BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

In the Matter of: **VOLVO GROUP NORTH AMERICA, LLC** **4881 Cougar Trail Road** **Dublin, Virginia 24084-3917,** **Respondent.**	**Docket No. RCRA-03-2015-0012** **CONSENT AGREEMENT** **Proceeding under RCRA Section 3008(a)(1) and (g), 42 U.S.C. § 6928(a)(1) and (g)**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Volvo Group North America, LLC ("Respondent"), pursuant to Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(1) 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.

2. The Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), provide in pertinent part that, where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a Consent Agreement ("CA") and Final Order ("FO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order (collectively referred to herein as the "CAFO"), simultaneously commences and concludes this administrative proceeding against Respondent.

3. This CAFO addresses Respondent's violations of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, various regulations promulgated thereunder as set forth at 40 C.F.R. Parts 260-266, 268, and 270-73, and the authorized Virginia Hazardous Waste Management Regulations, 9 VAC-60-14, -18 and -260 through -279 ("VaHWMR") that occurred at the Respondent's facility, the New River Valley Plant, located at 4881 Cougar Trail Road, Dublin, Virginia 24084-3918.

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 established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f. Effective December 18, 1984, the Commonwealth of Virginia Hazardous Waste Management Regulations ("VaHWMR") were authorized by the U.S. Environmental Protection Agency ("EPA") pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The VaHWMR subsequently were revised, and thereafter re-authorized by EPA, on July 31, 2000, June 20, 2003, May 10, 2006, and July 30, 2008. Such authorized revised VaHWMR requirements and provisions became effective on September 29, 2000, June 20, 2003, July 10, 2006 and July 30, 2008, respectively. The VaHWMR incorporate, with certain exceptions, the federal hazardous waste management regulations. The provisions of Virginia's current authorized VaHWMR, codified at 9 VAC 20-60-14, -18, and -260 through -279, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

5. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C and satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), Section 3008(a)(1) of RCRA , 42 U.S.C. § 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

6. Respondent is hereby notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921- 6939f, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268, and 270-73, and the VaHWMR.

7. EPA has given the Commonwealth of Virginia, through the Virginia Department of Environmental Quality ("VADEQ"), prior notice of the commencement of this civil proceeding in accordance with RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).

II. 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 and legal conclusions set forth in this CAFO.

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 a hearing on any issue of law or fact in this matter, consents to the issuance of this CAFO without adjudication, and waives its right to appeal the accompanying Final Order.

12. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

13. Respondent and Complainant shall bear their own costs and attorney's fees in connection with this proceeding.

III. EPA 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 the following findings of fact and conclusions of law.

15. Respondent is a corporation doing business in, and with offices and an operating facility located within, the Commonwealth of Virginia, and is a "person" within the meaning of RCRA Section 1004(15), 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 9 VAC 20-60-260.A.

16. Respondent is and has been, at all times relevant to this CAFO, the owner and operator of a facility, the New River Valley Plant, located at 4881 Cougar Trail Road, Dublin, Virginia (the "Facility"), where the Respondent manufactures and assembles trucks.

17. On or about July 23, 2013, a duly authorized representative of EPA, Region III, conducted a compliance evaluation inspection ("CEI") of the Facility to assess the Respondent's compliance with the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921 - 6939f, the federal regulations promulgated thereunder, and the VaHWMR requirements at the Facility.

COUNT I
(Operating a Hazardous Waste Storage Facility Without a Permit)

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference as though fully set forth at length.

19. RCRA Section 3005(a) and (e), 42 U.S.C. §§ 6925(a) and (e), and 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. Part 270, provide, in pertinent part, that a person owning and/or operating a facility used for the treatment, storage or disposal of hazardous waste is

required to comply with the permitting requirements established by EPA or by a state with an authorized hazardous waste management program, or have interim status for such facility.

20. At all times relevant this Consent Agreement, Respondent generated "hazardous waste" at the Facility, as that term is defined by RCRA Section 1004(5), 42 U.S.C. § 6903(5), and 40 C.F.R. §§ 260.10 and 261.3, as incorporated by reference by 9 VAC 20-60-260.A and 9 VAC 20-60-261.A.

21. The Facility was assigned the EPA Identification Number VAQ066003161.

22. At all times relevant to this Consent Agreement, Respondent was a "generator" of hazardous waste as that term is defined by 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260.A.

