

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:	)	PROCEEDING UNDER SECTION
	)	3008(a) OF THE RESOURCE
CONBRACO INDUSTRIES, INC.	)	CONSERVATION AND RECOVERY
	)	ACT, 42 U.S.C. § 6928(a)
701 Matthews-Mint Hill Road)	
Matthews, North Carolina 28105)	
EPA ID No. NCD 107 868 812)	
)	
1509 S. Van L. Mungo Boulevard)	
Pageland, South Carolina 29728)	
EPA ID No. SCR 000 006 155)	
)	
RESPONDENT	)	DOCKET NUMBER: RCRA-04-2003-4013
<hr/>)	

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. The United States Environmental Protection Agency (EPA) issued a Complaint and Compliance Order (Order) to Conbraco Industries, Inc., on September 25, 2003, pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(1), as amended, and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Order, and the Revocation, Termination or Suspension of Permits," found at 40 C.F.R. Part 22. The Order was a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 *et seq.*; and the North Carolina Solid Waste Management Act (NCSWMA), N.C. Gen. Stat. Chapter 130A. GS Article 9 (Lexis 1995); and the South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. § 44-56-10 *et seq.* (Supp. 2000). The Order sought injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270; and the NCSWMA and regulations promulgated pursuant thereto and set forth at Title 15A of the North Carolina Administrative Code (15A NCAC 13A); and the SCHWMA and regulations promulgated pursuant thereto and set forth in the South Carolina Hazardous Waste Management Regulations (SCHWMR), Chapter 61-79.

2. Complainant is the Chief, RCRA Enforcement and Compliance Branch, Waste Management Division, EPA, Region 4.

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3. Respondent is Conbraco Industries, Inc., a corporation doing business in the State of North Carolina, and in the State of South Carolina.

4. Complainant and Respondent (the parties) have conferred for the purposes 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, Complainant and Respondent have agreed to the execution of this Consent Agreement and the attached Final Order (CAFO) to resolve finally all issues raised in the Order, and Respondent hereby agrees to comply with the terms of this CAFO.

II. PRELIMINARY STATEMENTS

5. Respondent has been served with a copy of the Order together with a Notice of Opportunity for Hearing in this matter.

6. For all purposes of this CAFO, Respondent admits the jurisdictional allegations of the Order in this matter pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

7. Respondent is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 40 C.F.R. § 260.10; SCHWMR R.61-79.260.10; and in NCSWMA referencing GS 130A-290(a)(22).

8. Respondent is the "owner" and "operator" of a "facility" located at 1509 S. Van L. Mungo Boulevard, Pageland, Chesterfield County, South Carolina, as those terms are defined in 40 C.F.R. § 260.10 and SCHWMR R.61-79.260.10.

9. Respondent is the "owner" and "operator" of a "facility" located at 701 Matthews-Mint Hill Road, Matthews, Mecklenburg County, North Carolina, as those terms are defined in 40 C.F.R. § 260.10 and 15A NCAC 13A.0102.

10. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent neither admits nor denies the factual allegations contained in the Order.

11. Respondent waives its right to a hearing on the allegations in the Order. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent waives its right to contest the allegations in the Order, and its right to appeal this CAFO.

12. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent consents to the assessment and agrees to pay the civil penalty as set forth in this CAFO.

13. Respondent waives its right to challenge the validity of this CAFO and the settlement of the matters addressed in the Order on the basis of any issue related to the Paperwork Reduction Act.

14. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of RCRA. The parties also agree that compliance with the terms of this CAFO resolves the matters addressed in the Order.

15. The parties agree they will pay their own costs and attorney's fees.

III. PARTIES BOUND

16. This CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, and 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 CAFO.

17. 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 CAFO.

18. The undersigned representative of Respondent hereby certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to this CAFO.

