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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

A.J. D'Angelo (3RC30)
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Via Certified Mail, Return Receipt Requested
(Article No. 7004 2890 0000 5076 5731)

February 2, 2015

Charles L. Williams, Esq.
Gentry, Locke, Rakes & Moore
800 Sun Trust Plaza
10 Franklin Road, Suite 800
Roanoke, VA 24011

Re: In the Matter of: Chem-Solv, Inc. and Austin Holdings-VA, L.L.C.
RCRA (3008) Appeal No. 14-02
Final Decision and Order

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Dear Mr. Williams:

On January 26, 2015, the U.S. Environmental Protection Agency's (EPA or the Agency) Environmental Appeals Board (EAB or Board) issued a Final Decision and Order in the above-referenced matter. In its Final Decision and Order, the Board affirmed the findings of liability and penalty set forth in EPA Chief Administrative Law Judge (ALJ) Susan L. Biro's June 5, 2014 Initial Decision, assessed a \$597,026.28 civil penalty jointly and severally against Chem-Solv, Inc. and Austin Holdings-VA, L.L.C. and a \$15,312.50 individually against Chem-Solv, Inc. The Board further ordered payment of the entire \$612,338.78 civil penalty amount within thirty (30) days of the service of its Final Decision and Order, unless otherwise agreed to by the Region. *Final Decision and Order at 33.*

The Board instructed that civil penalty payment may be made by certified or cashier's check payable to the Treasurer, United States of America, and that such payment may be made to: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000, with copies of the check or other instrument of payment on the Regional Hearing Clerk and on the Region pursuant to 40 C.F.R. § 22.31(c). *Id.* Please note that the above instructions are for payments made by certified or cashier's check and sent by Regular U.S. Postal Service Mail. Also note that that copies of the check or other instrument of payment sent by Chem-Solv, Inc. and Austin Holdings-VA, L.L.C. to the Regional Hearing Clerk and to the Region, pursuant to the Board's instructions, should be addressed and sent to Ms. Lydia Guy, Regional Hearing Clerk, and to Mr. A.J. D'Angelo, Sr. Assistant Regional Counsel, at the addresses provided beneath the alternate method of payment instructions, below.

With respect to alternate payment methods, the Board instructed that “[i]f appropriate, the Region may modify the above-described payment instructions to allow for alternative methods of payment, including electronic payment options.” *Id.* In that regard, please note that the following alternative payment options are available:

- a. Payment may be made by certified or cashier’s check *and sent by Private Commercial Overnight Delivery service* shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- b. Payment may be made by certified or cashier’s check *in any currency drawn on banks with no USA branches* shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- c. Payment may be made *by electronic wire transfer* and directed to:

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

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

- d. *Electronic payment also may be made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), and directed to:*

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- e. *Payment may be made using the following On-Line Payment Option, in the following manner:*

WWW.PAY.GOV/paygov/
Enter **sfo 1.1** in the search field.
Open and complete the form.

Please be advised that additional payment guidance is available at: <http://www2.epa.gov/financial/makepayment>.

At the time of civil penalty payment, Chem-Solv, Inc. and Austin Holdings-VA, L.L.C. must simultaneously send a copy of the check *or electronic wire transfer receipt, as applicable*, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

Mr. A.J. D'Angelo
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

Please be further advised that, pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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, the failure to make timely payment shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

Interest on the civil penalty assessed in the Final Decision and Order will begin to accrue on the date that a true and correct copy of the Final Decision and Order is served (*i.e.*, mailed to counsel for Chem-Solv, Inc. and Austin Holdings-VA, L.L.C.). However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) 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). Please note that the costs of the Agency'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 - Cash 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. As provided by 31 U.S.C. § 3717(e)(2), late payment penalty of six percent (6%) per annum 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). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

Please be further advised that the Compliance Order provisions set forth in Chief ALJ Biro's June 5, 2014 Initial Decision (which was not a subject of the instant Appeal), became effective, as a matter of law, on the date that the Final Decision and Order was served. It is EPA Region III's understanding that the closure plan that Chem-Solv, Inc. and Austin Holdings-VA, L.L.C. is obligated to submit to the Virginia Department of Environmental Quality (VADEQ), pursuant to the requirements and provisions of that Compliance Order, should be sent to the attention of Ms. Leslie A. Romanchik, Hazardous Waste Program Manager, Office of Waste Permitting and Compliance, Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218. As a result, please be further advised that the Region is providing copies of the Board's January 26, 2015 Final Decision and Order, Chief ALJ Biro's Initial Decision and this letter to Ms. Romanchik.

Sincerely,



A.J. D'Angelo

Sr. Assistant Regional Counsel

cc: Ms. Eurika Durr, Clerk of the Board (Mail Code 1103M) – via First Class U.S. Mail
Ms. Carol Amend, Office of Land Enforcement (3LC70) – via Inter-Office Mail
Mr. Peter J. Raack, OCE (MC-2249A) - via EPA Pouch Mail
Ms. Mary S. Andrews, OGC (MC-2366A) - via EPA Pouch Mail
Ms. Heather Russell, EPA Finance Center (CFMC) – via First Class U.S. Mail and e-mail
Ms. Lydia Guy, Regional Hearing Clerk (3RC00) – via Hand Delivery
Ms. Leslie A. Romanchik, VADEQ (w/Enclosures) - via First Class U.S. Mail