



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

JUN 24 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Adam G. Sowatzka
King and Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521

RE: Advanced Disposal Services
Consent Agreement and Final Order
Docket No. TSCA-04-2015-2900(b)

Dear Mr.Sowatzka:

Enclosed please find a copy of the executed CAFO as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CAFO is effective on the date it is filed with the RHC, and the penalty due date is calculated from the effective date.

Also enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Advanced Disposal Services LLC, in Ponte Vedra, Florida on notice of its potential duty to disclose to the Securities Exchange Commission any environmental actions taken by the United States Environmental Protection Agency.

If you have any questions or concerns, please contact Randy Jackson, of my staff, at (404) 562-8464.

Sincerely,

A handwritten signature in blue ink, appearing to read "CÉSAR A. ZAPATA".

César A. Zapata
Chief
Enforcement and Compliance Branch
RCRD Division

Enclosures

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)
)
Advanced Disposal Services Pecan Row)
Landfill, LLC)
2995 Wetherington lane)
Valdosta, Lowndes County, Georgia 31601)
)
Respondent.)
_____)

Docket No. TSCA-04-2015-2900(b)

RECEIVED
EPA REGION 4
2015 JUN 24 PM 2:34
HEALTH, SAFETY & ENVIRONMENTAL
COMMISSION

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Resource Conservation and Restoration Division (RCRD), United States Environmental Protection Agency, Region 4 (EPA). Respondent is Advanced Disposal Services Pecan Row Landfill, LLC.
2. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of the EPA. The Administrator of the EPA has delegated this authority under TSCA to the EPA Region 4 Regional Administrator by EPA Delegation 12-2-A, dated May 11, 1994. The Region 4 Regional Administrator has delegated this authority to the Director of the Resource Conservation and Restoration Division (RCRD) by EPA Region 4 Delegation 12-2-A, dated January 14, 2009. Pursuant to that Delegation, the Director of the

RCRD Division has the authority to commence an enforcement Action as the Complainant in this matter and has the authority to sign Consent Agreements memorializing settlements between the EPA and Respondent.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

4. Pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605, the Administrator of the EPA promulgated regulations in 40 C.F.R. Part 761, pertaining to Polychlorinated Biphenyls (PCBs). Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. § 2614. Any person who violates a provision of Section 15 of TSCA may be assessed a penalty of up to \$37,500 for each such violation occurring after January 12, 2009, in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19, as amended. Each day a violation continues may constitute a separate violation.
5. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for EPA in this proceeding:

Randy Jackson
Enforcement and Compliance Branch
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960
(404) 562-8464

III. Specific Allegations

6. Respondent is the current owner of the Pecan Row Landfill, a now closed solid waste landfill, located in the State of Georgia and is a “person” as defined in 40 C.F.R. § 761.3.
7. Respondent is the successor to Veolia ES Pecan Row Landfill, LLC (Veolia), which owned and operated the Pecan Row Landfill at the time of the TSCA violations alleged herein.
8. According to information obtained by the EPA, on or about March 12, 2010, Safety-Kleen, a PCB storage and disposal company, arranged for Robbie D. Wood, Inc., a hazardous waste transporter, to collect a transport vehicle containing solid waste from Safety-Kleen’s facility in Denton, Texas for transport to the Pecan Row Landfill in Valdosta, Georgia. Mistakenly, Safety-Kleen delivered, and Robbie D. Wood accepted, a transport vehicle containing RCRA and PCB waste meant for disposal at Safety-Kleen’s facility in Deer Park, Texas. The PCB waste content of the March 12, 2010, load was comprised of materials regulated as PCB Containers and PCB bulk product waste.
9. According to information obtained by the EPA, on or about March 12, 2010, the Pecan Row Landfill accepted delivery of the March 12, 2010, Safety-Kleen load. Robbie D. Wood presented a manifest prepared by Safety-Kleen to the Pecan Row Landfill that represented the material to be non-hazardous.
10. Respondent asserts that Veolia, the prior owner and operator of the Pecan Row Landfill, advised Respondent that Veolia did not know that the load of waste delivered by Robbie D. Wood to the landfill for disposal on March 12, 2010, included PCB Containers and PCB bulk product waste. Veolia solidified portions of the load, including PCBs, in steel solidification bins located inside the landfill and disposed of the remaining portions of the load, including PCBs, in the working face area of the landfill.

