



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 04 2018

CERTIFIED MAIL – RETURN RECEIPT

Mr. Thomas Scott
President
Aerospace/Defense Coatings of Georgia, Inc.
7700 N.E. Industrial Boulevard
Macon, Georgia 31206

SUBJ: Consent Agreements and Final Orders
Aerospace/Defense Coatings of Georgia
EPA ID No.: GAD 984 319 426
Docket No.: RCRA-04-2018-4006(b)
EPA ID No.: GAR 000 033 951
Docket No.: RCRA-04-2017-4015(b)

Dear Mr. Scott:

Enclosed please find a copy of the executed Consent Agreements and Final Orders (CA/FOs) as filed with the Regional Hearing Clerk in the above-referenced matters. Please note that payments of the civil penalties are due within ninety (90) days of the effective date of the CA/FOs, which is the date the CA/FOs are filed with the Regional Hearing Clerk. A copy of the checks, wire transfers or online payments should be submitted to the following people:

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

and to:

Daryl R. Himes, Environmental Engineer
Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

The timing of all other obligations required by the CA/FOs should be submitted as directed by the CA/FOs.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact Daryl Himes of my staff at (404) 562-8614 or by email at himes.daryl@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Lamberth", with a long horizontal flourish extending to the right.

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

Enclosures

cc: Jeffrey W. Cown
Land Protection Branch
Georgia Environmental Protection Division

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Resource Conservation and Restoration Division

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cc: Jeffrey W. Cown
Land Protection Branch
Georgia Environmental Protection Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2017-4015(b)
)	
Aerospace/Defense Coatings of Georgia, Inc.))	
2970 Grace Road)	
Macon, Georgia 31206)	Proceeding Under Section 3008(a) of the
EPA ID No.: GAR 000 033 951)	Resource Conservation and Recovery Act,
)	42 U.S.C. § 6928(a)
Respondent)	
_____)	

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 *et seq.*], 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]. This action seeks injunctive relief and 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 the GHWMR, Ga. Comp. R. and Regs. 391-3-11-.01 to 391-3-11-.18 [40 C.F.R. Parts 260 through 270].
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 Aerospace/Defense Coatings of Georgia, Inc., a for profit corporation, incorporated under the laws of Florida, and registered to do business in the State of Georgia. Respondent is the owner and operator of an aircraft parts manufacturing business located at 2970 Grace Road, Macon, Georgia (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 Sections 12-8-60 to 12-8-83 of the GHWMA, Ga. Code Ann. § 12-8-60 *et seq.*, and at 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. 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)(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].
 - i. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified at Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31].
 - ii. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.31], spent non-halogenated solvents including toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures meets the definition of an F005 listed hazardous waste.
 - iii. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31], a solid waste which is a wastewater treatment sludge generated from the treatment of wastewaters resulting from the electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum; meets the definition of an F006 listed hazardous waste.
16. 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.
17. 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.”
18. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes a corporation.

19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
20. 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.
21. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “tank system” is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.
22. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a) (2016)], 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 Section 12-8-66 of the 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) (2016)] (hereinafter referred to as the “LQG Permit Exemption”).
23. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) & (ii) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to store its hazardous waste in containers and/or tanks.
24. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], 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 copies of its contingency plan to local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], 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.
26. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], 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.
27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.195], and is a condition of the LQG Permit Exemption, a generator is required to inspect the applicable parts of its hazardous waste tank system at least once each operating day.
28. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(2) (2016)], 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.

29. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(b) & (c)], and is a condition of the LQG Permit Exemption, a generator is required to successfully complete the program required in paragraph (a) of 40 C.F.R. § 265.16 within six months after the effective date of these regulations or six months after the date of their employment or assignment to the facility and to take part in an annual review of the initial training of paragraph (a) of 40 C.F.R. § 265.16.

