

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED

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REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

LANG'S STANDARD
SOLUTIONS, INC.
13445 S. HARRELL'S FERRY RD.
BATON ROUGE, LA 70816

EPA I.D. NO. LAR000007427

RESPONDENT

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DOCKET NO. RCRA-06-2009-0934

COMPLAINT AND CONSENT AGREEMENT AND FINAL ORDER

The Director, Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 ("EPA") as Complainant, and Lang's Standard Solutions, Inc., 13445 S. Harrell's Ferry Rd., Baton Rouge, LA 70816 ("Respondent") in the above referenced action, have consented to the terms of this Complaint and Consent Agreement and Final Order ("CAFO").

NOW THEREFORE, before the taking of any testimony, without any adjudication of any issues of law or fact herein, the parties agree to the terms of this CAFO.

I.
PRELIMINARY STATEMENT

- 1) This proceeding for the assessment of civil penalties and compliance order was instituted by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3).
- 2) Notice was given to the State of Louisiana prior to the issuance of this CAFO.

- 3) Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO.
This CAFO states a claim upon which relief may be granted.
- 4) Respondent explicitly waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.
- 5) This CAFO resolves only those violations which are alleged herein.
- 6) Respondent consents to the issuance of the CAFO hereinafter recited and consents to the assessment and payment of stated civil penalty in the amount and by the method set out in this CAFO.

II.
FACTS

- 7) Lang's Standard Solutions, Inc. (Respondent) has operated in the State of Louisiana since July 3, 1980.
- 8) Respondent is a "person" as that term is defined in the Louisiana Administrative Code (LAC) § 33:V.109, Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 Code of Federal Regulations (CFR) § 260.10.
- 9) Respondent's Registered Agent for service is James D. Welch, 13445 S. Harrell's Ferry Rd., Baton Rouge, LA 70816.
- 10) Respondent owns and/or operates the facility at 13445 S. Harrell's Ferry Rd, Baton Rouge, LA 70816, named Lang's Standard Solutions.
- 11) Respondent's facility is comprised of two buildings, a laboratory, office space, and storage areas and is a facility under 40 C.F.R. § 260.10.

- 12) The facility Lang's Environmental Solutions conducts standard solution mixing and silver reclamation.
- 13) Respondent's records of waste generated indicate that Respondent is a large quantity generator of hazardous waste as described under 40 C.F.R. § 262.34.
- 14) EPA inspectors conducted a Compliance Evaluation Inspection pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), on March 8, 2007 and June 25-26, 2007 at Respondent's facility.
- 15) As a result of the Inspections, EPA representatives investigated several units at the facility including some which generated and stored hazardous waste.
- 16) The Respondent's records were also reviewed to ascertain Respondent's compliance with the requirements under the LAC and the C.F.R.
- 17) Subsequent follow-up with Respondent has revealed that Respondent is currently not accepting additional recyclable materials for silver reclamation.

III. **VIOLATIONS**

- 18) During the inspections conducted on March 8 and June 25-26, 2007, EPA inspectors observed that the recyclable fixer and developer received by Respondent to be utilized for silver reclamation were being speculatively accumulated at Respondent's facility and without a RCRA permit.
- 19) LAC § 33:V.4143 [40 CFR § 266.70(c)] specifically requires that persons who store materials for precious metal reclamation that are regulated under RCRA keep (1) records showing the volume of these materials being kept at the beginning of a calendar year, (2) the amount of these materials generated or received during the calendar year, and

- (3) the amount of materials remaining at the end of the calendar year, in order to demonstrate they are not accumulating these materials speculatively.
- 20) Pursuant to LAC § 33:V.109 [40 CFR 261.1(c)(8)], a material is "accumulated speculatively" if 75% of the material has not been recycled during the calendar year (commencing on January 1).
- 21) Respondent could not provide documentation that 75% of the material had been recycled.
- 22) Therefore, the fixer and developer referenced in Paragraphs 18, above, are not excluded from the definition of solid waste, and are, therefore "solid wastes" as that term is defined at LAC § 33:V.109 [40 CFR 261.2]. The fixer and developer referenced in Paragraph 18, above, are also "hazardous waste" as they are characteristically hazardous for Chromium (D007) (they are in fact delivered as hazardous waste with a hazardous waste manifest).
- 23) Therefore, the areas of Respondent's facility used as container storage areas for fixer and developer are "Hazardous Waste Management Units," as that term is defined at LAC § 33:V.109 [40 CFR § 260.10].
- 24) Pursuant to LAC § 33:V.305 [40 C.F.R. § 270.1 & 270.10], owners/operators of hazardous waste management units must have a permit during the active life of the units unless they meet certain requirements for exemption.
- 25) Respondent's hazardous waste management units (container storage areas) do not qualify for any RCRA exemptions and Respondent does not have a RCRA permit for the units.
- 26) Therefore, Respondent failed to meet the requirements of LAC § 33:V.305 [40 C.F.R. § 270.1 & 270.10], by failing to obtain a RCRA permit for the container storage area.
- 27) During the Inspections conducted on March 8 and June 25-26, 2007, the EPA inspectors observed the above ground tanks at the end of the silver reclamation process storing spent

fixer and developer. Respondent informed EPA inspectors that these tanks store spent fixer and developer for reuse; but, these same tanks are also used to store the waste/spent fixer and developer once reclamation is complete and the waste/spent fixer and developer are awaiting pick-up for proper disposal.

