



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

APR 14 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Dai
Spring Metal Recycling, LLC
7468 Jonesboro Road #118
Jonesboro, Georgia 30236

Re: Spring Metal Recycling, LLC
Consent Agreement - Docket No. RCRA-04-2015-4000(b)

Dear Mr. Dai:

Enclosed is a copy of the final executed Consent Agreement and Final Order (CA/FO) in the above referenced matter. Pursuant to the terms of the CA/FO, Spring Metal Recycling, LLC shall submit the penalty payment of \$15,000 within thirty (30) calendar days of the effective date of this CA/FO. If you have any questions, please feel free to contact Brooke York, of my staff, at (404) 562-8025. Legal questions should be directed to Teresa Mann at (404) 562-9572.

Sincerely,

A handwritten signature in blue ink that reads "CESAR A. ZAPATA".

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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

| | | |
|-----------------------------|---|---|
| IN THE MATTER OF: |) | Docket Number: RCRA-04-2015-4000(b) |
| |) | |
| Spring Metal Recycling, LLC |) | Proceeding under Section 3008(a) of the |
| 7468 Jonesboro Road #118 |) | Resource Conservation and Recovery Act, |
| Jonesboro, Georgia 30236 |) | 42 U.S.C. § 6928(a) |
| |) | |
| EPA ID No.: GAR 000 065 581 |) | |
| |) | |
| Respondent |) | |
| |) | |
| _____ |) | |

RECEIVED
 EPA REGION IV
 2015 APR 14 AM 9:19
 HEARINGS CLERK

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 the Georgia Hazardous Waste Management Act (GHWMA), O.G.C.A. § 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Regulations, Ga. Comp. R. and Regs. 391-3-11-.01 through 391-3-11-.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270 and 273]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 12-8-66 of GHWMA, O.C.G.A. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Ga. Comp. R. and Regs. 391-3-11-.01 to .18 [40 C.F.R. Parts 260, 262, and 273].
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).
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, 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 Spring Metal Recycling, LLC, a Limited Liability Corporation organized under the laws of the State of Georgia (State). Respondent is the owner and operator of a scrap metal recycling business located at 7468 Jonesboro Road #118, Jonesboro, Georgia 30236 (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at O.C.G.A. § 12-8-60 *et seq.*, and in Ga. Comp. R. and Regs. 391-3-11-.01 through 391-3-11-.18
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Georgia has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 12-8-64(1)(A) of the GHWMA, O.C.G.A § 12-8-64(1)(A) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11-

- .07(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.4(b)].
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.”
 15. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “facility” includes “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.”
 16. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes a limited liability corporation.
 17. Pursuant to GA. Comp. R. and Regs, 391-3-02(1) [40 C.F.R. § 260.10], a “container” is defined “as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”
 18. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.5], a Conditionally Exempt Small Quantity Generator (CESQG) is an entity that generates in a calendar month no more than 100 kilograms of hazardous waste or hazardous waste cleanup residue or 1 kilogram of acute hazardous waste listed in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.31, 261.32, 261.33(e)].
 19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11], a CESQG that generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1), [40 C.F.R. § 261.2] must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11].
 20. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “universal waste” includes batteries, pesticides, mercury containing equipment, and lamps as described in Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. Part 273].
 21. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a Universal Waste Handler is a generator of universal waste.
 22. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a Large Quantity Handler of Universal Waste (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
 23. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.32(a)(1)], a LQGHUW must have sent written notification of universal waste management to the Georgia Environmental Protection Division (GAEPD), and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
 24. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(a)], a LQGHUW must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing any universal waste battery

that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable condition in a closed container.

25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(a)], a LQGHUW must label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
26. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], a LQGHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing lamps in closed containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(e)], a LQGHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
28. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35 (a) and (c)], a LQGHUW may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

IV. EPA ALLEGATIONS AND DETERMINATIONS

29. Respondent is a “person” within the meaning of Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
30. Respondent is the “owner/operator” of a “facility” located at 7468 Jonesboro Road #118, Jonesboro, Georgia, 30236 as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
31. Respondent is a “generator” of “hazardous waste” as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) and 391-3-11-.07(1) [40 C.F.R. §§ 260.10 and 261.3].
32. Respondent, as result of its practices and operations at the Facility, was a CESQG, as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.5], and a LQGHUW, as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], at all times relevant to this CA/FO.
33. Respondent operates a recycling facility that accepts recyclable material including ferrous and nonferrous metals from local businesses and individuals. The material is sorted and sold in bulk. Some of the materials accepted by the Facility include steel, iron, aluminum, copper, brass, silver, lead, lead acid batteries, electronic waste, and other commodities that contain the aforementioned materials.
34. On April 18, 2012, the EPA performed a compliance evaluation inspection (CEI) of the Respondent’s Facility. The findings of the CEI were documented in a CEI Report, dated October 15, 2012, and mailed to Respondent.

