

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Optima Chemical Group LLC
200 Willacoochee Highway
Douglas, Georgia 31535
EPA ID No.: GAD981231970

Respondent.

Docket No. RCRA-04-2019-4006(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 civil administrative action for penalties and injunctive relief is 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 (EPA) 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 Optima Chemical Group LLC, a limited liability corporation doing business in the State of Georgia. This proceeding pertains to Respondent's facility located at 200 Willacoochee Highway, Douglas, Georgia 31535 (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 to 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 CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, Ga. Code Ann. § 12-8-64(1)(A) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11-.10(2) (permitted) and Ga. Comp. R. and Regs. 391-3-11-.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11-

.07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].

15. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.20 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. §§ 261.3(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].
18. Listed hazardous wastes include the F-Listed wastes F003 and F005 from nonspecific sources identified in Ga. Comp. R. and Regs. 391-3-11-.07 [40 C.F.R. § 261.31].
19. 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.
20. 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.”
21. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes a corporation.
22. 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.”
23. Pursuant Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “storage” means the containment or holding of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.
24. Pursuant Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
25. Pursuant Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

26. Pursuant Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], “personnel” or “facility personnel” means all persons who work at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in non-compliance with the requirements of part 265 of this chapter.
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) (2017) [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(a)(1)(i) (2016)] which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(b)(iii)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in light material service in .46 m³ containers shall control air pollutant emissions in accordance with the Container Level 2 standards specified in 40 C.F.R. § 265.1087(d).
29. 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. Part 265, Subpart CC], and is a condition of the LQG Permit Exemption, a generator that accumulates hazardous waste containing average volatile organic concentrations (“VOCs”) greater than 500 parts per million by weight (ppmw) in containers must comply with the RCRA Subpart CC Organic Air Emission Standards for Containers, including, but not limited to, the container requirements in Ga. Comp. R. and Regs. 391-3-11.10(1) [40 C.F.R. § 265.1087], and the recordkeeping requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. §265.1090] (“Subpart CC”).
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. § 265.1087(d)(3)(ii)(B)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in a container using Container Level 2 controls is required to promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
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,

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. The federal and state inspections at Optima Chemical Group LLC, and matters described in this CAFO, occurred prior to the State’s authorization of 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 State 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.

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)(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.”
33. 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. 265.16(c)], and is a condition of the LQG Permit Exemption, facility personnel must take part in annual RCRA refresher training.
34. 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 (SAA) 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”).
35. 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.
36. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], and is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
37. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(2) (2016)], a generator who accumulates hazardous waste listed in § 261.31 or § 261.33(e) in excess of the amounts listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1) (2016)] at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(a) (2016)] and must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

IV. FINDINGS OF FACTS

38. Respondent is an operator at the subject facility that provides specialty chemicals, toll and custom manufacturing to the pharmaceutical industry, nutritional products, catalyst, flavors and fragrances, electronics, bioscience and specialty chemical markets; and a global supplier of organometallics, boronic acids, reducing agents and other products. The facility is located at 200 Willacoochee Highway in Douglas, Georgia 31535.

39. Respondent submitted a Biennial Report with notification to the Georgia Environmental Protection Division (GAEPD), notifying as a large quantity generator of hazardous waste at the facility on February 7, 2018.
40. On June 25, 2018, the EPA and GAEPD conducted a RCRA compliance evaluation inspection (CEI) at Respondent's facility. The EPA's findings of the CEI were documented in a report mailed to Respondent, dated September 10, 2018. Respondent provided additional information to EPA regarding the CEI on July 13, 2018.
41. Respondent, through its operations, generates 1,000 kilograms or greater of hazardous waste in a calendar month and therefore is an LQG of hazardous waste.
42. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent, through its operations, generates hazardous waste. This includes hazardous waste with the following EPA Hazardous Waste Numbers: D001, F003 and F005.
43. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent was storing nine (9) 250-gallon Level 2 containers next to the hazardous waste tanks. The hazardous waste in these containers was described and labeled as "Flammable Liquid – High BTU" and "Flammable Liquid – Low BTU." The containers were not labeled or clearly marked with the words "Hazardous Waste." Four (4) of the containers of hazardous waste were observed in the open position while waste was not being added or removed from the container and/or the person performing the unloading operation left the immediate vicinity of the container. Based on the additional information Respondent provided to the EPA on July 13, 2018, the "Flammable Liquid – High BTU" and "Flammable Liquid – Low BTU" were determined to be hazardous waste with EPA Hazardous Waste Numbers: D001, F003 and F005, and contain VOCs greater than or equal to 500 ppmw.
44. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent failed to conduct annual RCRA refresher trainings for four (4) facility personnel dating back three (3) years from the date of the RCRA CEI.
45. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent failed to conduct weekly inspections on several occasions in the 90-day hazardous waste accumulation area the following dates:
 - (a) May 22, 2017 – May 31, 2017;
 - (b) June 19, 2017 – June 27, 2017;
 - (c) June 27, 2017 – July 5, 2017;
 - (d) September 26, 2017 – October 6, 2017; and
 - (e) March 29, 2018 – April 12, 2018.
46. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent failed to keep the following containers of hazardous waste in satellite accumulation areas (SAA) closed when waste was not being added or removed:
 - (a) Three (3) open 2-quart hazardous waste containers in the SAA inside the laboratory; and
 - (b) One (1) open 55-gallon hazardous waste container in the SAA outside the laboratory.

