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**U.S. EPA REGION 4
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**Hankook & Company ES America Corp.
1325 International Boulevard
Clarksville, Tennessee 37040**

EPA ID No.: **TNR000046052**

Respondent.

Docket No. **RCRA-04-2025-4003(b)**

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as this CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without Respondent's admission of violation or adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA) Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. Respondent is Hankook & Company ES America Corp. (Respondent), a corporation doing business in the State of Tennessee. This proceeding pertains to Respondent's facility located at 1325 International Boulevard, Clarksville, Tennessee 37040 (the Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Tennessee (Tennessee or State) has received final authorization to implement a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in the Tennessee Hazardous Waste Management Act, Tenn. Code Ann. §§ 68-212-101 *et seq.*, and in the Tennessee Hazardous Waste Regulations, Tenn. Comp. R. & Regs. 0400-12-01-.01 through 0400-12-01-.12.
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. The State 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 CAFO.
11. Tenn. Code Ann. § 68-212-107(d) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Tenn. Comp. R. & Regs. 0400-12-01-.03 [40 C.F.R. Part 262].
12. Tenn. Code Ann. § 68-212-108 [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 Tenn. Comp. R. & Regs. 0400-12-01-.06 (permitted) and Tenn. Comp. R. & Regs. 0400-12-01-.05 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations and includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c)1.(ii) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(d)2. [40 C.F.R. § 261.4(b)].
15. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c)1.(ii)(I) and 0400-12-01-.02(3)(a) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(b)–(e) [40 C.F.R. §§ 261.21–24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) and 0400-12-01-.02(3)(c) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
17. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(a) and 0400-12-01-.02(3)(e) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.02(3)(e) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for lead is identified with the EPA Hazardous Waste Number D008.
18. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Tenn. Comp. R. & Regs. 0400-12-01-.02 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
19. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “Large Quantity Generator” (LQG) is a generator who generates greater than or equal to 1,000 kilograms (kgs) (2,200 pounds (lbs.)) of non-acute hazardous waste in a calendar month.
20. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
21. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], a “person” includes a corporation.
22. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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.
23. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], “storage” means the containment of hazardous waste in such a manner as not to constitute disposal of such hazardous waste.

24. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], "container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
25. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11].
26. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Tenn. Code Ann. § 68- 212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(g)2. or 0400-12-01-.03(1)(h)1. [40 C.F.R. §§ 262.16(b) or 262.17(a)], except as required in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(vii) and (viii) [40 C.F.R. §§ 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").
27. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(iv) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep SAA containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.
28. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(v)(I)-(II) [40 C.F.R. § 262.15(a)(5)(i)-(ii)], which is a condition of the SAA Permit Exemption, a generator is required to label its SAA containers with: (I) the words "Hazardous Waste;" and (II) with an indication of the hazards of the contents.
29. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(vi)(III) [40 C.F.R. § 262.15(a)(6)(iii)], which is a condition of the SAA Permit Exemption, a generator who accumulates non-acute hazardous waste in excess of the amounts listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [40 C.F.R. § 262.15(a)] at or near any point of generation, must mark or label the SAA container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
30. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(viii) [40 C.F.R. § 262.15(a)(8)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(b) [40 C.F.R. § 262.251], and is a condition of the SAA Permit Exemption, a generator is required to maintain and operate its facility 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.

31. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h) [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for ninety (90) days or less without a permit or interim status, as required by Tenn. Code Ann. § 68- 212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided the generator complies with all of the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).
32. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(i)(IV)I. [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption, a central accumulation area (CAA) container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.
33. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(i)(V), an authorized State requirement that is more stringent than the federal requirement found in 40 C.F.R. § 262.17(a)(1)(v), which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect CAAs looking for leaking containers and for deterioration of containers caused by corrosion or other factors, and it must record each such inspection in an inspection log or summary that is to be kept for at least three years from the date of the inspection.
34. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(v)(I)I.-III. [40 C.F.R. § 262.17(a)(5)(i)(A)-(C)], which is a condition of the LQG Permit Exemption, a generator must mark or label its CAA containers with: (I) the words “Hazardous Waste;” (II) an indication of the hazards of the contents; and (III) the date upon which each period of accumulation begins.
35. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vi) [40 C.F.R. § 262.17(a)(6)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(b) [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility 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.
36. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vi) [40 C.F.R. § 262.17(a)(6)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(k)4. [40 C.F.R. § 262.263(d)], and is a condition of the LQG Permit Exemption, a generator is required to review and immediately amend its contingency plan whenever the list of facility emergency coordinators changes.
37. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vii)(III) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the hazardous waste training required by Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vii)(I) [40 C.F.R. § 262.17(a)(7)(i)].
38. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vii)(IV)I. [40 C.F.R. § 262.17(a)(7)(iv)(A)], which is a condition of the LQG Permit Exemption, a generator is required to maintain documentation of the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
39. Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(5)(b)1., an authorized State requirement that is more stringent than the federal requirement found in 40 C.F.R. § 262.41(a), a generator who is

an LQG for at least one month of the calendar year who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must complete and submit an annual report to the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) by March 1 for the preceding calendar year.

IV. FINDINGS OF FACT

40. Respondent is Hankook & Company ES America Corp., a battery supplier and manufacturer of lead acid batteries for original equipment and aftermarket use.
41. Respondent owns and operates the Facility, located at 1325 International Boulevard, Clarksville, Tennessee.
42. Respondent uses lead in its manufacturing process at the Facility.
43. Respondent generates 1,000 kilograms or more of hazardous wastes, which are identified with one or more of the following Hazardous Waste Numbers: D002 and D008, at the Facility in a calendar month.
44. In February of 2020, Respondent first notified TDEC that it was an LQG of hazardous waste. Since that time, Respondent has maintained its LQG status.
45. On March 6, 2024, the EPA and TDEC conducted a hazardous waste compliance evaluation inspection (CEI) at the Facility. The EPA's findings of the CEI were documented in a Report that was emailed to Respondent on June 11, 2024.
46. At the time of the CEI, the inspectors observed that Respondent had not made an accurate hazardous waste determination on the following:
 - a. spent aerosol cans in the Raw Material Warehouse;
 - b. one 55-gallon container affixed with a vacuum to accumulate the dust in the Assembly Area;
 - c. eight 55-gallon unmarked containers storing unknown material on the south side of the building.
47. At the time of the CEI, the inspectors observed three open 55-gallon containers of lead-contaminated Personal Protective Equipment (PPE) hazardous waste (D008) in three SAAs around the Facility: Break Room #1 SAA, the Wastewater Treatment Area SAA, and the Packing Area SAA. Respondent was not actively adding, removing, or consolidating waste in these containers.
48. At the time of the CEI, the inspectors observed five SAA containers of hazardous waste PPE (D008) that were not marked with the words "Hazardous Waste" or with an indication of the hazards of their contents. These containers were found in four SAAs around the Facility: one 55-gallon container was in the Break Room #1 SAA, two 55-gallon containers were in the Wastewater Treatment Area SAA, one 55-gallon container was in the Packing Area SAA, and one 2-gallon container was in the Chemistry Lab SAA.