28) EPA tested the contents of the above ground storage tanks using the Toxic Characteristic Leaching Procedure and determined that the waste/spent fixer and developer are characteristically hazardous for Chromium (D007).

29) During the inspections conducted on March 8 and June 25-26, 2007, EPA inspectors observed that the above ground tanks described in paragraph 27 were not undergoing weekly inspection, did not have accumulation dates marked on them, were not labeled "hazardous waste," and had not been integrity assessed by a professional engineer. Further, Respondent's facility had inadequate emergency equipment and no arrangements had been made with local authorities pursuant to the facility's contingency plan.

30) Therefore, Respondent is failing to maintain the necessary standards to enjoy a RCRA permit exemption for the tanks described in paragraph 27 as described in LAC § 33:V. Chapter 11 & Chapters 15, 18, 19, and 21 [40 CFR §§ 262 & 265] which specifies the standards that must be followed in order to enjoy a RCRA permit exemption for hazardous waste stored for less than 90 days.

31) The tanks described in paragraph 27 are not RCRA permitted to store hazardous waste.

32) Therefore, Respondent is operating the tanks described in paragraph 27 without a RCRA permit in violation of LAC § 33:V.305 [40 C.F.R. § 270.1(b)].

IV.
COMPLIANCE ORDER

33) Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(A), Respondent is hereby ordered to take the following actions:

- A. Respondent shall provide documentation that all hazardous waste at Respondent's facility has been properly disposed of by an approved hazardous waste disposal facility by September 1, 2009.
- B. Should Respondent ever begin accepting any additional hazardous material (material not already at the facility) for precious metal recovery, prior to accepting any such materials, Respondent shall notify EPA. Notification must be made in writing and shall include the documentation described in paragraphs 1 – 5 below:
 1. Label all tanks and/or containers storing hazardous waste clearly with the words, "Hazardous Waste". Provide documentation that all such tanks and/or containers have been properly labeled. Confirmation should include photographic documentation.
 2. Provide documentation that all emergency equipment on-site is in good working order and has non-expired and legible service tags. Confirmation should include photographic documentation.
 3. Provide documentation that arrangements have been made with local hospitals and that local hospitals have received a copy of Lang's Standard Solutions Contingency Plan. Confirmation should include a copy of the hospital's response confirming the hospital has received a copy of the Contingency Plan and

understands the day to day operations conducted at Lang's Standard Solutions.

4. Provide documentation that all tanks and/or containers storing hazardous waste are in good working condition so as to minimize the possibility of release. Confirmation should include photographic documentation of all tanks and/or containers storing hazardous waste.
5. Provide documentation that a written assessment reviewed and certified by an independent and qualified registered professional engineer determining that the tank system is adequately designed and has sufficient structural strength and compatibility with the hazardous waste to be stored for all tanks storing hazardous waste. Confirmation should include a copy of the written assessment for each tank storing hazardous waste.

C. Having satisfied the terms of paragraph B above, once operating, Respondent shall provide the following documentation to EPA once per year (by January 1), for three years, following satisfaction of the terms of paragraph B above:

1. Label all tanks and/or containers storing hazardous waste clearly with the accumulation dates. Provide documentation that all such tanks and/or containers have been properly labeled. Confirmation should include photographic documentation.
2. Provide documentation that weekly inspections are conducted on tanks and/or containers storing hazardous waste.

Confirmation should include copies of weekly inspection sheets for all tanks and/or containers storing hazardous waste.

3. Keep appropriate records as described in 40 CFR 266 to demonstrate that recyclable materials are not being accumulated speculatively. Confirmation shall include copies of all records.

- D. In all instances in which this Order requires written submissions to EPA, each submission must be accompanied by the following certification signed by a "responsible official":

"I certify that the information contained in or accompanying this submission is true, accurate and complete. As to those identified portions of this submission for which I cannot personally verify the truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting upon my direct instructions, made the verification, that this information is true, accurate, and complete."

For the purpose of this certification, a "responsible official" of a corporation means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar decision-making functions for the corporation.

- E. Copies of all documents required by this Order shall be sent to the following:

Ragan Broyles, Associate Director
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attention: Ryan Rosser

V.

