA CEI, Respondent did not label or mark the RACT with the words “Hazardous Waste.”
58. At the time of the 2018 EPA CEI, Respondent maintained a job description for only one Facility employee involved in the management of hazardous waste at the Facility, even though several other employees at the Facility have hazardous waste management responsibilities.
59. At the time of the 2018 EPA CEI, residue and staining were on the ground underneath the Unloading Station fill ports and two Tote Wash Stations indicating a release had occurred.
60. At the time of the 2018 EPA CEI, Respondent utilized a structure known at the Facility as the “Corral” as a less-than 90-day hazardous waste storage area. At the time of the EPA inspection there were approximately eighty (80) 55-gallon drums stored on pallets, arranged in two (2) rows of stacked pallets. The rear of the Corral has an ungated and enclosed fence, to which there is no access in the event of an emergency
61. At the time of the 2018 EPA CEI, Respondent failed to qualify for the “less than 90-day” generator accumulation exemption of 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a) with exceptions not relevant herein, by failing to satisfy the conditions for such exemptions referred to in Paragraphs 35 - 48, above, and as described in Paragraphs 49 - 60, above.
62. From at least May 13, 2013 to May 15, 2018, Respondent’s Facility was a hazardous waste treatment, storage or disposal “facility” as that term is defined in 9 VAC 20-60-260.A which incorporates by reference 40 C.F.R. § 260.10 with respect to the storage of hazardous waste as described above.
63. From at least May 13, 2013 to May 15, 2018, Respondent was required by 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the hazardous waste storage activities described in this count and failed to obtain such permit.
64. In failing to comply with 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count III**  
**Failure to Maintain RCRA Training Records**

65. The preceding paragraphs are incorporated by reference.

66. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.16(d), the owner or operator must maintain at the Facility a written job description for each position listed under 40 C.F.R. § 264.16(d)(1).
67. At the time of the 2018 EPA CEI, Respondent failed to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.16(d), by failing to maintain the job descriptions Facility employees involved in the management of hazardous waste at the Facility.
68. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.16(d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count IV**  
**Failure to Operate Facility to Minimize the Possibility of Release**

69. The preceding paragraphs are incorporated by reference.
70. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.31, facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
71. At the time of the 2018 EPA CEI, residue and staining was on the ground underneath the Unloading Station fill ports and two Tote Wash Stations at the Facility, which indicated that hazardous waste or hazardous waste constituents had been released in violation of 40 C.F.R. § 264.31.
72. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.31, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count V**  
**Failure to Provide Adequate Aisle Space**

73. The preceding paragraphs are incorporated by reference.

74. Pursuant to 9 VAC 20-60-264.A which incorporates by reference 40 C.F.R § 264.35, requires that the owner or operator 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.
75. At the time of the 2018 EPA CEI, Respondent utilized a structure known at the Facility as the “Corral” as a less-than 90-day hazardous waste storage area. At the time of the EPA inspection there were approximately eighty (80) 55-gallon drums stored on pallets, arranged in two (2) rows of stacked pallets. The rear of the Corral has an ungated and enclosed fence, to which there is no access in the event of an emergency.
76. At the time of the 2018 EPA CEI, Respondent failed to maintain aisle space as required by to 9 VAC 20-60-264.A which incorporates by reference 40 C.F.R § 264.35.
77. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.35, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count VI**  
**Failure to Conduct Weekly Inspections of Less-than-90 Day**  
**Hazardous Waste Storage Area**

78. The preceding paragraphs are incorporated by reference.
79. 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.174, the owner or operator of a hazardous waste facility is required to inspect areas where containers of hazardous waste are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion and other factors.
80. At the time of the 2018 EPA CEI, the Facility inspection records indicated that Respondent missed one weekly inspection between January 26, 2018 and February 9, 2018 as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.174.
81. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.174, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count VII.**  
**Failure to Conduct Integrity Assessment of Hazardous Waste Tank**

82. The preceding paragraphs are incorporated by reference.

83. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.191(a) with exceptions not relevant herein, for each existing tank system that does not have secondary containment meeting the requirements of 40 C.F.R. § 264.193, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in 40 C.F.R. § 264.191(c), the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 40 C.F.R. § 270.11(d), that attests to the tank system's integrity by January 12, 1988.
84. At the time of the 2018 EPA CEI, Respondent failed to obtain a written assessment of its tank system which had been reviewed and certified by a qualified Professional Engineer for the RACT, in accordance with 40 C.F.R. § 270.11(d), attesting to the RACT's integrity as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.191(a).
85. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.191(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count VIII**  
**Failure to Maintain Adequate Secondary Containment**

86. The preceding paragraphs are incorporated by reference.
87. 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.193(a)(1-2), provides that, in order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements 40 C.F.R. § 264.193 must be provided (except as provided in 40 C.F.R. § 264.193 (f) and (g)): (1) For all new and existing tank systems or components, prior to their being put into service. (2) For tank systems that store or treat materials that become hazardous wastes, within two years of the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later.
88. At the time of the 2018 EPA CEI, Respondent failed to have adequate secondary containment for Tanks 5103 and 5104, and failed to have any secondary containment for the RACT as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.193(a)(1-2).
89. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.193, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count IX**  
**Failure to Conduct and Document Daily Tank Inspections**