49. At the time of the CEI, the inspectors observed two 55-gallon containers for accumulating hazardous waste PPE (D008) in the Wastewater Treatment Area SAA. One of the containers was completely full of hazardous waste, and the other was partially full of hazardous waste. Therefore, the total volume of hazardous waste observed in the SAA exceeded 55 gallons. Neither container was marked with a date that the hazardous waste in excess of 55 gallons began to accumulate in this SAA.
50. At the time of the CEI, the inspectors observed hazardous waste contaminated PPE (D008) outside of a container on a pallet beside the Wastewater Treatment Area SAA. Respondent did not ensure that the hazardous waste contaminated PPE (D008) was placed inside the accumulation container.
51. At the time of the CEI, the inspectors observed six open containers of hazardous waste in five CAAs around the Facility: one 250-gallon Gaylord box of hazardous waste PPE (D008) was in the Oxide Department CAA, one 250-gallon Gaylord box of hazardous waste PPE (D008) was in the Assembly Area CAA, one 275-gallon tote of a coolant/oil/water mixture (D008) was in the Wastewater Treatment Area CAA, one 55-gallon fiber container of hazardous waste PPE (D008) was in the Finishing Area CAA, and two 55-gallon containers of hazardous waste PPE (D008) were in the Finished Product Warehouse CAA. Respondent was not actively adding, removing, or consolidating waste in these containers.
52. At the time of the CEI, no records of weekly inspections of the CAAs were available for the years 2021, 2023, or 2024, and records of only six weekly inspections were available for the year 2022.
53. At the time of the CEI, the inspectors observed seven containers of hazardous waste that were not marked with the words "Hazardous Waste" in three CAAs around the Facility: three 275-gallon totes of a coolant/oil/water mixture (D008) were in the Wastewater Treatment Area CAA, two 55-gallon containers of an oil/water mixture (D008) were in the Outside South Side CAA, and two 55-gallon metal containers of hazardous waste PPE (D008) were in the Finished Product Warehouse CAA.
54. At the time of the CEI, the inspectors observed eleven containers of hazardous waste that were not marked with an indication of the hazards of their contents in six CAAs around the Facility: one 250-gallon Gaylord box of hazardous waste PPE (D008) was in the Oxide Department CAA, two 250-gallon Gaylord boxes of hazardous waste PPE (D008) were in the Assembly Area CAA, three 275-gallon totes of a coolant/oil/water mixture (D008) were in the Wastewater Treatment Area CAA, two 55-gallon containers of an oil/water mixture (D008) were in the Outside South Side CAA, one 55-gallon fiber container of hazardous waste PPE (D008) was in the Finishing Area CAA, and two 55-gallon metal containers of hazardous waste PPE (D008) were in the Finished Product Warehouse CAA.
55. At the time of the CEI, the inspectors observed ten containers of hazardous waste that were not marked with an accumulation start date. These containers were found in five CAAs around the Facility: one 250-gallon Gaylord box of hazardous waste PPE (D008) was in the Oxide Department CAA, two 250-gallon Gaylord boxes of hazardous waste PPE (D008) were in the Assembly Area CAA, three 275-gallon totes of a coolant/oil/water mixture (D008) were in the Wastewater Treatment Area CAA, two 55-gallon containers of an oil/water mixture were in the Outside South

Side CAA, and two 55-gallon metal containers of hazardous waste PPE (D008) were in the Finished Product Warehouse CAA.

56. At the time of the CEI, in a CAA outside on the south side of the WWTP building, the inspectors observed a pallet which held two lead paste sluice gates, covered with caked-on lead paste (D008), that were not inside any container. Some of the lead paste from the sluice gates had fallen onto the ground underneath the pallet. The pallet was not in a bermed concrete secondary containment area, and there was no canopy to protect the hazardous waste from mixing with rainwater. Respondent did not ensure that hazardous waste was placed inside an accumulation container.
57. At the time of the CEI, the inspectors observed that the list of emergency coordinators in the Facility's contingency plan included personnel who no longer worked at the Facility.
58. At the time of the CEI, the inspectors observed that the Facility's training records showed that Respondent had not conducted any annual reviews of the initially required hazardous waste training for any of the Facility's personnel who were filling a position related to hazardous waste management.
59. At the time of the CEI, Respondent provided job titles of positions at the Facility related to hazardous waste management, and the names of the employees filling each of those jobs. However, the inspectors observed that the employee names provided by Respondent were not the names of Respondent's current employees.
60. At the time of the CEI, the inspectors reviewed hazardous waste manifest records documenting Respondent's shipments of hazardous waste off-site to treatment, storage, or disposal facilities within the United States. However, the Respondent did not provide records that an annual report was submitted for the Facility for calendar years 2022 and 2023. The annual report that Respondent submitted for calendar year 2021 contained inaccuracies. Specifically, the 2021 annual report failed to correctly identify the characteristics of the Facility's waste streams.

