

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Piedmont, LLC
2030 Old Candler Rd.
Gainesville, Georgia 30507
EPA ID No.: GAD131327546

Respondent.

Docket No. RCRA-04-2019-4000(b)

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

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.
5. Respondent is Piedmont, LLC (f/k/a KIK Piedmont, LLC), a corporation doing business in the State of Georgia. This proceeding pertains to Respondent's facility located at 2030 Old Candler Road, Gainesville, Georgia (Facility).

III. GOVERNING LAW

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 Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. § 12-8-60 *et seq* and Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State 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 CAFO.
11. Section 12-8-64(1)(A) of the GHWMA, Ga. Code Ann. § 12-8-64(1)(A) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11-.10(2) (permitted) and Ga. Comp. R. and Regs. 391-3-11-.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-

11-.07(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
17. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for methyl ethyl ketone is identified with the EPA Hazardous Waste Number D035.
18. 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.
19. 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.”
20. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes a corporation.
21. 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.”
22. Pursuant to GA. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazard waste is treated, disposed of, or stored elsewhere.
23. Pursuant to GA. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “tank” means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen material which provide structural support.
24. Pursuant to GA. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “tank system” is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.
25. Pursuant to GA. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “universal waste” means any hazardous waste batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans that are managed under the universal waste requirements of Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R § 273].
26. Pursuant to GA. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “universal waste handler” means a generator of universal waste or the owner or operator of a facility, including all

contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a designated facility, or to a foreign destination.

27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(a) (2016)¹], 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”).
28. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1) (2016)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1)(i) - (ii) (2016)] (hereinafter referred to as the “SAA Permit Exemption”).
29. Pursuant to [Ga. Comp. R. and Regs. 391-3-11-.18] [40 C.F.R. § 273.9], a Large Quantity Handler of Universal Waste (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.
30. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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.
31. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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.
32. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB Organic Air Emission Standards for Equipment Leaks, including the requirement to mark each piece of equipment in a manner that can be distinguished

¹ Georgia’s newly adopted Generator Improvements Rule (GIR) regulations were effective in Georgia as of September 28, 2017 but were not authorized by EPA and were not federally enforceable until February 2, 2019. Regardless, the federal and state inspections at the Facility, and matters described in this CAFO, occurred prior to the State being authorized for the GIR. As such, and for ease of reference and consistency with the State’s Inspection Report, this CAFO will cite to the Georgia hazardous waste regulations in effect at the time of the inspection and the corresponding federal regulations, prior to the amendments by the GIR. The requirements prior to the GIR are noted with their most recent effective date.

readily from other pieces of equipment in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1050(c)].

33. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB Organic Air Emission Standards for Equipment Leaks, including the requirement to monitor each pump in light liquid service monthly to detect leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1052(a)(1)], by methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)].
34. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB Organic Air Emission Standards for Equipment Leaks, including the requirement to monitor each valve in gas/vapor or light liquid service monthly to detect leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1057(a)], by methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)].
35. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart BB], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste with organic concentrations of at least 10 percent by weight in tanks must comply with the RCRA Subpart BB Organic Air Emission Standards for Equipment Leaks, including the requirement to maintain equipment records specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1064(b)(1)].
36. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart CC], which is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 part per million by weight in tanks must comply with the RCRA Subpart CC Organic Air Emission Standards for Tanks, including following waste determination procedures specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1084].
37. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart CC], which is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 part per million by weight in tanks must comply with the RCRA Subpart CC Organic Air Emission Standards for Tanks. This includes the requirements to visually inspect the fixed roof and its closure devices for defects that could result in air pollution emissions in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085(c)(4)(i)] and to perform an initial inspection of the fixed roof and its closure devices on or before the date the tank becomes subject to this section as stated in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085(c)(4)(ii)]. Thereafter, the owner or operator shall perform the inspections at least once every year.

38. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart CC], which is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 part per million by weight in containers having a design capacity greater than 0.46 m³ that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Lever 2 standards specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)]. This includes the requirements to install all covers and closure devices for the container, and secure and maintain each closure device in the closed position. When discrete quantities or batches are removed from the container, the owner shall promptly secure the closure devices within 15 minutes, or the person performing the unloading operation leaves the immediate vicinity of the container, whichever comes first specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)(3)(ii)(B)].
39. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart CC], which is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 part per million by weight in containers having a design capacity greater than 0.46 m³ that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Lever 2 standards specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)]. This includes the requirements to inspect the containers and their covers and closure devices as specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)(4)].
40. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. Part 265, Subpart CC], which is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste that contains an average volatile organic concentration of at least 500 part per million by weight in tanks must comply with the RCRA Subpart CC Organic Air Emission Standards for Tanks, which includes recordkeeping requirements specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090(b) through (j)].
41. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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.
42. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."
43. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [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. § 265.31], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

44. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(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 SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
45. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the container.
46. Pursuant Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)], a LQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
47. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(e)], a LQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
48. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35(a) and (c)], a LQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

IV. FINDINGS OF FACTS

49. The Respondent operates a facility that manufactures consumer packaged goods, including household and personal care, over the counter medications, pool additives and automotive aftermarket categories.
50. The Respondent submitted a Waste Generator Notification (EPA Form 8700-12) and registered as a large quantity generator of hazardous waste on February 26, 2016. The Respondent has determined that it generates D001 hazardous waste.
51. The Respondent is a generator of 1,000 kilograms or greater of hazardous waste in a calendar month.
52. The Respondent does not have interim status, nor does it have a RCRA permit.
53. The Respondent has containers, a tank, and a tank system for the accumulation of hazardous waste.
54. The Respondent is a generator of 5,000 kilograms or more total of universal waste at any time.
55. On August 2, 2017 the EPA and the Georgia Environmental Protection Division (GAEPD) conducted a RCRA compliance evaluation inspection (CEI) at Respondent’s facility. The EPA’s findings from the CEI were documented in a show cause letter and inspection report that was mailed to Respondent, dated February 21, 2018.

56. At the time of the CEI, the EPA inspectors observed four gaylord box storage containers and one 55-gallon container, which were storing D001 hazardous waste aerosol cans in the Central Accumulation Area (CAA). None of these observed containers were closed.
57. At the time of the CEI, the EPA inspectors observed that the Respondent had not maintained a weekly inspection record for the storage of hazardous waste in the CAA from May 9, 2016 through May 23, 2016.
58. At the time of the CEI, the Respondent utilized ethanol for the rinsing of ancillary equipment and characterized the resulting hazardous waste as D001. The chemical composition of this waste consists of 75-95% organic compounds at greater than 500 parts per million by weight of volatile organic compounds (VOCs). The physical characteristic of the waste is in light liquid service with a flash range between 70-100°F. After rinsing, the hazardous waste was collected and transferred through ancillary equipment to the on-site 6,100-gallon hazardous waste storage tank T16.
59. At the time of the CEI, the Respondent transferred a volatile organic waste containing ethanol, a hazardous waste with an organic concentration of at least 10 percent by weight, through ancillary equipment. The Respondent had not marked the ancillary equipment used to transfer the volatile organic waste in a manner that would allow it to be distinguished readily from other pieces of equipment.
60. At the time of the CEI, the Respondent transferred a volatile organic waste containing ethanol, a hazardous waste with an organic concentration of at least 10 percent by weight, through a pump in light liquid service. The Respondent did not provide any records to show that, during the time the pump was in service, it was monitored monthly to detect leaks by methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)].
61. At the time of the CEI, the Respondent transferred a volatile organic waste containing ethanol, a hazardous waste with an organic concentration of at least 10 percent by weight, through valves in light liquid service. The Respondent did not provide any records to show that, during the time the valves were in service, they were monitored monthly to detect leaks by methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)].
62. At the time of the CEI, the EPA inspectors observed that the Respondent did not maintain records for each piece of equipment to which Ga. Comp. R. and Regs. 391-3-11.10(1) [40 C.F.R. Part 265, Subpart BB] applies in the facility's operating record.
63. At the time of the CEI, the EPA inspectors observed that the Respondent did not follow waste determination procedures by determining the average volatile organic concentration of a hazardous waste at the point of waste origination.
64. At the time of the CEI, the Respondent stored volatile organic waste containing ethanol, a hazardous waste with a volatile organic concentration of at least 500 parts per million by weight in hazardous waste storage tank T16. The Respondent did not perform an initial inspection and a reoccurring annual inspection of the fixed roof on hazardous waste tank T16, and its closure devices for defects that could result in air pollution emissions.