IV. TERMS OF AGREEMENT

A. Civil Penalty

19. Pursuant to Section 3008(a) of RCRA, the nature of the alleged violations, and other relevant factors, Respondent shall pay a civil penalty in the amount of Five Hundred Thousand Dollars (\$500,000) payable in five installments as follows:

- (a) An initial payment of One Hundred Thousand dollars (\$100,000), including interest which begins to accrue thirty days after the effective date of this CAFO, calculated at the U.S. Treasury interest rate as set forth in 31 U.S.C. § 3717(a)(1) and 40 C.F.R. 13.11(b) and (c), shall be received by EPA no later than September 1, 2004.
- (b) A second payment of One Hundred Thousand Dollars (\$100,000), including interest on the unpaid balance which begins to accrue thirty days after the effective date of this CAFO, calculated at the above specified rate, shall be received by EPA no later than one year from the effective date of this CAFO.
- (c) A third payment of One Hundred Thousand Dollars (100,000), including interest on the unpaid balance which begins to accrue thirty days after the effective date of this CAFO, calculated at the above specified rate, shall be received by EPA no later than two years from the effective date of this CAFO.

- (d) A fourth payment of One Hundred Thousand Dollars (100,000), including interest on the unpaid balance which begins to accrue thirty days after the effective date of this CAFO, calculated at the above specified rate, shall be received by EPA no later than three years from the effective date of this CAFO.
- (e) A fifth payment of One Hundred Thousand Dollars (100,000), including interest on the unpaid balance which begins to accrue thirty days after the effective date of this CAFO, calculated at the above specified rate, shall be received by EPA no later than four years from the effective date of this CAFO.

20. Each payment shall be made by cashier's or certified check payable to: **Treasurer, United States of America**. The facility name and docket number for this matter shall be referenced on the face of the check. Payment shall be tendered to:

United States Environmental Protection Agency
Region 4
P.O. Box 100142
Atlanta, Georgia 30384.

21. Respondent shall submit a copy of each of the five checks to the following addressees:

Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Kenneth R. Lapierre, Chief
North Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909.

22. Pursuant to 40 C.F.R. Part 13 and 31 U.S.C. § 3717 *et seq.*, if EPA does not receive payment of the penalty assessed by this CAFO on the due dates specified above, interest, handling charges, and non-payment charges will be assessed as set forth in paragraph 43 below.

23. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of

Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law, except for those violations specifically alleged in the Order.

B. Injunctive Relief

24. Respondent shall come into compliance with the requirements of Subtitle C of RCRA, 42 U.S.C. § 6921, et seq., and corresponding provisions of state law, and SCHWMR R.61-79 Parts 260 through 270, and 15A NCAC 13A; make all required submittals and certifications to Complainant; and undertake the following acts within the times specified below (all days are calendar days unless otherwise specified) pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a):

PAGELAND, SOUTH CAROLINA FACILITY

25. With reference to the Thermal Treatment Unit, within thirty (30) days of the effective date of this CAFO, Respondent shall provide documentation that demonstrates compliance with all applicable requirements of 40 C.F.R. Part 264 Subparts G (Closure and Post Closure) and H (Financial Responsibility Requirements) and SCHWMR R.61-79 Part 264 Subparts G and H.

26. With reference to the Sand Pile, within sixty (60) days of the effective date of this CAFO, Respondent shall submit a Closure Plan in accordance with all applicable requirements of 40 C.F.R. 264 Subpart G, and SCHWMR R.61-79 Part 264 Subpart G, including 40 C.F.R. § 264.258 (Closure and Post-Closure Standards for Waste Piles), and SCHWMR R.61-79.264.258.

27. With reference to the Sand Pile, within thirty days of Respondent's receipt of EPA's approval, or approval with conditions, of the Closure Plan, Respondent shall provide documentation demonstrating that it is in compliance with all applicable requirements of 40 C.F.R. Part 264 Subpart H (Financial Responsibility Requirements) and SCHWMR R.61-79 Part 264 Subpart H.

28. With reference to the Pageland facility located on Van L. Mungo Blvd., as of the date that Respondent signs this CAFO, Respondent certifies that it is in compliance with the applicable generator standards specified in 40 C.F.R. Part 262 and 264, and SCHWMR R.61-79 Part 262 and 264, with the exception of possible non-compliance as to sands that are the subject of this CAFO or the CAFO between EPA and Respondent, dated October 24, 2001, Docket No. RCRA-04-2002-4250.

