



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 05 2017

CERTIFIED MAIL RETURN RECEIPT

Mr. Sonny Dougherty  
Manager, Environmental Compliance  
654 Judge Street, P.O. 218  
Harleyville, South Carolina 29448

Re: Giant Cement Company, EPA ID# SCD 003 351 699  
Consent Agreement and Final Order, Docket No. RCRA-04-2017-4013(b)

Dear Mr. Dougherty:

Enclosed please find a copy of the Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above-referenced matter. Please note that payment of the civil penalty is due within 30 days of the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590 or by email at [lamberth.larry@epa.gov](mailto:lamberth.larry@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

Enclosure

cc: Ms. Elizabeth B. Partlow, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF: )  
 )  
 Giant Cement Company )  
 654 Judge Street )  
 Harleyville, South Carolina 29448 )  
 EPA ID No.: SCD 003 351 699 )  
 )  
 Respondent )  
 \_\_\_\_\_ )

DOCKET NO.: RCRA-04-2017-4013(b)  
 Proceeding Under Section 3008(a) of the  
 Resource Conservation and Recovery Act,  
 42 U.S.C. § 6928(a)

USEPA, REGION 4  
 OFFICE OF REGIONAL  
 COUNSEL  
 2017 DEC -5 AM 9:07  
 2017 NOV 35 AM 9:05  
 HEARING CLERK  
 HEARING CLERK  
 USEPA, REGION 4  
 OFFICE OF REGIONAL  
 COUNSEL  
 P.B.

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. § 44-56-10 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at South Carolina Hazardous Waste Management Regulations (SCHWMR), 25 S.C. Code Ann. Regs. 61-79.260-270, 61-79.273, and 61-79.279 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273 and 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 44-56-130(3) of the SCHWMA, S.C. Code Ann. § 44-56-130(3) [Section 3005 of RCRA, 42 U.S.C. § 6925] and 25 S.C. Code Ann. Regs. 61-79.270.30(a) [40 C.F.R. § 270.30(a)].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

SMB

## II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Giant Cement Company, a company organized under the laws of the State of Delaware. Respondent is the owner and operator of a cement manufacturing and hazardous waste management facility located at 654 Judge Street, Harleyville, South Carolina (the Facility).

## III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at SCHWMA, S.C. Code Ann. § 44-56-10 *et seq.* and 25 S.C. Code Ann. Regs. 61-79.260-270, 61-79.273 and 61-79.279.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. South Carolina has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 25 S.C. Code Ann. Regs. 61-79 Parts 264 (permitted) and 265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
12. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

13. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 25 S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].
14. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 61-79.261.20 [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in 25 S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
15. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(ii) and 61-79.261.30 [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed hazardous waste if it is listed in 25 S.C. Code Ann. Regs. 61-79 Part 261, Subpart D [40 C.F.R. Part 261, Subpart D].
16. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “facility” includes “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.”
17. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “person” includes a corporation.
18. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
19. The Respondent was issued a permit by the South Carolina Department of Health and Environmental Control (SC DHEC) for the storage and treatment of hazardous waste (Permit # SCD 003 351 699) on April 11, 2005 (RCRA Permit). The RCRA Permit became effective on May 25, 2005. The RCRA Permit expired on May 25, 2015. However, Respondent submitted a timely permit application renewal on November 10, 2014. Therefore, pursuant to 25 S.C. Code Ann. Regs. 61-79.270.51 [40 C.F.R. § 270.51], the conditions of the expired RCRA Permit continue in force until the effective date of a new permit.
20. Permit Condition II.R. (Management of Railcars Containing Hazardous Waste) of the Respondent’s RCRA Permit required the Respondent to submit a Railcar Management Plan (Plan) that, at a minimum, contained the following: shipment receipt and record keeping procedures, railcar turnaround time, inspection schedules, security information, and a contingency plan.
21. Pursuant to Section 4.0 of the Respondent’s submitted Plan, entitled “Hazardous Waste Railcar Turnaround Time,” the Respondent shall process railcars within 10 days of when the railcar is placed within the fence line. Additionally, no more than 10 percent of the total number of hazardous waste-containing railcars brought on-site in a calendar year shall exceed the 10-day time limit, unless approved by SC DHEC.