47. During the June 25, 2018 RCRA CEI, the EPA inspector observed that the Respondent failed to label three (3) 2-quart hazardous waste containers in the SAA inside the laboratory with the words “hazardous waste.”
48. During the June 25, 2018 RCRA CEI, the EPA inspector observed the Respondent was storing two (2) 55-gallon containers of hazardous waste in the SAA outside the laboratory. The volume of hazardous waste being accumulated at the point of generations was in excess of 55-gallons of hazardous waste. Additionally, the containers had not been moved to the less than 90-day hazardous waste storage area within three (3) days of accumulating over 55 gallons.

V. ALLEGED VIOLATIONS

49. Respondent is a “person” as defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
50. Respondent is the “owner/operator” of a “facility” located at 200 Willacoochee Highway in Douglas, Georgia 31535, as those terms are defined in Ga. Comp. R. and Regs 391-3-11-.02(1) [40 C.F.R. § 260.10].
51. Respondent discards hazardous “solid waste” as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2].
52. 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].
53. Respondent stores hazardous waste in “containers,” as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
54. Respondent, through its operations, has “facility personnel,” as defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. §260.10], that are involved in “hazardous waste management,” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
55. Respondent was storing nine (9) 250-gallon containers of hazardous waste next to hazardous waste tanks. The nine (9) 250-gallon containers of hazardous waste were not labeled or clearly marked 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)].
56. Respondent was storing four (4) 250-gallon Level 2 containers of hazardous waste in light liquid service next to the hazardous waste tanks. The four (4) 250-gallon containers of hazardous waste identified as “Flammable Liquid – High BTU” and “Flammable Liquid – Low BTU.” were not closed. The hazardous waste in the containers contained VOCs greater than or equal to 500 ppmw. 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 air emission standards for a container with a design capacity greater than .46m³ that is in light material service requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087(d)(3)(ii)(B)].

57. Respondent failed to conduct annual RCRA refresher training for four (4) facility personnel dating back three (3) years from the time of the inspection. 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 personnel training requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(c)].
58. Respondent failed to conduct weekly inspections on several occasions in the 90-day hazardous waste accumulation area as well as the tote storage location adjacent to the hazardous waste storage tanks. 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 of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.174].
59. Respondent failed to keep SAA containers of hazardous waste closed when waste was not being added or removed. 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)].
60. Respondent failed to label three (3) 2-quart hazardous waste SAA containers inside the laboratory 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 SAA 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(c)(1)(ii) (2016)].
61. Respondent had accumulated two (2) 55-gallon SAA containers of hazardous waste outside the laboratory that were in excess amounts of 55-gallons at the point of generation. Additionally, the containers had not been moved to the less than 90-day hazardous waste storage area within 3 days. 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)(2) (2016)], by accumulating hazardous waste in excess of the

amounts listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) (2017) [40 C.F.R. § 262.34(c)(1) (2016)] and mismanaging the excess accumulation.

VI. STIPULATIONS

62. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
63. 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 issuance of this compliance order;
 - (e) consents to the conditions specified in this CAFO;
 - (f) waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - (g) waives its rights to appeal the Final Order accompanying this CAFO.
64. 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 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 addressed to 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.