MATTHEWS, NORTH CAROLINA FACILITY

29. With reference to waste sands contained in the Walls of the Facility, enclosed in the Foundry Pit, and buried beneath the Facility Laboratory Addition, within one hundred and twenty

days (120) days of the effective date of this CAFO, Respondent shall submit a Risk Management Action Plan (RMAP). The RMAP shall assess actual and potential risks to human health, the environment, and the ecosystem, posed by these waste sands. Assessment of potential risks shall include possible future demolition of the building, and change in the property's use. The RMAP shall contain a proposal for implementing both short term and long term measures to mitigate the actual and potential risks posed by waste sands in these areas. The RMAP shall evaluate the applicability of groundwater monitoring, engineering controls, physical barriers, deed notifications, and property use restrictions. Respondent shall implement the approved RMAP in accordance with the time line and terms contained therein.

30. With reference to the waste sands contained in the Walls of the Facility, enclosed in the Foundry Pit, and buried beneath the Facility Laboratory Addition, within thirty (30) days from Respondent's receipt of either EPA's approval, or approval with conditions, of the RMAP, Respondent shall provide documentation that demonstrates that it is in compliance with the financial responsibility requirements found at 40 C.F.R. §§ 264.144-147 for post-closure care of the waste sands in these locations.

31. With reference to waste sands in the Pond, the Drainage Way, and beneath the facility's Parking Lot, within one hundred and twenty (120) days of the effective date of this CAFO, Respondent shall submit a Closure Plan in accordance with all applicable requirements of 40 C.F.R. 264 Subpart G, including 40 C.F.R. § 264.310, and 15A NCAC 13A.0109 Closure and Post-Closure Standards for Landfills.

32. With reference to waste sands in the Pond, the Drainage Way, and beneath the facility's Parking Lot, within thirty (30) days from Respondent's receipt of either EPA's approval, or approval with conditions, of the Closure Plan, Respondent shall provide documentation that demonstrates compliance with all applicable requirements of 40 C.F.R. Part 264 Subpart H, and 15A NCAC 13A.0109, Financial Responsibility Requirements.

33. With reference to the Matthews facility, as of the date that Respondent signs this CAFO, Respondent certifies that it is in compliance with the generator standards specified in 40 C.F.R. Part 262 and 264, and 15A NCAC 13A.0107 and 13A.0109, with the exception of possible non-compliance as to sands that are the subject of this CAFO, or the CAFO between EPA and Respondent dated October 24, 2001, Docket No. RCRA-04-2002-4250.

34. All work undertaken pursuant to this CAFO shall be performed in a manner consistent with the latest version of the *EPA Region 4 Environmental Investigations Standard Operating Procedures and Quality Assurance Manual*.

35. Respondent's closure plans may propose risk based cleanup standards previously approved by EPA for other locations Respondent is cleaning up pursuant to the CAFO between EPA and Respondent dated October 24, 2001, Docket No. RCRA-04-2002-4250. EPA will evaluate Respondent's proposed cleanup standards on a case by case basis, and will only approve

cleanup standards it determines are appropriate.

36. Two (2) copies of all submittals required pursuant to this CAFO shall be mailed to:

Anna Lesichar
Environmental Engineer
North Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

One (1) copy of the information relevant to the Matthews facility shall be mailed to:

Elizabeth Cannon
Chief, Hazardous Waste Section
North Carolina Department of Environment and Natural Resources
P.O. Box 29603
Raleigh, North Carolina 27611-9603

One (1) copy of the information relevant to the Pageland facility shall be mailed to:

Hartsill Truesdale, Chief
Bureau of Solid and Hazardous Waste Management
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201.

37. For any submittal made pursuant to this CAFO, EPA will provide Respondent with its written approval, approval with conditions, or disapproval with comments.

38. Respondent shall revise any submittal in accordance with EPA's comments, and shall resubmit it by the date specified by EPA. Revised submittals are subject to EPA's approval.

39. If any revised submittal is not approved by EPA, Respondent will be deemed in violation of this CAFO, unless EPA grants Respondent additional time to comply.

40. Upon receipt of either EPA's written approval, or approval with conditions, Respondent shall commence work and implement any approved submittal in accordance with the schedule and conditions contained therein.

