

SITE: Prestige
BREAK: 10.17
OTHER: CMF

IN THE MATTER OF:)
)
Prestige Chemical Company Site)
)
Proceeding under Section 122(g)(4))
of the Comprehensive Environmental)
Response, Compensation, and)
Liability Act of 1980, as amended,)
42 U.S.C. 9622(g)(4))

U.S. EPA Docket No. CER-01-
2002-37#2

**ADMINISTRATIVE ORDER
ON CONSENT**

10064480



I. JURISDICTION

1. This Administrative Order on Consent ("Consent Order" or "Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Section 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), redelegated to the Regional Administrators of EPA by EPA Delegation No. 14-14-E, and further delegated to the EPA Region 4 Chief, Waste Programs Branch, by Delegation No. 14-14-E.

2. This Administrative Order on Consent is issued to the persons, corporations, or other entities identified in Appendix B ("Respondents"). Each Respondent agrees to undertake all actions required by this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

3. EPA and Respondents agree that the actions undertaken by Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Respondent. Respondents do not admit, and retain the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in Sections IV and V, respectively, of this Consent Order.

II. STATEMENT OF PURPOSE

4. By entering into this Consent Order, the mutual objectives of the Parties are:

a. to reach a final settlement among the Parties with respect to the Site, pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), that allows Respondents to make cash payments to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, for injunctive relief with regard to the Site and for response costs incurred and to be incurred at or in connection with the Site, thereby reducing litigation relating to the Site;

b. to simplify any remaining administrative and judicial enforcement activities concerning the Site by eliminating a number of potentially responsible parties from further involvement at the Site; and

c. to obtain settlement with Respondents for their fair share of response costs incurred at or in connection with the Site by the EPA Hazardous Substance Superfund and to provide for full and complete contribution protection for Respondents with regard to the Site, pursuant to Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5).

III. DEFINITIONS

5. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, the following definitions shall apply:

a. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

b. "Consent Order" or "Order" shall mean this Administrative Order on Consent and all appendices attached hereto. In the event of conflict between this Order and any appendix, the Order shall control.

c. "Day" shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.

d. "EPA" shall mean the United States Environmental Protection Agency and any successor departments, agencies, or instrumentalities.

e. "EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

f. "Interest" shall mean interest at the current rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a).

g. "Paragraph" shall mean a portion of this Consent Order identified by an arabic numeral.

h. "Parties" shall mean EPA and the Respondents.

i. "Respondents" shall mean those persons, corporations, or other entities listed in Appendix B.

j. "Response costs" shall mean all costs of the "response," as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

k. "Section" shall mean a portion of this Consent Order identified by a roman numeral.

l. "Site" shall mean the Prestige Chemical Company Superfund Site, encompassing approximately 6.25 acres, located at 4 Ginn Street in Senoia, Coweta County, Georgia, as depicted more clearly on the map attached as Appendix A.

m. "United States" shall mean the United States of America, including its departments, agencies and instrumentalities.

IV. STATEMENT OF FACTS

6. The Prestige Chemical Company Superfund Site is located at 4 Ginn Street, in Senoia, Coweta County, Georgia. In 1996 and 1997, the owner of the property rented the front-half of one of the warehouses on the Site to Deryl Parker, owner of Prestige Chemical Company, who used it to store hazardous substances, pollutants, and contaminants he collected from Atlanta-area businesses.

7. Hazardous substances, including lead, chromium, methyl ethyl ketone, and chloroform, were released at or from the Site

and there were substantial threats of further releases of such hazardous substances at or from the Site.

8. As a result of the releases and threat of additional releases of hazardous substances, EPA undertook response actions at or in connection with the Site, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604. On October 22, 1997, EPA began a fund-lead, time-critical removal at the Site. Removal activities included Site stabilization, sampling, analysis, waste profiling, waste consolidation, and proper disposal of the hazardous and nonhazardous substances contained in more than 2329 containers stored at the Site. No further response action is planned.

9. In performing these response actions, EPA has incurred \$1,511,352.93 in response costs, as of March 5, 2002. The Department of Justice has incurred \$28,203.90 in response costs as of January 26, 2002.

10. Each Respondent listed in Appendix B arranged for disposal or treatment of a hazardous substance owned or possessed by such Respondent which was taken to the Site.

11. The amount of hazardous substances contributed to the Site by each Respondent did not exceed 915 gallons or 1.109% of the hazardous substances, pollutants, and contaminants removed from the Site, as indicated in Appendix C, and the hazardous substances contributed by each Respondent to the Site are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site.

12. The total response costs incurred at or in connection with the Site by the EPA Hazardous Substance Superfund totaled \$1,443,106.07 as of September 24, 2001, the date the contribution allocations were calculated for each Respondent. The payment required to be made by each Respondent pursuant to this Consent Order is a minor portion of this total amount.

