



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

NOV 10 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jere W. Morehead
President
University of Georgia
The Board of Regents of the
University System of Georgia
270 Washington Street, SW
Atlanta, Georgia 30334

Re: University of Georgia
Consent Agreement and Final Order, Docket No. RCRA-04-2016-4012(b)

Dear Dr. Morehead:

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

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

Sincerely,

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

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

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
The Board of Regents of the)
University System of Georgia)
270 Washington Street, SW)
Atlanta, Georgia 30334)
)
Respondent,)
)
In Re: The University of Georgia)
Athens, Georgia Campus)
240A Riverbend Road)
Athens, GA 30602)
)
EPA ID No.: GA000099805)
)
Facility)
_____)

DOCKET NO.: RCRA-04-2016-4012(b)

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

2016 NOV 10 AM 7:52
HEARING CLEMENS
USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. §§ 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273 and 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [40 C.F.R. Parts 260 through 270, 273, and 279].

2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is the Board of Regents of the University System of Georgia (Board of Regents), the department of the Georgia state government that has the exclusive right to govern, control and manage the University System of Georgia. The University of Georgia, an institution of higher education and research, is part of the University System of Georgia. This action pertains to the University of Georgia Athens, Georgia Campus, located at 240A Riverbend Road, Athens, Georgia (the Facility). Respondent is the owner/operator of the Facility.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at GHWMA, Ga. Code Ann. §§ 12-8-60 *et seq.* and GHWMR, Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18.
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 of Georgia has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.

9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, Ga. Code Ann. § 12-8-64(1)(A) [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 Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11.10(2) (permitted) and Ga. Comp. R. and Regs. 391-3-11.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [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 Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed hazardous waste if it is listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261, Subpart D]. Listed hazardous wastes include F-listed wastes from nonspecific sources identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31(a)] with EPA Hazardous Waste Numbers F001 through F039 and P- and U-listed wastes from off-spec commercial chemical products, container residues, and spill residues identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.33].
17. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [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 Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
18. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [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.”
 19. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], a “person” includes a department of a State.
 20. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], an “owner” means the person who owns a facility or part of a facility.
 21. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], an “operator” means the person responsible for the overall operation of a facility.
 22. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
 23. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], a “container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
 24. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
 25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11].
 26. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.04(1) and 391-3-11-.08(1) [40 C.F.R. § 262.12(a)], a generator storing and offering for transportation hazardous waste must have received an EPA identification number from the Administrator.
 27. Pursuant to GA. Code. Ann. § 12-8-62(23) (Section 1004(34) of RCRA, 42 U.S.C. § 6903(34)), “treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or process designed to

change the physical form or chemical composition of hazardous waste so as to render it nonhazardous. Dilution is a form of treatment.

28. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the “LQG Permit Exemption”).
29. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.171], and is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements.
30. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.173(a)], and is a condition of the LQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
31. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors.
32. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(2)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.
33. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(3)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: “Hazardous Waste.”
34. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(a)-(e)] and is a condition of the LQG Permit Exemption, (a) facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations; (b) facility personnel must complete this training within six months of being hired; (c) facility personnel must take part in an annual RCRA refresher training; (d) a generator

must maintain training records that include, among others: the job title, written description, and name of each employee filling the job for each position related to hazardous waste management; and documentation that the training required has been given to and completed by facility personnel; and (e) facility training records on current personnel must be kept until closure of the facility and training records on former employees must be kept for at least three years from the date the employee last worked at the facility.

35. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31], 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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.52(e)], and is a condition of the LQG Permit Exemption, a generator is required to include in the contingency plan a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
37. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.53(b)], and is a condition of the LQG Permit Exemption, a generator is required to submit a copy of the contingency plan and all revisions to the plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
38. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(b)], an LQG who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of Ga. Comp. R. and Regs. 391-3-11-.10(2) and (1) [40 C.F.R. Parts 264 and 265] and the permit requirements of Ga. Comp. R. and Regs. 391-3-11-.11 [40 C.F.R. Part 270].
39. Pursuant Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of 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 Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area

(SAA) conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).

40. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.171], and is a condition of the SAA Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements.
41. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
42. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
43. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(2)] which is a condition of the SAA Permit Exemption, a generator who accumulates either hazardous waste or acutely toxic hazardous waste listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31 or 40 C.F.R. § 261.33(e)] in excess of the amounts listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.33 (c)(1)] at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)] or other applicable provisions of this chapter. During the three day period, the generator must continue to comply with in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.33 (c)(1)(i) and (ii)]. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
44. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “manifest” means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed by the generator or offeror in accordance with the instructions in the appendix to Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. Part 262] and the applicable requirements of Ga. Comp. R. and Regs. 391-3-11.08(1), 391-3-11-.10(2) and (1) [40 C.F.R. Parts 262 through 265].
45. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.40(a)], a generator must keep a copy of each manifest for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

46. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “universal waste” means any of the following hazardous wastes that are managed under the universal waste requirements of Ga. Comp. R. and Regs. 391-3-11.18 and 40 C.F.R. Part 273: (1) Batteries as described in Ga. Comp. R. and Regs. 391-3-11.18 [40 C.F.R. § 273.2]; (2) Pesticides as described in Ga. Comp. R. and Regs. 391-3-11.18 [40 C.F.R. § 273.3]; (3) Mercury-containing equipment as described in Ga. Comp. R. and Regs. 391-3-11.18 [40 C.F.R. § 273.4]; and (4) Lamps as described in Ga. Comp. R. and Regs. 391-3-11.18 [40 C.F.R. § 273.5].
47. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a “Small Quantity Handler of Universal Waste” (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
48. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.16], a SQHUW must inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.
49. Pursuant Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.13(d)(1)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or a component of a universal waste to the environment.
50. Pursuant Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.13(d)(2)], a SQHUW must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage.
51. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
52. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.
53. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each universal waste battery or the container or tank in which the battery(ies) are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

54. Pursuant to Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10], “used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.
55. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.17 [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
56. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.17(1) [40 C.F.R. § 279.22(d)(3)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

IV. EPA ALLEGATIONS AND DETERMINATIONS

57. Respondent is a “person” as defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10].
58. Respondent is the “owner/operator” of a “facility” located at 240A Riverbend Road, Athens, Georgia, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
59. Respondent is a “generator” of “hazardous waste” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. § 261.3].
60. In the Waste Generator Notification (EPA Form 8700-12) that the Georgia Environmental Protection Division (GA EPD) received from the University of Georgia, Athens, Georgia Campus on February 28, 2014, the University of Georgia notified the GA EPD that it was a LQG of hazardous waste, as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)] and that it generates hazardous wastes identified with the following EPA Hazardous Waste Numbers: all D-listed wastes, F001-F005, F027, LABP, all P-listed wastes, U001-U271, U278-U280, U328, U353, U359, U364, U367, U372, U373, U387, U389, U394, U395, U404, U409, U410 and U411. The University of Georgia, Athens, Georgia Campus also notified GA EPD that it is a SQHUW, as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9].
61. From October 20-24, 2014, the EPA and GA EPD conducted a compliance evaluation inspection (CEI) at Respondent’s facility. The findings of the CEI were documented in a CEI Report mailed to the University of Georgia, Athens, Georgia Campus dated April 14, 2015.
62. During the October 20-24, 2014 RCRA CEI, the EPA found that Respondent had not made waste determinations on numerous solid waste streams that were stored in the following areas:

- a. Chemistry Building: Organic Prep Room 437 (four instances); Laboratories 338 (two instances), 441C, 524 (two instances), and 532; and Chemical Storage Rooms 1 and 2;
 - b. Robert C. Wilson Pharmacy Laboratories 207 and 235;
 - c. Pharmacy South Laboratories 315 – Kennedy and Thompson;
 - d. University Printing Press Room and Plate Room;
 - e. Thomas Street Art Complex Sheet Metal Studio;
 - f. Lamar Dodd School of Art Studios 350 and S372;
 - g. Facilities Management Division (FMD) Chicopee Complex Electric Shop, Welding Shop (two instances), and North Structural Maintenance Shop;
 - h. FMD South Grounds and Maintenance Area; and
 - i. Riverbend Research Lab North 112.
63. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid wastes generated at its Facility.
64. During the October 20-24, 2014 RCRA CEI, the EPA found that the Respondent was storing and offering for transportation hazardous waste without having received an EPA identification number for the Health Science Campus, which is at a different location from the University of Georgia, Athens, Campus.
65. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.04(1) and 391-3-11-.08(1) [40 C.F.R. § 262.12(a)] by storing and offering for transportation hazardous waste without an EPA identification number from the Administrator.
66. During the October 20-24, 2014, RCRA CEI, the EPA observed that Respondent had diluted hazardous waste by running the faucet while hazardous waste was going down the sink drain into the Facility's sewer system in the Biological Sciences Laboratory 302 and Pharmacy South Room 404.
67. EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], by treating hazardous waste without a permit or interim status.
68. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent was storing one 500 ml container of sodium hydroxide waste in the Poultry Science Laboratory Room 329. The cap ring was corroded and the sodium hydroxide had white crystallization on the inside and outside of the container indicating a release from the container.
69. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], by not complying with the container management requirements in Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.171].