CIVIL PENALTY AND TERMS OF SETTLEMENT

PENALTY PROVISIONS

34) Pursuant to the authority granted in 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the seriousness of the alleged violations, good faith efforts to comply with the applicable regulations, review of Respondent's financial documentation, the fact that Respondent is no longer accepting hazardous waste for precious metal reclamation (i.e. shutdown), and the October 1990 RCRA Civil Penalty Policy, EPA has assessed a civil penalty of Five Thousand Dollars (\$5,000.00). The penalty plus interest at a rate of 5% shall be due within thirty (30) days of Respondent's receipt of this fully executed CAFO.

35) Within thirty (30) days of Respondent's receipt of this fully executed CAFO, Respondent shall pay the assessed civil penalty by cashier's or certified check, made payable to "Treasurer, United States of America, EPA - Region 6" or in one of the alternatives provided in the collection information section below:

CHECK PAYMENTS:

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

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is an On Line Payment Option available through the Dept. of Treasury.
This payment option can be accessed from the information below:

WWW.PAY.GOV
Enter "sfo 1.1" in the search field;
Open form and complete required fields.

36) The case name and docket number (In the Matter of Lang's Standard Solutions,

Docket No. RCRA-06-2009-0934) shall be clearly typed on the check to ensure proper credit. Respondent shall send simultaneous notices of such payments, including copies of the money order, cashier's check or certified check to the following:

Lorena S. Vaughn (6RC-D)
Regional Hearing Clerk
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Ragan Broyles (6EN-H)
Associate Director
Hazardous Waste Enforcement Branch
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attention: Ryan Rosser

David Edelstein (6RC-ER)
RCRA Legal Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

37) Your adherence to this request will ensure proper credit is given when penalties are received in the Region.

38) Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will 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. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the effective date of the CAFO and 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). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R.

§ 13.11(b). EPA will also 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) day period the penalty remains unpaid.

In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R.

§ 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

GENERAL PROVISIONS

PARTIES BOUND

39) The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

STIPULATED PENALTIES

40) In addition to any other remedies or sanctions available to EPA, if Respondent fails or refuses to comply with any provision of this CAFO, Respondent shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

| <u>Period of Failure to Comply</u> | <u>Penalty Per Violation Per Day</u> |
|------------------------------------|--------------------------------------|
| 1st through 15th day | \$ 500.00 |
| 16th through 30th day | \$ 1000.00 |
| 31st day and beyond | \$ 1500.00 |

- 41) Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.
- 42) The payment of stipulated penalties shall be made by mailing a cashier's check or certified check payable to the Treasurer of the United States, within thirty (30) days of receipt of a demand letter for payment to the following address:

Regional Hearing Clerk (6C)
U.S. EPA, Region 6
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- 43) The case name and docket number (In the Matter of Lang's Standard Solutions,

Docket No. RCRA-06-2009-0934) shall be clearly typed on the check to ensure proper credit. Respondent shall send simultaneous notices of such payments, including copies of the money order, cashier's check or certified check to the following:

Lorena S. Vaughn (6RC-D)
Regional Hearing Clerk
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Ragan Broyles (6EN-H)
Associate Director
Hazardous Waste Enforcement Branch
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attention: Ryan Rosser

David Edelstein (6RC-ER)
RCRA Legal Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

44) Adherence to these procedures will ensure proper credit when payments are received.

In addition, the provisions of Section V concerning interest, penalties, and administrative costs also apply.

DISPUTE RESOLUTION

45) If Respondent objects to any decision or directive of EPA in regard to Sections III - V,

Respondent shall notify the following persons in writing of its objections, and the basis for those objections, within fifteen (15) calendar days of receipt of EPA's decision or directive:

Ragan Broyles (6EN-H)
Associate Director
Hazardous Waste Enforcement Branch
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attention: Ryan Rosser

David Edelstein (6RC-ER)
RCRA Legal Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

46) The Associate Director for Hazardous Waste Enforcement or his designee, and Respondent shall then have an additional fifteen (15) calendar days from EPA's receipt of Respondent's written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and Respondent, the agreement shall be reduced to writing and signed by the Associate Director and Respondent and incorporated by reference into this CAFO.

47) If no agreement is reached between the Associate Director and Respondent within that time period, the dispute shall be submitted to the Director of the Compliance Assurance and Enforcement Division or his/her designee ("Division Director"). The Division Director and Respondent shall then have a second 15-day period to resolve the dispute. If an agreement is reached between the Division Director and Respondent, the resolution shall be reduced to writing and signed by the Division Director and Respondent and incorporated by reference into this CAFO. If the Division Director and Respondent are unable to reach agreement within this second 15-day period, the Division Director shall provide a written statement of EPA's decision to Respondent, which shall be binding upon Respondent and incorporated by reference into the CAFO.

48) If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to the Modification Section.

