

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:

Sanco, Inc.
207 Brookhollow Road
Dalton, Georgia 30721

EPA ID No.: GAR000062323

Respondent.

Docket No. RCRA-04-2020-2101(b)

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

USEPA REGION 4
OFFICE OF ADMINISTRATIVE
ENFORCEMENT
2020 FEB -5 PM 12:02
HEMIL O'LEARY

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for 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 (EPA) Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.
5. Respondent is Sanco, Inc., a company organized under the laws and doing business in the State of Georgia. This proceeding pertains to Respondent's facilities in Dalton, Georgia located at both 207 Brookhollow Road (also known as 205-207 Brookhollow Industrial Boulevard) (the Facility) where Respondent manufactures resins and mineral filler and 2473 Lakeland Road (the

Warehouse) where Respondent stores materials and waste related to its manufacturing operations.

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Georgia 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. 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. Section 12-8-64(1)(A) of the GHWMA, § 12-8-64(1)(A) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. Part 262].
12. Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Ga. Comp. R. and Regs. 391-3-11-.10(2) (permitted) and Ga. Comp. R. and Regs. 3913-11-.10(1) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Ga. Comp. R. and Regs. 391-3-11-

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

15. Pursuant to Ga. Comp. R. and Regs. 391-3-11.07(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Ga. Comp. R. and Regs. 391-311-.07(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.20 and 261.24], 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 Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.24] a solid waste that exhibits the characteristic of toxicity for cadmium is identified with the EPA Hazardous Waste Number D006. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.24] a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.
17. 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.”
18. 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.”
19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a “person” includes a corporation.
20. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
21. 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.”
22. Pursuant to GA. Comp. R. and Regs. 391-3-02(1) [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.
23. Pursuant to GA. Comp. R. and Regs. 391-3-02(1) [40 C.F.R. § 260.10], a Small Quantity Generator (SQG) is a generator who generates greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste in a calendar month.
24. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.1(c)(8)] a material is “accumulated speculatively” if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that - during the calendar

year (commencing on January 1) - the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated.

25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16], a SQG may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16] (hereinafter referred to as the “SQG Permit Exemption”).
26. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16(b)(6)(i)], which is a condition of the SQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.
27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16(b)(2)(iii)], which is a condition of the SQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) a container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.
28. Pursuant to GA. Comp. R. and Regs. 391-3-11-.08 [40 C.F.R. § 262.11], a person who generates a solid waste is required to determine if that waste is a hazardous waste.
29. Pursuant to Pursuant to GA. Comp. R. and Regs. 391-3-11-.11 [40 C.F.R. § 270.1(c)], owners and operators of hazardous waste treatment, storage and disposal facilities in Georgia shall obtain a permit before the owners and operators start storing hazardous waste.

IV. FINDINGS OF FACTS

30. Respondent is a manufacturer of resins and mineral fillers in Dalton, Georgia. Respondent is located at both 207 Brookhollow Road (also known as 205-207 Brookhollow Industrial Boulevard) where Respondent manufactures resins and mineral filler (the Facility) and 2473 at Lakeland Road (the Warehouse) where Respondent stores materials and waste related to its manufacturing operations.
31. On August 22, 2011, Respondent notified Georgia Environmental Protection Division (GAEPD) that it was a generator of hazardous waste at the Facility. Respondent did not notify GAEPD that it was storing hazardous waste at the Warehouse. Respondent does not have a permit to store, treat, or dispose of hazardous waste.
32. On August 15, 2019, the EPA and GAEPD conducted a compliance evaluation inspection (CEI) at the Facility and the Warehouse. The EPA’s findings from the CEI were documented in a Show Cause Letter/Inspection Report mailed to Respondent, dated November 1, 2019.