70. During the October 20-24, 2014 RCRA CEI, the EPA observed that the Respondent had not closed multiple containers of various sizes that contained hazardous wastes that were being stored in less-than 90-day hazardous waste accumulation areas, which were located in the following areas:
 - a. Chemistry Organic Prep Room 437;
 - b. Chemistry Laboratory 531 Closet Storage; and
 - c. Lamar Dodd School of Art Studio S372.

71. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], by not complying with the container management requirements in Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.173(a)].

72. During the October 20-24, 2014 RCRA CEI, the EPA found that that the Respondent did not, at least weekly, inspect the areas where containers are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors, in the less-than 90-day hazardous waste accumulation areas, located in the following areas:
 - a. Chemistry Organic Prep Room 437;
 - b. Chemistry Laboratory 531 Closet Storage;
 - c. Chemistry Chemical Storage Room 3;
 - d. Chemistry Laboratory 338;
 - e. Robert C. Wilson Pharmacy Laboratory 333A;
 - f. Poultry Sciences Laboratory 329; and
 - g. Lamar Dodd School of Art Studio S372.

73. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i)], by not complying with the container management requirements of Ga. Comp. R. and Regs 391-3-11-.10(1) [40 C.F.R. § 265.174].

74. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent did not ensure that the date upon which each period of accumulation of hazardous waste was clearly marked and visible on multiple containers of hazardous waste that were

being managed in less-than 90-day hazardous waste accumulation areas, located in the following areas:

- a. Chemistry Organic Prep Room 437;
 - b. Chemistry Chemical Storage Room 3;
 - c. Chemistry Laboratory 489;
 - d. Chemistry Laboratory 531 Closet Storage;
 - e. FMD Chicopee Complex Stripping Area;
 - f. Robert C. Wilson Pharmacy Laboratory 333A; and
 - g. Lamar Dodd School of Art Studio S372.
75. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 by not complying with the dating requirements Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(2)].
76. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent did not label or clearly mark at least one container accumulating hazardous waste on-site with the words "Hazardous Waste," in each of the less-than 90-day hazardous waste accumulation areas, located in the following areas:
- a. Chemistry Organic Prep Room 437;
 - b. Chemistry Laboratory 338;
 - c. Chemistry Laboratory 489;
 - d. Chemistry Laboratory 531 Storage Closet;
 - e. FMD Chicopee Complex Stripping Area; and
 - f. Lamar Dodd School of Art Studio S372.
77. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 by not complying with the labeling requirements of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(3)].
78. During the October 20-24, 2014 RCRA CEI, the EPA found that personnel employed by Respondent managing hazardous waste did not successfully complete a program of classroom instruction or on-the-job training that taught them to perform their duties in a way that ensures Respondent's compliance with the regulations within six months of being hired or take part in an annual RCRA refresher training. Respondent further did not maintain training records that include, among other things: the job title, written description, and name of each employee filling the job for each position related to hazardous waste management; and documentation that the training required has been given to and completed by Respondent's personnel. The EPA also observed that Respondent did not have the training records on current

personnel or former employees for at least three years from the date the employee last worked at the Facility.

79. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], by not complying with the personnel training requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(a)-(e)].
80. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent was not maintaining and operating the Facility to minimize the possibility of 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. The EPA observed releases of hazardous waste from containers that had overflowed or spilled in the following locations:
 - a. Chemistry Laboratory Prep Room 437 and 324 and Laboratories 341, 433, 524, 531;
 - b. Majetik Storage Room 519;
 - c. Robert C. Wilson Pharmacy Laboratories 231 and 331;
 - d. FMD South Heavy Equipment;
 - e. Pharmacy South Room 404;
 - f. Poultry Sciences Laboratory 329; and
 - g. University Printing Press.
81. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], by not complying with the maintenance and operation requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31].
82. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent did not have a list of emergency equipment in its hazardous waste contingency plan.
83. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], by not complying with the contingency plan requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.52(e)].
84. During the October 20-24, 2014 RCRA CEI, the EPA found that the Respondent did not provide a copy of its hazardous waste contingency plan to the local authorities.

85. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4)], by not complying with the contingency plan requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.53(b)].
86. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent was storing containers of hazardous waste for longer than 90-days in the following areas:
 - a. Chemical Organic Prep Lab Room 437;
 - b. Chemistry Laboratory 245, 246 and 246A;
 - c. Chemistry Laboratory 338;
 - d. Poultry Sciences Laboratory 329; and
 - e. Pharmacy South Laboratory 315 - Thompson.
87. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste in excess of 90 days without a permit or interim status, in violation of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(b)].
88. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent was managing hazardous waste in containers that were intended to be managed in satellite accumulation areas, but the containers were not at or near the point of generation where the waste initially accumulated and/or the containers were not under the control of the operator generating the waste, which are requirements of the SAA Permit Exemption. These containers were located in the following areas:
 - a. Robert C. Wilson Pharmacy Laboratory 207;
 - b. Robert C. Wilson Pharmacy Laboratory 332; and
 - c. Pharmacy South Laboratory 315 – Thompson.
89. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 by not complying with the requirements in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)].
90. During the October 20-24, 2014, RCRA CEI, the EPA observed that Respondent was storing a container of carbon disulfide anhydrous (EPA Waste Code P022) waste that was leaking and was not in good condition. Respondent managed this container in the Robert C. Wilson Pharmacy Laboratory 331 SAA.
91. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R.

and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)] by not complying with Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.171].

92. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent did not keep multiple containers of hazardous waste closed when waste was not being added or removed to the containers in the SAAs located in the following areas:

- a. Chemistry Building: Laboratories 245, 246 and 246A, 338, 342, 433, 489, 524, 531, 532, and 534; Closet Storage Room 531; and Chemical Storage Rooms 1 and 2;
- b. College of Veterinary Medicine Laboratory 330;
- c. Robert C. Wilson Pharmacy Laboratories: 207, 332D, 324, 326, and 235;
- d. Pharmacy South Laboratory 310 – Murph, 404 and 415;
- e. Biological Sciences Laboratories 322, 302, and 546;
- f. Poultry Sciences Laboratories 229 and 325;
- g. University Printing;
- h. FMD Chicopee Complex Cabinet Shop, Stripping Area, Paint Shop and Vehicle Transportation and Maintenance;
- i. Complex Carbohydrates Research Center Room 1101; and
- j. Riverbend Research Lab South Rooms 177 and 011.

93. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(i)] by not complying with the container management requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.173(a)].

94. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent had not labeled or marked clearly the words “Hazardous Waste” on containers of hazardous waste managed in SAAs located in the following areas:

- a. Chemistry Building: Laboratories 341-343, 345, 489, 524, 531 and 532, and Chemical Storage Rooms 1/2;
- b. Robert C. Wilson Pharmacy Laboratories 207, 231, 232/232D, 235, 300/ 301, 331, and 332D;
- c. Pharmacy South Laboratories 310 – Murph, Cummings, Hooks, and Beedle, Rooms 415 and 404;
- d. Biological Sciences Laboratory 322;
- e. University Printing;
- f. Lamar Dodd School of Art Studio 350;
- g. FMD Chicopee Complex Stripping Area (four instances), Paint Booth and Sheet Metal Shop; and
- h. FMD Health Sciences Campus Central Heating and Public Works Building.

95. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 by not complying with the labeling requirements in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(1)(ii)].
96. During the October 20-24, 2014 RCRA CEI, the EPA observed that the Respondent had failed to mark the accumulation start date on containers of hazardous waste that were in excess of 55-gallons that were managed in satellite accumulation areas located in the following areas:
- a. FMD Chicopee Complex Stripping Area; and
 - b. Biological Sciences Laboratories 302 and 322.
97. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [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 by not complying with dating requirements in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(c)(2)].
98. During the October 20-24, 2014 RCRA CEI, the EPA found that between September 30, 2009 and October 24, 2014, Respondent had shipped hazardous waste to the UGA Hazardous Material Transfer Facility and Respondent had not kept a copy of the manifests for three years and had not received a signed copy from the designated facility that received the waste in the following locations:
- a. Chemistry Building: Laboratories 434 A and B, Organic Prep Room 437, 441 C – Instructional Magnetic Resource Laboratory, 433, 489, General Chemistry Prep Room 324, 338, 345, 342, Mega 341, 343, 245, 246 and 246A, 524, 531, Loading Dock, Majetik Storage Room 519, 532, 534, Chemical Storage Rooms 1 and 2, and Chemical Storage Room 3;
 - b. College of Veterinary Medicine: Laboratories 133, 303, 313, 330 and 331, Pharmacy, Formalin Recycling Room, and Storage Shed behind the CVM;
 - c. FMD - Chicopee Complex: Electric Shop, Carpentry Shop, Cabinet Shop, Paint Shop, Warehouse, Warehouse Loading Dock, Sheet Metal Shop, Plumbing Shop, Building Air Conditioning Shop, Welding Shop, Small Air Conditioning Shop, North Structural Maintenance Shop, Preventative Maintenance, and Vehicle Transportation and Maintenance;
 - d. Biological Science: Laboratories 322, 302, 420, 546, 709, and 820;
 - e. Poultry Science: Laboratories 229, 254, 325, 327 and 329;
 - f. Robert C. Wilson Pharmacy: Laboratories 207: 232, 232D, 235, 331, 332, 342D, 332A, 332D, 333A, 300/301, 325, 326, 324, Room 139, 200, 200A, 201, 202, 204A, 204B, 204C, 204D, 210, 211, 211A-D, 211B, 211C, 211D, 224, 227, 335, 333B, 333C, 333D, 333E, 333F and 333G;
 - g. FMD South: Grounds and Maintenance Area, Heavy Equipment, Integrated Pest Management, Steam Plant Shop, South Campus Anchor

- Chiller Plant, and Central Steam Plant;
- h. Campus Transit Facility: Maintenance Shop, Used Oil Tank, Small Touchup Paint Bay, and Storage Room;
- i. Complex Carbohydrates Research Center: Rooms 3059, 3088, 3050, 2048, 2034, 1101, 1081 and 1075;
- j. Riverbend Research Labs South and North: Lab South Room 177, 173, 149, 125 and 011, Lab North Room 112 Laboratory, Rooms 155, and 158;
- k. University Printing: 200 Man Roller Printing Press, Press Room, Lower Level of the Printing Building, Janitor Closet #103, and Plate Room;
- l. Thomas Street Art Complex: Court yard (delivery) area, Metals Building, Jewelry portion of the Metals Department, and Sheet Metal Studio;
- m. Lamar Dodd School of Art: Studio S356, Studio 350, and Studio S372;
- n. Pharmacy South Building, Laboratories 310 (PI Murph), (PI Cummings) and (PI Hooks), Laboratory 315 (Thompson), (Kennedy), and (Beedle), Room 404, Laboratory 415, and Room 139;
- o. University Health Center: Laboratory/Radiology, Pharmacy, Dental Clinic, and Women's Clinic; and
- p. Health Science Campus: Central Heating and Public Works Buildings, Human Gross Anatomy Dissection Lab in Russell Hall Room 177, Warehouse, and FMD Grounds Shop.

99. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.40(a)], by failing to keep a copy of each signed manifest for three years or until Respondent received a copy from the designated facility which received the waste.
100. During the October 20-24, 2014 RCRA CEI, the EPA found that Respondent did not provide information to employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type of universal waste handled at the Facility.
101. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.16], by failing to inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the types of universal waste handled at the Facility.
102. During the October 20-24, 2014, RCRA CEI, the EPA observed Respondent's management of spent universal waste lamps, and found spent universal waste lamps were not in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps in the following locations:
- a. Robert C. Wilson Pharmacy Laboratory Room 139;
 - b. FMD Chicopee Complex Electric Shop, Cabinet Shop, Paint Shop; Warehouse, Building Air Conditioning Shop 48; and North Structural Maintenance Shop;
 - c. FMD South Grounds and Maintenance Area and Central Steam Plant;