65. At the time of the CEI, the Respondent stored hazardous waste in light liquid service in containers which had the approximate capacity of 350-gallons and 478-gallons. The Respondent was not using Container Level 2 controls as specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(iii)] and had not secured or maintained each closure device in the closed position.
66. At the time of the CEI, the Respondent stored hazardous waste in light liquid service in containers which had the approximate capacity of 350-gallons and 478-gallons. The Respondent was not using Container Level 2 controls as specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(iii)] and did not provide initial or annual inspection documentation for the containers and its covers or closure devices.
67. At the time of the CEI, the Respondent stored volatile organic waste containing ethanol, a hazardous waste with a volatile organic concentration of at least 500 parts per million by weight in hazardous waste storage tank T16. The Respondent was not keeping records as described in Ga. Comp. R. and Regs 391-3-11-.10 [40 C.F.R. § 265.1090(b) through (j)] for the hazardous waste tank T16.
68. At the time of the CEI, the EPA inspectors observed four gaylord box storage containers, one 55-gallon container, one 350-gallon container and one 478-gallon container of D001 hazardous waste. Hazardous waste in this area is generated throughout other locations within the facility and brought to this location in what the facility has identified as its CAA for hazardous waste. None of these containers were marked with the start date of accumulation.
69. At the time of the CEI, the EPA inspectors observed four gaylord boxes and one 55-gallon container, which were all storing D001 hazardous waste aerosol cans in the CAA, that were not marked with words "Hazardous Waste."
70. At the time of the CEI, the EPA inspectors observed that the Respondent failed to prevent a release of D001 process ink coder on the floor near Product Lines 1, 2, and 3 and a release of 70% Justrite IPA solution on the floor of the production facility.
71. At the time of the CEI, the EPA inspectors observed the following open containers of hazardous waste: containers used for collecting D001 spent aerosol cans in SAAs at Production Lines 4, 5, 6, 31, 33, and 34; one 55-gallon drum used for collecting D001 solvent contaminated rags in a SAA at Production Lines 1, 2 and 3; one 1-gallon container used for collecting D035 spent methyl ethyl ketone (MEK) in a SAA at Production Lines 32 and 36 near Suite 2; two 55-gallon drums used for collecting D001 hazardous waste in SAAs at Plant 2 Line 5, 6 and 31; and one 55-gallon drum with an aerosol can puncturing device for collecting the contents of spent aerosol cans in a SAA within the CAA.
72. At the time of the CEI, the EPA inspectors observed the following containers, which were not labeled with the words "Hazardous Waste": containers used for collecting D001 spent aerosol cans in SAAs at Production Lines 4, 5, 6, 31, 33, and 34; one 55-gallon drum used for collecting D001 solvent contaminated rags in a SAA at Production Lines 1, 2 and 3; and one 55-gallon drum with an aerosol can puncturing device for collecting the contents of spent aerosol cans in a SAA within the CAA.

73. At the time of the CEI, the EPA inspectors observed that the Respondent failed to manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment. Specifically, some universal waste lamps were not stored in containers and others were stored in open containers.
74. At the time of the CEI, the EPA inspectors observed seven (7) 4-foot containers of universal waste lamps and several more that were not in containers. The Respondent failed to label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," "Waste Lamp(s)," or "Used Lamps."
75. At the time of the CEI, the EPA inspectors observed that the Respondent failed to provide any evidence to demonstrate the length of time that the universal waste had been accumulated from the date that it became a waste or was received.

V. ALLEGED VIOLATIONS

76. Respondent is a "person" as defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
77. Respondent is the "owner/operator" of a "facility" located at 2030 Old Candler Road, Gainesville, Georgia, as those terms are defined in Ga. Comp. R. and Regs 391-3-11-.02(1) [40 C.F.R. § 260.10].
78. Respondent discards "solid waste" as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2].
79. 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].
80. Respondent has a "tank" as defined in Ga. Comp. R. and Regs 391-3-11-.02(1) [40 C.F.R. § 260.10].
81. Respondent has a "tank system" as defined in Ga. Comp. R. and Regs 391-3-11-.02(1) [40 C.F.R. § 260.10].
82. Respondent is a "universal waste handler" as defined in Ga. Comp. R. and Regs 391-3-11-.02(1) [40 C.F.R. § 260.10].
83. At the time of the inspection, the Respondent failed to keep four gaylord box storage containers and one 55-gallon container, which were all storing aerosol cans with EPA waste code D001 in the designated CAA, closed when hazardous waste was not being added or removed. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the container management requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.173(a)].