90. The preceding paragraphs are incorporated by reference.

91. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.195, the owner or operator must inspect, at least once each operating day, data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design. 40 C.F.R. § 265.195(a) and (b) require the owner or operator to inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design. The owner or operator must inspect at least once each operating day: (1) Overfill/spill control equipment to ensure that it is in good working order; (2) Above ground portions of the tank system, if any, to detect corrosion or releases of waste; and (3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste. 40 C.F.R. § 264.195(g) further provides that the owner or operator must document in the operating record of the facility an inspection of those items in 40 C.F.R. § 264.1945(a) and (b).
92. From at least May 15, 2013 until May 15, 2018, Respondent failed to include the RACT in the Facility daily tank inspections as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.195.
93. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.195, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

#### **Count X**

##### **Failure to Mark Each Piece of Equipment Subject to 40 C.F.R. Part 264 Subpart BB**

94. The preceding paragraphs are incorporated by reference.
95. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1050(d), the owner or operator must mark each piece of equipment to which 40 C.F.R. Part 264 Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment.
96. At the time of the 2018 EPA CEI, Respondent failed to mark any of the equipment associated with the RACT and did not mark certain flanges and other types of connectors associated with Tanks 5103 and 5104 as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1050(d).
97. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1050(d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

#### **Count XI**

##### **Failure to Monitor Valves Subject to 40 C.F.R. Part 264 Subpart BB Monthly BB**

98. The preceding paragraphs are incorporated by reference.
99. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1057(a), each valve in gas/vapor or light liquid service shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 264.1063(b) and shall comply with 40 C.F.R. § 264.1057(b) – (e), except as provided in 40 C.F.R. § 264.1057(f) – (h) and 40 C.F.R. §§ 264.1061 and 264.1062.
100. From at least May 15, 2013 until May 15, 2018, Respondent failed to monitor at least three valves associated with the RACT were not being monitored under the Facility Leak Detection and Repair (LDAR) program as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1057(a).
101. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1057(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

#### **Count XII**

#### **Failure to Determine Whether Equipment Contains or Contacts Hazardous Waste with Ten Percent or More Organic Concentration**

102. The preceding paragraphs are incorporated by reference.
103. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1063(d), an owner or operator must, in concert with the waste analysis plan required by 40 C.F.R. § 264.13(b), determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using one of the methods set forth at 40 C.F.R. § 264.1063(d)(1) – (3).
104. At the time of the 2018 EPA CEI, Respondent failed to correctly determine whether the equipment associated with the RACT is subject to 40 C.F.R. Part 264 Subpart BB, as required by VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1063(d).
105. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1063(d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

#### **Count XIII**

#### **Failure to Provide 40 C.F.R Part 264 Subpart CC Air Emission Controls**

106. The preceding paragraphs are incorporated by reference.
107. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1082(b), the owner or operator must control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in 40 C.F.R. §§ 264.1084 through 264.1087, as applicable to the hazardous waste management unit, except as provided for in 40 C.F.R. § 264.1082(c).
108. Pursuant to 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1084(b), the owner or operator must control air pollutant emissions from each tank subject to 40 C.F.R. § 264.1084 in accordance with 40 C.F.R. § 264.1084(b)(1) or (2).
109. From at least May 15, 2013 until May 15, 2018, Respondent failed to have any air pollutant emission control equipment on the RACT, a fixed-roof tank which has an open vent to the atmosphere, as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1082(b) and 40 C.F.R. § 264.1084(b).
110. In failing to comply with 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.1082(b) and 40 C.F.R. § 264.1084(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

### **III. COMPLIANCE ORDER**

111. Respondent shall perform the following Compliance Tasks set forth in this Section within the time specified. Respondent shall certify completion of the Compliance Tasks set forth in Paragraph 112 in accordance with Paragraph 114, below, no later than April 30, 2020. Respondent shall certify completion of the Compliance Task set forth in Paragraph 113 in accordance with Paragraph 114, below, no later than July 31, 2020.
112. No later than March 31, 2020, Respondent shall complete all work necessary to bring the Facility into compliance with the Virginia Hazardous Waste Management Regulations and RCRA Subtitle C and certify such compliance in writing to the EPA. Respondent's certification shall be in the form required by Paragraph 114 below and shall include documentation (including but not limited to work orders, line drawings and photographs) demonstrating the means by which Respondent has returned to compliance with RCRA Subtitle C and the Virginia Hazardous Waste Management Regulations, including but not limited to compliance with 40 C.F.R. Sections 264, Subsections J, BB and CC.
113. No later than July 31, 2020, Respondent shall submit to EPA the records associated with monitoring performed pursuant to 40 C.F.R. § 264 Subsection BB for the months of April, May, and June 2020. Such submission shall be certified in the form required by Paragraph 114 below.