- d. University Printing; and
 - e. Campus Transit Facility.
103. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.13(d)(1)], by failing to manage spent universal waste lamps in a way that prevents release of any universal waste or a component of a universal waste to the environment.
104. During the October 20-24, 2014 RCRA CEI, the EPA observed that the Respondent did not immediately clean-up broken universal waste fluorescent lamps that were found on the floor and did not place in a container lamps that were broken on pallets and stored within shrink wrap, in the following areas:
- a. FMD Chicopee Complex Cabinet Shop;
 - b. Warehouse; and
 - c. Complex Carbohydrates Research Center Room 3088.
105. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.13(d)(2)], by failing to immediately clean up and place in a container any lamp that is broken and place in a container any lamp that shows evidence of breakage, leakage, or damage.
106. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent had not labeled or marked each lamp or container of lamps clearly with the words “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)” in the following areas:
- a. FMD Chicopee Complex Electric Shop, Cabinet Shop, Warehouse, Building Air Conditioning Shop 48, North Structural Maintenance Shop;
 - b. FMD South Central Steam Plant;
 - c. University Printing;
 - d. Pharmacy South Room 139; and
 - e. Campus Transit Facility.
107. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(e)], by failing to label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
108. During the October 20-24, 2014 RCRA CEI, the EPA observed that the Respondent could not demonstrate the length of time that the universal waste lamps had been accumulated from the date the lamps became a waste or were received in the following areas:
- a. Chemistry Loading Dock;
 - b. FMD Chicopee Complex Electric Shop, Warehouse, Warehouse Loading Dock, Building Air Conditioning Shop 48 and North Structural Maintenance Shop;

- c. FMD South Steam Plant Shop, Central Steam Plant and Grounds and Maintenance Area;
 - d. University Printing;
 - e. Pharmacy South Room 139;
 - f. Campus Transit Facility; and
 - g. FMD Health Sciences Campus Central Heating and Public Works Building.
109. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.15(a) and (c)], by failing to demonstrate the length of time that the facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.
110. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent did not label or mark containers of universal waste batteries that were being stored in the FMD Chicopee Complex Electric Shop with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
111. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(a)], by failing to label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
112. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent had not labeled or marked containers used to store used oil with the words "Used Oil" in the following locations:
- a. FMD Chicopee Complex Vehicle Transportation and Maintenance;
 - b. FMD South Heavy Equipment;
 - c. University Printing Press; and
 - d. FMD Health Sciences Campus Central Heating Public Works Building.
113. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.17 [40 C.F.R. § 279.22(c)(1)], by storing used oil in containers that were not labeled or marked clearly with the words "Used Oil."
114. During the October 20-24, 2014 RCRA CEI, the EPA observed that Respondent had not cleaned up the used oil that was released from the University Printing Press.
115. The EPA therefore alleges that the Respondent violated Ga. Comp. R. and Regs. 391-3-11-.17(1) [40 C.F.R. § 279.22(d)(3)], by failing to clean up and properly manage used oil releases upon detection.

V. TERMS OF AGREEMENT

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

116. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
117. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
118. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
119. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
120. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
121. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
122. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
123. Respondent, by signing this CA/FO, certifies that to the best of Respondent's knowledge, Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
124. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
125. Each party will pay its own costs and attorneys' fees.

VI. SUPPLEMENTAL ENVIRONMENTAL PROJECT

126. Respondent shall undertake and complete the Supplement Environmental Project (SEP) described in Attachment A within eighteen (18) months of the effective date of this CA/FO. Respondent shall expend no less than THREE HUNDRED AND THIRTY

THREE THOUSAND DOLLARS (\$333,333.00) in the completion of the SEP, as described in Attachment A.

127. This CA/FO shall not be constructed to constitute the EPA's endorsement of the equipment or technology to be purchased by Respondent in connection with the SEP undertaken pursuant to this CA/FO.
128. With regard to the SEP, Respondent hereby certifies the truth and accuracy of each of the following:
 - a. All cost information provided to the EPA in connection with the EPA's approval of the SEP described in Attachment A is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$333,333.00;
 - b. As of the date on which Respondent signs this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief ordered or awarded in any other action in any forum;
 - c. The SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CA/FO;
 - d. Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for this SEP;
 - e. Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
 - f. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and
 - g. Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Attachment A.
129. Respondent agrees that in order to receive credit for the SEP, it must fully and timely complete the SEP in accordance with Attachment A. If Respondent does not fully and timely complete the SEP in accordance with Attachment A, Respondent shall be required to pay a stipulated penalty in the amount of the difference between what it certified it spent and \$333,333.00. For example, if Respondent spends \$200,000.00 in eligible SEP costs by the end of the time period for the SEP, Respondent shall pay a stipulated penalty totaling \$133,333.00.
130. Respondent shall be required to submit reports to the EPA in accordance with the timeframes set forth in Attachment A. The EPA will notify Respondent electronically of receipt of such reports. If Respondent does not provide the progress reports to the EPA in accordance with the timeframes set forth in Attachment A, following receipt of notice from the EPA of such deficiencies, Respondent shall be required to pay stipulated

penalties of Five Hundred Dollars (\$500) per day until the EPA receives each progress report.