33. At the time of the CEI, the inspectors were told that the Respondent was storing approximately 175,240 lbs. of spent blast media (SBM) at the Warehouse. SBM is generated from the use of blast media to strip paint from airplanes and equipment. Such use can result in cadmium and chromium being present in the SBM.
34. Records reviewed during the inspection show the Respondent received 118,120 lbs of SBM from US Technology Corporation (UST) in 2015 and 57,120 lbs from UST Media (USTM) in 2018. The SBM is stored in containers that are 1-cubic yard supersacks.
35. At the time of the CEI the containers storing the SBM were neither labeled nor dated.
36. At the time of the CEI some of the containers storing the SBM were open and/or ripped.
37. Respondent is developing a new filler product called SF-17. This product is a mixture of 75% calcium carbonate and 25% USTM SBM. This filler was designed for use in the manufacturing of cultured marble and bathroom wall enclosures. In the development of this new product (SF-17), Respondent shipped two truckloads of SF-17 to a customer in Texas in 2018. The customer returned one truckload of SF-17 because of quality issues. In anticipation of future orders, Respondent made one additional truckload of SF-17 that was never shipped. The returned SF-17 and the additional truckload of SF-17 is stored at the Warehouse.
38. Respondent estimates that it is storing 86,400 lbs of the SF-17 at the Warehouse. Sampling results provided by the Respondent demonstrate the SF-17 is a non-hazardous waste.
39. Subsequent to the CEI, Respondent conducted a sampling investigation of the UST SBM and USTM SBM. Sampling results were submitted to the EPA on October 2, 2019. Sampling results indicated that both the UST and USTM SBM exhibited toxicity characteristics for cadmium (D006) and chromium (D007).
40. On November 1, 2019, the EPA issued a Show Cause Letter to Respondent for the SBM found inside the Warehouse. Subsequently, the EPA met with Respondent to discuss the findings.
41. Respondent had not recycled, or transferred to a different site for recycling, at least 75 percent by weight or volume of the amount UST SBM by January 1, 2017.
42. Respondent has stated that it will not be able to recycle, or transfer to a different site for recycling, at least 75 percent by weight or volume of the amount of USTM SBM by January 1, 2020.

V. ALLEGED VIOLATIONS

43. Respondent is a “person” within the meaning of Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].
44. Respondent is the “operator” of “facilities,” located at 207 Brookhollow Road in Dalton, Georgia (also known as 205-207 Brookhollow Industrial Boulevard) where Respondent manufactures resins and mineral filler (the Facility) and at 2473 at Lakeland Road in Dalton, Georgia (the Warehouse) where Respondent stores materials and waste related to its

manufacturing operations , as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], at all times relevant to this CAFO.

45. Respondent stored UST SBM solid waste (since 2015) and USTM SBM solid waste (since 2018) at the Warehouse.
46. Sampling results indicated that both the UST and USTM SBM solid wastes exhibited toxicity characteristics for cadmium (D006) and chromium (D007) and are therefore hazardous wastes.
47. Respondent has been speculatively accumulating the UST SBM since 2015.
48. Respondent has been speculatively accumulating the USTM SBM since 2018.
49. The inspection team noticed the containers storing the SBM were not labeled with the words, "Hazardous Waste" and some of the containers were open and/or ripped.
50. Respondent failed to recycle, or transfer to a different site for recycling, at least 75 percent by weight or volume of the UST SBM stored on-site by January 1, 2017.
51. The hazardous waste UST SBM has been stored on-site in containers for greater than 180 days. The EPA therefore alleges that Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status.
52. Respondent failed to mark containers storing the UST and USTM SBM with accumulation dates and/or with the words, "Hazardous Waste." The EPA therefore alleges Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirement in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16(b)(6)(i)], which is a condition of the SQG Permit Exemption.
53. Respondent failed to keep close the containers holding UST and USTM SBM during accumulation, except when it is necessary to add or remove waste. The EPA therefore alleges Respondent violated Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the container management requirement in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.16(b)(2)(iii)], which is a condition of the SQG Permit Exemption.