23. At all times relevant to this Consent Agreement, hazardous waste was in "storage" in containers and tanks at Respondent's "facility" (i.e., the Facility) as those terms are defined by RCRA Section 1004(33), 42 U.S.C. § 6903(33), and 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260A.

24. At all times relevant to this Consent Agreement, Respondent was the "owner" and "operator" of a hazardous waste storage facility as those terms are defined by 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260.A.

25. 9 VAC 20-60-260.A incorporates by reference the definitions set forth in 40 C.F.R. § 260.10, including the definition of a "container", which is defined therein to mean "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled."

26. 9 VAC 20-60-260.A incorporates by reference the definitions set forth in 40 C.F.R. § 260.10, including the definition of a "tank", which is defined therein to mean "a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support."

27. 9 VAC 20-60-260.A incorporates by reference the definitions set forth in 40 C.F.R. § 260.10, including the definition of an "new tank system", which is defined therein to mean a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation commenced after July 14, 1986.

28. At all times relevant to this Consent Agreement, Respondent never possessed a permit or interim status authorizing the treatment, storage or disposal of hazardous waste at the Facility.

29. 40 C.F.R. § 262.34(a), which is incorporated by reference by 9 VAC 20-60-262.A and 9 VAC 20-60-262.B.4, provides, in pertinent part, that a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or interim status,

provided the generator complies with a number of conditions concerning the management of the hazardous waste, including, but not limited to:

(1) Compliance with applicable requirements of Subparts I, AA, BB and CC of 40 C.F.R. Part 265, with regard to the storage of hazardous waste in containers (40 C.F.R. § 262.34(a)(1)(i));

(2) Compliance with applicable requirements of Subparts J, AA, BB and CC of 40 C.F.R. Part 265, except §§ 265.197(c) and 265.200, with regard to the storage of hazardous waste in tanks (40 C.F.R. § 262.34(a)(1)(ii));

(3) Ensuring, with regard to hazardous waste container storage, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container (40 C.F.R. § 262.34(a)(2));

(4) Ensuring that, while being accumulated on-site, each container and tank storing hazardous waste is labeled or marked clearly with the words "Hazardous Waste" (40 C.F.R. § 262.34(a)(3)); and

(5) Compliance with the requirements for owners or operators of Subparts C [Preparedness and Prevention] and D [Contingency Plan and Emergency Procedures] in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16 [relating to personnel training], and all applicable requirements under 40 C.F.R. Part 268. (40 C.F.R. § 262.34(a)(4)).

30. At the time of the July 23, 2013 CEI, Respondent was storing hazardous waste at the Facility in, among other things: six purge solvent storage tanks; a container located in a mixing area near the Facility's Paint Kitchen; and two containers located next to a purge reservoir tank in the basement of the Facility.

31. The containers identified in Paragraph 30, above, at all times relevant to this Consent Agreement, satisfied the definition of a "container" as that term is defined by 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260.A.

32. The tanks referred to in Paragraph 30, above, at all times relevant to this Consent Agreement, satisfied the definition of "new tank systems" as that term is defined by 9 VAC-20-60-260.B.3.

33. At the time of the July 23, 2013 CEI, Respondent did not qualify for the aforementioned 90-day permitting exemption provided by 40 C.F.R.§ 262.34, as incorporated by reference by 9 VAC 20-60-262.A and 9 VAC 20-60-262.B.4, in that, as explained in more detail, below, Respondent was not in compliance with the following prerequisite requirements:

- Failure to keep containers of hazardous waste closed at a time when it was not necessary to add in or remove waste (40 C.F.R. § 265.173, as incorporated by reference by 9 VAC 20-60-265.A);
- Failure to comply with hazardous waste job descriptions requirements (40 C.F.R. § 265.16(d)(2), as incorporated by reference by 9 VAC 20-60-265.A);
- Failure to comply with contingency plan requirements (40 C.F.R. § 265.52(d), as incorporated by reference by 9 VAC 20-60-265.A); and
- Failure to maintain a tank assessments (40 C.F.R. § 265.192), as incorporated by reference by 9 VAC 20-60-265.A and 9 VAC 20-60-265.B.10-.12).

34. On or about July 23, 2013, Respondent violated RCRA Section 3005(a) and (e), 42 U.S.C. Section 6925(a) and (e), and 9 VAC-20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), by owning and operating a hazardous waste storage facility without a permit or interim status.

COUNT II
(Open Container)

35. The allegations of Paragraphs 1 through 34 of this Consent Agreement are incorporated by reference as though fully set forth at length.