65. 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, have been corrected.
66. 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

67. Based on the Respondent’s substantiated ability to pay claim, and in accordance with the Act, EPA has determined that \$58,000 is an appropriate civil penalty to settle this action, which Respondent consents to pay as follows:
- a. The civil penalty will be paid in three (3) equal installments in order to complete payment of the entire civil penalty including interest. Including the civil penalty and interest, the total amount that will be paid upon completion of all payments will be \$58,193. The first payment is due within sixty (60) days of the Effective Date of this CAFO, which is upon its filing with the Regional Hearing Clerk. Respondent’s subsequent payments shall thereafter be due in 60-day intervals from said Effective Date.
 - b. Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment shall be made no later than	Principal Amount	Interest Amount	Total Payment Amount
1	Sixty (60) calendar days following the Effective Date of this CAFO.	U.S. \$ 19,301	U.S. \$ 96.66	U.S. \$ 19,397.66
2	One Hundred Twenty (120) calendar days following the Effective Date of this CAFO.	U.S. \$19,333	U.S. \$ 64.66	U.S. \$ 19,397.66
3	One Hundred Eighty (180) calendar days following the Effective Date of this CAFO.	U.S. \$ 19,366	U.S. \$ 31.68	U.S. \$ 19,397.68

- c. If Respondent fails to make one of the installment payments in accordance with the schedule set forth above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure. Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and

shall pay administrative handling charges and late payment penalty charges as described below in Paragraph 71 in the event of any such failure or default.

- d. If Respondent fails to pay the installment payments in accordance with the schedule set forth above, EPA may take action as set forth below in Paragraph 72.
 - e. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of \$58,000 within thirty (30) calendar days of the Effective Date of this CAFO and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.]
68. 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

69. Respondent shall send proof of payments within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
bullock.patricia@epa.gov

and

David Champagne
U.S. EPA Region 4
Land, Asbestos and Lead Section
Enforcement and Compliance Assurance Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
champagne.david@epa.gov

70. “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-04-2019-4006(b).”
71. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.111, 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 60 days of the Effective Date of this CAFO, interest is waived. However, if the civil penalty is not paid in full within 60 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.

72. 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, 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 EPA or engaging in programs 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.

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

VIII. WORK TO BE PERFORMED

74. By no later than sixty (60) days after the Effective Date of this CAFO, Respondent shall develop and submit to the EPA, with a copy to the GAEPD, a document that identifies and/or describes the containers at the Facility subject to RCRA Subpart CC requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) and which includes or address the following ("CC Containers Program"):

(a) Applicability of RCRA Subpart CC requirements to specific containers at the Facility;

- (b) each type of Air Emission Controls(s) associated with each Container, including whether controls are Container Level 1, Container Level 2 or Container Level 3 Standards;
 - (c) if applicable, for each container not using Air Emission Controls specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1087], and in accordance with Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1080], the Facility must provide the information required pursuant to Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090(j)];
 - (d) a plan to keep records in accordance with to Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090];
 - (e) the Respondent's written inspection and monitoring plan pursuant to Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1089];
 - (f) a tracking program (e.g., Management of Change) that ensures that new containers added to the Facility for any reason are integrated into the CC Containers Program (as defined in Paragraph 74) and that containers that are taken out of service are removed from the CC Containers Program;
 - (g) the roles and responsibilities of all employee and contractor personnel assigned to RCRA Subpart CC functions at the Facility;
 - (h) how the number of personnel dedicated to RCRA Subpart CC functions is enough to satisfy the requirements of the CC Containers Program; and,
 - (i) how the Facility plans to implement the CC Containers Program.
75. Once developed, Respondent shall review the CC Containers Program document described herein annually, and update it as necessary on a yearly basis, but no later than January 31 of each calendar year commencing with calendar year 2021.
76. Respondent shall institute a third-party hazardous waste inspection program at the Facility and implement the third-party's recommendations. The third-party inspection team will inspect the Facility with a focus on federal and state RCRA regulations. Respondent agrees to retain, at its expense, a qualified third-party inspection team to conduct at least one third-party inspection over the course of one year, documenting the third-party inspection through photographs, film, and written reports. The Respondent shall provide the third-party inspection reports to the GAEPD and the EPA.
- (a) Within sixty (60) days of the effective date of this CAFO, 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 Facilities 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 CAFO and the CEI Report issued by the EPA, dated September 10, 2018.
 - v. During the third-party inspection, Respondent shall provide the Third-Party Team with unimpeded access to the entirety of the Respondent's 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 provided the photography/film equipment is confirmed by Respondent to be intrinsically safe;
 - vi. After the third-party inspection, no communication shall occur between Respondent and the Third-Party Team, or between the GAEPD or the EPA and the third party team, without the Respondent, the 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 the Respondent, GAEPD and the EPA may be copied (i.e., USPS mail or e-mail); and
 - vii. The Respondent, the GAEPD, or the EPA shall not have an opportunity to review or comment on the third-party inspection report or drafts thereof before the Third-Party Team sends the inspection report to the GAEPD, the EPA, and the Respondent.
- (c) The Third-Party Team shall conduct the third-party inspection within eleven (11) months of the effective date of this CAFO. 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 thirty (30) days after the inspection, the Third-Party Team shall simultaneously submit to the 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. Once all parties have received the final Inspection Report, all parties may provide a response.
- (e) Within forty (40) days of receiving the final Inspection Report, Respondent shall remedy and/or correct any deficiencies identified in the Inspection Report and send a letter to the 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 final 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, the Federal Insecticide, Fungicide, and Rodenticide Act, or Toxic Substances Control Act), and Respondent shall correct those deficiencies within forty (40) days of receiving the final Inspection Report.
- (h) Respondent shall notify the GAEPD and the EPA immediately by telephone and e-mail if the Third-Party Team discovers any condition at the Respondent’s Facility that could pose an imminent and substantial endangerment to human health or the environment.
- (i) Notifications:
 - i. Submissions required by this CAFO shall be in writing and shall be mailed to the following addresses with a copy also sent by electronic mail:

