



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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

SEP 03 2015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Beatty, CEO
FAR Research Inc.
2210 Wilhelmina Court, NE
Palm Bay, Florida 32905

Re: FAR Research Inc.
Consent Agreement and Final Order
Docket No. RCRA-04-2015-4011(b)

Dear Mr. Beatty:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above referenced matter. The CA/FO was effective upon filing.

As a reminder, FAR Research Inc. must make payment of the \$53,253 civil penalty, which is due within thirty (30) calendar days of the effective date of the CA/FO. A copy of the check, wire transfer or online payment should be submitted to the following people:

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

and to:

Larry L. Lamberth
Chief, Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Also, enclosed is a copy of a document titled “Notice of Securities and Exchange Commission Registrants’ Duty to Disclose Environmental Legal Proceedings.” This document puts the current owner and the prior owner on notice of their potential duties to disclose to the Securities and Exchange Commission any environmental actions taken by the EPA.

If you have any questions, please feel free to contact Parvez Mallick, of my staff, at (404) 562-8594. Legal questions should be directed to Gregory D. Luetscher at (404) 562-9677.

Sincerely,

A handwritten signature in black ink, appearing to read "CÉSAR A. ZAPATA". The signature is stylized with a large initial "C" and a long horizontal stroke at the end.

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

cc: Kim Burke, Esq.
Tim Bahr, FDEP Tallahassee
Michael Eckoff, FDEP Orlando
Glen Perrigan, FDEP Tallahassee

[Code of Federal Regulations]
[Title 17, Volume 2, Parts 200 to 239]
[Revised as of April 1, 1999]
From the U.S. Government Printing Office via GPO Access
[CITE: 17CFR229.103]

[Page 349]

TITLE 17--COMMODITY AND SECURITIES EXCHANGES

CHAPTER II--SECURITIES AND EXCHANGE COMMISSION

PART 229--STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933,
SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975--
REGULATION S-K--Table of Contents

Subpart 229.100--Business

Sec. 229.103 (Item 103) Legal proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions to Item 103:

1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.
2. No information need be given with respect to any proceeding that involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same legal and factual issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.
3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described.
4. Any material proceedings to which any director, officer or affiliate of the registrant, any owner of record or beneficially of more than five percent of any class of voting securities of the registrant, or any associate of any such director, officer, affiliate of the registrant, or security holder is a party adverse to the registrant or any of its subsidiaries or has a material interest adverse to the registrant or any of its subsidiaries also shall be described.
5. Notwithstanding the foregoing, an administrative or judicial proceeding (including, for purposes of A and B of this Instruction, proceedings which present in large degree the same issues) arising under any Federal, State or local provisions that have been enacted or adopted regulating the discharge of materials into the environment or primary for the purpose of protecting the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if:
 - A. Such proceeding is material to the business or financial condition of the registrant;
 - B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
 - C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2015-4011(b)
)	
FAR Research Inc.)	
(d/b/a FAR Chemical Inc.))	
2210 Wilhelmina Court NE)	
Palm Bay, Florida 32905)	Proceeding Under Section 3008(a) of the
)	Resource Conservation and Recovery Act,
EPA ID Number: FLD980838569)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

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CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of Chapter 403 of the Florida Statutes (Fla. Stat.), § 403.702 *et seq.*, Fla. Stat. [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Chapter 62-730 of the Florida Administrative Code Annotated (Fla. Admin. Code Ann. r.) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of § 403.722, Fla. Stat. [Section 3005 of RCRA, 42 U.S.C. § 6925] and Chapter 62-730, Fla. Admin. Code Ann. r. [40 C.F.R. Parts 260 through 270].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is a corporation incorporated under the laws of the State of Delaware and doing business in the State of Florida. Respondent owns and operates a business located at 2210 Wilhelmina Court NE, Palm Bay, Florida 32905 ("the Facility").

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (Florida or the State) has received final authorization from the EPA to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the State's authorized program are found at § 403.702 et seq., Fla. Stat. and Chapter 62-730, Fla. Admin. Code Ann. r.
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. Florida 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).
9. 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.
10. 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.
11. Section 403.721, Fla. Stat. [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 § 62-730.160, Fla. Admin. Code Ann. r. [40 C.F.R. Part 262].