84. The Respondent failed to conduct weekly CAA inspections from May 9, 2016 through May 23, 2016. 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) (2017) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the inspection requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.174].
85. The Respondent did not mark ancillary equipment used to transfer an ethanol rinse, a hazardous waste that contains an organic concentration of at least 10 percent by weight, in a manner that allowed it to be readily distinguishable from other pieces of equipment as required by the RCRA Subpart BB Air Emission Standards for Equipment Leaks. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart BB Organic Air Emission Standards for Equipment Leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1050(c)].
86. The Respondent failed to monitor a pump in light liquid service used to transfer an ethanol rinse, a hazardous waste that contains an organic concentration of at least 10 percent by weight, monthly to detect leaks by methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)] as required by the RCRA Subpart BB Air Emission Standards for Equipment Leaks. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart BB Organic Air Emission Standards for Equipment Leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1052(a)(1)].
87. The Respondent failed to monitor each valve in light liquid service used to transfer an ethanol rinse, a hazardous waste that contains an organic concentration of at least 10 percent by weight, monthly to detect leaks by the methods specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1063(b)] as required by the RCRA Subpart BB Air Emission Standards for Equipment Leaks. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart BB Organic Air Emission Standards for Equipment Leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1057(a)].
88. The Respondent failed to record information for each piece of equipment to which Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. Part 265, Subpart BB] applies in the facility operating record as required by the RCRA Subpart BB Air Emission Standards for Equipment Leaks. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart BB Organic Air Emission Standards for Equipment Leaks in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1064(b)(1)].

89. The Respondent failed to determine the average volatile organic concentration for a hazardous waste stream with organic chemical compositions at the point of waste origination, and therefore failed to implement waste determination procedures specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1084] as required by the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart CC Organic Air Emission Standards for Tanks and Containers in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1084].
90. The Respondent stored hazardous waste that contains an average volatile organic concentration of at least 500 parts per million by weight in hazardous waste tank T16, but failed to perform an initial inspection and reoccurring annual inspections of the fixed roof and its closure devices to check for defects that could result in air pollution emissions from hazardous waste tank T16 as required by the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart CC Organic Air Emission Standards for Tanks and Containers in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085(c)(4)(i) and (ii)].
91. The Respondent stored hazardous waste in light liquid service in containers with the approximate capacity of 350-gallons and 478-gallons but failed to use Container Level 2 controls as specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(1)(iii)] and failed to secure or maintain each closure device in the closed position as required by the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(1)(iii)].
92. The Respondent stored hazardous waste in light liquid service in containers with the approximate capacity of 350-gallons and 478-gallons but failed to use Container Level 2 controls as specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(1)(iii)] and failed to provide initial or annual inspection documentation for the containers and their covers or closure devices as required by the RCRA Subpart CC Organic Air Emission Standards for Tanks and

Containers. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)(4)].

93. The Respondent stored hazardous waste that contains an average volatile organic concentration of at least 500 parts per million by weight in hazardous waste tank T16 and stored hazardous waste in light liquid service in containers with the approximate capacity of 350-gallons and 478-gallons, but failed to keep records as described in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090(b) through (j)] for the hazardous waste tank T16 and for the 350-gallon and 478-gallon containers as required by the RCRA Subpart CC Organic Air Emission Standards for Tanks and Containers. The EPA therefore alleges that the 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) (2017) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the requirements of Subpart CC Organic Air Emission Standards for Tanks and Containers Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090(b) through (j)].
94. The Respondent did not mark the start date of accumulation on four gaylord box storage containers, one 55-gallon container, one 350-gallon container and one 478-gallon container storing D001 hazardous waste. 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) (2017) [40 C.F.R. § 262.34(a)(2) (2016)].
95. The Respondent did not label or clearly mark four gaylord box storage containers and one 55-gallon storage container accumulating hazardous waste on-site with the words: "Hazardous Waste." 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 labeling requirements of Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(a)(3) (2016)].
96. The Respondent failed to prevent a release of D001 process ink coder on the floor near Product Lines 1, 2, and 3 and a release of 70% Justrite IPA solution on the floor of the production facility. 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) (2017) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the maintenance and operation requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31].