V. DETERMINATIONS

13. Based upon the Statement of Facts set forth above and on the administrative record for this Site, EPA has determined that:

a. The Prestige Chemical Company Site is a "facility," as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

b. Each Respondent is a "person," as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

c. Each Respondent is liable for response costs, pursuant to Section 107(a)(3), 42 U.S.C. § 9607(a)(3), and is a "potentially responsible party" within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

d. There was an actual or threatened "release" of a "hazardous substance" from the Site, as those terms are defined in Section 101(22) and (14) of CERCLA, 42 U.S.C. § 9601(22) and (14).

e. The actual or threatened "release" caused the incurrence of response costs.

f. Prompt settlement with each Respondent is practicable and in the public interest, within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

g. The amounts of hazardous substances contributed to the Site by each Respondent are minimal in comparison to the total amount of hazardous substances at the Site, within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A).

h. As to each Respondent, this Consent Order involves only a minor portion of the response costs at the Site, within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

i. EPA and the Department of Justice have reviewed the financial information submitted by some Respondents to determine if they are financially able to pay their allocated share of response costs. Based on this financial information, it has been determined that these Respondents can pay the amounts specified in Appendix C, in the time frame indicated in Paragraph 15 and Appendix D, without undue financial hardship.

VI. ORDER

14. Based upon the administrative record for the Site and the Statement of Facts and Determinations set forth above, and in consideration of the promises and covenants set forth herein, the following is hereby AGREED TO AND ORDERED:

VII. PAYMENT

15. Respondent Clayton Collision Center, Inc. shall pay to the EPA Hazardous Substance Superfund the amount set forth in Appendix C to this Consent Order, according to payment schedule

outlined in Appendix D. All other Respondents shall pay to the EPA Hazardous Substance Superfund the amount set forth in Appendix C to this Consent Order within 30 days of the effective date of this Consent Order.

16. Each Respondent's payment is for past response costs incurred at or in connection with the Site.

17. Each payment shall be made by certified or cashier's check, made payable to "EPA Hazardous Substance Superfund." Each check shall reference the name and address of the party making payment, the Site name, EPA Region 4, and Site Spill ID Number A4D7, and the EPA docket number for this action, and shall be sent to:

U.S. Environmental Protection Agency
Region 4
Superfund Accounting
P.O. Box 100142
Atlanta, Georgia 30384
Attn: Collection Officer for Superfund

A copy of the check should also be sent to Ms. Paula V. Batchelor at the address provided below:

U.S. Environmental Protection Agency
Region 4
CERCLA Program Services Branch
Waste Management Division
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

18. At the time of payment, each Respondent shall send notice that such payment has been made to:

Mr. Johnny Morgan
Enforcement Project Manager
U.S. Environmental Protection Agency
Region 4
CERCLA Program Services Branch
Waste Management Division
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

VIII. FAILURE TO MAKE PAYMENT

19. Any Respondent who fails to make full payment, as described in Paragraph 15 and Appendix C, due within the time required by Paragraph 15 and Appendix D, shall pay Interest on

the unpaid balance due. In addition, if any Respondent fails to make full payment, as required by Paragraph 15 and Appendix C, within the time required by Paragraph 15 and Appendix D, the United States may, in addition to any other available remedies or sanctions, bring an action against that Respondent, seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(1) of CERCLA, 42 U.S.C. § 9622(1), for failure to make timely payment.

IX. CERTIFICATION OF RESPONDENT

20. By signing this Consent Order, each Respondent certifies, individually, that, to the best of its knowledge and belief, it has:

a. conducted a thorough, comprehensive, good faith search for documents, and has fully and accurately disclosed to EPA all information currently in its possession, or in the possession of its officers, directors, employees, contractors, or agents, which relates in any way to the ownership, operation, or control of the Site, or to the ownership, possession, generation, treatment, transportation, storage, or disposal of a hazardous substance, pollutant, or contaminant at or in connection with the Site;

b. not altered, mutilated, discarded, destroyed, or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site after notification of potential liability or the filing of a suit against it regarding the Site; and

c. fully complied with any and all EPA requests for information regarding the Site, pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e).

X. COVENANT NOT TO SUE BY UNITED STATES

21. In consideration of the payments that will be made by Respondents under the terms of this Consent Order, and except as specifically provided in Section XI (Reservations of Rights by United States), the United States covenants not to sue or take administrative action against any of the Respondents pursuant to Sections 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607, relating to the Site. With respect to present and future liability, this covenant shall take effect for Clayton Collision Center, Inc. upon receipt of the first payment, as required by Section VII and the schedule outlined in Appendix D. With respect to present and future liability, this covenant not to sue shall take effect as to each other Respondent upon receipt of that Respondent's payment as required by Section VII and Appendix C. With respect to each Respondent, individually, this covenant not to sue is

conditioned upon: a) the satisfactory performance by Respondent of all its obligations under this Consent Order; and b) the veracity of the information provided to EPA by Respondent relating to Respondent's involvement with the Site and Respondent's financial condition. This covenant not to sue extends only to Respondents and does not extend to any other person.