35. At the time of the CEI, the EPA observed broken and leaking spent lead acid batteries at numerous locations throughout the Facility and puddles of acid on the floor in the area where spent lead acid batteries were stored. Respondent had not made hazardous waste determinations on these solid wastes generated at the Facility.
36. The EPA therefore alleges Respondent violated Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11], by failing to make a hazardous waste determination on solid waste generated at its Facility.
37. At the time of the CEI, the EPA observed that Respondent had accumulated in excess of 5,000 kilograms of universal waste at the Facility, and had not notified the Director of the GAEPD, and had not received an EPA Identification Number.
38. The EPA therefore alleges Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.32(a)(1)], by failing to send written notification of universal waste management to the GAEPD, and not receiving an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
39. At the time of the CEI, the EPA observed spent lead acid batteries with breached casings in the Facility's Warehouse. The EPA inspectors observed puddles of acid on the ground in the spent lead acid battery storage area.
40. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(a)], by failing to manage universal waste batteries in a way that prevents releases of any universal waste or component of universal waste to the environment.
41. At the time of the CEI, the EPA observed containers of universal waste batteries which were not labeled or marked with the words "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
42. The EPA therefore alleges Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(a)], by failing to label or mark each universal waste container in which universal waste batteries are stored clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
43. At the time of the CEI, the EPA observed universal waste lamps in numerous locations in the Facility's warehouse that were in open containers, including a broken fluorescent lamp improperly contained in a roll off dumpster designated for the disposal of solid waste.
44. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.33(d)(1)], by failing to manage universal waste lamps in closed containers in a way that prevents releases of any universal waste to the environment.
45. At the time of the CEI, the EPA observed containers of universal waste lamps in the Facility's Warehouse which were not labeled or clearly marked with the words "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."
46. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(e)], by failing to label or mark each universal waste container in which

universal waste lamps are stored clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

47. At the time of the CEI, Respondent was unable to demonstrate the length of time that the universal waste had been accumulated from the date that it became a waste or was received.
48. The EPA therefore alleges that Respondent violated Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.35(a) and (c)], by failing to demonstrate the length of time that the Facility's universal waste had been accumulated from the date that the universal waste became a waste or was received.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations and for purposes of settlement, the parties agree to the following:

49. 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.
50. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
51. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying this Consent Agreement.
52. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
53. 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.
54. 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.
55. 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.
56. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
57. The parties agree that compliance with the terms of this CA/FO shall resolve and settle the violations alleged and the facts stipulated to in this CA/FO.
58. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

59. Respondent consents to the payment of a civil penalty in the amount of **FIFTEEN THOUSAND DOLLARS** (\$15,000.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
60. Payment 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) 418-1028

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

61. Respondent shall submit a copy of the payment to the following addresses:

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

And to:

Larry Lamberth
Chief, Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
RCR Division, US EPA Region IV
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
(404) 562-8590

62. 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 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 or stipulated 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 fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. 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 six percent (6%) 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).

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

VII. PARTIES BOUND

64. 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.
65. 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.
66. 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

67. 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.
68. 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.
69. 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

70. 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

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



Teresa Mann
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) 562-9572

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

David Dai
Spring Metal Recycling, LLC
7468 Jonesboro Road #118
Jonesboro, Georgia

XI. SEVERABILITY

73. 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

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


[CONTINUED ON TO NEXT PAGE]



In the matter of Spring Metal Recycling, LLC, Docket No. RCRA-04-2015-4000(b):

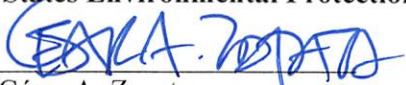
AGREED AND CONSENTED TO:

Spring Metal Recycling, LLC

By: 
David Dai
Title: manager
Spring Metal Recycling, LLC

Dated: 3/19/2015

United States Environmental Protection Agency

By: 
César A. Zapata
Chief, Enforcement and Compliance Branch
RCR Division

Dated: 04/02/2015



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


REGION 4

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| IN THE MATTER OF: |) | Docket Number: RCRA-04-2015-4000(b) |
| |) | |
| Spring Metal Recycling, LLC |) | Proceeding under Section 3008(a) of the |
| 7468 Jonesboro Road #118 |) | Resource Conservation and Recovery Act, |
| Jonesboro, Georgia 30236 |) | 42 U.S.C. § 6928(a) |
| |) | |
| EPA ID No.: GAR 000 065 581 |) | |
| |) | |
| 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 13 day of April, 2015.

BY: 
Carol Baschon
Acting 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 Spring Metal Recycling, LLC, Docket Number: RCRA-04-2015-4000(b), and have served the parties listed below in the manner indicated:

Teresa Mann
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)

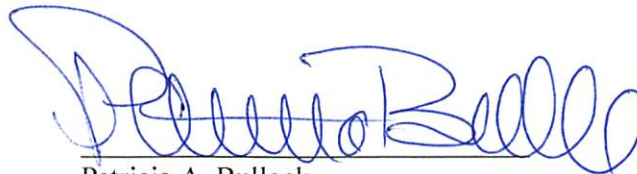
Quantindra Smith
Enforcement and Compliance Branch
RCR Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

David Dai
Spring Metal Recycling, LLC
7468 Jonesboro Road #118
Jonesboro, Georgia 30236

(Via Certified Mail - Return Receipt
Requested)

Date: 4-14-15



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