97. Respondent failed to keep containers of D001 hazardous waste aerosol cans in SAAs at Production Lines 4, 5, 6, 31, 33, and 34; one 55-gallon drum used for collecting D001 solvent contaminated rags in a SAA at Production Lines 1, 2 and 3; one (1) 1-gallon container used for collecting D035 spent methyl ethyl ketone (MEK) in a SAA at Production Lines 32 and 36 near Suite 2; two 55-gallon drums used for collecting D001 hazardous waste in SAAs at Plant 2 Line 5, 6 and 31; and one 55-gallon drum with an aerosol can puncturing device for collecting the contents of spent aerosol cans in a SAA within the CAA closed. 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 SAA Permit Exemption set forth in Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(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)].
98. The Respondent failed to label containers with the words “Hazardous Waste” used for collecting D001 spent aerosol cans in SAAs at Production Lines 4, 5, 6, 31, 33, and 34; one 55-gallon drum used for collecting D001 solvent contaminated rags in a SAA at Production Lines 1, 2 and 3; and one 55-gallon drum with an aerosol can puncturing device for collecting the contents of spent aerosol cans in a SAA within the CAA. 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 SAA Permit Exemption by not complying with the labelling requirements of Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1)(ii) (2016)].
99. The Respondent failed to manage seven (7) 4-foot containers of universal waste lamps and several lamps not in containers in a way that prevents releases of any universal waste or component of a universal waste to the environment. The EPA therefore alleges that the Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)], by failing to manage spent universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
100. The Respondent failed to label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.” The EPA therefore alleges that the Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(d)], by failing to label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
101. The Respondent failed to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received. The EPA therefore alleges that the Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35(a) and (c)], by failing to demonstrate the length of time that the facility’s universal waste had been accumulated from the date that the universal waste became a waste or was received.

VI. STIPULATIONS

102. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
103. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
- f. waives its rights to appeal the Final Order accompanying this CAFO.

104. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. 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 CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
- d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
- e. 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 prepared by an EPA official and addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and
- f. agrees to comply with the terms of this CAFO.

105. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.

106. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

107. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **TWO HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

108. 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.

- a. 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

- b. 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
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

- c. 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"

- d. 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

109. Respondent shall send proof of payment, within 5 business days of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

David Champagne
RCRA Enforcement Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
champagne.david@epa.gov

110. “Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the Facility name and “Docket No. RCRA-04-2019-4000(b).”
111. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, EPA is entitled 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. Accordingly, EPA may require the Respondent to pay the following amounts on any amount overdue:
- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. 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 not more than six percent (6%) per annum, which will accrue from the date the penalty

payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

- c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

112. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;
- b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;
- c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
- d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

113. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. EFFECT OF CAFO

114. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

115. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

116. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).

117. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the

EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

118. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
119. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
120. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.
121. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
122. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
123. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
124. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
125. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
126. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
127. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

128. 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.

IX. EFFECTIVE DATE

129. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of Piedmont, LLC, Docket No. RCRA-04-2019-4000(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Signature Date July 7, 2021

Printed Name: Lin K Taibl

Title: VP of EHS3

Address: 6710 River Road, Hodgkins IL, 60525

The foregoing Consent Agreement In the Matter of Piedmont, LLC, Docket No. RCRA-04-2019-4000(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Piedmont, LLC
2030 Old Candler Rd.
Gainesville, Georgia 30507
EPA ID No.: **GAD131327546**

Respondent.

Docket No. **RCRA-04-2019-4000(b)**

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

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, 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 Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of Piedmont, LLC, Docket No. RCRA-04-2019-4000(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Lin Taibl, VP of Environmental Health Safety Security and Sustainability
Voyant Beauty
lin.taibl@voyantbeauty.com
6710 River Road
Hodgkins, Illinois 60525
(708) 387-4892

Thomas Dimond
Ice Miller, LLP
thomas.dimond@icemiller.com
200 W. Madison Street, Suite 3500
Chicago, Illinois 60606
(312) 726-7125

To EPA: David Champagne, Physical Scientist
champagne.david@epa.gov
(404) 562-9028

Joan Redleaf Durbin, Senior Attorney
redleaf-durbin.joan@epa.gov
(404) 562-9544

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

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