XI. RESERVATIONS OF RIGHTS BY UNITED STATES

22. The covenant not to sue by the United States set forth in Paragraph 21 does not pertain to any matters other than those expressly specified in Paragraph 21. The United States reserves, and this Consent Order is without prejudice to, all rights against Respondents with respect to all other matters including, but not limited to:

a. liability for failure to meet a requirement of this Consent Order;

b. criminal liability;

c. liability for damages for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments; or

d. liability arising from any future arrangement for disposal or treatment of a hazardous substance, pollutant, or contaminant at the Site after the effective date of this Consent Order.

23. Notwithstanding any other provision in this Consent Order, the United States reserves, and this Consent Order is without prejudice to, the right to institute judicial or administrative proceedings against any individual Respondent, seeking to compel that Respondent to perform response actions relating to the Site, and/or to reimburse the United States for additional costs of response, if:

a. information is discovered which indicates that such Respondent contributed hazardous substances to the Site in such greater amount or of such greater toxic or other hazardous effects that such Respondent no longer qualifies as a de minimis party at the Site because such Respondent contributed greater than 7.4% of the hazardous substances, pollutants, and contaminants at the Site or contributed hazardous substances which are significantly more toxic or are of significantly greater hazardous effect than other hazardous substances at the Site.

b. information is discovered which indicates that financial documentation submitted by such Respondent to

substantiate an inability-to-pay claim is false or, in any material respect, inaccurate.

XII. COVENANT NOT TO SUE BY RESPONDENTS

24. Respondents covenant not to sue and agree not to assert any claims or causes of action against the United States or its contractors or employees with respect to the Site or this Consent Order, including, but not limited to:

a. any direct or indirect claim for reimbursement from the EPA Hazardous Substance Superfund based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;

b. any claims arising out of response activities at the Site; and

c. any claim against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site.

25. Nothing in this Consent Order shall be deemed to constitute preauthorization or approval of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. 300.700(d).

26. Respondents covenant not to sue and agree not to assert any claims or causes of action against each other with regard to the Site pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613.

XIII. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

27. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Order. The United States and Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each Party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

28. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, recovery of response costs, or other relief relating to the Site, Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised in the subsequent proceeding were or should have been brought in the

instant action; provided, however, that nothing in this Paragraph affects the enforceability of the covenant not to sue included in Paragraph 21.

29. The Parties agree that each Respondent is entitled, as of the effective date of this Consent Order, to protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5), for "matters addressed" in this Consent Order. The "matters addressed" in this Consent Order are all response actions taken by the United States and all response costs incurred and to be incurred by the United States, at or in connection with the Site.

XIV. PARTIES BOUND

30. This Consent Order shall apply to and be binding upon EPA and upon Respondents and their heirs, successors, and assigns. Any change in ownership or corporate or other legal status of a Respondent, including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the party represented by him or her.

XV. INTEGRATION/APPENDICES

31. This Consent Order and its appendices constitute the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Order. The Parties acknowledge that there are no representations, agreements, or understandings relating to the settlement other than those expressly contained in this Consent Order. The following appendices are attached to and incorporated into this Consent Order:

"Appendix A" is a map of the Site.

"Appendix B" is the list of the Respondents who are parties to this settlement agreement.

"Appendix C" is a list of the amount of hazardous substances each Respondent contributed to the Site and the payment each agrees to make to settle this action.

"Appendix D" lists the installment payment schedule for Clayton Collision Center, Inc., determined appropriate by EPA and DOJ, based on an evaluation of financial information submitted to substantiate the company's inability-to-pay claim.

XVI. PUBLIC COMMENT

32. This Consent Order shall be subject to a public comment period of not less than 30 days, pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate.

XVII. ATTORNEY GENERAL APPROVAL

33. The Attorney General or his designee has approved the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

XVIII. EFFECTIVE DATE

34. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Respondents that the public comment period pursuant to Paragraph 32 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

By: _____

Anita Davis
Acting Chief,
CERCLA Program Services Branch
Waste Management Division

September 30, 2002
Date

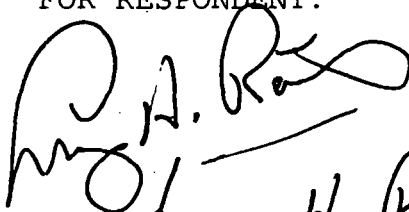
In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT:

Clayton Collision Center, Inc.