FORCE MAJEURE

49) Respondent shall perform all requirements under this Order with the time limits established under this Order, unless the performance is delayed by a force majeure. For purposes of this Order, a force majeure is defined as any event arising from causes beyond the anticipation or control of the Respondent, including but not limited to acts of nature (e.g., floods, tornados, hurricanes) and acts of people (e.g., riots, strikes, wars, terrorism). Force majeure does not include financial inability to complete the work required under this CAFO or increased cost of performance or any changes in Respondents' business or economic circumstances.

50) If any event occurs or has occurred that may delay the performance of any obligation under this Order, whether or not caused by a force majeure event, the affected Respondent shall

notify EPA within 48 hours of when the Respondent knew or should have known that the event might cause a delay. Such notice shall: identify the event causing the delay, or anticipated to cause delay, and the anticipated duration of the delay; provide Respondent's rationale for attributing such delay to a force majeure event; state the measures taken or to be taken to prevent or minimize the delay; estimate the timetable for implementation of those measures; and a statement as to whether, in the opinion of Respondent, such event may cause or contribute to an endangerment to public health or the environment. Respondent shall undertake best efforts to avoid and minimize the delay. Failure to comply with the notice provision of this action shall waive any claim of force majeure by the Respondent. Respondent shall be deemed to have notice of any circumstances of which its contractors had or should have had notice.

51) If EPA determines that a delay in performance or anticipated delay of a requirement under this Order is or was attributable to a force majeure, then the time period for performance of that requirement will be extended as deemed necessary by EPA. If EPA determines that the delay or anticipated delay has been or will be caused by a force majeure, then EPA will notify Respondents, in writing, of the length of the extension, if any, for performance of such obligations affected by the force majeure. Any such extensions shall not alter Respondents' obligation to perform or complete other tasks required by the Order which are not directly affected by the force majeure.

52) If EPA disagrees with a Respondent's assertion of a force majeure, then the affected Respondent may elect to invoke the dispute resolution provision, and shall follow the procedures set forth in the Dispute Resolution section. In any such proceeding, Respondent shall have the burden of demonstrating by a preponderance of the evidence that the delay or

anticipated delay has been or will be caused by a force majeure, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this Section. If Respondent satisfies this burden, then the time for performance of such obligation will be extended by EPA for such time as is necessary to complete such obligation as determined by EPA.

NOTIFICATION

53) Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

EPA: Ragan Broyles (GEN-H)
Associate Director
Hazardous Waste Enforcement Branch
U.S. EPA Region 6, Suite 1200
1445 Ross Ave.
Dallas, TX 75202-2733

Respondent: James Welch
Lang's Standard Solutions, Inc.
13445 S. Harrell's Ferry Road
Baton Rouge, LA 70816

MODIFICATION

54) The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approved by a Regional

Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

RETENTION OF ENFORCEMENT RIGHTS

- 55) EPA does not waive any rights or remedies available to EPA for any other violations by Respondent of Federal or State laws, regulations, or permitting conditions.
- 56) Except as specifically provided in this CAFO, nothing herein shall limit the power and authority of EPA, the State of Louisiana, or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, hazardous substances on, at or from Respondent's facility. Furthermore, nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

INDEMNIFICATION OF EPA

- 57) Neither EPA, nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of Respondent, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA, or the United States Government be held out as a party to any contract entered into by Respondent in carrying out the activities required by this CAFO.

RECORD PRESERVATION

- 58) Respondent shall preserve, during the pendency of this CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or

successors which in any way relate to this CAFO regardless of any document retention policy to the contrary.

COSTS

59) Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act, 5 U.S.C. § 504, as amended by the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. § 801 *et. seq.*, and any regulations promulgated pursuant to those Acts.

TERMINATION

60) At such time as Respondent believes that it has complied with all terms and conditions of this CAFO, it may request that EPA concur whether the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within 90 days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and Respondent has been notified by the EPA in writing that this CAFO has been satisfied and terminated.

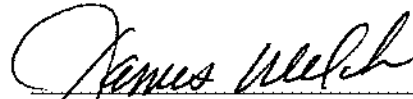
EFFECTIVE DATE

61) This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR RESPONDENT:

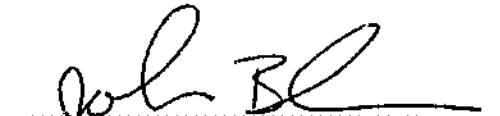
Date: 8-14-09



James Welch
Lang's Standard Solutions, Inc.

FOR THE COMPLAINANT:

Date: 8/24/09



John Blevins
Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: August 24, 2009


Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of Aug, 2009, the original of the foregoing Consent Agreement and Final Order ("CAFO") was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Attention: Mr. James Welch
Lang's Standard Solutions, Inc.
13445 S. Harrell's Ferry Road
Baton Rouge, LA 70816


Lori Jackson
Paralegal