

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

**Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 1910-2852**

In the Matter of:	:	
	:	
Nucor Insulated Panels Group LLC (t/a Metl-Span) 6001 Quality Way Prince George, VA 23875	:	U.S. EPA Docket No. RCRA-03-2022-0072
	:	
Respondent.	:	Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)
	:	
Nucor Insulated Panels Group LLC (t/a Metl-Span) 6001 Quality Way Prince George, VA 23875	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Nucor Insulated Panels Group Inc. (“Respondent” or “NIPG”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. § 6928(a) 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. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant’s civil penalty claims against Respondent under the Resource Conservation and Recovery Act (“RCRA” or the “Act”) for the violations alleged herein.

2. This Consent Agreement addresses violations that were observed by Complainant on September 25, 2019, when the facility was owned and operated by NCI Group, Inc. (“NCI”), a division of Cornerstone Building Brands, Inc. (“Cornerstone”). NIPG

subsequently acquired Metl-Span on August 9, 2021.

3. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

4. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
5. EPA has given the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. 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 Consent Agreement and Final Order.
10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
12. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. 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 and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

14. On December 18, 1984, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the Commonwealth of Virginia final authorization to administer a state hazardous waste management program in lieu of the federal hazardous waste program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The provisions of Virginia's hazardous waste management program through this authorization, have become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA reauthorized amendments to the Virginia Hazardous Waste Management Regulations ("VHWMR") on June 20, 2003, on July 30, 2008, and again on November 4, 2013 (with revisions not relevant here), and those revisions became effective as requirements of RCRA Subtitle C on those dates. The provisions of Virginia's authorized revised VHWMR were codified at 9 VAC-20-60-12 *et seq.*
15. When EPA last authorized the Virginia hazardous waste regulations on November 4, 2013, EPA approved Virginia's incorporation by reference of the federal regulations which were in effect as of July 1, 2010, including, among other things, incorporation of 40 C.F.R. § 262.34 (Accumulation Time, which lists the requirements for the generator permit exemption). As a result, 40 C.F.R. § 262.34 (2010) is the currently enforceable version of that RCRA regulation in Virginia. On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17. The Code of Federal Regulation citations used herein, when referring to the Federal regulations incorporated by the VHWMR, are to the 2010 Federal regulations in effect at the time of the VHWMR were approved.
16. This Consent Agreement and the accompanying Final Order address alleged violations by NCI of Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939g, and certain federally-authorized Virginia hazardous waste regulations, set forth at 9 VAC-20-60-12 *et seq.*, in connection with Respondent's facility. Respondent's facility is located at 6001 Quality Way, Prince George, VA 23875 ("Facility"), and is further described below.
17. Factual allegations or legal conclusions in this Consent Agreement that are based on provisions of federally-authorized VHWMR cite those respective provisions as the authority for such allegations or conclusions.
18. Respondent is a corporation incorporated in the state of Delaware and qualified to do business in the Commonwealth of Virginia. Respondent is now, and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 9 VAC 20-60-260.A.
19. At the Facility Respondent fabricates insulated industrial metal products for building and freezer applications, which covers about 110,000 sq-feet and employs approximately 95 employees and operates two shifts, 20-hours per day, five days per week.

20. On September 25, 2019, when the inspection occurred and the violations herein were observed, the Facility was operated by NCI (t/a Metl-Span), a division of Cornerstone. Metl-Span was acquired by NIPG on August 9, 2021, after the inspection identifying the violations herein were observed and before EPA issued a notice letter to Respondent on October 28, 2021, informing them of potential violations observed at the Facility.
21. NCI notified as a very small quantity generator (“VSQG”) of hazardous waste at the Facility and was assigned RCRA ID No. VAR000514224.
22. On September 25, 2019, NCI stored hazardous waste at the Facility, which is a “facility,” as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
23. On September 25, 2019, NCI was the “operator” and the “owner” of a “facility,” described in Paragraphs 15-18, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
24. At all times relevant to the allegations set forth in this Consent Agreement, Facility is, and has been, a “generator” of, and has engaged in the accumulation in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes,” as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260.A.
25. On September 25, 2019, inspectors from the EPA and VADEQ conducted a Compliance Evaluation Inspection at the Facility (“Inspection”), to examine the Facility’s compliance with Subtitle C of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. §§ 6901 et seq., the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the authorized Commonwealth of Virginia Hazardous Waste Management Program, 9 VAC-20-60-12 et seq.
26. NCI, in response to an Information Request Letter from EPA, submitted several emails and documents to EPA.
27. Despite reporting as a VSQG, in 2018 for the months of July and October, and in 2019 for the months of March and June, NCI generated greater than 220lbs per month of hazardous waste at the Facility, which classifies NCI as a Small Quantity Generator (SQG). The Facility does not have a permit for the treatment, storage or disposal of hazardous waste.
28. Based on EPA’s findings during the Inspection and additional information provided by NCI and NIPG, EPA concludes that Metl-Span has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and certain federally-authorized VHWMR requirements promulgated thereunder.