7422 Tara Blvd Jonesboro Ga 30236
Address



By: Larry H. Raines
Name

9/2/02
Date

Title: Owner

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT:

Phillip E. Hoover for Fred Brett
Brett, Inc., d/b/a Maaco Body & Paint Shop
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, N.E., Suite 3100, Atlanta, GA 30309-3592
Address

By: Phillip E. Hoover
Name

8-26-02
Date

Title: Attorney for Brett, Inc.

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT:

Jacqueline Goldman DBA Perdue's Paint & Body Shop, Inc.
Perdue's Paint and Body Shop, Inc.

1705 Hwy 16 West Griffin, Ga. 30223
Address

By: *Jacqueline Goldman*
Name

9/24/02
Date

Title: *Sec / Treasurer*

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT:

Heng's Inc.
Heng's Inc., d/b/a Maaco Auto Painting and Bodyworks of Mableton

5392 Floyd Rd Mableton Ga 30126
Address

By: Susan The
Name

9-10-02
Date

Title: Manager

New Address
C/O Susan The
135 Foal DR
Racwell Ga 30076

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT:

Wade Industries, Inc.
8326 Tara Blvd.
Jonesboro, Georgia 30236
Address

Aden Wade

By: Aden Wade
Name

9-12-02
Date

Title: President

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT: Tony D. Infinger
Tony Infinger, Inc., d/b/a H & H Body Shop
4959 BUFORD HWY
NORCROSS GA. 30071
Address

By: TONY D. INFINGER
Name

9-3-02
Date

Title: PRESIDENT

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

FOR RESPONDENT: *[Signature]*
M & G Auto Enterprises, Inc.

1350 S. MARIETTA PARKWAY
Address MARIETTA, GEORGIA 30067

By: CARY M. FRANK
Name

8-19-02
Date

Title: PRESIDENT

In the Matter of Prestige Chemical Company Superfund Site

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Prestige Chemical Company Superfund Site.

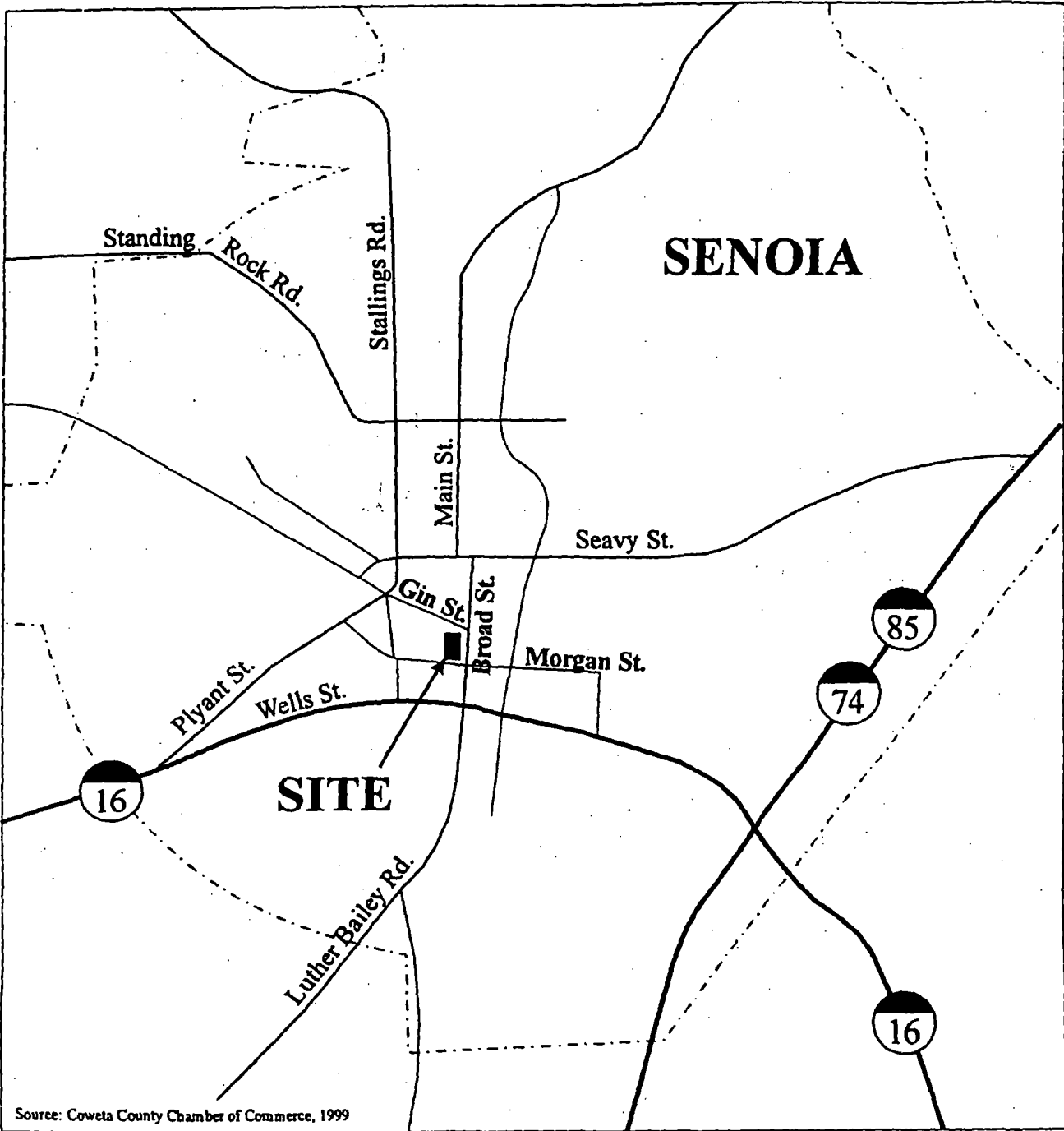
FOR RESPONDENT: For Stone Mountain Body Shop, Inc.
Attn: Karachos Stone Mountain Body Shop, Inc. ✓
6610 St Memorial Drive, Stone Mountain, GA 30083
Address