IV. EPA ALLEGATIONS AND DETERMINATIONS

30. Respondent is a “person” as defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
31. Respondent is the “owner/operator” of a “facility” located at 2970 Grace Road, Macon, Georgia, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
32. 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].
33. Respondent specializes in the coating of parts for the aerospace and defense industry, including painting, metal preparation and metal treatment activities. Some of these activities include sulfuric acid and chromic acid anodizing of aluminum and chemical conversion coating.
34. On June 8, 2016, Respondent notified the Georgia Environmental Protection Division (GAEPD) that it is 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) (2016)].
35. On February 8 and 9, 2017, the EPA and the GAEPD conducted a compliance evaluation inspection (CEI) at Respondent’s Facility. The EPA’s findings of the CEI were documented in a report mailed to Respondent, dated June 20, 2017. On February 9, 2017, the EPA’s Science and Ecosystem Support Division performed a case development inspection evaluation (CDIE) at Respondent’s Facility. The findings of the CDIE were documented in a report mailed to Respondent, dated July 26, 2017.
36. During the February 8 and 9, 2017 CEI, the inspectors observed that Respondent was storing F006 hazardous waste outside of a container and/or tank in the area of the Facility’s F006 hazardous waste sludge press area.
37. The EPA therefore alleges 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) & (ii) (2016)], by not storing hazardous waste in a container and/or tank.
38. During the February 8 and 9, 2017 CEI, the inspectors observed that Respondent was storing containers of hazardous waste that were not marked with start dates, including one container

F006 hazardous waste sludge located beneath the sludge press and one bag of F005 hazardous waste filters located in Building 2.

39. The EPA therefore alleges 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 of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(2) (2016)].
40. During the February 8 and 9, 2017 CEI, the inspectors observed that Respondent was storing one bag of F006 hazardous waste sludge, located beneath the filter press, which was open when waste was not being added or removed.
41. The EPA therefore alleges 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 of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the container management requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.173(a)].
42. During a file review conducted during the February 8 and 9, 2017 CEI, the inspectors determined, through a lack of records, that from January 10, 2016 through the date of the inspection, Respondent had not kept records demonstrating that weekly inspections of containers of hazardous waste had been performed, or that daily inspections of tanks of hazardous waste that were stored at Respondent's facility had been performed.
43. The EPA therefore alleges 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)(ii) (2016)], by not inspecting its hazardous waste containers as required by Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.174].
44. The EPA therefore alleges 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)(ii) (2016)], by not inspecting its hazardous waste tanks as required by Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.195].
45. During a file review conducted during the February 8 and 9, 2017 CEI, the inspectors determined that Respondent did not have any records to document that its employees had received initial or annual refresher hazardous waste training. In addition, the Facility did not have records to document the titles, job descriptions and hazardous waste training required for its employees responsible for the management of hazardous waste.
46. The EPA therefore alleges 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) (2016)], by not complying with the personnel training requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(b), (c) & (d)].

47. During the February 8 and 9, 2017 CEI, the Respondent was unable to demonstrate that a copy of its hazardous waste contingency plan for the Facility had been mailed to local emergency agencies.
48. The EPA therefore alleges 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) (2016)], by failing to provide a copy of its contingency plan to local fire, police and emergency agencies as required by Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.53(b)].

V. TERMS OF AGREEMENT

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

49. 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.
50. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
51. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
52. Respondent consents to the issuance of any specified compliance or corrective action order.
53. 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.*
54. 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.
55. 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.
56. 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.

57. 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.
58. Each party will pay its own costs and attorneys' fees.
59. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

VI. WORK TO BE PERFORMED

60. Respondent shall complete the following Work required by this CA/FO no later than one (1) year following the effective date of this CA/FO.
61. Within one (1) year from the effective date of this CA/FO, Respondent agrees to submit to EPA and GAEPD a written confirmation of its continued compliance or noncompliance with the hazardous waste 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. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at the Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [40 C.F.R. Parts 260 through 270 and 273], at the Facility (accompanied by a copy of any appropriate supporting documentation). Any notice of noncompliance shall state the reasons for the noncompliance and when compliance is expected.
62. Within 60 days of the effective date of this CA/FO, Respondent agrees to develop, implement and submit to GAEPD and the EPA a hazardous waste management plan ("HW Management Plan") for the Facility, consistent 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. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at the Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [40 C.F.R. Parts 260 through 270 and 273]. Respondent agrees that the HW Management Plan will provide an outline of the hazardous waste management requirements and practices at the Facility, and will be used to supplement training provided to Respondent's employees engaged in the handling of hazardous wastes. Respondent agrees to revise the HW Management Plan as necessary to reflect any changes in processes and operations that affect hazardous waste management practices at the Facility. The HW Management Plan should provide descriptions of all hazardous waste management practices performed by Respondent including, but not limited to:
 - a. Procedures identifying and making hazardous waste determinations on solid wastes and managing the solid wastes while waiting for results of any analysis when such analysis is necessary to make a hazardous waste determination.
 - b. Procedures for managing hazardous waste containers (closed, proper labeling, condition of container).
 - c. Procedures for managing hazardous waste in a manner that ensures hazardous wastes are not stored in the secondary containment area for wastewater treatment systems at the Facility.
 - d. Procedures for responding to leaks or spills of hazardous waste.