(Operating a Treatment, Storage, and Disposal Facility without a Permit or Interim Status)

29. The information in the preceding Paragraphs is incorporated herein by reference, as though fully set forth at length.
30. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b) (pertaining to the Hazardous Waste Permit Program), provide, in pertinent part, that a person may not own or operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
31. Respondent has never had a permit or interim status, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), for the storage of hazardous waste at the Facility.
32. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. §§ 262.34(d)-(e) (2010) (recently recodified in 40 C.F.R. § 262.16), with exceptions not relevant here, provides that an SQG who generates greater than 100 kilograms [220 pounds (lbs)] but less than 1000 kilograms [2200 lbs] in a calendar month may accumulate hazardous waste on-site for 180 days or less, or for 270 days or less if shipping the waste for off-site treatment, storage or disposal more than 200 miles, without a permit or without having interim status, if, the generator complies with the conditions specified in those regulations.
33. Facility's records indicated that the hazardous waste it generated as a SQG was stored for greater than 270 days at the Facility. NCI generated greater than 220lbs per month of hazardous waste in 2018 for the months of July and October, and in 2019 for the months of March and June. From July 2018 up to the date of the CEI, NCI did not ship any hazardous waste off site. On October 1, 2019, NCI shipped hazardous waste off site over a distance of 200 miles or more, which exceeded the maximum allowable 270 days to hazardous waste generated by a SQG as required by 9 VAC 20-60-270 & 9 VAC 20-60-262 [40 CFR§ 262.34(e)].
34. Facility did not have a permit or interim status and did not comply with 9 VAC 20-60-270 & 9 VAC 20-60-262, which incorporates by reference § 262.34(e), for storing hazardous waste at the Facility for greater than 270 days when it generated greater than 220lbs per month of hazardous waste, as described in Paragraph 32.
35. As part of the SQG generator permit exemption, 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. §§ 262.34(d)(2), (e) and 265.174, requires that:

At least weekly, the owner or operator must inspect areas where containers are stored.
36. Facility records indicated that from July 2018 to October 2019, NCI failed to inspect weekly the hazardous waste accumulation area ("HWAA") which at the time of the Inspection contained nine (9) 55-gallon drums of hazardous waste, including the hazardous waste NCI generated as an SQG, as required by 9 VAC 20-60-270 & 9 VAC

20-60-262 [40 CFR §§ 262.34(d)(2), (e) & 265.174].

37. NCI did not have a permit or interim status and was in violation of 9 VAC 20-60-262, which incorporates by reference §§ 262.34(d)(2), (e) and 265.174, for failing to inspect the HWAA at the Facility where containers are stored as described in Paragraph 35.
38. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. §§ 262.34(a)(2), (d)(4) and (e), requires that the date which each period of accumulation begins be clearly marked and visible for inspection on each container of hazardous waste.
39. At the time of the Inspection on September 25, 2019, nine (9) 55-gallon drums of hazardous waste were observed in the HWAA without start accumulation dates clearly marked on them in violation of 9 VAC 20-60-270 & 9 VAC 20-60-262 [40 CFR § 262.34(a)(2)].
40. NCI did not have a permit or interim status and was in violation of 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. §§ 262.34(a)(2), (d)(4) and (e) because it failed to mark clearly each container of hazardous waste in the HWAA with the start accumulation date as described in Paragraph 38.
41. The permit requirements of 40 C.F.R. Part 270, apply to the Facility because it failed to meet several conditions of the permit exemption.
42. Beginning at least in July 2018, when NCI generated and stored hazardous waste as an SQG, NCI did not conduct documented weekly inspections of the HWAA and did not mark each container of hazardous waste with an accumulation start date while storing it at the Facility, until October 2019 when NCI shipped the hazardous waste off-site. From at least July 2018 to October 2019, NCI violated the requirements of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. Part 270, by storing hazardous waste at the Facility without a permit.