12. Section 403.722, Fla. Stat. [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 subsection 62-730.180(1), Fla. Admin. Code Ann. r. (permitted) and subsection 62-730.180(2), Fla. Admin. Code Ann. r. (interim status) [40 C.F.R. Part 264 (permitted) and 40 C.F.R. Part 265 (interim status)].
13. Pursuant to subsection 62-730.030(1), Fla. Admin. Code Ann. r. [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. Pursuant to subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 261.3], a solid waste is a “*hazardous waste*” if it meets any of the criteria set forth in subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 261.4(b)].
14. Pursuant to subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. §§ 261.21-261.24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D0043. A D001 hazardous waste is a solid waste that exhibits the characteristic of ignitability; a D002 hazardous waste is a solid waste that exhibits the characteristic of corrosivity, and a D003 hazardous waste is a solid waste that exhibits the characteristic of reactivity. A solid waste that exhibits the characteristic of toxicity for 1,2-Dichloroethane is a D028 hazardous waste, a solid waste that exhibits the characteristic of toxicity for Methyl ethyl ketone is a D035 hazardous waste, and a solid waste that exhibits the characteristic of toxicity for Pyridine is a D038 hazardous waste.
15. Pursuant to subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 261.30], a solid waste is a hazardous waste if it is listed in subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. Part 261, Subpart D] and is not otherwise excluded by § 62-730.021, Fla. Admin. Code Ann. r. [40 C.F.R. § 260.22]. Listed hazardous wastes include the “F-listed” and “P-listed” wastes identified in subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. §§ 261.31(a) and 261.33(e)]. F001 through F005 listed wastes are spent solvents from nonspecific processes. The following halogenated solvents, when spent, are F002 listed hazardous wastes: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane. The following nonhalogenated solvents, when spent, are F003 listed hazardous wastes: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol. The following nonhalogenated solvents, when spent, are F005 listed hazardous wastes: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane. Discarded commercial chemical products, off-specification species, and

container residues identified as acute hazardous waste are “P-listed” wastes; sodium cyanide and sodium cyanide Na(CN) have been designated a P106 listed hazardous waste.

16. Pursuant to subsection 62-730.020(1), Fla. Admin. Code Ann. r. [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 subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
17. Pursuant to subsection 62-730.020(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 260.10], a “*facility*” includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
18. Pursuant to subsection 62-730.020(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 260.10], a “*person*” includes a corporation, partnership, or association.
19. Pursuant to subsection 62-730.020(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 260.10], an “*owner*” is the person who owns a facility or part of a facility and an “*operator*” is the person responsible for the overall operation of a facility.
20. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r. (40 C.F.R. § 262.11), a person who generates a solid waste must determine if that waste is a hazardous waste.
21. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(a)], a generator of greater than 1,000 kilograms of hazardous waste or 1 kilogram or greater of acute hazardous waste per month is a large quantity generator (“LQG”), and may accumulate hazardous waste on-site for 90 days or less, without a permit or interim status, provided that the generator complies with the applicable requirements of subsection 62-730.030(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the “*LQG Permit Exemption*”).
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [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.
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates, Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.176]), and is a condition of the LQG Permit Exemption, a generator’s containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility’s property line.

24. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, as listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33(e)], in containers at or near the point of generation where the wastes initially accumulate, which is under the control of the operator of the process generating the waste (a “satellite accumulation area” or “SAA”), without a permit or interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).
25. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(c)(1)(ii)], 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 containers.
26. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(a)(2)], 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 for inspection on each container.
27. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(a)(1)(i)], which incorporates subsection 62-730.180(2), Fla. Admin. Code Ann. r. [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 and for deterioration of containers caused by corrosion or other factors. In addition, subsection 62-730.160(6) Fla. Admin. Code Ann. r. requires that written documentation of such inspections be kept at least three years from the date of the inspection.
28. Pursuant to subsection 62-730.160(1), Fla. Admin. Code Ann. r., which incorporates subsection 62-730.180(2), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.51], a condition of the LQG Permit Exemption, each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