41. Any submittal made pursuant to this CAFO, approved or approved with conditions by EPA, is incorporated by reference and fully enforceable under the terms of this CAFO.

V. ADDITIONAL WORK

42. EPA may determine, or Respondent may propose, that certain tasks including investigatory work, engineering evaluation, or procedure/methodology modifications, are necessary in addition to or in lieu of the tasks included in any EPA-approved submittal. EPA may require that Respondent perform additional work, in which case EPA will notify Respondent in writing and specify the basis for such a determination. Within thirty (30) days after receipt of such a determination, Respondent shall have the opportunity to meet or confer with EPA to discuss the additional work. In its determination that additional work is necessary, EPA may require that Respondent submit a plan or workplan for the additional work. Such plan or workplan shall be submitted either within thirty (30) days of receipt of EPA's written determination that additional work is necessary, or in accordance with a schedule established by EPA. Upon approval of a plan or workplan, Respondent shall implement it in accordance with the schedule and provisions contained therein.

VI. STIPULATED PENALTIES

43. Respondent shall be liable for stipulated penalties to the EPA, as specified below, for failure to comply with the requirements of this CAFO, unless excused by EPA, in its sole discretion. "Compliance" by Respondent shall include the timely completion of the activities required and/or specified by this CAFO or any other submittal approved by EPA pursuant to this CAFO.

(a) For failure to comply with tasks specified in Section IV of this CAFO Respondent shall pay stipulated penalties in the following amounts for each calendar day during which the violations continue:

<u>Period of Failure to Comply</u>	<u>Penalty Per Violation Per day</u>
1 st through 7 th day	\$500.00
8 th through 21 st day	\$750.00
Greater than 21 days	\$1,200.00

44. If Respondent fails to remit the civil penalty, or the stipulated penalties, as agreed to herein, 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 judgement rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty and/or the stipulated penalty if not paid as specified in this CAFO. 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 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).

45. All stipulated penalties owed to the United States under this Section shall be due and payable within thirty (30) calendar days of Respondent's receipt from EPA of a written demand for payment of the penalties. Such a written demand will describe the violation(s) and will indicate the amount of stipulated penalties due.

46. All stipulated penalties shall be made payable by certified or cashier's check to the Treasurer, United States of America. The facility name and docket number for this matter shall be referenced on the face of the check. Payment shall be tendered to:

United States Environmental Protection Agency
Region 4
P.O. Box 100142
Atlanta, Georgia 30384.

Respondent shall submit a copy of the check to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303.

47. The payment of stipulated penalties shall not alter in any way Respondent's obligation to comply with the terms and conditions of this CAFO, or with the statutes and regulations upon which this agreement is based.

48. The payment of stipulated penalties does not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the terms and conditions of this CAFO, or with the statutes and regulations upon which this agreement is based, or for Respondent's violation of any other applicable provision of law.

VII. FORCE MAJEURE

49. "Force Majeure," for the purposes of this CAFO, is defined as any event arising from causes beyond the control of the Respondent, or any entity controlled by Respondent, including its contractors and subcontractors, that delays or prevents the performance of any obligation under this CAFO despite Respondent's best efforts to fulfill the obligation. The requirement that the Respondent exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effect of any force majeure event. "Force majeure" does not include financial inability to complete the work; increased costs; cost of performance; changed economic circumstances; normal precipitation events; changed circumstances arising out of the sale, lease or other transfer of Respondent's interest in any or all portions of the Facility; or failure to obtain federal, state, or local permits.

50. If any event occurs or has occurred which may delay the performance of any obligation under the CAFO that Respondent believes is a force majeure, Respondent shall notify EPA Region 4's Waste Management Division Director within seventy-two (72) hours of when the Respondent first knew or should have known that the event might cause a delay. Within seven (7) business days thereafter, Respondent shall provide in writing to EPA an explanation and description of the reasons for the delay; the obligations and deadlines Respondent claims are affected by the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; and Respondent's rationale for attributing such delay to a force majeure event. Respondent shall include with any notice all available documentation supporting its position that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Respondent from asserting any claim of force majeure for that event. Respondent shall be deemed to have notice of any circumstance of which its contractors or subcontractors had or should have had notice.

