



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

MAR 24 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William L. Penny, Esq.
Stites & Habison PLLC
Sun Trust Plaza
401 Commerce Street
Suite 800
Nashville, Tennessee 37219

SUBJ: Vi-Jon, Inc.
Consent Agreement and Final Order
Docket No.: RCRA-04-2011-04-4250(b)

Dear Mr. Penny:

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

Should you have any questions, please do not hesitate to call me at (404) 562-8590.

Sincerely,

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

Larry L. Lamberth, Acting Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

| | | |
|--------------------------------|---|----------------------------------|
| IN THE MATTER OF: |) | DOCKET NO.: RCRA-04-2011-4250(b) |
| |) | |
| |) | |
| Vi-Jon, Inc. |) | |
| 800 Middle Tennessee Boulevard |) | PROCEEDING UNDER |
| Murfreesboro, Tennessee 37129 |) | SECTION 3008(a) OF THE RESOURCE |
| |) | CONSERVATION AND RECOVERY |
| |) | ACT, 42 U.S.C. § 6928(a) |
| EPA ID NO.: TNR 000025478 |) | |
| |) | |
| RESPONDENT |) | |
| _____ |) | |

2011 FEB 10 AM 10:53
EPA REGION 4
DOCKET

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, *et seq.*, and Chapter 212 of the Tennessee Code Annotated (TENN. CODE ANN.). This action is seeking injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of RCRA and the regulations promulgated pursuant thereto at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 268, 270 and 279; and TENN. CODE ANN. § 68-212-101, *et seq.*, and the Tennessee regulations promulgated pursuant thereto at Chapter 1200-01-11, *et seq.*, of the Tennessee Rules and Regulations (TENN. COMP. R. & REGS.).
2. 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, 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 (CAFO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. The parties 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), the parties have agreed to the execution of this CAFO, and Respondent agrees to comply with the terms of this CAFO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).
5. Respondent is Vi-Jon, Inc., a corporation incorporated under the laws of Florida and doing business in the State of Tennessee. Respondent owns and operates a facility located at 800 Middle Tennessee Boulevard, Murfreesboro, Tennessee 37129 (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on February 5, 1985, the State of Tennessee received final authorization to carry out a hazardous waste program in lieu of the federal program. The Tennessee Department of Environmental Conservation (TDEC) is charged with the statutory duty of enforcing the laws of Tennessee relating to hazardous waste management under the Tennessee Hazardous Waste Management Act of 1977, and the Tennessee Hazardous Reduction Act of 1990, set forth in TENN. CODE ANN. § 68-212-101, *et seq.*, and TENN. COMP. R. & REGS. 1200-01-11-.01, *et seq.*
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 upon their federal effective date regardless of the state's authorization status, and are implemented by EPA until the state is granted final authorization with respect to those requirements. On December 26, 2000, Tennessee received authorization for its HSWA program.
8. Although EPA has granted Tennessee the authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), to address violations of the authorized State program. EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and Tennessee.
9. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant gave written notice of this action to Tennessee before the issuance of this CAFO.
10. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), and TENN. CODE ANN. § 68-212-101, *et seq.*, require the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in 40 C.F.R. Part 262, and TENN. COMP. R. & REGS. 1200-01-11-.03.
11. Section 3004 of RCRA, 42 U.S.C. § 6924, and TENN. CODE ANN. § 68-212-101, *et seq.*, require the promulgation of standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these standards are found at 40 C.F.R. Part 264 and TENN. COMP. R. & REGS. 1200-01-11-.06.