By: AP Tsarouhas Attn: P. Tsarouhas 8/5/02
Name Date


Title: Consultant to Stone
Mountain Body Shop

Appendix A

Map of Site



Source: Coweta County Chamber of Commerce, 1999

	<p>Site Location Map Prestige Chemical Company Site Senoia, Coweta County, Georgia</p>	<p>Figure 1</p>
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Appendix CContribution Allocation/Settlement Amount

<u>Respondent</u>	<u>Contribution of Hazardous Substances to Site¹</u>		<u>Settlement Amount</u>
Clayton Collision	915 gal.	1.109%	10,000 ²
Brett, Inc. Maaco (Doraville)	770 gal.	.93%	9,633
Perdue's	330 gal.	.400%	4,156
Heng's, Inc. (Maaco Mableton)	275 gal.	.333%	3,460
Wade, Inc. (Wade Collision)	220 gal.	.267%	2,774
Tony Infinger, Inc. H & H Body Shop	149 gal.	.18%	1,870
M & G Auto	853 gal.	1.034%	1,500 ³
Stone Mountain	115 gal.	.139%	1,000 ⁴
Total:	3,627 gal.	-	\$ 34,393

¹ Percent of 82,475 gallons of hazardous substances, pollutants, and contaminants removed from Site.

² Based on ability-to-pay determination.

³ Based on ability-to-pay determination.

⁴ Based on ability-to-pay determination.

Appendix DPayment Schedule for Clayton Collision Center, Inc.

Clayton Collision Center, Inc. agrees to pay the settlement amount listed in Appendix C (\$10,000) according to the schedule outlined below. All payments shall be made pursuant to the instructions in Section VII, Paragraphs 15 - 18 of this Consent Order. Any failure to make any required payment shall be governed by Section VIII, Paragraph 19.

1. \$2500 within six (6) months of the effective date of this Consent Order;
2. \$2500 within 12 months of the effective date of this Consent Order;
3. \$2500 within 18 months of the effective date of this Consent Order; and
4. \$2500 within 24 months of the effective date of this Consent Order.

ADMINISTRATIVE ACTION DATA SHEET

To Be Submitted to EAD When:

- (1) a Complaint is Filed; or
 (2) When a Complaint/ Settlement is Filed Together; Along with a CCDS
 (3) a Non-Penalty Order is Issued; Along with a CCDS

1. Case Name Prestige Chemical Company Superfund Site
 2. OECA Docket No. (To Be Completed By EAD) _____
 2(b). REDS No. 2000020F5983310P
 3. Court Docket/Regional Hearing Clerk Docket No. CER-04-2002-37f2

4(a) EPA Lead Attorney Karen Singer Phone No. 404/522-9540
 4(b) EPA Program Contact Johann Morgan Phone No. 404/522-8522

Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.) (Use Location of Site of Violation; DO NOT use a P.O. Box #.)

