



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 12 2007

4APT-PTSB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Carter
Carter's Royal Dispos-All
And Scrap Metal
5192 Brookhaven Circle
Toccoa, GA 30577

SUBJ: Carter's Royal Dispos-All and Scrap Metal
Consent Agreement and Final Order
Docket Number: TSCA-04-2007-2745(b)

Dear Mr. Carter:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter that has been filed with the Regional Hearing Clerk and served as required in the Consolidated Rules of Practice, 40 C.F.R. § 22.6. Please make note of the provisions in Section V of the CAFO, with respect to payment of the assessed penalty, which is due within 30 days from the effective date of the CAFO.

Also enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

If you have any questions, please call Mary Summers of the EPA Region 4 staff at (404) 562-8997.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Benante", with a stylized flourish at the end.

Joanne Benante
Chief
Pesticides and Toxic
Substances Branch

Enclosures

8

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
)
CARTER'S ROYAL DISPOS-ALL)
AND SCRAP METAL)
)
)
)
Respondent.)
_____)

RECEIVED
EPA REGION IV
2007 SEP 12 AM 9:38
HEARING CLERK

Docket Number: *TSCA-04-2007-2745(b)*

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2615(a), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is *Carter's Royal Dispos-All and Scrap Metal, 5192 Brookhaven Circle, Toccoa, GA 30577, hereinafter, ("Respondent")*.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. §22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The Administrator of EPA promulgated rules in 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605. Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. §2614. Any person who violates Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation, in accordance with Section 16(a) of TSCA, 15 U.S.C. §2615(a). For a violation occurring after March 15, 2004, a penalty of up to \$32,500 may be assessed pursuant to 40 C.F.R. Part 19. Each day a violation continues may constitute a separate violation.

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. §2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.

III. Factual Allegations

5. Respondent is a disposal facility of scrap and metal operating in the State of Georgia and falls within the definition of "person" pursuant to 40 C.F.R. §761.3.

6. On April 6, 2007, an inspection was conducted at Respondent's facility at 5192 Brookhaven Circle, Toccoa, Georgia. The following violations were detected during this inspection.

7. Respondent illegally transported the following 10 Polychlorinated Biphenyls (PCBs) drained Transformers, serial numbers 7021968, 7021967, 7022637, PBV2032-01, 7021966, 7021969, 7021973, PBV2032-02, B-362664, and G8547568, from Springs Industries, Inc., 1116 7th Street, Lancaster, SC to his facility in Toccoa, GA., for disposal, violating 40 C.F.R. §761.60(b)(1).

8. Respondent failed to conduct visual inspections of these PCB Transformers for leaks or spills on the site and develop and maintain records of these inspections, violating 40 C.F.R. §761.65(c)(5).

9. Respondent improperly stored 10 PCB Transformers in a storage area not having adequate roof and walls, and which did not have flooring with a continuous curbing with a minimum 6 inch high curb, violating 40 C.F.R. §761.65(b)(1).

10. Respondent, acting as a Transporter for PCBs, by transporting the 10 PCB Transformers from Lancaster, SC to Toccoa, GA., failed to notify EPA of their PCB waste activities by filing EPA Form 7710-53, violating 40 C.F.R. §761.205(a)(2).

11. Respondent, acting as a Transporter for PCBs, failed to maintain at their facility copies of each signed manifest of PCB equipment, violating 40 C.F.R. §761.209(b).

12. Respondent, acting as a Generator for PCBs, failed to maintain at their facility copies of each Certificate of Disposal of PCB equipment, violating 40 C.F.C. §761.218(d)(1).

IV. Consent Agreement

13. For the purposes of this CAFO, Respondent admits the jurisdictional allegation set out above but neither admits nor denies the factual allegation set out above.

16. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.

17. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or pursue criminal enforcement.

18. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

19. Respondent is assessed a civil penalty of Six Thousand, Three Hundred Twenty Dollars (\$6,320.00), to be paid in three installments within six months commencing thirty (30) calendar days of the effective date of this CAFO.

20. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to "Treasurer, United States of America," to one of the following addresses:

For payment submittal by U.S. Postal Service:

U.S. Environmental Protection Agency
Box 371099M
Pittsburgh, PA 15251

For payment submittal by any overnight mail service (Fed Ex, UPS, DHL, etc):

Mellon Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
Pittsburgh, PA 15262-0001

21. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

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

Mary Summers
PCB & Chemical Products Management Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi Wilson
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

22. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

23. Pursuant to 31 U.S.C. §3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.

24. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

25. This CAFO shall be binding upon the Respondent, its successors and assigns.

26. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Mary Summers
PCB & Chemical Products Management Section
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303
(404) 562-8997

27. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

VI. Effective Date

28. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

RESPONDENT: Carter's Royal Dispos-All and Scrap Metal
DOCKET NUMBER: TSCA-04-2007-2745(b)

By: John L. Carter Date: 8/15/07

Name: John L. Carter (Typed or Printed)

Title: Owner/President (Typed or Printed)

COMPLAINANT: U.S. Environmental Protection Agency

By: Beverly H. Banister Date: 9/5/07

Beverly H. Banister
 Director
 Air, Pesticides & Toxics
 Management Division
 Region 4

APPROVED AND SO ORDERED this 11th day of Sept, 2007.

By: Susan B. Schub
 Susan B. Schub
 Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, at Carter's Royal Dispos-All and Scrap Metal, Docket No. TSCA-04-2007-2745(b) on the parties listed below in the manner indicated:

Mary Summers
US EPA, Region 4
Air Division

(Via EPA's Internal Mail)

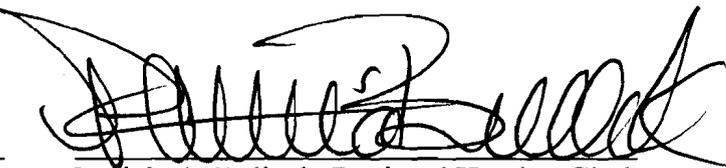
Nancy Tommelleo
US EPA, Region 4
Office of Environmental Accountability

(Via EPA's Internal Mail)

Mr. John Carter
Carter's Royal Dispos-All and Scrap Metal
5192 Brookhaven Circle
Toccoa, GA 30577

(Via Certified Mail, Return Receipt Requested)

Date: 9-12-02



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 9/10/07
(Name) (Date)

in the OEA at (404) 562-9507
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Carter's Royal Dispos - All & Scrap Metal
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 6,320 -
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: TSCA 04 2007 - 2745(b)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: _____

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number is: _____ Date: _____

If you have any questions, please call: _____ of the Financial Management Section at: _____

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|--|---|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD)
3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- | | |
|--|---|
| 1. Originating Office
2. Regional Hearing Clerk | 3. Designated Program Office
4. Regional Counsel (EAD) |
|--|---|