12. Section 3005 of RCRA, 42 U.S.C. § 6925, and TENN. CODE ANN. § 68-212-101, *et seq.*, set 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 40 C.F.R. Parts 264, 265, and 270, and TENN. COMP. R. & REGS. 1200-01-11-.03, 1200-01-11-.06, and 1200-01-11-.07.
13. Pursuant to 40 C.F.R. § 261.2 and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(b), a “solid waste” is any discarded material that is not otherwise excluded by regulation.
14. Pursuant to 40 C.F.R. § 261.3 and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(c), a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(d)2, and it meets any of the criteria specified in 40 C.F.R. § 261.3(2) and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(c).
15. Pursuant to 40 C.F.R. § 260.10 and TENN. COMP. R. & REGS. 1200-01-11-.01(2), a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 and TENN. COMP. R. & REGS. 1200-01-11-.02, or whose act first causes a hazardous waste to become subject to regulation.
16. During the relevant time period, Respondent was a “Large Quantity Generator” because pursuant to 40 C.F.R. §§ 261.5 and 262.34(g) and TENN. COMP. R. & REGS. 1200-01-11-.08(5)(a), the facility generated 1,000 kilograms or greater of hazardous waste per calendar month.
17. Pursuant to 40 C.F.R. § 262.34(a) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2, a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in 40 C.F.R. §§ 262.34(a)(1)-(4) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(i)-(v) (hereinafter referred to as the “40 C.F.R. § 262.34(a) permit exemption”).
18. Pursuant to 40 C.F.R. § 262.34(a)(1)(i) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(iv), a condition of the 40 C.F.R. § 262.34(a) permit exemption requires a generator to comply with 40 C.F.R. § 265.174(a) and TENN. COMP. R. & REGS. 1200-01-11-.05(9)(e) (requiring the facility to conduct weekly inspections of hazardous waste storage).

19. Pursuant to 40 C.F.R. § 262.11 and TENN. COMP. R. & REGS. 1200-01-11-.03(1)(b), a generator is required to make a hazardous waste determination for any solid waste, as defined in 40 C.F.R. § 261.2 and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(b).
20. Pursuant to 40 C.F.R. § 262.34(a)(4) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(iv), a condition of the 40 C.F.R. § 262.34(a) permit exemption requires a generator to comply with 40 C.F.R. § 265.16 and TENN. COMP. R. & REGS. 1200-01-11-.05(2)(g)4 (requiring the generator to provide training to the employees and maintain the proper documents for trained personnel as described in 40 C.F.R. § 265.16 and TENN. COMP. R. & REGS. 1200-01-11-.05(2)(g)4).
21. Pursuant to 40 C.F.R. § 262.12 and TENN. COMP. R. & REGS. 1200-01-11-.03(1)(c)1, a generator must not treat, store, dispose of, or offer for transportation, hazardous waste without having received an EPA identification number.
22. Pursuant to 40 C.F.R. § 262.34(a)(4) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(i)(I), a condition of the permit exemption requires a generator to comply with 40 C.F.R. § 265.51(c) and TENN. COMP. R. & REGS. 1200-01-11-.05(4) (requiring the generator to develop a contingency plan that contains all requirements of Subpart D of 40 C.F.R. § 265.51(c) and TENN. COMP. R. & REGS. 1200-01-11-.05(4)).
23. Pursuant to TENN. CODE ANN. § 68-212-304(a), all large and small quantity generators must complete a hazardous waste reduction plan and maintain a current copy of that plan at the generating facility.

IV. EPA ALLEGATIONS AND DETERMINATIONS

24. Respondent is a "person" as defined in 40 C.F.R. § 260.10 and TENN. COMP. R. & REGS. 1200-01-11-.01(2)(a).
25. Respondent is the "owner" and "operator" of a "Facility," as those terms are defined in 40 C.F.R. § 260.10 and TENN. COMP. R. & REGS. 1200-01-11-.01(2)(a).
26. Respondent generates waste that is a "solid waste" as defined in 40 C.F.R. § 261.2 and TENN. COMP. R. & REGS. 1200-01-11-.02(1)(b).
27. Respondent is currently assigned the EPA ID Number TNR 000025478.
28. Respondent manufactures numerous health and beauty care products, including mouth wash and anti-bacterial liquid soaps.