- e. Procedures for maintaining hazardous waste accumulation areas to ensure access to emergency equipment, internal alarms, external communication devices.
- f. Procedures for maintaining adequate aisle spacing in the hazardous waste storage areas.
- g. Procedures for filling out a Manifest (OMB Control Number 2050-0039) to accompany shipments of hazardous waste to a permitted hazardous waste Treatment, Storage or Disposal Facility.
- h. Procedures for preventing accumulation of hazardous waste greater than 90-days.
- i. Procedures for maintaining a hazardous waste training program designed to ensure compliance with hazardous waste management regulations.
- j. Procedures for maintaining a contingency plan in compliance with hazardous waste management regulations.
- k. Procedures for performing daily inspections of hazardous waste tanks and weekly inspections of hazardous waste containers.
- l. Procedures for proper management and for preventing storage of universal waste greater than one year from the date of generation.
- m. Respondent shall maintain the HW Management Plan on-site.

63. Respondent has also agreed to institute a third-party inspection program at the Facility and implement the third-party's recommendations. Respondent agrees to retain, at its expense, a qualified third-party inspection team to conduct at least one (1) third-party inspection over the course of one year, documenting the third-party inspection through photographs, film, and written reports; providing the third-party inspection documentation to GAEPD and the EPA; and implementing the third-party's recommendations.

- a. Within 45 days of the effective date of this CA/FO, Respondent shall engage a third-party inspection team ("Third-Party Team") and submit the Third-Party Team members' resumes and qualifications to the EPA. The Third-Party Team shall have at least one person with chemistry expertise, one expert in environmental compliance auditing, and one expert in chemical process safety management. One Third-Party Team member may fulfill more than one of these expertise requirements, but the Third-Party Team shall have at least two people for inspection safety reasons.
- b. To ensure the Third-Party Team's independence from Respondent and promote a thorough third-party inspection:
 - i. No member of the Third-Party Team may have previously performed work for Respondent or for any of Respondent's officers, although Team members who previously bid on projects but did not receive work from Respondent may participate;
 - ii. No member of the Third-Party Team shall be allowed to work for Respondent or for any of Respondent's officers for five (5) years after the third-party inspection is completed;
 - iii. Before the third-party inspection, it is permissible for the Third-Party Team to visit the Facility for purposes of bidding on Third-Party Inspection Program work and consulting on the Third-Party Team's inspection;

- iv. Before conducting the third-party inspection, each member of the Third-Party Team shall have read this CA/FO and the CEI Report issued by the EPA, dated June 20, 2017;
 - v. During the third-party inspection, Respondent shall provide the Third-Party Team with unimpeded access to the entirety of the Facility on any day that Respondent is operating. Respondent shall also permit the Third-Party Team to take photographs and film its third-party inspections;
 - vi. After the third-party inspection, no communication shall occur between Respondent and the Third-Party Team without GAEPD and the EPA simultaneously being copied on the communication (except such communications that occur on-site while the third-party inspection is being conducted). Accordingly, all such communication must be transmitted such that GAEPD and the EPA may be copied (i.e., USPS mail or e-mail); and
 - vii. Respondent shall not have an opportunity to review or comment on the third-party inspection report or drafts thereof before the Third-Party Team sends them to GAEPD, the EPA and Respondent.
- c. The Third-Party Team shall conduct the third-party inspection within (10) months of the effective date of this CA/FO. The purpose of the third-party inspection is to give all parties the opportunity to assess how Respondent manages hazardous waste when Respondent is operating with the highest level of care. Accordingly, the Third-Party Team may give Respondent up to three (3) days of notice before the third-party inspection. The Third-Party Team shall inspect the whole Facility, indoors and outdoors.
 - d. Within 30 days after the inspection, the Third-Party Team shall simultaneously submit to GAEPD, the EPA and Respondent an inspection report, photographs, and a digital video of the inspection ("Inspection Report"). The Inspection Report shall be organized by room and outdoor area visited, and provide detailed information about any deficiencies found, including proposed manners of correcting any deficiencies identified. Respondent shall not have the opportunity to review any draft or final Inspection Report before such submittal.
 - e. Within 20 days of receiving the Inspection Report, Respondent shall remedy and/or correct any deficiencies identified in the Inspection Report and send a letter to GAEPD and the EPA confirming that the deficiencies have been corrected unless the parties agree that another deadline is appropriate.
 - f. The Respondent shall keep copies of the Inspection Report, photographs and digital films for three (3) years.
 - g. The Third-Party Team shall notify Respondent if it finds any non-RCRA-related deficiencies of EPA-administered statutes (for example, violations of the Clean Air Act, Clean Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, or Toxic Substances Control Act), and Respondent shall correct those deficiencies within 20 days of receiving the Inspection Report.