36. 40 C.F.R. § 264.173, as incorporated by reference by 9 VAC 20-60-264.A, provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

37. During the July 23, 2013 CEI, an open container holding hazardous waste was located in the mixing area near the Facility's Paint Kitchen and two open containers holding hazardous waste were located near a purge reservoir tank in the basement of the Facility, and these containers each were open at a time when it was not necessary to add or remove waste from the containers.

38. On or about July 23, 2013, Respondent violated 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R § 264.173, by maintaining open containers holding hazardous waste at the Facility, the Paint Kitchen and basement, as described in Paragraph 37, above, at a time when it was not necessary to add or remove waste from the containers.

COUNT III
(Failure to Provide Required Job Description)

39. The allegations of Paragraphs 1 through 38 of this Consent Agreement are incorporated by reference as though fully set forth at length.

40. 40 C.F.R. § 264.16(d)(1), (2), and (3), which is incorporated by reference by 9 VAC 20-60-264.A, requires, in relevant part, that the owner or operator of a hazardous waste

storage facility must maintain the following documents and records at the facility: the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job; a written job description for each person with hazardous waste management responsibilities; and a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under 40 C.F.R. § 264.16(d)(1).

41. At the time of the July 23, 2013CEI, the job description in the Facility's operating record for the emergency coordinator position did not fully set forth the hazardous waste management responsibilities for that position as required by 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R.§ 264.16(d)(2).

42. On or about July 23, 2013, Respondent violated 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.16(d)(2), by failing to have in its Facility operating record a job description for the Facility's emergency coordinator that fully set forth the hazardous waste management responsibilities of that position.

COUNT IV

(Failure to Comply with Contingency Plan Requirements)

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated by reference as though fully set forth at length.

44. 40 C.F.R. §§ 264.51, as incorporated by reference by 9 VAC 20-60-264.A, requires that each owner or operator of a hazardous waste storage facility must have a contingency plan for the facility that is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

45. 40 C.F.R. 264.52(d), as incorporated by reference by 9 VAC 20-60-264.A, requires that such contingency plan must include, among other things, a list of the "names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see [40 C.F.R.] § 264.55), and the list must be kept up to date."

46. At the time of the July 23, 2013 CEI, the Facility's Contingency Plan did not provide the home addresses for the Facility's current emergency coordinators, and did not identify the names, home addresses and phone numbers of the Facility's current alternate emergency coordinators.

47. On or about July 23, 2013, Respondent violated 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.52(d), by failing to update its Facility's Contingency Plan to provide the home addresses for the Facility's current emergency coordinators and identify the names, home addresses and phone numbers of the Facility's current alternate emergency coordinators.

COUNT V
(Failure to Maintain Tank Assessments)

48. The allegations of Paragraphs 1 through 47 of this Consent Agreement are incorporated by reference as though fully set forth at length.

49. 40 C.F.R. § 264.192(a), as incorporated by reference by 9 VAC 20-60-264.A, requires, that owners or operators of new tank systems used to store or treat hazardous waste must obtain a written assessment, reviewed and certified by a Professional Engineer, attesting that the tank system has structural integrity and is acceptable for the storing or treating of hazardous waste.

50. At the time of the July 23, 2013 CEI, Respondent was using six purge solvent tank system tanks to store hazardous waste at the Facility.

51. The six purge solvent tank system tanks identified in Paragraph 50, above, were "new tank systems" as defined by 40 C.F.R. § 260.10 and 9 VAC 20-60-260.A.

52. At the time of the July 23, 2013 CEI, Respondent had not obtained the required tank assessments for the six new tank systems identified in Paragraph 51, above.

53. On or about July 23, 2013, Respondent violated 9 VAC 20-60-264.A, which incorporates by reference 40 C.F.R. § 264.192(a), by failing to obtain written tank assessments for the six new tank systems at the Facility that were used as part of the purge solvent system.

IV. SETTLEMENT

54. In view of EPA's Findings of Fact and Conclusions of Law, set forth above, Complainant concludes that the Respondent has violated RCRA Subtitle C, 42 US.C. §§ 6921 - 6939f, the federal regulations promulgated thereunder, and the authorized VaHWMR.

55. In view of EPA's Findings of Fact and Conclusions of Law, set forth above, Complainant further concludes that the Respondent is liable to the United States for a civil penalty pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).

