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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 12 2019

Amanda Kitchen Short
McGuireWoods LLP
201 North Tryon Street
Suite 3000
Charlotte, North Carolina 28202-2146

SUBJ: PPG Architectural Finishes, Inc.
EPA ID No.: GAD 075 876 623
Consent Agreement and Final Order
Docket No.: RCRA-04-2019-4002 (b)

Dear Ms. Kitchen Short:

Enclosed, please find a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above-referenced matter. Please note that payment of the civil penalty is due within thirty (30) days of the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk. The timing of all other obligations required by the CA/FO also begins on the effective date of the CA/FO.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590 or by email at lamberth.larry@epa.gov.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2019-4002(b)
	)	
PPG Architectural Finishes, Inc. 1377 Oakleigh Drive East Point, Georgia 30344 EPA ID No.: GAD 075 876 623	)))))	Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)
	)	
Respondent	)	
	)	

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CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. § 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11-.01 to 391-3-11-.18 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, & 279]. This action seeks injunctive relief and 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 the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925] and the GHWMR, Ga. Comp. R. and Regs. 391-3-11-.01 to 391-3-11-.18 [40 C.F.R. Parts 260 through 270].

2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is PPG Architectural Finishes, Inc., a for-profit corporation, incorporated under the laws of Delaware, and registered to do business in the State of Georgia. Respondent is the owner and operator of a paints and coatings manufacturing business located at 1377 Oakleigh Drive, East Point, Georgia (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 Sections 12-8-60 to 12-8-83 of the GHWMA, Ga. Code Ann. § 12-8-60 *et seq.*, and at Ga. Comp. R. and Regs. 391-3-11.01 to 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, Ga. Code Ann. § 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 (2016)[1]].

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[1] Georgia adopted the Generator Improvements Rule, 81 Fed. Reg. 85732 (Nov. 28, 2016), in its regulations effective September 28, 2017. These regulations are currently under review by EPA and have not yet been authorized. Accordingly, this CAFO will refer to the latest version of the State's authorized regulations and their federal analogs effective in 2016, prior to the effective date of the federal Generator Improvements Rule.

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. 391-3-11-.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. 391-3-11-.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 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.

17. 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.

18. 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 barium is identified with the EPA Hazardous Waste Number D005, a solid waste that exhibits the characteristic of toxicity for cadmium is identified with the EPA Hazardous Waste Number D006, a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007, and a solid waste that exhibits the characteristic of toxicity for methyl ethyl ketone is identified with the EPA Hazardous Waste Number D035.

19. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. Part 261, Subpart D].

20. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified at Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31].

21. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31], a solid waste containing a spent solvent that exhibits the characteristic of ignitability (D001) and is generated from the use of a non-halogenated solvent which contained a minimum of ten percent (10%) of one or more of the following: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl

isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol, before use, meets the definition of an F003 listed hazardous waste.

22. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.31], a solid waste containing spent solvents that is generated from the use of a non-halogenated solvent which contains a minimum of ten percent (10%) of one or more of the following: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane before use, meets the definition of an F005 listed hazardous waste.

23. 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.

24. 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."

25. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], a "person" includes a corporation.

26. 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."

27. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10], "tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

28. Pursuant to Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a) (2016)], 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 12-8-66 of the 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. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the "LQG Permit Exemption").

29. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31], and is a condition of the LQG Permit Exemption, an LQG is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

30. Pursuant to Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11.10(1) [40 C.F.R. Part 265, Subpart CC], and is a

condition of the LQG Permit Exemption, a generator accumulating hazardous waste containing an average volatile organic concentration greater than 500 parts per million by weight (ppmw) at the point of waste origination in tanks must comply with the RCRA Subpart CC Organic Air Emission Standards for tanks, including, but not limited to, the tank requirements in Ga. Comp. R. and Regs. 391-3-11.10(1) [40 C.F.R. § 265.1085].

31. Pursuant to Ga. Comp. R. and Regs. 391-3-11.08(1) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085(c)(2)(iii)(A)], an owner or operator accumulating hazardous waste in a tank is required to keep each opening in the tank's fixed roof equipped with a closure device designed to operate such that when the closure device is secured in the closed position, there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

32. Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(c)], and is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the training required by Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(a)] (annual RCRA refresher training).

IV. EPA ALLEGATIONS AND DETERMINATIONS

33. Respondent is a "person" as defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].

34. Respondent is the "owner/operator" of a "facility" located at 1377 Oakleigh Drive, East Point, Georgia, as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10].

35. Respondent is a "generator" of "hazardous waste" as those terms are defined in Ga. Comp. R. and Regs. 391-3-11-.02(1) [40 C.F.R. § 260.10] and Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.3].

36. Respondent manufactures latex based and oil-based paints, including specialized paints.

37. On October 24, 2017, Respondent notified the Georgia Environmental Protection Division (GAEPD) that it is a LQG of hazardous waste as that term is defined in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a) (2016)].

38. The Facility generates hazardous wastes identified with the following EPA Hazardous Waste Numbers: D001, D005, D006, D007, D035, F003, and F005.

39. Respondent generates a spent solvent from cleaning the equipment used in the manufacture of oil-based paint, which it determined to be a hazardous waste and identified with the following hazardous waste numbers: D001, D035, F003, and F005.

40. Respondent's spent solvent has an organic concentration of at least ten percent (10%) by weight.

41. Respondent stores its spent solvent in tanks T-01 and T-164.

42. On April 11, 2018, the EPA and the GAEPD conducted a compliance evaluation inspection (CEI) at Respondent's Facility. The EPA's findings of the CEI were documented in a report mailed to Respondent, dated July 3, 2018.