Count II
(Failure to Conduct Weekly Inspections of the HWAA)

43. The information in the preceding Paragraphs is incorporated herein by reference, as though fully set forth at length.
44. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174, requires facilities that generate greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month inspect areas where containers of hazardous waste are stored (i.e., the HWAA) at least weekly.
45. NCI generated greater than 100 kg of hazardous waste in a calendar month at the Facility in July and October 2018 and March and June 2019. NCI stored those waste at the

Facility until they were shipped off-site in October 2019. NCI did not conduct any documented weekly inspections of the HWAA at the Facility from July 2019 through September 2019 as required by and in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174.

CIVIL PENALTY

46. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **EIGHTY-NINE THOUSAND SIX HUNDRED NINETEEN DOLLARS (\$89,619.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
47. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 and May 2020 which reflects the statutory penalty factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
48. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, EPA Docket No. RCRA-03-2022-0072;
 - 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 and mailed to:

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment sent simultaneously by email to:

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
Nast.Jeffrey@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov

49. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
50. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
51. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
52. ADMINISTRATIVE COSTS: The costs of the EPA'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 an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

53. LATE PAYMENT PENALTY: 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).
54. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
55. The parties consent to service of the Final Order by e-mail at the following valid email addresses: nast.jeffrey@epa.gov (for Complainant), and tburggraff@hiserjoy.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

56. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
57. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

58. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

59. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor

shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

60. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

61. This Consent Agreement and 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 Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

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

ENTIRE AGREEMENT

63. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties 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 Consent Agreement and Final Order.

For Respondent: **Nucor Insulated Panel Group LLC**

Date: 5/2/2022

By: 

Jon Levy, Controller
Nucor Insulated Panel Group LLC

For the Complainant: **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III**

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[*Digital Signature and Date*]
Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA – Region III

In the Matter of: NIPG LLC. t/a Metl-Span

EPA Docket No. RCRA-03-2022-0072

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 1910-2852**

In the Matter of:	:
	:
Nucor Insulated Panels Group LLC (t/a Metl-Span)	:
6001 Quality Way	:
Prince George, VA 23875	:
Respondent.	:
	:
Nucor Insulated Panels Group LLC (t/a Metl-Span)	:
6001 Quality Way	:
Prince George, VA 23875	:
Facility.	:

FINAL ORDER

Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency, Region III, and Respondent, NIPG LLC t/a Metl-Span 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. § 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 upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's 1990 RCRA Civil Penalty Policy, as revised in June, 2003, and again on May 6, 2020, and the statutory factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty payment of **EIGHTY-NINE THOUSAND SIX HUNDRED NINETEEN DOLLARS (\$89,619.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the

Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By:

[Digital Signature and Date]

Joseph J. Lisa

Regional Judicial and Presiding Officer

U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
Nucor Insulated Panels Group LLC	:	
(t/a Metl-Span)	:	
6001 Quality Way	:	U.S. EPA Docket No. RCRA-03-2022-0072
Prince George, VA 23875	:	
	:	Proceeding under [SECTION NUMBER,
Respondent.	:	STATUTE]
	:	
	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Trevor Burggraff
Counsel for Respondent
tburggraff@hiserjoy.com
Hiser Joy
5080 N. 40th Street Ste. 245
Phoenix, AZ 85018

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region III
nast.jeffrey@epa.gov

Jeremy Dearden
Environmental Specialist
U.S. EPA, Region III
dearden.jeremy@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III