V. ALLEGED VIOLATIONS

61. Respondent is a "person" as defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].
62. Respondent is the "owner" and "operator" of a "facility" as those terms are defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].
63. Respondent is a "generator" of "solid waste" and "hazardous waste" as those terms are defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10], Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], and Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(c) [40 C.F.R. § 261.3].
64. Respondent is a "large quantity generator," as that term is defined in Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [40 C.F.R. § 260.10].

65. Respondent failed to make an accurate hazardous waste determination on three waste streams. The EPA therefore alleges that Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11], by failing to make a hazardous waste determination on solid wastes generated at its Facility.
66. The inspectors observed three open 55-gallon containers of hazardous waste in SAAs. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to keep its SAA containers of hazardous waste closed at all times in accordance with Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(iv) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption.
67. The inspectors observed five containers of hazardous waste PPE (D008) in four SAAs around the Facility that were not marked or labeled with the words "Hazardous Waste" or with an indication of the hazards of their contents. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirements in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(v)(I)-(II) [40 C.F.R. § 262.15(a)(5)(i)-(ii)], which is a condition of the SAA Permit Exemption.
68. The inspectors observed two undated 55-gallon containers that had collectively accumulated greater than 55 gallons of hazardous waste in the Wastewater Treatment Area SAA. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the dating requirements for storage of excess waste in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(vi)(III) [40 C.F.R. § 262.15(a)(6)(iii)], which is a condition of the SAA Permit Exemption.
69. The inspectors observed hazardous waste contaminated PPE (D008) outside of a container, on a pallet at the Wastewater Treatment Area SAA. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(viii) [40 C.F.R. § 262.15(a)(8)] by failing to minimize the possibility the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment, as required by Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(b) [40 C.F.R. § 262.251].
70. The inspectors observed six variously sized open containers of hazardous waste in five CAAs at the Facility. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the container management requirement in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(i)(IV)l. [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption.
71. The inspectors observed that there were no weekly inspection records for the CAAs at the Facility for 2021, 2023 or 2024, and there were only six such records for 2022. The EPA therefore alleges

that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the weekly inspection requirements in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(i)(V) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption.

72. The inspectors observed seven variously sized containers of hazardous waste in three CAAs at the Facility that were not marked with the words "Hazardous Waste." The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the labeling and marking requirements in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(v)(I)I. [40 C.F.R. § 262.17(a)(5)(i)(A)], which is a condition of the LQG Permit Exemption.
73. The inspectors observed eleven variously sized containers of hazardous waste in six CAAs at the Facility that were not marked with an indication of the hazards of their contents. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking container management requirement in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(v)(I)II. [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption.
74. The inspectors observed ten variously sized containers of hazardous waste in five CAAs at the Facility that were not marked with an accumulation start date. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the dating container management requirement in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(v)(I)III. [40 C.F.R. § 262.17(a)(5)(i)(C)], which is a condition of the LQG Permit Exemption.
75. The inspectors observed hazardous waste lead paste (D008) on the ground underneath a pallet holding two sluice gates covered with lead paste outside on the south side of the WWTP building, in an unbermed area. The EPA therefore alleges that Respondent violated Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vi) [40 C.F.R. § 262.17(a)(6)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(b) [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, by failing to maintain and operate the Facility in a manner which minimizes 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.
76. The inspectors observed that the list of emergency coordinators in the Facility's contingency plan was out of date. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1.(vi) [40 C.F.R. § 262.17(a)(6)], by not amending its contingency plan as required by Tenn. Comp. R. & Regs. 0400-12-01-.03(12)(k)4. [40 C.F.R. § 262.263(d)].