29. Respondent utilizes the Facility as a distribution warehouse. During 2008, Respondent stored and manifested approximately 60,000 pounds of isopropyl alcohol waste at the Facility.
30. The isopropyl alcohol exhibits the characteristics of ignitability.
31. Pursuant to 40 C.F.R. § 261.21, a solid waste that exhibits the characteristic of ignitability is a hazardous waste with the RCRA waste code D001.
32. On May 15, 2009, representatives of the EPA and TDEC performed a RCRA compliance evaluation inspection (CEI).
33. At the time of the May 15, 2009, CEI, Respondent failed to provide documentation to show that weekly inspections were conducted of the hazardous waste storage area(s) prior to the 2009 calendar year.
34. Complainant therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and TENN. CODE ANN. § 68-212-105(4), for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(1)(i) and TENN. COMP. R. & REGS. 1200-01-11-.05(9)(e), condition of the 40 C.F.R. § 262.34(a) permit exemption by not complying with Subpart I of 40 C.F.R. Part 265 and TENN. COMP. R. & REGS. 1200-01-11-.05(9).
35. At the time of the May 15, 2009, CEI, Respondent had placed two trash cans of solid waste destined for disposal at a nearby sanitary landfill. The trash cans contained approximately twelve (12) quarts of isopropyl alcohol waste.
36. EPA therefore alleges that Respondent has violated 40 C.F.R. § 262.11 and TENN. COMP. R. & REGS. 1200-01-11-.03(1)(b), for failing to make a hazardous waste determination for the isopropyl alcohol waste.
37. At the time of the May 15, 2009, CEI, Respondent did not maintain a complete contingency plan at the Facility.
38. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and TENN. CODE ANN. § 68-212-105(4), for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(4) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(iv) condition of the 40 C.F.R. § 262.34(a) permit exemption by not complying with 40 C.F.R. § 265.51(c) and TENN. COMP. R. & REGS. 1200-01-11-.05(4).

39. At the time of the May 15, 2009, CEI, Respondent had not provided adequate hazardous waste training to the employees.
40. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, and TENN. CODE ANN. § 68-212-105(4), for storing hazardous waste without a permit or interim status, because Respondent failed to meet the 40 C.F.R. § 262.34(a)(4) and TENN. COMP. R. & REGS. 1200-01-11-.03(4)(e)2(iv) condition of the 40 C.F.R. § 262.34(a) permit exemption by not complying with 40 C.F.R. § 265.16 and TENN. COMP. R. & REGS. 1200-01-11-.05(2)(g).
41. During May 2008 through August 2008, Respondent had failed to obtain an EPA identification number prior to offering generated hazardous waste for transportation.
42. EPA therefore alleges that Respondent has violated 40 C.F.R. § 262.12 and TENN. COMP. R. & REGS. 1200-01-11-.03(1)(c)1.
43. At the time of the May 15, 2009, CEI, Respondent did not have a current copy of a hazardous waste reduction plan.
44. EPA therefore alleges that Respondent has violated TENN. CODE ANN. § 68-212-304(a).

V. TERMS OF AGREEMENT

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

45. Within thirty (30) calendar days of receipt of the executed copy of this CAFO, Respondent shall submit to EPA and TDEC a certification signed by a duly authorized representative stating that the Facility is in compliance with RCRA and that all the violations alleged in this CAFO have been corrected.

This certification shall be as follows:

“I certify under penalty of law, to the best of my knowledge and belief that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

46. The certifications required to be submitted under this CAFO shall be mailed to:

Doug McCurry, Chief
North Section, RCRA and OPA Enforcement
and Compliance Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Mike Apple, Director
Division of Solid & Hazardous Waste Management
Tennessee Department of Environment & Conservation
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243

47. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
48. Respondent neither admits nor denies the allegations and determinations in this CAFO.
49. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
50. Respondent waives its right to challenge the validity of this CAFO and the settlement of the matters addressed in this CAFO based on the Paperwork Reduction Act.
51. Respondent waives any right pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO.
52. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of RCRA. The parties agree that compliance with the terms of this CAFO shall resolve all of Respondent's liability for civil penalties for the violations and facts alleged and stipulated to in this CAFO.
53. Each party will pay its own costs and attorney's fees.