IV. EPA ALLEGATIONS AND DETERMINATIONS

29. Respondent is a “person” as that term is defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].

30. Respondent is the “owner/operator” of a “facility” located at 2210 Wilhelmina Court NE, Palm Bay, Florida, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
31. Respondent is a “generator” of “hazardous waste” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].
32. Respondent is a bulk chemical manufacturer specializing in custom synthesis of chemicals used by the pharmaceutical, photographic, electronic, polymer, cosmetic, fragrance, and chemical industry, including small volume chemical mixtures for the local electronics sector. The facility also produces custom products using either the customer's chemical synthesis processes or using processes developed by the facility.
33. On February 19, 2014, Respondent notified Florida Department of Environmental Protection (FDEP) that the Facility is a LQG of hazardous waste, meaning that it generates greater than 1,000 kilograms of hazardous waste, or one kilogram of acute hazardous waste, per month. In its February 19, 2014 Biennial Report, Respondent reported that it generated the following hazardous wastes: D001, D002, D028, D035, D038, F002, F003, F005, and P106.
34. On December 18, 2013, the EPA and representatives of FDEP performed a RCRA Compliance Evaluation Inspection (CEI) at Respondent’s Facility. The findings of the CEI were documented in a RCRA CEI report; a copy of the CEI report and a Notice of Opportunity to Show Cause letter were mailed to the Respondent on April 7, 2015.
35. At the time of the CEI, Respondent was storing numerous containers of waste in the laboratory area, including acetone, sodium cyanide, and other chemicals (“waste laboratory chemicals”). Many of the containers of waste laboratory chemicals were very rusty and a few containers had begun crystallizing at the cap. Some of the containers were marked as “Disposal”, “Waste”, and “Hazardous Waste” although Respondent had not made a hazardous waste determination on these waste laboratory chemicals.
36. The EPA therefore alleges that Respondent violated subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on the waste laboratory chemicals generated at the Facility’s laboratory area.
37. The EPA therefore alleges that Respondent violated § 403.722, Fla. Stat. [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 subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. 262.34(a)(4)], by

- not complying with the maintenance and operation requirements of subsection 62-730.180(2), Fla. Admin. Code Ann. r. [40 C.F.R. § 265.31].
38. At the time of the CEI, Respondent was storing ignitable (D001) and/or reactive (D003) hazardous wastes at a location within Building 6, which is less than 50 feet from the property line.
 39. The EPA therefore alleges that Respondent violated § 403.722, Fla. Stat. [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 subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. 262.34(a)(4)], by not complying with the special requirements for ignitable or reactive wastes established in subsection 62-730.180(2), Fla. Admin. Code Ann. r. [40 C.F.R. § 265.176].
 40. At the time of the CEI, Respondent was utilizing five SAAs at the Facility located near the roll-up door of Building 2. The containers located in these five SAAs stored waste sodium cyanide liners (D003 and P106), used oil filters (F002), and used Cuno cloth filters (D028, D035, D038 and F005) that had been generated in Buildings 2, 5, and 14. The management of these containers of hazardous waste did not meet the requirements of the SAA Permit Exemption, as the containers from Buildings 5 and 14 were not “at or near” the point of generation and were not “under the control of the operator.”
 41. The EPA therefore alleges that Respondent violated § 403.722 Fla. Stat. [Section 3005 of RCRA, 42 U.S.C. § 6925], for storing hazardous waste without a permit or interim status, by failing to meet the requirements of the LQG Permit Exemption provided in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2)], by not complying with the SAA Permit Exemption requirements.
 42. As revealed by the EPA during the CEI and later affirmed by the Respondent, between April 8, 2013 and July 1, 2013, Respondent failed to conduct three weekly inspections of the containers of hazardous waste stored in the Building 6 and Building 2 area.
 43. The EPA therefore alleges that Respondent violated § 403.722, Fla. Stat. [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 subsection 62-730.160(1), Fla. Admin. Code Ann. r. [40 C.F.R. 262.34(a)(4)], by not complying with the inspection requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.174] and subsection 62-730.160(6), Fla. Admin. Code Ann. r.
 44. At the time of the CEI, Respondent’s contingency plan did not include the laboratory and maintenance operations areas, which were being used to manage hazardous waste.