h. Respondent shall notify GAEPD and the EPA immediately by telephone and e-mail if the Third-Party Team discovers any condition at the Facility that could pose an imminent and substantial endangerment to human health or the environment.

i. Notifications:

i. Submissions required by this CA/FO shall be in writing and shall be mailed to the following addresses with a copy also sent by electronic mail:

Daryl R. Himes
Environmental Engineer
Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
RCR Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
Himes.Daryl@epa.gov

And

Jeffrey W. Cown
Chief, Land Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1154 East
Atlanta, Georgia 30334
Jeffrey.Cown@dnr.ga.gov

ii. The EPA and/or GAEPD will send all written communications to the following representative(s) for Respondent:

Thomas Scott
President
Aerospace/Defense Coatings of Georgia, Inc.
7700 N.E. Industrial Boulevard
Macon, Georgia 31216
(478) 784-8594

j. All submissions made by the Respondent or the Third-Party Team to the EPA pursuant to the requirements of this CA/FO shall contain the following certification signed by a responsible corporate officer:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing submissions of false information."

VII. PAYMENT OF CIVIL PENALTY

64. Based on the Respondent's substantiated ability to pay claim, Respondent consents to the payment of a civil penalty in the amount of TWO THOUSAND DOLLARS (\$2,000.00), plus interest at 1.0% per annum, for a total payment of TWO THOUSAND THREE DOLLARS AND THIRTY-THREE CENTS (\$2,003.33), which is to be paid within ninety (90) calendar days of the effective date of this CA/FO.
65. 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

66. 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:

Daryl R. Himes, Environmental Engineer
RCRA Compliance and Enforcement Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

67. 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 90 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. 31 U.S.C. § 3717(e)(2). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

68. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VIII. PARTIES BOUND

69. 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.
70. 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.
71. 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

72. 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.
73. 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.
74. 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

75. 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

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

Roberto Busó
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) 562-8530

77. 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:

Thomas Scott
President
Aerospace/Defense Coatings of Georgia, Inc.
7700 N.E. Industrial Boulevard
Macon, Georgia 31216
(478) 784-8594

XII. SEVERABILITY

78. 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

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

[SIGNATURES ON FOLLOWING PAGE]

In the matter of Aerospace/Defense Coatings of Georgia, Inc., Docket No. RCRA-04-2017-4015(b):

AGREED AND CONSENTED TO:

Aerospace/Defense Coatings of Georgia, Inc.

By: Thomas N Scott Dated: 8-9-18
Thomas Scott
President
Aerospace/Defense Coatings of Georgia, Inc.

United States Environmental Protection Agency

By: Larry L. Lamberth Dated: 08/29/18
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

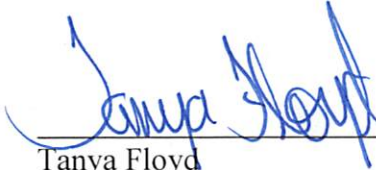
IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2017-4015(b)
)	
Aerospace/Defense Coatings of Georgia, Inc.)	
2970 Grace Road)	Proceeding Under Section 3008(a) of the
Macon, Georgia 31206)	Resource Conservation and Recovery Act,
EPA ID No.: GAR 000 033 951)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

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. 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 30th day of August, 2018.

BY:



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 Aerospace/Defense Coatings of Georgia, Inc., Docket Number: RCRA-04-2017-4015(b), and have served the parties listed below in the manner indicated:

Roberto Buso
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

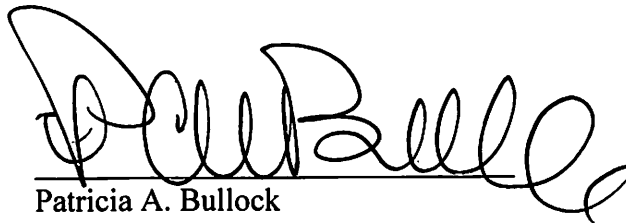
(Via EPA's electronic mail)

Thomas Scott
President
Aerospace/Defense Coatings of Georgia, Inc.
7700 N.E. Industrial Boulevard
Macon, Georgia 31216

(Via Certified Mail – Return Receipt Requested)

Date:

9-4-18



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