51. If EPA agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under the CAFO that are affected by the force majeure event will be extended by EPA for such time as is reasonably necessary to complete those obligations. An extension of time for the performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of another obligation. If EPA agrees that the delay is attributable to a force majeure event, EPA will notify Respondent in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

52. Respondent shall have the burden of demonstrating that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that the best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of Paragraph 49 above. If Respondent carries this burden, the delay at issue shall be deemed not to be a violation by the Respondent of the affected obligation of the CAFO. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify Respondent in writing of its decision. If Respondent does not meet the deadline involved with the delayed event, Respondent shall be in violation of this CAFO.

VIII. RESERVATION OF RIGHTS

53. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CAFO.

54. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, 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.

55. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future 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 and the environment.

56. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.

57. Respondent may request that EPA amend or modify any plan of work approved by EPA pursuant to this CAFO to reflect changes in EPA's corrective action approach. EPA will evaluate any request to change a previously approved corrective action approach on a case by case basis, and will only approve changing a corrective action approach if it determines that to do so is appropriate.

58. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

59. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during 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 an official to accept and issue this CAFO.

60. Penalties, including stipulated penalties, paid pursuant to this CAFO are not deductible for federal purposes under 28 U.S.C. § 162(f).

61. The provisions of this CAFO shall be deemed satisfied upon a determination by Complainant that Respondent has fully implemented the actions required in the Consent Order.

IX. EFFECTIVE DATE

62. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk, U.S. EPA, Region 4.

AGREED AND CONSENTED TO:

Conbraco Industries, Inc.

By: 

Name: GLENN L. MOSACK

Title: PRESIDENT/CEO

U.S. Environmental Protection Agency

By: 

Narindar M. Kumar, Chief
RCRA Enforcement and Compliance Branch
Waste Management Division

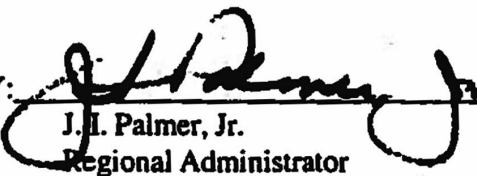
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:	)	PROCEEDING UNDER SECTION
	)	3008(a) OF THE RESOURCE
CONBRACO INDUSTRIES, INC.	)	CONSERVATION AND RECOVERY
	)	ACT, 42 U.S.C. § 6928(a)
701 Matthews-Mint Hill Road)	
Matthews, North Carolina 28105)	
EPA ID No. NCD 107 868 812)	
)	
1509 S. Van L. Mungo Boulevard)	
Pageland, South Carolina 29728)	
EPA ID No. SCR 000 006 155)	
)	
RESPONDENT	)	DOCKET NUMBER: RCRA-04-2003-4013
_____)	

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, ("Consolidated Rules of Practice"), 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 8th day of April, 2004.

BY: 

J. I. Palmer, Jr.
Regional Administrator

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CAFO), in the Matter of Conbraco Industries, Inc., Docket No. RCRA-04-2003-4013, on the parties listed below in the manner indicated:

Debra S. Benjamin, Associate Regional Counsel One Copy Hand Delivered
U.S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

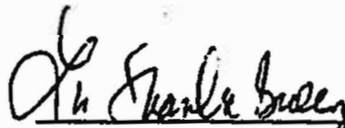
Charles D. Case, Esq. One Copy by Certified Mail- Return Receipt
Hunton & Williams LLP Requested)
Post Office Box 109
Raleigh, NC 27602

Mr. Glen Mosack One Copy by Certified Mail- Return Receipt
President Requested
Conbraco Industries, Inc.
701 Matthews-Mint Hill Road
Matthews, North Carolina 28105

Barbara A. Gunning One Copy by Certified Mail- Return Receipt
Administrative Law Judge Requested)
1200 Pennsylvania Ave., NW
Mail Code 1900 L
Washington D.C. 20460

Patricia Bullock Original and One Copy Hand Delivered
Regional Hearing Clerk
U.S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

Date 7/18/04



Lashandra Gully, Legal/Tech
U.S., Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9689