11. On March 13, 2010, a Safety-Kleen representative contacted the Pecan Row Landfill and notified them that the load delivered by Robbie D. Wood on March 12, 2010, was comprised of materials regulated as PCB Containers and PCB bulk product waste, and that an incorrect waste manifest had been tendered to Pecan Row Landfill along with the load.
12. On March 15, 2010, Veolia notified the Georgia Environmental Protection Division (EPD) of the incident.
13. Over the next several weeks, under the supervision of EPD, the Pecan Row Landfill removed all of the PCB waste from the landfill, characterized the waste, and then removed and shipped the PCB waste for disposal at a permitted PCB disposal facility in Texas pursuant to a Hazardous Waste Removal Plan approved by EPD.
14. On January 30, 2013, Respondent entered into a Consent Order with EPD to resolve violations of the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 *et seq.*, and violations of the Georgia Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.*, related to the March 12, 2010, disposal event at the Pecan Row Landfill.
15. Pursuant to 40 C.F.R. § 761.60(c), unless decontaminated in compliance with 40 C.F.R. §§ 761.60(c)(2) or 761.79, a PCB Container must be disposed of in either an incinerator complying with 40 C.F.R. § 761.70, or in a chemical waste landfill that complies with 40 C.F.R. § 761.75.
16. The EPA alleges that Respondent failed to comply with applicable 40 C.F.R. § 761.60(c) disposal requirements for PCB Containers when, on March 12, 2010, it accepted for disposal and disposed non-decontaminated PCB Containers at the Pecan Row Landfill facility. Therefore, the EPA alleges that Respondent violated the PCB Container disposal requirements of 40 C.F.R. § 761.60(c).

17. 40 C.F.R. § 761.62 provides that PCB bulk product waste must be disposed of in accordance with one of the methods described at 40 C.F.R. § 761.62(a)-(c).
18. 40 C.F.R. § 761.62(b)(1) provides that (i) certain types of PCB bulk product waste or (ii) PCB bulk product waste sampled in accordance with the protocols set out in 40 C.F.R. Part 761, Subpart R, which leach PCBs at less than 10 µg/l of water measured using a procedure used to simulate leachate generation, may be disposed of in a solid waste landfill.
19. The EPA alleges that Respondent failed to comply with the applicable 40 C.F.R. § 761.62 disposal requirements for PCB bulk product waste when on March 12, 2010, it disposed PCB bulk product waste not meeting the requirements of 40 C.F.R. § 761.62(b)(1)(i) in its Pecan Row solid waste landfill in Valdosta, Georgia without first conducting the leachate procedure described in 40 C.F.R. § 761.62(b)(1)(ii). Therefore, the EPA alleges that Respondent violated the PCB bulk product waste disposal requirements of 40 C.F.R. § 761.62.
20. Both Robbie D. Wood and Safety-Kleen have entered into a separate Consent Agreement and Final Order to resolve the allegations made by the EPA against them.

IV. Consent Agreement

20. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations.
21. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
22. For the purposes of achieving a resolution by settlement, Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.

23. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.
24. Compliance with this CAFO shall resolve the allegations of violations contained herein. In accordance with 40 C.F.R. §§ 22.18(c), and 22.31, compliance with this CAFO only resolves Respondent's liability for federal civil penalties for the allegations in Section III of this CAFO and does not affect the right of the EPA or U.S. to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violation of law. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with TSCA or the PCB regulations or other applicable laws and regulations. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by the EPA, and it is Respondent's responsibility to comply with said laws and regulations.
25. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

26. Respondent is assessed a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000.00), which shall be paid within 30 days from the effective date of this CAFO.
27. Respondent shall remit the civil penalty by either (1) wire transfer, in accordance with instructions provided below, or (2) by a cashier's or certified check made payable to the "Treasurer, United States of America." If payment is made by check through the U.S. Postal Service, Respondent shall send the check to the following address:

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

**The check shall reference on its face the name of the
Respondent and Docket Number of this CAFO.**

For payment submittal by any overnight delivery service (Fed Ex, UPS, DHL, etc.), please use the following address:

U. S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101
(314) 425-1818

For payment by wire transfer, in lieu of a cashier's or certified check, if desired, should be directed to the Federal Reserve Bank of New York:

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

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

28. At the time of payment, Respondent shall send a written statement that the payment has been made in accordance with this CAFO (along with a copy of the check if payment is made by check, or indicating that payment was by wire transfer) to each of the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960;

Randy Jackson
Enforcement and Compliance Branch
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

and

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

29. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
30. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
31. This CAFO shall be binding upon the Respondent, its successors and assigns.
32. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CAFO), for Advanced Disposal Services LLC, Docket Number: TSCA-04-2015-2900(b), on 6-24-15, and on 6-24-15, served the parties listed below in the manner indicated:

Robert Caplan
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

(Via EPA Internal Mail)

Randy Jackson
Enforcement and Compliance Branch
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA Internal mail)

Tammye Cross
Enforcement and Compliance Branch
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA Internal mail)

Mr. Adam Sowatzka
King and Spalding
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521

(Via Certified Mail – Return Receipt Requested)

Date:

6-24-15



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