43. During the April 11, 2018 CEI, the inspectors observed a hazardous waste container on a pallet that was in poor condition causing one container to be leaning to one side.

44. 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 meet a condition of the LQG Permit Exemption set forth in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the maintenance and operational requirements of Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 265.31].

45. During the April 11, 2018 CEI, the inspectors observed that the hatch for the tank T-164's manway was not properly closed, resulting in a visible gap between the hatch and the tank's manway.

46. 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 meet a condition of the LQG Permit Exemption set forth in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(l)(ii) (2016)], by not complying with the air emission control requirements in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 CFR § 265.1085(c)(2)(iii)(A)].

47. During the file review portion of the April 11, 2018 CEI, the inspectors determined that Respondent had failed to provide an annual RCRA refresher training for the security guards that inspected the hazardous waste storage tanks during the weekends.

48. 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 meet a condition of the LQG Permit Exemption set forth in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the personnel training requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16(c)].

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, 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 the Consent Agreement.

52. Respondent consents to the issuance of this specified compliance order.

53. Respondent consents to the conditions specified in this CA/FO.

54. 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.*

55. 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.

56. 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.

57. 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.

58. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.

59. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

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

61. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

VI. WORK TO BE PERFORMED

62. Within sixty (60) days after the effective date of this CA/FO, Respondent shall develop and submit to the EPA, with a copy to the GAEPD, a document that identifies and/or describes the tanks at the Facility subject to Subpart CC ("CC Tanks Program") and which includes or addresses the following:

    a. The applicability of RCRA Subpart CC regulations to specific tanks at the Facility ("Covered Tank(s)");

    b. Each type of air emission control(s) associated with each Covered Tank, including whether controls are Tank Level 1 Controls or Tank Level 2 Controls, as defined in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085];

c. If Tank Level 1 Controls are associated with a Covered Tank, provide a determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085(c)(1)];

d. If applicable, for each tank not subject to air emission controls specified in Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1085] in accordance with the provisions of Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1080(b)(7)], provide the information required pursuant to Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1090(j)];

e. The Facility's written inspection and monitoring plan pursuant to Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.1089];

f. A tracking program (e.g., Management of Change) that ensures that new tanks added to the Facility for any reason are integrated into the CC Tanks Program and that tanks that are taken out of service are removed from the CC Tanks Program;

g. The roles and responsibilities of all employee and contractor personnel assigned to RCRA Subpart CC functions at the Facility;

h. How the number of personnel dedicated to RCRA Subpart CC functions is sufficient to satisfy the requirements of the CC Tanks Program; and

i. How the Facility plans to implement its CC Tanks Program.

63. Respondent shall submit the CC Tanks Program document described herein to:

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

and

Chuck Mueller
Chief, Land Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Dr. SE
Suite 1054, East Tower
Atlanta, GA 30334

64. Once developed, Respondent shall review the CC Tanks Program document described herein annually, and update it as necessary on a yearly basis, but no later than January 31 of each calendar year.

VII. PAYMENT OF CIVIL PENALTY

65. Respondent consents to the payment of a civil penalty in the amount of **FOURTEEN THOUSAND FIVE HUNDRED DOLLARS ($14,500.00)**, which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.

66. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

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

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

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

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

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACII 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

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

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

And to:

Javier García, Environmental Engineer
RCRA Compliance and Enforcement Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

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

a. Interest. Any unpaid portion of a civil penalty 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. 31 U.S.C. § 3717(e)(2). This non-payment penalty is in addition to charges, which accrue or may accrue under subparagraphs (a) and (b).

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

VIII. PARTIES BOUND

70. 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.

71. 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.

72. 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.

IX. RESERVATION OF RIGHTS

73. 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.

74. 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.

75. 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.

X. OTHER APPLICABLE LAWS

76. 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.

XI. SERVICE OF DOCUMENTS

77. 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:

Marirose J. Pratt
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) 562-9023

78. 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:

Amanda Kitchen Short
McGuireWoods LLP
201 North Tryon Street
Suite 3000
Charlotte, North Carolina 28202-2146
(704) 343-2359

XII. SEVERABILITY

79. 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.

XIII. EFFECTIVE DATE

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

In the matter of PPG Architectural Finishes, Inc., Docket No. **RCRA-04-2019-4002(b):**

AGREED AND CONSENTED TO:

PPG Architectural Finishes, Inc.

By: _____ Dated: 1/29/2019
PPG Architectural Finishes, Inc.
David J. Cole, President

United States Environmental Protection Agency

By: _____ Dated: 02/11/19
Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2019-4002(b)
	)	
PPG Architectural Finishes, Inc.	)	
1377 Oakleigh Drive	)	Proceeding Under Section 3008(a) of the
East Point, Georgia 30344	)	Resource Conservation and Recovery Act,
EPA ID No.: GAD 075 876 623	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
	)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. 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 12th day of February, 2019.

BY: Tanya Floyd

Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of PPG Architectural Finishes, Inc., Docket Number: RCRA-04-2019-4002(b), and have served the parties listed below in the manner indicated:

Marirose J. Pratt
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
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Amanda Kitchen Short
McGuireWoods LLP
201 North Tryon Street
Suite 3000
Charlotte, North Carolina 28202-2146

(Via Certified Mail – Return Receipt Requested)

Date: 2-12-19

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