VI. STIPULATIONS

54. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
55. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
 - a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

- b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
- c. consents to the issuance of this compliance order;
- d. consents to the conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
- f. waives its rights to appeal the Final Order accompanying this CAFO.

56. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
- d. waives any rights it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
- e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;
- f. agrees to comply with the terms of this CAFO.

57. 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.

VII. WORK TO BE PERFORMED

58. Within fourteen (14) days of the effective date of this Final Order, Respondent shall notify EPA of the name and qualifications of its selected Contractor, subject to EPA approval, to carry out all activities set forth herein. All work performed under this CAFO shall be under the direction and supervision of a professional engineer licensed in the state of Georgia or other Georgia licensed environmental professional with expertise in environmental investigations and remediation.

59. EPA Region 4 has designated a Project Coordinator, as identified below. The EPA Project Coordinator will be the EPA's designated representative for the Facility. All communications between Respondent and the EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to this CAFO, shall be directed to the Project Coordinator.

60. The EPA Project Coordinator is:

Héctor M. Danois, Environmental Engineer
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
61 Forsyth St., SW
Atlanta, Georgia 30303-8960
danois.hector@epa.gov
(404) 562-8556

61. Within fourteen (14) days of the effective date of this CAFO, Respondent shall notify the EPA of the name and qualifications of its selected Project Manager. To the greatest extent possible, Respondent's Project Manager shall be readily available during all work to be performed hereunder. Respondent's Project Manager shall have the authority to act on behalf of Respondent.
62. Respondent shall notify the EPA of the name and qualifications of any other Contractors or Subcontractors retained to perform work under this CAFO at least seven (7) days prior to commencement of such work.
63. Within fourteen (14) days of the effective date of this CAFO, Respondent shall notify GAEPD that it stores hazardous waste at the Warehouse and shall request an EPA Identification Number (EPA Form 8700-12/Site Identification Form).
64. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit to the EPA a Work Plan for off-site disposal of all the SBM and SF-17 in storage at the Warehouse. The Work Plan shall include:
- (a) A detailed description of the disposal of all SBM and SF-17 filler currently located at the Warehouse. The Work Plan will provide for treatment and sampling of SBM to meet the applicable Land Disposal Restriction requirements for characteristic wastes as set forth at 40 C.F.R. Part 268, and subsequent off-site disposal which meets all federal, state and local hazardous and solid waste regulations.
 - (b) A copy of the EPA Identification Number notification request to GAEPD.
 - (c) A Quality Assurance Project Plan (QAPP), which shall address quality assurance, quality control, and chain of custody procedures in accordance with "EPA Requirements for Quality Assurance Project Plans" (EPA QNR-5, EP N240/B-01/003, March 2001) and "EPA Guidance for Quality Assurance Project Plans" (EPA QNG-5, EPN240/R-02/009, December 2002), as well as other such applicable guidance identified by EPA. The QAPP shall describe the proposed sampling

procedures that will be employed to ensure that samples are collected and analyzed using EPA-approved protocols. In addition, the QAPP shall describe the number and type of samples to be collected, the method(s) of collection and analysis, and criteria for determining sampling locations both prior to and after treatment. The QAPP shall also state what analytical laboratory Respondent will use for analysis of samples required by the Work Plan.