11. Facility Name Prestige Chemical Company
 12. Street Address 4 Finn Street County Coweta
 City Senolia State GA Zip Code _____
 13(a) Primary 4-Digit SIC Code _____ (b) Other 4-Digit SIC Codes _____
 14(a) EPA Program ID No. _____
 14(b) EPA FLA No. _____
 Is this a Federal Facility? _____ Yes No _____ Is this Indian Land? _____ Yes No _____

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

5. Statute(s) and Section(s) Violated (NOT Authorizing Section Nor CFR):

_____/_____/_____/_____

6. Authorizing Section for Administrative Actions: CERCLA, 122(g)

If CERCLA, Is the Site on the NPL? ___ Yes No

12. CFR Violation Citation(s):

40 CFR _____ 40 CFR _____

40 CFR _____ 40 CFR _____

8. Is this a MULTI-MEDIA action? ___ Yes No

If Yes, check all that apply:

___ M-M inspection ___ M-M complaint ___ M-M settlement ___ SEP in other media

9. Was The Agency Activity Taken in Response to Environmental Justice Concerns? ___ Yes No

If Yes, Check All That Apply: ___ Minority Population & Low Income

___ Low Income

___ Minority Population

___ Other

Is The Facility Located in an Environmental Justice Area? ___ Yes ___ No

10. If This Action Was Taken as Part of an FY 2000/2001 MOA Priority Activity, Please Circle the Appropriate SIC Code and/or Check the Appropriate MOA Priority Activity:

Wet Weather (Check All That Apply):

- CSO
- CAFO
- Stormwater
- Sanitary Sewer Overflows

Petroleum Refining (Check All That Apply):

- Refinery Fuel Gas
- LDAR
- Benzene Waste

SDWA Microbial (Choose All That Apply):

- TCR Violations
- SWTR Violations

RCRA (Check All That Apply):

- Permit Evaders
- Misidentified Wastes

CAA Air Toxics & NSR/PSD (Check All That Apply):

- NSR
- PSD

Coal-Fired Power Plant:

4911

7. Date Complaint Filed: _____	Proposed Penalty Amount \$ _____
Is This An Amended Complaint: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AND/OR Proposed Cost Recovery Amount \$ <u>34,393</u>

Self Disclosure Information

Did Company Self-Disclose Violations? Yes No

Does Company Have Less Than 100 Employees? Yes No

(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy)