131. Within forty-five (45) calendar days of the completion of the SEP, Respondent shall submit a SEP Completion Report to the EPA. The SEP Completion Report shall provide evidence of the SEP completion and shall contain the following information:
- a. A detailed description of the SEP as implemented;
 - b. Evidence of SEP completion;
 - c. A description of any operating problems encountered and the solutions thereto;
 - d. A report quantifying the benefits of the SEP, and how they were measured or estimated;
 - e. Itemized costs for the entire SEP and documentation, as set forth in Paragraph 132 of the CA/FO; and
 - f. Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement, as set forth in Paragraph 133.
132. In itemizing its costs for the SEP in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. Eligible SEP costs include the cost of purchasing equipment, but does not include overhead, additional employee time and salary expended in purchasing the equipment, administrative expenses, and legal fees. For purposes of this paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made. Upon request, Respondent shall send the EPA any additional documentation concerning the costs associated with the timely and full completion of the SEP within ten (10) days of receipt of the request.
133. In the SEP Completion Report submitted to the EPA by Respondent, Respondent shall sign and certify by a principal executive officer as defined a 40 C.F.R. § 270.11(a)(3), under penalty of law, that the information contained in such document or report is true, accurate, and is not misleading by including the following statement in the SEP Completion Report:

I certify under penalty of law that I have examined and am familiar with this information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

134. The EPA will notify Respondent in writing of receipt of the SEP Completion Report and, after review of the SEP Completion Report, notify Respondent of the following determinations:
- a. The SEP Completion Report is acceptable, and the EPA has determined that the Respondent has timely and fully completed the SEP in accordance with the Consent Agreement; or
 - b. The SEP Completion Report is deficient. The EPA will provide a written description of the deficiencies in the Report, and inform Respondent that the EPA is unable to determine if the Respondent has timely and fully completed the SEP in accordance with the CAFO (Deficiency Response). Respondent will have thirty (30) calendar days to correct any deficiencies and send a revised SEP Completion Report to the EPA.
135. Upon receipt of Respondent's first revised SEP Completion Report, the EPA will review the SEP Completion Report and notify Respondent of the determination that the EPA has made as described in paragraphs 134(a) or (b). Respondent will have a total of two opportunities to correct the deficiencies identified by the EPA in the SEP Completion Report. Respondent will have thirty (30) calendar days to correct any deficiencies and send a second revised SEP Completion Report to the EPA.
136. Upon receipt of Respondent's second revised SEP Completion Report, if required pursuant to paragraph 135, the EPA will review the SEP Completion Report and notify Respondent of the determination that the EPA has made as described in paragraphs 134(a) and (b). If the EPA determines that the SEP Completion Report is not acceptable and, therefore, Respondent has not timely and fully completed the SEP, Respondent shall be required to pay the penalty set forth in paragraph 129.
137. If Respondent fails to timely submit the SEP Completion Report to the EPA, as required by paragraph 131, or to submit a first and/or second revised SEP Completion Report if required by paragraphs 134(b) and 135, Respondent shall pay to the United States a stipulated penalty of Five Hundred Dollars (\$500) a day until the SEP Completion Report is submitted to the EPA.
138. Respondent shall pay any civil penalties required under Section VI (Supplemental Environmental Project) within thirty (30) calendar days after receipt of a written demand for such penalties from the EPA. The method of payment shall be in accordance with the Section VII (Payment of Civil Penalty) paragraphs 145-147.
139. The determination as to whether Respondent has timely and fully completed the SEP and timely and fully submitted the SEP Completion Report shall be in the sole discretion of the EPA, but such determination shall not be unreasonably delayed or withheld.
140. The EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CA/FO.

141. The EPA may, in the unreviewable exercise of its discretion, give Respondent an extension of time to submit the SEP Progress Reports and the SEP Completion Report.
142. Respondent agrees that any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP under this Agreement from the date of its execution of this Agreement shall include the following language:

“This project was undertaken in connection with the settlement of the enforcement action regarding the University of Georgia, Athens, Georgia Campus taken on behalf of the U.S. Environmental Protection Agency to enforce federal laws.”