- (d) A list of the hazardous constituents which will be analyzed for each sample collected, based on the composition of the SBM.
 - (e) A Health and Safety Plan (HASP) to ensure the safety of the individuals working on the disposal of the SBM. The HASP shall be consistent with applicable Occupational Safety and Health Administration regulations. The HASP will not be subject to EPA approval or disapproval.
 - (f) A schedule for implementation of all activities described in the Work Plan, including potential sampling.
65. EPA's Project Coordinator will review and either approve the Work Plan or approve the Work Plan with comments. Respondent shall implement the Work Plan as approved or as approved with comments. Failure to implement the approved Work Plan shall constitute a violation of this CAFO.
66. Within fourteen (14) days of receipt of EPA's written approval of the Work Plan, Respondent shall commence the implementation of all activities required by the Work Plan, in accordance with the schedules set forth therein.
67. Upon request by the EPA, Respondent shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent while performing work under this CAFO. Respondent shall notify the EPA not less than thirty (30) calendar days in advance of any confirmation sample collection activity. In addition, the EPA shall have the right to take any additional samples that it deems necessary.
68. Within thirty (30) calendar days after completion of all the work outlined in the approved Work Plan, Respondent shall submit for EPA review and approval a Final Report summarizing the Work performed under the approved Work Plan. This Final Report shall include: 1) a listing of quantities and types of any materials removed off-site and of the ultimate destination(s) of those materials; 2) an inventory with the amounts of SBM and SF-17 filler; 3) a presentation of the analytical results of all sampling and analyses performed, including the quality assurance/quality control (QA/QC) documentation; 4) an appendix containing all other relevant documentation generated during the performance of the Work (e.g. manifests, land disposal restriction notices, bills of lading, invoices, contracts, and permits), not previously provided to the EPA; and 5) a certification signed by a duly authorized representative stating that the 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.”

69. This Final Report is subject to approval by the EPA.
70. Any hazardous waste generated by Respondent at the Warehouse during the implementation of the approved Work Plan must be transported off-site to a permitted hazardous waste treatment, storage or disposal facility, in accordance with all applicable federal, state and local regulation. Legible copies of all hazardous waste manifests and land disposal restriction notices must be provided to the EPA within thirty (30) days of each shipment of hazardous waste from the Facility.
71. Any non-hazardous waste generated by Respondent at the Warehouse during the implementation of the approved Work Plan must be transported off-site to an approved Subtitle D landfill in accordance with all applicable federal, state and local regulations. Legible copies of all bills of lading must be provided to the EPA within thirty (30) days of each shipment of non-hazardous waste from the Facility.

VIII. EFFECT OF CAFO

72. Respondent’s compliance with the terms of this CAFO shall resolve only Respondent’s liability for injunctive relief for the specific violations alleged in this CAFO.
73. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
74. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
75. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
76. 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.
77. 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.


78. 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.
79. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
80. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
81. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
82. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
83. EPA also reserves the right to revoke this CAFO if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA. If such false or inaccurate material was provided, EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
84. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
85. 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.
86. 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), performance of Paragraph(s) 58 - 71, is restitution or required to come into compliance with law.

IX. EFFECTIVE DATE

87. 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.

The foregoing Consent Agreement In the Matter of Sanco, Inc., Docket No. RCRA-04-2020-2101(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



1/23/20

Signature

Date

Printed Name: Anthony Chris Pickel

Title: VP - CFO

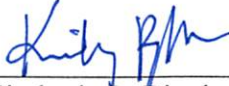
Address: 207 Brookhollow Ind. Blvd.
DARTON, GA 30721

The foregoing Consent Agreement In the Matter of Sanco, Inc., **Docket No. RCRA-04-2020-2101(b)** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

1/30/20

DATE



Kimberly L. Bingham
Acting Chief
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	Docket Number: RCRA-04-2020-2101(b)
)	
Sanco, Inc.)	Proceeding under Section 3008(a) of the
207 Brookhollow Road)	Resource Conservation and Recovery Act,
Dalton, Georgia 30721)	42 U.S.C. § 6928(a)
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EPA ID. No.: GAR 000 062 323)	
)	
Respondent.)	
_____)	

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 this 5th day of February, 2020.



Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order," in the Matter of **Sanco, Inc.**, **Docket No. RCRA-04-2020-2101**, were filed and copies of the same were mailed to the parties as indicated below.

Via United Parcel Service:

Chris Pickle, VP/CFO
Sanco, Inc.
207 Brookhollow Industrial Boulevard
Dalton, Georgia 30721


Via EPA's internal email:

Joan Redleaf Durbin
Associate Regional Counsel
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2-5-2020
DATE


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