45. The EPA therefore alleges that Respondent violated § 403.722 Fla. Stat. [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 subsection 62-730.160(1) Fla. Admin. Code Ann. r. [40 C.F.R. 262.34(a)(4)], by not complying with the Contingency Plan requirements of subsection 62-730.180(2) Fla. Admin. Code. Ann. r. [40 C.F.R. § 265.51].

V. TERMS OF AGREEMENT

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

46. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
47. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
48. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement, and any right to confer with the Administrator.
49. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO.
50. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
51. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
52. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
53. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
54. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program

55. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

56. Respondent consents to the payment of a civil penalty in the amount of **FIFTY THREE THOUSAND TWO HUNDRED AND FIFTY THREE DOLLARS (\$53,253)**, which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
57. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

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

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

58. Respondent shall submit a copy of the payment to the following individuals:

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

And to:

Larry Lamberth, Chief
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

59. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar-day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid.

This non-payment is in addition to charges, which accrue or may accrue under subparagraphs (a) and (b).

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

VII. PARTIES BOUND

61. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
62. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
63. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

64. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
65. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
66. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

IX. OTHER APPLICABLE LAWS

67. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

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

Gregory D. Luetscher
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9677

69. A copy of any documents that Complainant files in this action shall be sent to the following individuals who represent Respondent in this matter and who are authorized to receive service for Respondent in this proceeding:

Joseph Beatty, CEO
FAR Research Inc.
2210 Wilhelmina Court NE
Palm Bay, Florida 32905

Kim Burke, Esq.
Partner
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957

XI. SEVERABILITY

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

XII. EFFECTIVE DATE


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

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In the matter of FAR Research Inc. (d/b/a FAR Chemical Inc.), Docket No. RCRA-04-2015-4011(b):

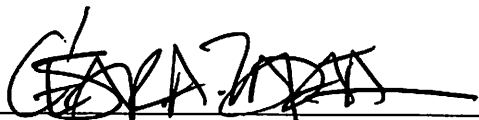
AGREED AND CONSENTED TO:

FAR Research Inc. (d/b/a FAR Chemical Inc.)

By: 
Joseph Beatty, CEO
FAR Research Inc.
2210 Wilhelmina Court NE
Palm Bay, Florida 32905

Dated: 8/25/15

United States Environmental Protection Agency

By: 
César A. Zapata, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4

Dated: 9/1/15

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2015-4011(b)
)	
FAR Research Inc.)	
(d/b/a FAR Chemical Inc.))	
2210 Wilhelmina Court NE)	
Palm Bay, Florida 32905)	Proceeding Under Section 3008(a) of the
)	Resource Conservation and Recovery Act,
EPA ID Number: FLD980838569)	42 U.S.C. § 6928(a)
)	
)	
Respondent)	
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 1st day of September, 2015

BY: Tanya Floyd
Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of **FAR Research Inc. (d/b/a FAR Chemical Inc.)**, Docket Number: RCRA-04-2015-4011(b), and have served the parties listed below in the manner indicated:

Gregory D. Luetscher
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's Electronic Mail)

Parvez Mallick
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

(Via EPA's Electronic Mail)

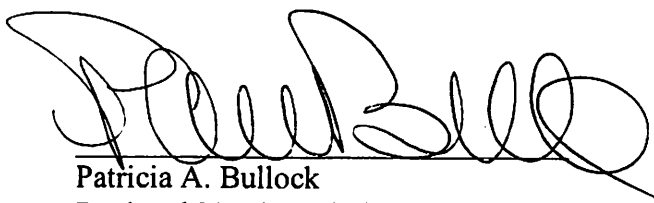
Quantindra Smith
Enforcement and Compliance Branch
Resource Conservation and Restoration Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

(Via EPA's Electronic Mail)

Kim Burke, Esq.
Partner
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957

(Via Certified Mail-Return
Receipt Requested)

Date: 9-3-15



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511