VI. PAYMENT OF CIVIL PENALTY

54. Respondent consents to the payment of a civil penalty in the amount of FORTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00) within thirty (30) calendar days of the effective date of this CAFO.
55. Payment 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 the Respondent sends payment by the United States 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 the Respondent sends payment by non-United States Postal express mail delivery, the payment shall be sent to:

United States Bank
Government Lockbox 979077
United States Environmental Protection Agency
Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

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

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
United States Environmental Protection Agency
808 17th Street, N.W.
Washington, D.C. 20074
Contact: Jesse White, (301) 887-6548

56. Respondent shall submit a copy of the payment to the following addressees:

Regional Hearing Clerk
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Doug McCurry, Chief
North Section, RCRA and OPA Enforcement
and Compliance Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

57. If Respondent fails to remit the civil penalty as agreed to herein, 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. 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).

58. Penalties paid pursuant to this CAFO are not tax deductible under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

- 59. This CAFO 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 CAFO.
- 60. 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 CAFO.
- 61. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CAFO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

- 62. Notwithstanding any other provision of this CAFO, 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.
- 63. 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 CAFO.
- 64. Except as expressly provided herein, nothing in this CAFO shall 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 the 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.
- 65. This CAFO may be amended only by written agreement between EPA and Respondent.

IX. OTHER APPLICABLE LAWS

66. All actions required to be taken pursuant to this CAFO 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.

X. SERVICE OF DOCUMENTS

67. 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 EPA in the proceeding:

Marlene J. Tucker
Associate Regional Counsel
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

68. 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 the proceedings:

William L. Penny, Esq.
Stites & Harbison PLLC
SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, Tennessee 37219

XI. SEVERABILITY

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

XII EFFECTIVE DATE


70. The effective date of this CAFO is the date it is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Vi-Jon, Inc.

By:  Dated: Feb. 7, 2011
Louis N. Laderman
Senior Vice President

U.S. Environmental Protection Agency

By:  Dated: 03/15/11
Larry L. Lamberth, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

| | | |
|--------------------------------|---|----------------------------------|
| IN THE MATTER OF: |) | DOCKET NO.: RCRA-04-2011-4250(b) |
| |) | |
| |) | |
| Vi-Jon, Inc. |) | |
| 800 Middle Tennessee Boulevard |) | PROCEEDING UNDER |
| Murfreesboro, Tennessee 37129 |) | SECTION 3008(a) OF THE RESOURCE |
| |) | CONSERVATION AND RECOVERY |
| |) | ACT, 42 U.S.C. § 6928(a) |
| EPA ID NO.: TNR 000025478 |) | |
| |) | |
| RESPONDENT |) | |
| _____ |) | |

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 17th day of March, ~~2010~~ 2011.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
United States Environmental Protection Agency, 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 (CAFO), in the Matter of Vi-Jon, Inc., Docket Number: RCRA-04-2011-4250(b), and served the parties listed below in the manner indicated:

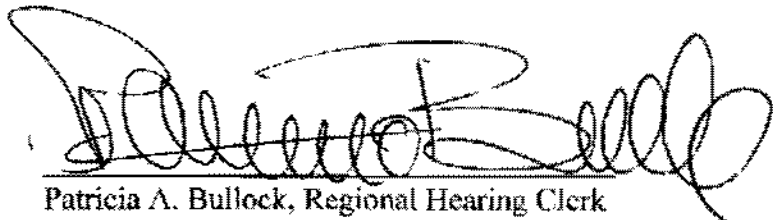
Quantindra Smith (Via EPA Internal Mail)
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-8564

Marlene Tucker, Assistant Regional Counsel (Via EPA Internal Mail)
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9705

William L. Penny, Esq. (Via Certified Mail – Return Receipt Requested)
Stites & Harbison PLLC
SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, Tennessee 37219

Date:

3-24-11



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