143. Respondent shall submit all notices and reporting pertaining to the SEP required by the CA/FO to:

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

and

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

VII. PAYMENT OF CIVIL PENALTY

144. Respondent consents to the payment of a civil penalty in the amount of NINETY NINE THOUSAND NINE HUNDRED DOLLARS (\$99,900.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
145. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

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

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

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

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-866-234-5681

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

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

And to:

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

147. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
 - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
148. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VIII. PARTIES BOUND

149. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including

independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

150. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
151. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

IX. RESERVATION OF RIGHTS

152. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
153. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
154. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

X. OTHER APPLICABLE LAWS

155. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XI. SERVICE OF DOCUMENTS

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

Teresa Mann
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.

Atlanta, Georgia 30303-8960
(404) 562-9572
mann.teresa@epa.gov

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

Adam G. Sowatzka
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 572-3508
asowatzka@kslaw.com

XII. SEVERABILITY

158. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XIII. EFFECTIVE DATE

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

Attachment A
Supplemental Environmental Projects

- I. Respondent shall perform one or more of the following Supplemental Environment Projects (SEPs) over an eighteen (18) month period, and will spend a minimum amount of \$333,333.00 in eligible SEP costs on the SEP, as defined in the CA/FO.
- a. Coordinate with public school districts in the State of Georgia that are within low-income Environmental Justice communities to purchase or fund the purchase of lighting upgrades to elementary and secondary schools. The lighting upgrades will specifically be to remove and properly dispose of potentially PCB containing ballasts and mercury-containing lamps and fixtures, and to replace them with light-emitting diode (LED) lamps and fixtures.
 - b. Coordinate with public school districts in the State of Georgia that are within low-income Environmental Justice communities to fund the proper characterization and disposal of hazardous waste from high school chemistry laboratories.
 - c. Coordinate with publicly owned emergency response organizations (e.g. county fire department, police) in the State of Georgia that are within the low-income Environmental Justice communities to purchase or fund the purchase of emergency response equipment that will enhance hazardous materials response and handling capabilities.

Using the EPA's environmental justice mapping tool (<https://ejscreen.epa.gov/mapper>), and for the purposes of this CA/FO and implementation of the SEP, low-income school(s) or publicly owned emergency response organization(s) are those in which the population in a three mile radius is greater than the 80th percentile for low income population based on the State percentile.

II. Reporting. Thirty (30) days after the end of each calendar quarter (January-March; April-June; July-September; October-December) until the submission of the SEP Completion Report, UGA will submit a Quarterly SEP Status Report detailing the implementation status of the scope described above, as well as the eligible SEP expenses to-date.

In the matter of University of Georgia Docket No. RCRA-04-2016-4012(b):

AGREED AND CONSENTED TO:

The Board of Regents of the University System of Georgia

By: Jere W. Morehead

Jere W. Morehead
President
University of Georgia

Dated: 11/9/16

United States Environmental Protection Agency

By: Alan A. Annunella

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

Dated: 11/9/16

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) DOCKET NO.: RCRA-04-2016-4012(b)
)
The Board of Regents of the)
University System of Georgia)
270 Washington Street, SW)
Atlanta, Georgia 30334)
)
Respondent,)
)
In Re: The University of Georgia) Proceeding Under Section 3008(a) of the
Athens, Georgia Campus) Resource Conservation and Recovery Act,
240A Riverbend Road) 42 U.S.C. § 6928(a)
Athens, GA 30602)
)
EPA ID No.: GA000099805)
)
Facility)
_____)

FINAL ORDER

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

BEING AGREED, IT IS SO ORDERED this 9th day of November, 2016.

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of University of Georgia, Docket Number: RCRA-04-2016-4012(b), and have served the parties listed below in the manner indicated:

Teresa Mann
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

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

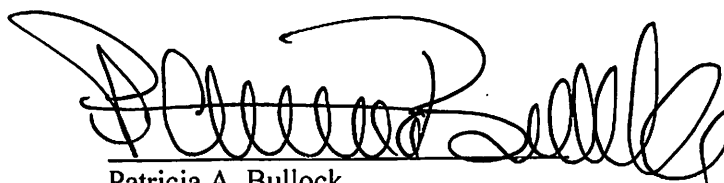
(Via EPA's electronic mail)

Adam G. Sowatzka
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, Georgia 30309

(Via Certified Mail - Return Receipt Requested)

Date:

11-10-16



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