77. The inspectors observed that the Facility's training records showed that Respondent had not conducted any annual reviews of the required RCRA training for any of the Facility's personnel. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the personnel training requirement in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h).1(vii)(III) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption.
78. The inspectors observed that the employee names provided for hazardous waste management positions were not current employees. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the personnel documentation requirement in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h).1(vii)(IV)I. [40 C.F.R. § 262.17(a)(7)(iv)(A)], which is a condition of the LQG Permit Exemption.
79. Respondent failed to submit accurate annual reports for 2021, 2022, and 2023. The EPA therefore alleges that Respondent violated Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with Tenn. Comp. R. & Regs. 0400-12-01-.03(5)(b)1. [40 C.F.R. § 262.41], by not documenting the annual reports for 2022 and 2023 and for incorrectly identifying the characteristics of the waste streams in the annual report for 2021.

VI. STIPULATIONS

80. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
81. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- d. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - e. neither admits nor denies the factual allegations set forth in Section IV. (Findings of Facts) of this CAFO;
 - f. consents to the assessment of a civil penalty as stated below.
 - g. consents to the conditions specified in this CAFO.
 - h. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - i. waives its rights to appeal the Final Order accompanying this CAFO.
82. For the purpose of this proceeding, Respondent:
- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - c. 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 CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
 - e. 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 CAFO;
 - f. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying this Consent Agreement; and
 - g. agrees to comply with the terms of this CAFO.
83. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Tennessee Hazardous Waste Management Act, Tenn. Code Ann §§ 68-212-101 *et seq.*, and the Tennessee Hazardous Waste Regulations, Tenn. Comp. R. & Regs. 0400-12-01-.01 through 0400-12-01-.12, and the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.
84. In accordance with 40 C.F.R. § 22.5, the individuals named in the Certificate of Service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

85. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00)**. Based on Respondent's written certification to the EPA that payment of the entire penalty within thirty (30) days after the Effective Date of this CAFO would result in a financial hardship, the EPA has agreed to allow Respondent to pay the penalty in installments to be completed within six (6) months after the Effective Date as follows:
- a. The civil penalty will be paid in six (6) installments in order to complete payment of the entire civil penalty including interest. Including the civil penalty and interest, the total

amount that will be paid upon completion of all payments will be **\$183,500.00**. The first payment is due within thirty (30) days of the Effective Date of this CAFO, which is upon its filing with the Regional Hearing Clerk. The Respondent's subsequent payments shall thereafter be due in thirty-day (30-day) intervals from said Effective Date.

- b. Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment shall be made <i>no later than</i>	Principal Amount	Interest Amount	Total Payment Amount
1	Thirty (30) days following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 0	U.S. \$ 30,000
2	Sixty (60) days following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 1,750	U.S. \$ 31,750
3	Ninety (90) days following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 700	U.S. \$ 30,700
4	120 days following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 525	U.S. \$ 30,525
5	150 following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 350	U.S. \$ 30,350
6	180 days following the Effective Date of this CAFO.	U.S. \$ 30,000	U.S. \$ 175	U.S. \$ 30,175
	Total	U.S. \$ 180,000	U.S. \$ 3,500	U.S. \$ 183,500

- c. If Respondent fails to make an installment payment in accordance with the schedule set forth above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in Paragraph 89 in the event of any such failure or default.
- d. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, the EPA may take action as set forth below in Paragraph 90.