#### **IV. EPA ALLEGATIONS AND DETERMINATIONS**

22. Respondent is a “person” as defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

23. Respondent is the “owner/operator” of a RCRA-permitted hazardous waste “facility” located at 654 Judge Street, Harleyville, South Carolina, as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
24. Respondent is a cement manufacturing and hazardous waste management facility that receives hazardous wastes for energy recovery via various shipping methods, including railcar.
25. Respondent burns liquid hazardous waste derived fuel along with other fuels (e.g., coal, coke, natural gas) in its cement kiln for energy recovery.
26. On August 9-10, 2016, the EPA conducted a compliance evaluation inspection (CEI) at Respondent’s Facility. The findings of the CEI were documented in a Report mailed to the Respondent, dated June 7, 2017.
27. On December 22, 2016, the EPA sent Respondent a Request for Information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, requesting inventory records used to track hazardous waste-containing railcars designated for the Facility for each day between October 1, 2013 and September 30, 2016, (including railcar number, generator names, profile number, date manifest received, date manifest signed, date the railcar sited, date unloading began, date unloading completed, plant days and the manifest days) in the form of an electronic database.
28. On January 30, 2017, the Respondent provided an electronic copy of the database for the period October 1, 2013 to September 30, 2016, used to track hazardous waste-containing railcars designated for the Facility.
29. By a February 8, 2017 email, the EPA requested inventory records for hazardous waste-containing railcars designated for the Facility based on the calendar year, from January 1, 2013 through December 31, 2016 (including railcar number, generator names, profile number, date manifest received, date manifest signed, date the railcar sited, date unloading began, date unloading completed, plant days and the manifest days) in the form of an electronic database.
30. On February 17, 2017, the Respondent provided an electronic copy of the database used to track hazardous waste-containing railcars designated for the Facility for the additional time periods of January 1, 2013 to September 30, 2013 and October 1, 2016 to December 31, 2016.
31. On February 6, 2017, February 17, 2017, and July 10, 2017, the Respondent submitted voluntary disclosures to SC DHEC disclosing that greater than ten percent of the hazardous waste-containing railcars processed in the calendar years 2013 (July 10, 2017 disclosure), 2014 and 2015 (February 17, 2017 disclosure), and 2016 (February 6, 2017 disclosure), exceeded the ten-day processing time.
32. According to Respondent’s July 10, 2017, disclosure, in calendar year 2013, the Facility processed 267 hazardous waste railcars, of which 51 railcars exceeded the ten-day time period for processing. Therefore, 25 railcars exceeded the ten percent allowance for that year and required approval from SC DHEC. The Respondent did not obtain the required approval.
33. The EPA therefore alleges that Respondent failed to comply with Section 4.0 of the Plan by exceeding the ten-day turnaround time for greater than ten percent of the hazardous waste-

containing railcars brought on-site in the calendar year 2013, without receiving approval from SC DHEC.

34. According to Respondent's February 17, 2017, disclosure, in calendar year 2014, the Facility processed 266 hazardous waste railcars, of which 29 railcars exceeded the ten-day time period for processing. Therefore, two railcars exceeded the ten percent allowance for that year and required approval from SC DHEC. The Respondent did not obtain the required approval.
35. The EPA therefore alleges that Respondent failed to comply with Section 4.0 of the Plan by exceeding the ten-day turnaround time for greater than ten percent of the hazardous waste-containing railcars brought on-site in the calendar year 2014, without receiving approval from SC DHEC.
36. According to Respondent's February 17, 2017, disclosure, in calendar year 2015, the Facility processed 200 hazardous waste railcars, of which 39 railcars exceeded the ten-day time period for processing. Therefore, 19 railcars exceeded the ten percent allowance for that year and required approval from SC DHEC. The Respondent did not obtain the required approval.
37. The EPA therefore alleges that Respondent failed to comply with Section 4.0 of the Plan by exceeding the ten-day turnaround time for greater than ten percent of the hazardous waste-containing railcars brought on-site in the calendar year 2015, without receiving approval from SC DHEC.
38. According to Respondent's February 6, 2017, disclosure, in calendar year 2016, the Facility processed 144 hazardous waste railcars, of which 20 railcars exceeded the ten-day time period for processing. Therefore, five railcars exceeded the ten percent allowance for that year and required approval from SC DHEC. The Respondent did not obtain the required approval.
39. The EPA therefore alleges that Respondent failed to comply with Section 4.0 of the Plan by exceeding the ten-day turnaround time for greater than ten percent of the hazardous waste-containing railcars brought on-site in the calendar year 2016, without receiving approval from SC DHEC.
40. Based on the violations of the Plan alleged in Paragraphs 33, 35, 37 and 39, the EPA alleges that Respondent failed to comply with its permit in violation of Section 44-56-130(3) of the SCHWMA, S.C. Code Ann. § 44-56-130(3) [Section 3005 of RCRA, 42 U.S.C. § 6925].

## **V. TERMS OF AGREEMENT**

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

41. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
42. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO. The factual allegations and determinations set out in this CA/FO have not been

adjudicated, and shall not be deemed to have been established except in a proceeding to enforce this CA/FO.

43. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
44. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
45. 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.
46. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
47. 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.
48. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
49. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
50. Each party will pay its own costs and attorneys' fees.

## VI. PAYMENT OF CIVIL PENALTY

51. Respondent consents to the payment of a civil penalty in the amount of THIRTEEN THOUSAND AND THREE HUNDRED DOLLARS (\$13,300), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
52. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
(314) 425-1818

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

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

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury facility:  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contact: John Schmid, (202) 874-7026  
REX (Remittance Express): 1-866-234-5681

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

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

And to:

Raj Aiyar, Environmental Engineer  
Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division  
US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909



53. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
  - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
  - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent 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).
54. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

## VII. PARTIES BOUND

55. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
56. 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.
57. 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

58. 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.

59. 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.
60. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

#### **IX. OTHER APPLICABLE LAWS**

61. 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**

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

Marirose J. Pratt  
Associate Regional Counsel  
Office of RCRA/CERCLA Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9023

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

Elizabeth B. Partlow, Esq.  
Law Offices of Elizabeth B. Partlow, LLC  
989 Knox Abbott Drive, Suite 101  
Cayce, South Carolina 29033  
(803) 814-0868

#### **XI. SEVERABILITY**

64. 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.

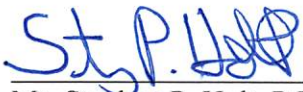
**XII. EFFECTIVE DATE**

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

*In the matter of Giant Cement Company, Docket No. RCRA-04-2017-4013(b):*


**AGREED AND CONSENTED TO:**

*Giant Cement Company*

By:   
Mr. Stephen P. Holt, P.E.  
Director, Environmental Affairs

Dated: 10/26/2017

**United States Environmental Protection Agency**

By:   
Larry L. Lamberth  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

Dated: 11/28/17

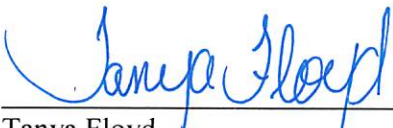
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2017-4013(b)
	)	
Giant Cement Company	)	
654 Judge Street	)	Proceeding Under Section 3008(a) of the
Harleyville, South Carolina 29448	)	Resource Conservation and Recovery Act,
EPA ID No.: SCD 003 351 699	)	42 U.S.C. § 6928(a)
	)	
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

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

**BEING AGREED, IT IS SO ORDERED** this 30<sup>th</sup> day of November, 2017.

BY:   
\_\_\_\_\_  
Tanya Floyd  
Regional Judicial Officer  
EPA Region 4

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Giant Cement Company, Docket Number: RCRA-04-2017-4013(b), and have served the parties listed below in the manner indicated:

Marirose J. Pratt  
Associate Regional Counsel  
Office of RCRA/CERCLA Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

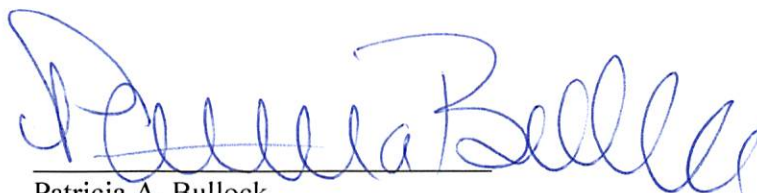
Quantindra Smith  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Elizabeth B. Partlow, Esq.  
Law Offices of Elizabeth B. Partlow, LLC  
989 Knox Abbott Drive, Suite 101  
Cayce, South Carolina 29033

(Via Certified Mail - Return Receipt Requested)

Date: 12-5-17



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9511