114. Submissions to EPA: Any notice, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of the Respondent:

I certify under penalty of law that this document and all attachments are true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared 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 fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Except as otherwise provided herein, notifications or submissions to EPA required by this Compliance Order shall be sent to the attention of:

Martin Matlin (3ED22)  
RCRA Section  
Air, RCRA & Toxics Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029; and

Joyce A. Howell (3RC40)  
Sr. Assistant Regional Counsel  
U.S. Environmental Protection Agency Region III



1650 Arch Street  
Philadelphia, PA 19103-2029

**CIVIL PENALTY**

115. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00), which Respondent shall be liable to pay in accordance with the terms set forth below.
116. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
117. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2020-0007;
  - b. All checks shall be made payable to the "United States Treasury";
  - c. All payments made by check and sent by regular mail shall be addressed and mailed to:  

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:  

<https://www.epa.gov/financial/makepayment>
  - e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously to:

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. EPA, Region III (3RC40)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
howell.joyce@epa.gov

118. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
119. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
120. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within sixty (60) calendar days after the date on which such interest begins to accrue. Interest 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).
121. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
122. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

123. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. §162(f)(2)(A)(ii), performance of the requirements in Section III is restitution or required to come into compliance with law.

#### **GENERAL SETTLEMENT CONDITIONS**

124. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
125. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this CAFO, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **CERTIFICATION OF COMPLIANCE**

126. Respondent will certify to EPA upon completion of the tasks required under Section III of this Consent Agreement (Compliance Order), and after Respondent's personal investigation and to the best of its knowledge and belief, that it is in compliance with regard to the violations alleged in this Consent Agreement.

#### **OTHER APPLICABLE LAWS**

127. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

128. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

**EXECUTION /PARTIES BOUND**

129. This CAFO shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

**EFFECTIVE DATE**

130. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

131. This CAFO constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this CAFO.

In re Axalta Coating Systems  
RCRA-03-2020-0007

For Respondent: AXALTA COATINGS SYSTEMS

Date: 7-20-2019

By: David W. Penn


David Penn  
Vice President of Operations and Supply Chain, Americas  
Axalta Coating Systems

In re Axalta Coating Systems  
RCRA-03-2020-0007

For the Complainant:

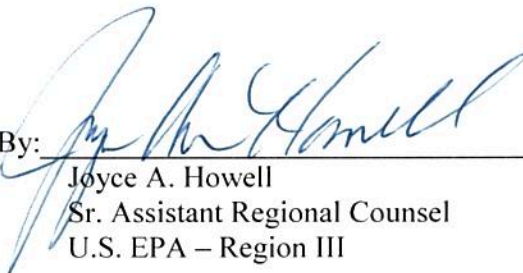
After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: OCT 8 2019

By:   
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: Oct. 1, 2019

By:   
Joyce A. Howell  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III

**BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**In the Matter of:**

Axalta Coating Systems  
7961 Winchester Road  
Front Royal, VA 22630

Respondent.

Axalta Coating Systems  
7961 Winchester Road  
Front Royal, VA 22630

Facility.

:  
:  
: U.S. EPA Docket No. RCRA-03-2020-0007  
:  
: Proceeding under Section 3008(a) of the Resource  
: Conservation and Recovery Act, as amended, 42  
: U.S.C. Section 6928(a)  
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U.S. EPA-REGION 3-RHC  
FILED-10OCT2019AM10:58

**FINAL ORDER**

Complainant, the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondent, Axalta Coating Systems, have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C.

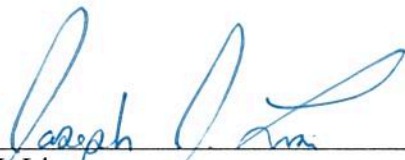
§ 6928(a) and (g) (“RCRA”), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00)**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The effective date of this Consent Agreement and Final Order is the date on which such Final Order is filed with the Regional Hearing Clerk.

Oct. 10, 2019

Date:

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA, Region III



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
	:
Axalta Coating Systems	: U.S. EPA Docket No. RCRA-03-2020-0007
7961 Winchester Road	:
Front Royal, VA 22630	: Proceeding under Section 3008(a) of the Resource
	: Conservation and Recovery Act, as amended, 42
Respondent.	: U.S.C. Section 6928(a)
	:
Axalta Coating Systems	:
7961 Winchester Road	:
Front Royal, VA 22630	:
	:
Facility.	:
	:

**CERTIFICATE OF SERVICE**

I certify that on OCT 10 2019, the original and one (1) copy of the foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via UPS Next Day Delivery, to:


William Haak  
Haak Law LLC  
12595 Bentbrook Drive  
Chesterland, OH 44026

Copies served via Hand Delivery or Inter-Office Mail to:

Joyce A. Howell  
Sr. Assistant Regional Counsel  
Mail Code 3RC40  
1650 Arch Street  
Philadelphia, PA 19013

In Re: Axalta Coating Systems  
EPA Docket No. RCRA-03-2020-0007

Dated: OCT 10 2019

  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III

TRACKING NUMBERS: 1Z A43 F71 01 9025 8129