Date Violations Disclosed: _____ / _____ / _____

Violation Type (Please select all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Accreditation | <input type="checkbox"/> Nozzle Flow Rate | <input type="checkbox"/> Sanitary Sewer Overflows |
| <input type="checkbox"/> Animal Feedlot (CAFO) | <input type="checkbox"/> Failure to Submit DMR | <input type="checkbox"/> Stormwater Overflows |
| <input type="checkbox"/> Violation of AO | <input type="checkbox"/> Failure to Notify | <input type="checkbox"/> Violation of Storage Facility Req. |
| <input type="checkbox"/> Asbestos Req. Violation (CAA) | <input type="checkbox"/> Discharge, Emission, or Activity w/out Permit | <input type="checkbox"/> Stratospheric Ozone Protection |
| <input type="checkbox"/> Asbestos-In-Schools Violation | <input type="checkbox"/> Failure to Report Info. | <input type="checkbox"/> Sale-Uncertified Vehicle/ Engine |
| <input type="checkbox"/> Battery Management Act Violation | <input type="checkbox"/> Non Road Engine | <input type="checkbox"/> Violation of Surface Water Trtmt. Rule |
| <input type="checkbox"/> Benzene Waste | <input type="checkbox"/> New Source Perf. Std. | <input type="checkbox"/> Tampering w/ Emissions Control Device |
| <input type="checkbox"/> Bevill Enforcement Case | <input type="checkbox"/> New Source Review | <input type="checkbox"/> Toxic Release Inventory (Section 313) |
| <input type="checkbox"/> Conventional Gasoline | <input type="checkbox"/> Opacity | <input type="checkbox"/> RCRA Treatment Facility Req. |
| <input type="checkbox"/> Closure & Post-Closure Req. | <input type="checkbox"/> Other/Miscellaneous | <input type="checkbox"/> Urban Bus |
| <input type="checkbox"/> Container Requirements | <input type="checkbox"/> Violation of PCB Rules | <input type="checkbox"/> UIC Casing & Cementing |
| <input type="checkbox"/> Combined Sewer Overflows | <input type="checkbox"/> FIFRA Packaging Req. | <input type="checkbox"/> UIC Fluid Movement |
| <input type="checkbox"/> Gasoline Detergent | <input type="checkbox"/> Inadequate/No SPCC Plan | <input type="checkbox"/> UIC Mechanical Integrity |
| <input type="checkbox"/> Diesel High Sulfur | <input type="checkbox"/> Pre-Manufacturing Notice Req. | <input type="checkbox"/> UIC Monitoring Requirements |
| <input type="checkbox"/> Diesel Misfueling | <input type="checkbox"/> Pretreatment Violation | <input type="checkbox"/> UIC No Approved Plugging & Abandonment Plan |
| <input type="checkbox"/> Disposal Facility Req. - Not Otherwise Listed | <input type="checkbox"/> Violation of Permit Req. | <input type="checkbox"/> UIC Injection Between Outermost Casing |
| <input type="checkbox"/> Effluent Limit Violation - Not Otherwise Listed | <input type="checkbox"/> Prevention of Significant Deterioration | <input type="checkbox"/> UIC Injection Beyond Authorized Pressure |
| <input type="checkbox"/> Air Emissions - Not Otherwise Listed | <input type="checkbox"/> PWS Monitoring/Rept. | <input type="checkbox"/> UIC Unauthorized Injection |
| <input type="checkbox"/> Exports Violation | <input type="checkbox"/> PWS Max Contaminant Level | <input type="checkbox"/> UIC Unauthorized Operation of a Class IV Well |
| <input type="checkbox"/> Violation of Financial Resp. Req. | <input type="checkbox"/> PWS Notification to Public | <input type="checkbox"/> UIC Non-compliance with Plugging & Abandonment |
| <input type="checkbox"/> General Facility Requirement | <input type="checkbox"/> PWS Sampling & Analyzing | <input type="checkbox"/> Unregulated Wastes |
| <input type="checkbox"/> Gasoline High Sulfur | <input type="checkbox"/> PWS Total Coliform Rule | <input type="checkbox"/> UST Violation of UST Req. - Other than LDAR |
| <input type="checkbox"/> Good Laboratory Practices | <input type="checkbox"/> RCRA Permit Evader | <input type="checkbox"/> UST Leak Detection & Repair (LDAR) |
| <input type="checkbox"/> Groundwater Monitoring Req. | <input type="checkbox"/> Violation of Req. to Monitor/Maintain Records | <input type="checkbox"/> Motor Vehicle Requirements |
| <input type="checkbox"/> Imports Violation | <input type="checkbox"/> Refinery Fuel Gas | <input type="checkbox"/> Gasoline Volatility Limits |
| <input type="checkbox"/> Land Ban | <input type="checkbox"/> Violation of Reporting Req. | <input type="checkbox"/> Asbestos Demolition/ Renovation Work Practices |
| <input type="checkbox"/> Land Disposal & Treatment | <input type="checkbox"/> Reformulated Gasoline | <input type="checkbox"/> Worker Protection Stds. |
| <input type="checkbox"/> Labeling/Marking Req. | <input type="checkbox"/> RCRA K061 Initiative | <input type="checkbox"/> 404 Discharge w/out (or in Violation of) a Permit |
| <input type="checkbox"/> Lead Paint Rule | <input type="checkbox"/> RCRA Misidentified Waste | |
| <input type="checkbox"/> Manufacturer Defeat Device | <input type="checkbox"/> CERCLA Reporting Quantity Discharge Violation | |
| <input type="checkbox"/> MPRSA Judicial Case | <input type="checkbox"/> Violation of SIP - Not Otherwise Listed | |
| <input type="checkbox"/> Nat'l Emission Std // Hazardous...(NESHAP) | <input type="checkbox"/> Violation of Sludge Disposal | |
| <input type="checkbox"/> New Fuels & Fuel Additives | <input type="checkbox"/> Oil Spill Violation (CWA/OPA) | |

CASE CONCLUSION DATA SHEET

(To be Submitted to EAD When:

- (1) Judicial Consent Decrees/Orders are Entered by Court
- (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
- (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

Note: Form will be returned if this section is incomplete:

Name of Person Completing Form: Karen Singer Date: 9/26/02
Signature of Technical Reviewer: _____ Date: _____

A. Case and Facility Background

- 1. Case Name Prestige Chemical Company Superfund Site
- 2(a). OECA Docket No. (To Be Completed By EAD) _____
- 2(b). REDS No. 2000020F5983310F
- 3. Court Docket/Regional Hearing Clerk Docket No. CERL-04-2002-37F2
- 4(a) EPA Lead Attorney Karen Singer
- 4(b) EPA Program Contact Johnny Morgan
- 11. Facility Name Prestige Chemical Company

5. Statute(s) and Section(s) Violated (NOT Authorizing Section Nor CFR):

_____/_____/_____/_____/_____

6. Authorizing Section for Administrative Actions: CERCLA 1122(g)

7. Action Dates (Complete EITHER Administrative or Judicial):

Administrative:

Issued/Filed _____ Final Order _____

Judicial:

Settlement Lodged _____ Settlement Entered _____

15. Was Alternative Dispute Resolution Used in This Action? ___ Yes ___ No

16. Action Type:

- ___(a) Consent Decree or Court Order Resolving a Civil Judicial Action
- ___(b) Administrative Penalty Order (with/without Injunctive Relief)
- (c) Superfund Administrative Cost Recovery Agreement
- ___(d) Federal Facility Compliance Agreement (NOT including RCRA Matters)
- ___(e) Field Citations
- ___(f) Administrative Compliance Orders
- ___(g) Notice of Determination (Self-Disclosure Cases)

D. Injunctive Relief and Other Compliance Activities (Non-SEP Related)

Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.

17. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements? This may be due to settlement/order requirements or otherwise required by statute or regulation. Include actions completed prior to the final settlement/order and actions to be taken by violator to return to compliance or meet additional requirements. Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one of those orders. Select response(s) from the following:

Column 1:
Actions That Result In Pollutant Reduction/Elimination
 (Also Complete Entire No. 19)
 Use Reduction
 Industrial Process Change (Includes Flow Reduction)
 Emission/Discharge Change (Install/Modify Controls)
 Disposal Change
 Remediation
 Removal
 RD/RA

Column 2:
Actions That Result in Pollutant Identification
 (Also Complete Pollutant Column in Question No. 19)
 Storage Change
 Labeling/Manifesting
 Permit Application

Column 3:
Actions That Do Not Result In Pollutant Reduction/Elimination
 (Skip Question No. 19)
 Testing
 Auditing
 Monitoring/Sampling
 Recordkeeping
 Reporting
 Information Letter Response
 Training
 Provide Site Access
 Site Assessment
 Restoration
 RI/FS
 Environmental Mgmt Reviews

Other (Please Describe) _____

None (Choose One): Cost Recovery ONLY _____ Penalty ONLY _____

18. Cost of Actions Described in Item 17 (Actual Cost Data Supplied by Violator is Preferred Figure.)

Column No. 1 Actions: \$ _____ AND/OR Columns No. 2 and 3 Actions: \$ _____

19. Quantitative Environmental Impact of Actions Described in Item 18:

REDUCTIONS/ELIMINATIONS:

Pollutant	Avg. Annual Amount	Units	Destination Media (e.g. air, water, land)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

N/A

E. Supplemental Environmental Project (SEP) Information

20. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

- (a) Public Health
- (b) Pollution Prevention
 - (1) Equipment/Technology Modifications
 - (2) Process/Procedure Modifications
 - (3) Product Reformulation/Redesign
 - (4) Raw Material Substitution
 - (5) Improved Housekeeping/O&M/Training/Inventory Control
 - (6) In-Process Recycling
 - (7) Energy Efficiency/Conservation
- (c) Pollution Reduction
- (d) Environmental Restoration and Protection
- (e) Assessments and Audits
- (f) Environmental Compliance Promotion
- (g) Emergency Planning and Preparedness
- (h) Other SEP Category (Specify) _____

21. SEP Description _____

22. Cost of SEP. Cost Calculated by the Project Model is Preferred. \$ _____

23. Is Environmental Justice Addressed by SEP? Yes No

24. Quantitative Environmental Impact of SEP: Pollutants and/or chemicals and/or wastestreams, and amount of reductions/eliminations (e.g., emissions/discharges)

Pollutant	Avg. Annual Amount	Units	Destination Media (e.g. air, water, land)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

F. Penalty Information (If there is no penalty, enter 0 and proceed to #27)

25(a) Assessed Penalty \$ _____

25(b) (If Shared) Federal Share \$ _____

25(c) (If Shared) State or Local Share \$ _____

26. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

G. Cost Recovery

27. Amount of Cost Recovery Awarded:

\$ 34,393 EPA Share

\$ _____ State and/or Local Government Share

\$ _____ Other

H. Self-Disclosure Information (COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS): *MA*

Was Disclosure Referred by Another Region or HQ? ___ Yes No

If Yes, What Office? _____

Was Disclosure Part of Media/Sector Initiative? ___ Yes ___ No

If Yes, What Initiative? _____

Number of Facilities Associated With This Disclosure? _____

Any Outstanding Issues? ___ Yes ___ No (If yes, please describe)

Penalty Information:

Penalty Calculation Before Mitigation: \$ _____

% and Amount of Gravity-Based Penalty Waived: ___% and \$ _____

Gravity-Based Penalty Assessed: \$ _____

Economic Benefit Assessed: \$ _____

Rationale for Not Applying Disclosure Policy:

No Violation Occurred

Not a Systematic
Discovery

Discovery Not Voluntary

Disclosure Not Prompt

Entity Had Repeat Violations

Agreement or Order
Violated

Violation(s) Not Corrected Exeditiously

Discovery & Disclosure
Not Independent

Cooperation Insufficient

Actual Serious Harm or
Imminent &
Substantial Endangerment

Federal Facility That Would Not Be Liable for a Penalty

Was this an overfile action? Yes No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.