56. For violations of any requirement of RCRA Subtitle C, EPA's regulations promulgated thereunder, or any regulation of a state hazardous waste program authorized by EPA, Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), authorize the assessment of a civil penalty of up to $25,000 per violation, with each day of violation constituting a separate violation. Pursuant to the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, as revised (73 Fed. Reg. 75340-46 (December 11, 2008)), violations of RCRA Subtitle C, EPA's regulations promulgated thereunder, or any regulation of a state hazardous waste program authorized by EPA are subject to an increased statutory maximum penalty of $37,500 per violation, with each day of violation constituting a

separate violation.

57. In settlement of the violations alleged against Respondent in EPA Findings of Fact and Conclusions of Law section of this Consent Agreement, and in consideration of each provision of this CAFO, Respondent consents to the assessment of a civil penalty in the amount of TWENTY-SEVEN THOUSAND FIVE HUNDRED SEVENTY-TWO DOLLARS ($27,572.00). Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO, fully executed by all parties, signed by the Regional Administrator or the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this fully executed CAFO is mailed or hand-delivered to Respondent.

58. The aforesaid settlement amount, set forth in Paragraph 57, above, is appropriate for the violations identified in this CAFO and is based on consideration of a number of factors, including, but not limited to: the statutory factors (i.e., seriousness of the violation and any good faith efforts to comply with applicable requirements) set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3); and the application of these criteria to the particular facts and circumstances of this case with specific reference to EPA's *RCRA Civil Penalty Policy* (October 1990 and June 2003), and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley, entitled *Adjusted Penalty Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.

59. Respondent shall pay the civil penalty amount referenced above, plus any interest, administrative fees, and late payment penalties owed, by either cashier's check, certified check, or electronic wire transfer, in the following manner:

    a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2015-0012;

    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 to:

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

        Customer service contact: 513-487-2091

    d. All payments made by check and sent by overnight delivery service shall be

addressed for delivery to:

U.S. Environmental Protection Agency
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

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

f. All payments made by electronic wire transfer shall be 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"

g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be 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

h. On-Line Payment Option

WWW.PAY.GOV/paygov/

Enter **sfo 1.1** in the search field. Open and complete the form.

i. Additional payment guidance is available at:

http://www2.epa.gov/financial/makeapayment

j. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Joseph J. Lisa
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029, and

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

60. 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 as specified herein shall result in the assessment of late payment charges including, interest, penalties and/or administrative costs of handling delinquent debts.

61. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. 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).

62. 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 – 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 additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

63. 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).

64. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty assessed in this CAFO.

Certification of Compliance

65. The individual who signs this Consent Agreement on behalf of Respondent certifies that the Respondent's Facility referred to in this Consent Agreement is currently in compliance with all applicable requirements of RCRA Subtitle C and the authorized VaHWMR.

Other Applicable Laws

66. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

Reservation of Rights

67. This Consent Agreement and the accompanying Final Order resolve only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C and the authorized VaHWMR alleged herein. 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. In addition, 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. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws, federal regulations or authorized state regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

Full and Final Satisfaction

68. This Settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the specific violations alleged in this Consent Agreement.

Compliance with the CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

Parties Bound

69. This Consent Agreement and the accompanying Final Order 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 party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

Effective Date

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

Entire Agreement

71. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding between the parties regarding settlement of all claims 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.

For Respondent:

Date: 10/16/14 By: _____
Franky Marchand
Vice President and General Manager
Volvo's New River Valley Plant

For Complainant:

Date: 10/28/2014 By: _____
Joseph J. Lisa
Senior Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 11.5.14 By: _____
John A. Armstead, Director
Land and Chemicals Division

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:	
VOLVO GROUP NORTH AMERICA, LLC **4881 Cougar Trail Road** **Dublin, Virginia 24084-3917,**	**Docket No. RCRA-03-2015-0012**
Respondent.	**FINAL ORDER**
	Proceeding under RCRA Section 3008(a)(1) and (g), 42 U.S.C. § 6928(a)(1) and (g)

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Volvo Group North America, LLC 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 (with specific reference to Sections 22.1(a)(4), 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's RCRA Civil Penalty Policy (October 1990 and June 2003), and the statutory factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3).

NOW, THEREFORE, PURSUANT TO Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(1) and (g), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWENTY-SEVEN THOUSAND FIVE HUNDRED SEVENTY-TW0 DOLLARS ($27,572.00)**, plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of U.S EPA Region III or the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 12-03-14

Heather Gray
Regional Judicial Officer
U.S. EPA, Region III