David Champagne
U.S. EPA Region 4
Land, Asbestos and Lead Section
Enforcement and Compliance Assurance Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
champagne.david@epa.gov

Michelle Zackery
Georgia Environmental Protection Division
Hazardous Waste Management Program - Generator Compliance Unit
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East
Atlanta, Georgia 30334
michelle.zackery@dnr.ga.gov

And

Nichole Rodgers
Georgia Environmental Protection Division
Hazardous Waste Management Program - Generator Compliance Unit
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East
Atlanta, Georgia 30334
nichole.rodgers@dnr.ga.gov

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

Al Horner
Optima Chemical Group LLC
200 Willacoochee Highway
Douglas, Georgia 31535
ahorner@optimachem.com

And

K. Gene Williams
Optima Chemical Group LLC
200 Willacoochee Highway
Douglas, Georgia 31535

- (j) All submissions made by the Respondent or the Third-party to the EPA pursuant to the requirements of this CAFO 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."

- (k) Respondent may make a claim of confidential business information for any information that the third-party inspection team is privy to through the course of its inspection(s). Any claim of confidential business information shall be in accordance with federal and state laws and regulations.

77. Once the work required in this Section is complete, and the payment of the civil penalty is made pursuant to Section VII, Respondent may submit a request to the EPA to terminate the CAFO, including evidence of meeting the requirements of Paragraphs 74-76 above. Upon receipt of Respondent's request to terminate the CAFO, the EPA will determine if the work has been done within the required time frames and completed in accordance with the terms of the CAFO before terminating the CAFO.

IX. EFFECT OF CAFO

78. 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.
79. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
80. 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).
81. 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 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.
82. Nothing herein shall be construed to limit the power of 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.
83. 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.
84. 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. Respondent shall cause all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CAFO.
85. 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.
86. 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.

87. 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.
88. 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.
89. 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.
90. EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that 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 EPA. If such false or inaccurate material was provided, EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
91. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
92. 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.

X. EFFECTIVE DATE

93. 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 **Optima Chemical Group LLC Docket No. RCRA-04-2019-4006(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

OPTIMA CHEMICAL GROUP LLC

Signature



Date

7/6/20

Printed Name:

K. GENE WILLIAMS

Title:

PRESIDENT

Address:

200 WILLACOCHEE HWY, DOUGLAS, GA 31535

The foregoing Consent Agreement In the Matter of **Optima Chemical Group LLC Docket No. RCRA-04-2019-4006(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Optima Chemical Group LLC
200 Willacoochee Highway
Douglas, Georgia 31535

EPA ID No.: GAD981231970

Respondent.

Docket No. RCRA-04-2019-4006(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 **Optima Chemical Group LLC, Docket No. RCRA-04-2019-4006(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: Mr. Al Horner, EHS&S Manager
Optima Chemical Group LLC
200 Willacoochee Highway
Douglas, Georgia 31535
(912) 720-5136
ahorner@optimachem.com

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

Ximena Vasquez, Assistant Regional Counsel
(404) 562-5948
vasquez.maria-ximena@epa.gov

Quantindra Smith, Targeting, Data & Measures Office
(404) 562-8564
smith.quantindra@epa.gov

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

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