- j. Notwithstanding the Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of **\$180,000** within thirty (30) days of the Effective Date of this CAFO and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.
86. Respondent shall pay the penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the following EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025, Executive Order on *Modernizing Payments To and From America's Bank Account*. Respondent shall pay using one of the electronic payments methods listed on <https://www.epa.gov/financial/makepayment> and will not pay with a paper check. In addition, Respondent shall identify every payment with Respondent's name and the docket number of this CAFO, Docket No. **RCRA-04-2025-4003(b)**.
87. Respondent shall send proof of payment, within twenty-four (24) hours of payment of each installment of the civil penalty, to:
- Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov
- and
- Raj Aiyar
Enforcement and Compliance Assurance Division
aiyar.raj@epa.gov
- and
- U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctReceivable@epa.gov
88. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or Automated Clearing House (ACH) transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with Respondent's name and Docket No. **RCRA-04-2025-4003(b)**.
89. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled 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. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:

- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. Any portion of the civil penalty paid within thirty (30) days of the Effective Date of this CAFO shall have the interest waived. However, for any portion of the civil penalty not paid within thirty (30) days of the Effective Date of this CAFO, interest will accrue from the Effective Date of this CAFO until the unpaid portion of the penalty and accrued interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
 - c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.
90. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
- a. refer the debt to a credit reporting agency or a collection agency (see 40 C.F.R. §§ 13.13 and 13.14);
 - b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (see 40 C.F.R. Part 13, Subparts C and H);
 - c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (see 40 C.F.R. § 13.17); and/or
 - d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.
91. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

92. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send a completed Form 1098-F (“Fines, Penalties, and Other Amounts”) to the Internal Revenue Service (IRS) annually with respect to any court order and settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (for example, a copy of Form 1098-F). In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete a Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed Form W-9 includes Respondent’s correct Tax Identification Number (TIN) or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Center Region 4 contact, Jessica Henderson (henderson.jessica@epa.gov), on or before the date that Respondent’s initial penalty payment is due, pursuant to Paragraph 85 of this CAFO, and the EPA recommends encrypting Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent by the date that its initial penalty payment is due, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA’s Cincinnati Finance Center of this fact, via email, by the date that Respondent’s initial penalty payment is due; and
 - ii. provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

93. Failure to comply with providing Form W-9 or TIN may subject Respondent to a penalty. See 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1.

VIII. EFFECT OF CAFO

94. In accordance with 40 C.F.R. § 22.18(c), Respondent’s full compliance with this CAFO shall only resolve Respondent’s liability for federal civil penalties for the violations and facts specifically alleged above.

95. Full payment of the civil penalty, as provided in Section VII (Terms of Payment) shall satisfy the requirements of this CAFO; but, shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
96. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
97. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
98. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
99. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
100. The provisions of this CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.
101. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
102. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
103. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that each person is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the Party represented by that person to this CAFO.
104. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other Party's obligations.
105. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the

possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

106. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
107. Unless specifically stated otherwise in this CAFO, each Party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
108. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO 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 CAFO shall remain in force and shall not be affected thereby.

IX. EFFECTIVE DATE

109. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Hankook & Company ES America Corp.**, Docket No. **RCRA-04-2025-4003(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature

8.29.2025

Date

Printed Name:

William M. Jones

Title:

EHS MANAGER

Address:

1325 INTERNATIONAL BLVD. CLARKSVILLE, TN
37040

The foregoing Consent Agreement In the Matter of **Hankook & Company ES America Corp.**, Docket No. **RCRA-04-2025-4003(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**Hankook & Company ES America Corp.
1325 International Boulevard
Clarksville, Tennessee 37040**

EPA ID No.: **TNR000046052**
Respondent.

Docket No. **RCRA-04-2025-4003(b)**

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, 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.

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 Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, In the Matter of **Hankook & Company ES America Corp.**, Docket No. **RCRA-04-2025-4003(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

Via email to all Parties at the following email addresses:

To Respondent: Edward Callaway
Law Office of Holland & Knight
ed.callaway@hklaw.com
(615) 850-8470

To the EPA: Raj Aiyar
Environmental Engineer
aiyar.raj@epa.gov
(404) 562-8993

Roberto X. Buso
Attorney-Adviser
buso.roberto@epa.gov
(404) 562-8530

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov