UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: **Westinghouse Electric Company, LLC** 5801 Bluff Road Hopkins, South Carolina 29061 EPA ID No.: SCD047559331 Respondent.	Docket No. **RCRA-04-2022-2103(b)** Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for penalties and injunctive relief brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. Respondent is Westinghouse Electric Company, LLC 5801 Bluff Road, Hopkins South Carolina 29061a Delaware limited liability company doing business in the State of South Carolina. This proceeding pertains to Respondent's Columbia Fuel Fabrication Facility located at 5801 Bluff Road, Hopkins, South Carolina (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina (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 the South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. § 44-56-10 *et seq.*, and 25 S.C. Code Ann. Regs. 61-79.260-270, 61-79.273 and 61-107.279.

7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.

8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.

9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.

11. Sections 44-56-30 and 44-56-35 of the SCHWMA, S.C. Code Ann. § 44-56-30 and 44-56-35 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], require the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at 25 S.C. Code Ann. Regs. 61-79.262 [40 C.F.R. Part 262].

12. Section 44-56-60(a)(2) and (b)(3) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [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 25 S.C. Code Ann. Regs. 61-79 Part 264 (permitted) and 25 S.C. Code Ann. Regs. 61-79 Part 265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.2 [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 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 25 S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].

15. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 261.20 [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in 25 S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] are characteristic hazardous wastes and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for tetrachloroethylene is identified with the EPA Hazardous Waste Number D039.

17. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 261.30 [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 25 S.C. Code Ann. Regs. 61-79 Part 261 Subpart D [40 C.F.R. Part 261, Subpart D].

18. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in 25 S.C. Code Ann. Regs. 61-79.261.31 [40 C.F.R. § 261.31].

19. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.31 [40 C.F.R. § 261.31], F002 includes the following spent halogenated solvents: 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; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

20. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(iv) [40 C.F.R. § 261.3(a)(2)(iv)], a solid waste is a hazardous waste if it is a mixture of solid waste and one or more hazardous wastes listed in subpart D of this part and has not been excluded.

21. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [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 25 S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.

22. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [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.

23. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "hazardous secondary material" is "a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste under part 261 of this chapter."

24. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this paragraph, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.

25. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "person" includes a limited liability company.

26. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [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."

27. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "storage" means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

28. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "tank system" is defined as a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

29. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], an "incinerator" is defined as a device which uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or meets the definition of infrared incinerator or plasma incinerator.

30. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

31. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

32. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.42(a) [40 C.F.R. § 260.42(a)], owners and operators of facilities managing hazardous secondary materials under 25 S.C. Code Ann. Regs. 61-79.261.4(a)(23) [40 C.F.R. § 261.4(a)(23)] must send a notification prior to operating under the regulatory provision and by March 1 of each even-numbered year thereafter to Director, South Carolina Department of Health and Environmental Control (SCDHEC) using EPA Form 8700-12 that includes the information required by this section.

33. Pursuant to 25 S.C. Code Ann. Regs. 61-79.266.100 [40 C.F.R. § 266.100], the requirements of 25 S.C. Code Ann. Regs. 61-79.266 Subpart H [40 C.F.R. Part 266, Subpart H] apply to hazardous waste burned or processed in a boiler or industrial furnace.

34. Pursuant to 25 S.C. Code Ann. Regs. 61-79.266.100(d) [40 C.F.R. § 266.100(d)], owners and operators of smelting, melting, and refining furnaces that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this subpart. However, to be exempt, owners and operators must comply with the notification, sampling, and recordkeeping requirements of 25 S.C. Code Ann. Regs. 61-79.266.100(d)(1) [40 C.F.R. § 266.100(d)(1)], and

the waste organic content and heating value requirements of 25 S.C. Code Ann. Regs. 61-79.266.100(d)(2) [40 C.F.R. § 266.100(d)(2)].

35. Pursuant to 25 S.C. Code Ann. Regs. 61-79.266.210 [40 C.F.R. § 266.210], Low-Level Mixed Waste (LLMW) is a waste that contains both low-level radioactive waste (as defined at 40 C.F.R. § 266.210) and RCRA hazardous waste.

36. Pursuant to 25 S.C. Code Ann. Regs. 61-79.266.225 [40 C.F.R. § 266.225], LLMW is eligible for a conditional hazardous waste exemption if it is "generated and managed by [a facility] under a single Nuclear Regulatory Commission (NRC) or NRC Agreement State license."

37. 25 S.C. Code Ann. Regs. 61-79.266.230 [40 C.F.R. § 266.230] identifies the conditions a facility managing LLMW must meet to qualify for, and maintain, a storage and treatment unit exemption.

38. Pursuant to 25 S.C. Code Ann. Regs. 61-79.266.230 [40 C.F.R. § 266.230], LLMW may be treated at a facility within a tank or container in accordance with the terms of an NRC or NRC Agreement State license. Treatment that cannot be done in a tank or container without a RCRA permit (such as incineration) is not allowed under this exemption.

39. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in 25 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

40. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.34(a) [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 44-56-60(a)(2) and (b)(4) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b)(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)-(4) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the "LQG Permit Exemption").

41. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.34(a)(3), 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 - federal laws prohibit improper disposal."

IV. FINDINGS OF FACTS

42. The Facility is located at 5801 Bluff Road, Hopkins, South Carolina.

[1] South Carolina's newly adopted Generator Improvement Rule (GIR) regulations were effective in South Carolina as of May 24, 2019 but were not federally enforceable at the time of the EPA and State inspections at Westinghouse. As such, this CAFO will cite to the South Carolina hazardous waste regulations that were federally enforceable 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.

43. The Facility is a manufacturing facility of commercial nuclear fuel and components used in power plants to generate electricity throughout the United States and internationally.

44. Respondent has operated the Facility since 1969 pursuant to authorization by the Nuclear Regulatory Commission (NRC) and its predecessor, The Atomic Energy Commission.

45. The Facility is registered with the SCDHEC as an LQG of hazardous waste.

46. Respondent has utilized an NRC-licensed and SCDHEC-permitted incinerator for the purpose of recovering and recycling uranium since shortly after commencing operations.

47. On June 5, 2019, SCDHEC conducted a hazardous waste compliance inspection at the Facility and then on July 1, 2019, contacted Respondent to inquire further about the practice of incinerating wet combustible material (WCM) (which is further described in Paragraph 57) containing tetrachloroethylene to recover uranium.

48. Immediately following SCDHEC's inquiry, on July 1, 2019, Respondent voluntarily suspended incineration activities and initiated a review of all material inputs to the incinerator. On July 31, 2019, Respondent sent SCDHEC a letter explaining Respondent's position that the WCM containing tetrachloroethylene was not a waste given its uranium content which Respondent intended to recover.

49. On July 9, 2019, Respondent issued modified procedures to prevent the incineration of WCM containing tetrachloroethylene. Instead of incineration, all WCM containing tetrachloroethylene was segregated and quarantined until Respondent and SCDHEC agreed on a process to further manage this material.

50. In addition, Respondent (1) beginning July 1, 2019, ceased the addition of bulk solvent materials containing tetrachloroethylene to WCM drums; (2) revised its processes to segregate WCM containing tetrachloroethylene into a dedicated Satellite Accumulation Area; (3) executed a plan to safely repackage and dispose of the Solvent Extraction (SOLX) mixture located at the Facility; and (4) accelerated its plans to redesign its SOLX process and replace its use of tetrachloroethylene with a non-hazardous chemical.

51. On November 14 and 15, 2019, the EPA and the SCDHEC conducted a Compliance Evaluation Inspection (CEI) at Respondent's Facility. The EPA's findings of the CEI were documented in a report electronically transmitted to Respondent, dated May 15, 2020.

52. At the time of the CEI, the EPA determined that the Respondent had been using a solvent mixture of approximately 70% tetrachloroethylene and approximately 30% tributyl phosphate (TBP), in SOLX I, to recover uranium dissolved in nitric acid using a solvent/liquid countercurrent extraction system.

53. As a result of performing the solvent/liquid extraction operation, discussed in Paragraph 52 above, the solvent mixture ultimately became contaminated and spent. The EPA determined that the presence of uranium remaining in the spent mixture from the extraction process caused it to be a low-level radioactive waste and the tetrachloroethylene content caused it to be a hazardous waste. Per Paragraph 35 above, the solvent mixture was classified by EPA as a LLMW.

54. At the time of the CEI, the EPA determined that the Respondent was accumulating spent solvent, (as a result of using the solvent mixture described in Paragraph 52 in the process described in the same paragraph), in the V-1454 tanks. These tanks were not labeled with the words "Hazardous Waste." In addition, at the time of the CEI, the Respondent's Facility had never managed this spent solvent as a characteristic or listed hazardous waste, as the Respondent did not deem the mixture to meet the definition of a hazardous waste, nor the F002 listing.

55. At the time of the CEI, the EPA determined that Respondent failed to determine that, when spent, the solvent mixture described in Paragraph 52 was a D039 characteristic (tetrachloroethylene) and F002 listed hazardous waste.

56. Subsequent to the July 31, 2019 letter to SCDHEC described in Paragraph 48, Respondent began to make arrangements for the disposal of the SOLX mixture described in Paragraph 54 which was managed in the V-1454 tanks at the Facility. As of March 27, 2020, all the SOLX mixture described in Paragraph 52 which was managed in the V-1454 tanks had been manifested off-site using a uniform hazardous waste manifest (EPA Form 8700-22) to a mixed waste treatment, storage, and disposal facility as a D039 characteristic and F002 listed hazardous mixed waste.

57. At the time of the CEI, the EPA determined that the Facility, because of its manufacturing operations, generates "wet" low-level radioactive solid waste contaminated with uranium consisting of a mixture which at varying times may include personal protective equipment, mop heads, rags, process filters (cuno, bag, etc), plastic bags, and personal protective equipment. This low-level radioactive solid waste is referenced as "wet combustible materials, or WCM."

58. At the time of the CEI, the EPA determined that prior to July 1, 2019 the Respondent had added a small amount of the solvent mixture, discussed in Paragraph 54, to a portion of metal drums containing WCM at the Facility for the purposes of recovering the uranium in the material. The addition of solvent mixture introduced up to approximately 0.156 gallons of tetrachloroethylene to each drum.

59. At the time of the CEI, the EPA determined that the Respondent had placed and was storing WCM with the added solvent mixture containing tetrachloroethylene in metal drums within 11 40-foot steel shipping containers called "Sealands."

60. At the time of the CEI, the EPA determined that the Respondent had also been placing WCM with the added solvent mixture containing tetrachloroethylene into an on-site incinerator for uranium recovery purposes.

61. In response to information requested by the EPA and SCDHEC representatives during the CEI, the Respondent sent an electronic message to the EPA and SCDHEC on November 26, 2019.

62. Within the Respondent's November 26, 2019 electronic message, information provided under the heading of "Category 6–Dates during the past five years on which any material from drums within the Sealand Containers managing Wet Combustible Materials were incinerated at Westinghouse" it is stated "[d]uring the past 5 years, based on incinerator data, procedure reviews and employee interviews, it is believed that no drums of WCM with [tetrachloroethylene] or used oil placed into Sealands have been burned for uranium recovery."

63. Within the Respondent's November 26, 2019 electronic message, information provided under the heading of "Category 7–Documents which describe the quantities of drums of WCM incinerated at Westinghouse or the quantity of WCM incinerated" information is provided which indicates that up to 488 drums of WCM that contain material contaminated with tetrachlorethylene or used oil were incinerated at the Facility from April 24, 2017 through November 26, 2019.

64. On December 19, 2019, the EPA sent Respondent a Request for Information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, requesting information about the Respondent's use of the solvent mixture, including tetrachloroethylene, in a process used to recover uranium and the subsequent management of wastes from this process. Respondent timely responded to the EPA's request.

65. Respondent has worked cooperatively with the EPA since the CEI, including multiple meetings, telephone calls and formal correspondence.

66. Respondent stopped its use of tetrachloroethylene in April 2020 and started-up its redesigned SOLX process in May 2020.

67. On January 31, 2022, the Respondent submitted a document titled "Westinghouse Proposal to Process Wet Combustible Material Containing Tetrachloroethylene." Within this document, Respondent identified the potential presence of tetrachloroethylene in as many as 522 drums from inside the manufacturing building and from the 11 Sealand steel shipping containers identified in Paragraph 59 above.

68. Respondent is a "person" as defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

69. Respondent is the "owner/operator" of a "facility" located at 5801 Bluff Road, Hopkins, South Carolina, as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

70. Respondent is a "generator" of "solid" and "hazardous waste" as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10] and 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3].

V. ALLEGED VIOLATIONS

71. Respondent failed to determine that the spent solvent mixture containing tetrachloroethylene used for the recovery of uranium at the Facility was a D039 characteristic/F002 listed hazardous waste, respectively. The EPA therefore alleges Respondent violated 25 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.

72. Respondent failed to have a permit to store D039 characteristic and F002 listed hazardous waste in containers or a tank. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status in a tank and containers.

73. Respondent failed to have a permit to perform thermal treatment of D039 characteristic and F002 listed hazardous waste in an incinerator at its Facility. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by treating hazardous waste without a permit or interim status.

VI. STIPULATIONS

74. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

75. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

    a. admits that the 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.

76. For the purpose of this proceeding, Respondent:

    a. acknowledges that this CAFO will be considered an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

    b. 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;

    c. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

    d. 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 the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and

    e. agrees to comply with the terms of this CAFO.

77. Within thirty (30) calendar days of receipt of the executed copy of this CAFO, Respondent shall submit to the EPA a certification signed by a duly authorized representative stating that its Facility is in compliance with the Act and its implementing regulations and that all the violations alleged in this CAFO have been corrected. This certification shall be as follows:

> "I certify under penalty of law, to the best of my knowledge and belief, that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

78. The certification required to be submitted under this CAFO shall be mailed/emailed to:

> Daryl R. Himes
> Chemical Safety and Land Enforcement Branch
> Environmental Compliance and Assurance Division
> U.S. EPA Region 4
> 61 Forsyth Street, S.W.
> Atlanta, Georgia 30303-8960
> himes.daryl@epa.gov

79. 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

80. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **SEVEN HUNDRED TWENTY-ONE THOUSAND, FIVE HUNDRED SEVENTY-SIX DOLLARS ($721,576.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

a. Payment(s) shall be made by cashier's check, certified check, electronic funds transfer (EFT), or 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.

b. 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

c. 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

d. 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"

e. 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

81. Respondent shall send proof of payment, 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
richardson.shannon@epa.gov

And
Daryl R. Himes
Chemical Safety and Land Enforcement Branch
Environmental Compliance and Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

himes.daryl@epa.gov

82. "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 the EPA requirements, in the amount due, and identified with the Facility name and "Docket No. RCRA-04-2022-2103(b)." In lieu of mailed correspondence, Respondent may send proof of payment described in Paragraphs 81 and 82 electronically.

83. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the 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, the 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 thirty (30) days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).

    b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly, 40 C.F.R. § 13.11(c).

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

84. 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, the EPA may:

    a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;

    b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or

d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

85. Penalties paid pursuant to this Section VII shall not be deductible for purposes of federal taxes.

VIII. WORK TO BE PERFORMED

86. Project Coordinator: The Project Coordinator shall be responsible for overseeing the implementation of this CAFO. The Parties have the right to change their Project Coordinators. Each Party shall notify the other Party in writing (email is acceptable) of a change of its Project Coordinator. The EPA Project Coordinator Daryl Himes can be reached by email at himes.daryl@epa.gov and (404) 562-8614. Within seven (7) calendar days of the effective date of this CAFO, Respondent shall notify the EPA of its Project Coordinator.

87. Within seven (7) calendar days of the effective date of this CAFO, Respondent shall submit the following:

a. In order that Respondent's LLMW, including WCM containing tetrachloroethylene, may be eligible or can receive a conditional storage and treatment exemption from the regulatory definition of hazardous waste as set forth by 25 S.C. Code Ann. Regs. 61-79.266.220 [40 C.F.R. § 266.220], Respondent shall submit to SCDHEC, with a copy to the EPA, a notification in writing as required by 25 S.C. Code Ann. Regs. 61-79.266.230 [40 C.F.R. § 266.230] to claim a conditional exemption for the storage and treatment of LLMW which was previously generated and currently stored at the Facility. These LLMW shall include WCM containing tetrachloroethylene as described above. Such WCM is eligible for the exemption because they were previously generated and will be managed at the Facility under a single NRC or NRC Agreement State license, as set forth by 25 S.C. Code Ann. Regs. 61-79.266.230 [40 C.F.R. § 266.230]. Under this license, such WCM may be stored and/or treated in tanks or containers as allowed by 25 S.C. Code Ann. Regs. 61-79.266.235 [40 C.F.R. § 266.235] and in accordance with the NRC or NRC state license without a RCRA permit or interim status.

The dated notification must include the Facility name, address, RCRA identification number, NRC or NRC Agreement State license number, the waste code(s) and storage unit(s) for which you are seeking an exemption, and a statement that Respondent meets the conditions of this subpart. This notification must be signed by an authorized representative who certifies that the information in the notification is true, accurate, and complete.

b. Respondent shall also submit to SCDHEC, with a copy to the EPA, a notification as required by 25 S.C. Code Ann. Regs. 61-79.260.42(a) [40 C.F.R. § 260.42(a)] for facilities which will manage hazardous secondary materials under 25 S.C. Code Ann. Regs. 61-79.261.4(a)(23) [40 C.F.R. § 261.4(a)(23)] and in accordance with requirements of that part, prior to operating under the regulatory provision and by March 1 of each

even-numbered year thereafter to SCDHEC using EPA Form 8700-12 that includes the information specified as required by 25 S.C. Code Ann. Regs. 61-79.260.42(a) [40 C.F.R. § 260.42(a)].

c. In lieu of mailed correspondence, Respondent may send copies of the notifications described in Paragraphs 87 (a) and (b) to the EPA Project Coordinator electronically.

88. Within eighteen (18) calendar months of the effective date of this CAFO, Respondent shall perform the following additional work:

a. Implement the January 31, 2022, document titled "Westinghouse Proposal to Process Legacy Wet Combustible Material Containing Tetrachloroethylene" and Attachment A to treat the contents of up to five hundred twenty-two (522) drums which have been identified by the Respondent to contain WCM potentially containing tetrachlorethylene under the mixed waste exemption at 25 S.C. Code Ann. Regs. 61-79.266.235 [40 C.F.R. § 266.235]. Completion of such treatment will be achieved when such WCM meets the conditions set forth at 25 S.C. Code Ann. Regs. 61-79.266.100(d)(2)(i and ii) [40 C.F.R. § 266.100(d)(i and ii)], respectively, by having a tetrachloroethylene content of less than 500 parts per million by weight and a heating value of less than 5,000 British thermal units (BTU) per pound.

b. Drums of WCM which meet the tetrachloroethylene content and heating value limits after being processed in accordance with Paragraph 88(a) above, shall be thermally treated in the Facility's conditionally exempt refining furnace as hazardous secondary materials pursuant to 25 S.C. Code Ann. Regs. 61-79.261.4(a)(23)[40 C.F.R. § 261.4(a)(23)]. For purposes of this CAFO, the "Additional Work" will be defined as the treatment and incineration of the WCM containing tetrachloroethylene pursuant to Paragraphs 88 (a) and (b).

c. Ash generated from the Additional Work will be managed by the Respondent as a hazardous secondary material.

d. At the time frames of three (3) calendar months, six (6) calendar months, nine (9) calendar months, twelve (12) calendar months, and fifteen (15) calendar months, Respondent shall submit a progress report to the EPA's Project Coordinator which includes the number of WCM drums which have completed the steps set forth in Paragraph 88 (a) and (b) above as well as any issues which could prevent the Respondent from completing the Additional Work within the eighteen (18) calendar months provided. In lieu of mailed correspondence, Respondent may send the progress reports described in this Paragraph to the EPA Project Coordinator electronically.

e. At eighteen (18) calendar months, Respondent shall submit a completion report to the EPA's Project Coordinator which includes the final number of WCM drums which have completed the steps set forth in Paragraph 88 (a) and (b). The completion report must be signed by an authorized representative who certifies that the information in the report is true, accurate, and complete. If Respondent notifies the EPA Project Coordinator that an additional ninety (90) days to complete the Additional Work is necessary, as provided in

Paragraph 88 (f), at eighteen (18) calendar months Respondent shall submit a progress report for that additional time frame pursuant to Paragraph 88 (d).

f. If Respondent cannot complete the processing of all the WCM potentially containing tetrachlorethylene drums pursuant to Paragraph 88 within eighteen (18) calendar months, Respondent shall notify the EPA's Project Coordinator at least 30 days prior to the end of the 18 months that an additional ninety (90) days is necessary to complete the Additional Work, including submission of the completion report required by Paragraph 88 (e). Should Respondent not complete the Additional Work within the additional ninety (90) days, Respondent shall incur a stipulated penalty of five hundred dollars ($500.00) for each additional day beyond the additional ninety (90) days until such time the Additional Work is complete or any remaining WCM potentially containing tetrachlorethylene are disposed, whichever occurs first. In lieu of mailed correspondence, Respondent may send the notification for additional time to complete the Additional Work described in this Paragraph to the EPA Project Coordinator electronically.

g. Payment of any stipulated penalty incurred by Respondent pursuant to Paragraph 88(f) shall be paid within thirty (30) calendar days of receipt of Complainant's written stipulated penalty assessment. Payment shall be made in accordance with the terms of Section VII of this CAFO.

IX. FORCE MAJEURE AND EXCUSABLE DELAY

89. Force majeure, for purposes of this CAFO, is defined as any event arising from causes beyond the control of Respondent or any person or entity controlled by Respondent, including but not limited to Respondent's contractors, that delays or prevents the timely performance of any obligation under this CAFO despite Respondent's best efforts to fulfill such obligation. The requirement that Respondent exercise "best efforts to fulfill such obligation" shall include, but not be limited to, best efforts to anticipate any potential force majeure event and address it before, during, and after its occurrence, such that any delay or prevention of performance is minimized to the greatest extent possible. Force majeure does not include increased costs of the Work to be performed under this CAFO; financial inability to complete the Work; minor precipitation events; or changed circumstances arising out of sale, lease, or transfer of Respondent's interest in any and/or all portions of the Facility.

90. If any event occurs or has occurred that may delay the performance of any obligation under this CAFO, whether or not caused by a force majeure event, Respondent shall contact by telephone and communicate orally with the EPA's Project Coordinator or, in his or her absence, his or her Section Chief or, in the event both of the EPA's designated representatives are unavailable, the Director of the Enforcement and Compliance Assurance Division (ECAD), EPA, Region 4, within three (3) business days of when Respondent first knew the event would cause a delay. Within five (5) business days after said contact, Respondent shall provide to the EPA in writing the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; all other obligations affected by the force majeure event, and what measures, if any, taken or to be taken to minimize the effect of the event on those obligations; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Respondent's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Respondent, such event may cause or contribute to an

endangerment to public health, welfare or the environment. Respondent shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure event. In lieu of mailed correspondence, Respondent may send the information described in this Paragraph to the EPA Project Coordinator electronically.

91. If the EPA determines that the delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this CAFO that is affected by the force majeure event will be extended by the EPA for such time as the EPA determines is necessary to complete such obligation. An extension of the time for performance of such obligation affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation, unless Respondent can demonstrate that more than one obligation was affected by the force majeure event. If the EPA determines that the delay or anticipated delay has been or will be caused by a force majeure event, the EPA will notify Respondent in writing of the length of the extension, if any, for performance of such obligations affected by the force majeure event. EPA shall not unreasonably deny a good faith request for the occurrence of a force majeure event.

92. If the EPA disagrees with Respondent's assertion of a force majeure event, either party may pursue further legal action as would then be available to them. In any subsequent legal action, the potential existence of a force majeure event shall be available for consideration by the decision-making body as appropriate.

X. EFFECT OF CAFO

93. 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.

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

95. 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 Respondent, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).

96. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

97. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

98. 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.

99. 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.

100. 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.

101. By signing this CAFO, 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.

102. By signing this CAFO, 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.

103. By signing this CAFO, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

104. By signing this CAFO, 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.

105. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

106. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

107. 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.

108. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii) and 26 C.F.R. § 162-21(b)(2), Section VIII (Work to be Performed) is restitution or required to come into compliance with the law.

XI. EFFECTIVE DATE

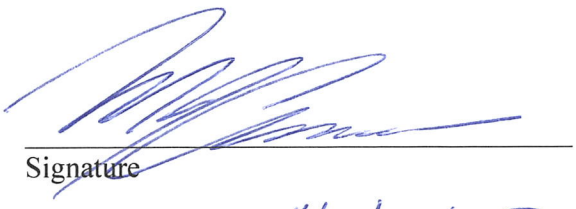
109. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Westinghouse Electric Company, LLC**, Docket No. **RCRA-04-2022-2103(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature Date June 6, 2022

Printed Name: Michael J. Annacone

Title: VP - Columbia Fuel Operations

Address: 5801 Bluff Rd. Hopkins SC 29061

The foregoing Consent Agreement In the Matter of **Westinghouse Electric Company LLC**, Docket No. **RCRA-04-2022-2103(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

KIMBERLY BINGHAM

Digitally signed by KIMBERLY BINGHAM
Date: 2022.06.16 11:11:34 -04'00'

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: **Westinghouse Electric Company, LLC** 5801 Bluff Road Hopkins, South Carolina 29061 EPA ID No.: SCD047559331 Respondent.	Docket No. **RCRA-04-2022-2103(b)** Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

FINAL ORDER

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

Digitally signed by TANYA FLOYD
Date: 2022.06.16 19:05:02 -04'00'

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of **Westinghouse Electric Company, LLC**, Docket No. **RCRA-04-2022-2103(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:

Diana Joyner
Principal Engineer
joynerdp@westinghouse.com
(803) 647-1920

Nancy Parr
Manager
Environmental Protection
parrnb@westinghouse.com
(803) 647-3338

Joseph J. Pricener
Senior Counsel
pricenjj@westinghouse.com
(412) 374-5975

To EPA:

Daryl R. Himes
Environmental Engineer
himes.daryl@epa.gov

Joan Redleaf Durbin
Senior Attorney
redleaf-durbin.joan@epa.gov

Quantindra Smith
Environmental Protection Specialist
smith.quantindra@epa.gov

SHANNON RICHARDSON

Digitally signed by SHANNON RICHARDSON
Date: 2022.06.21 16:55:08 -04'00'

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