

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Seoyon E Hwa Interior Systems Alabama LLC
Selma, Dallas County, Alabama
EPA ID NUMBER ALR000038893**

Consent Order No. 17-XXX-CHW

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter “the Department” or “ADEM”) and Seoyon E Hwa Interior Systems Alabama LLC (hereinafter “Seoyon E Hwa”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (hereinafter “AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. Seoyon E Hwa, a domestic limited liability company, operates an injection molding and painting facility with EPA Identification Number ALR000038893, located at 200 Craig Industrial Drive in Selma, Dallas County, Alabama. Seoyon E Hwa, as a result of its operations at the facility, was a large quantity generator, as that term is defined in ADEM Admin. Code r. 335-14-1-.02(1)(a)151., at all times relevant to this action.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.
3. Pursuant to Ala. Code § 22-22A-4(n), (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

DEPARTMENT'S CONTENTIONS

4. On February 25, 2016, representatives of the U. S. Environmental Protection Agency - Region 4 and the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection (hereinafter "CEI") of Seoyon E Hwa. The CEI and a review of Seoyon E Hwa's compliance showed the following violations:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a person who generates a solid waste, as defined in 335-14-2-.01(2), must make a hazardous waste determination.

Seoyon E Hwa did not make hazardous waste determinations on the following waste:

- i. One fluorescent light fixture located in the Laydown Yard;
- ii. About three dozen fluorescent lamps located in the Laydown Yard, the Maintenance Area, and the Electrical Room;
- iii. Eight high intensity discharge light fixtures and lamps located in the Laydown Yard, the Maintenance Area, and the Electrical Room;
- iv. Four cans of enamel paint located in the Laydown Yard and the Maintenance Area;

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(4)(a), a large quantity generator must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) reflecting current waste activities to the Department annually.

Seoyon E Hwa, a large quantity generator, submitted an incorrect and incomplete ADEM Form 8700-12, *Notification of Regulated Waste Activity*, to the Department on January 12, 2016. In the aforementioned notification, Seoyon E Hwa informed the Department that it only generates hazardous waste that exhibits the characteristic of ignitability (D001). However, a review of information collected during the inspection revealed Seoyon Hwa generates more than 300 gallons of used oil per year and hazardous wastes that carry the following hazardous waste codes: D001 (ignitability); D005 (Barium); D006 (Cadmium); and D007 (Chromium); and

F003 and F005 (spent halogenated solvents).

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.04(1)(e), a large quantity generator who offers hazardous waste for transportation off-site must have a program in place to reduce the volume and toxicity of such waste to the degree determined by the generator to be economically practicable and must document this program in a written waste minimization plan.

Seoyon E Hwa did not have a written waste minimization plan.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4. referencing ADEM Admin. Code r. 335-14-6-.02(7)(d), the generator must maintain the following documents and records at the facility:

- i. Job titles for the positions related to hazardous waste management and the name of employees filling each job title;
- ii. A written job description for the positions related to hazardous waste management, which includes the requisite skills, education or other qualifications, and duties assigned to each position;
- iii. A written description of the type and amount of both introductory training and continuing training required for each position; and
- iv. Records that document that the required training or job experience have been given to, and completed by, facility personnel.

Seoyon E Hwa did not maintain at the facility documents or records demonstrating that it had provided its employees that handle hazardous waste with initial and/or annual training.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4. referencing ADEM Admin. Code r. 335-14-6-.04(6), at all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response

measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout.

Seoyon E Hwa did not ensure that a person qualified to act as emergency coordinator was either on the facility premises or on call at the time of the inspection. Seoyon E Hwa had designated its Safety Specialist, the Human Resources Manager, and the Maintenance Manager as the primary and alternate emergency coordinators, respectively. At the time of inspection, the Safety Specialist was not available to respond to any emergency. The Human Resources Manager and Maintenance Manager, who were on-site during the inspection, were not familiar with the contingency plan. Moreover, the Human Resources Manager was not aware that he was an alternate emergency coordinator.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(5), a generator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors; and must note the number and capacity of hazardous waste containers present; and must document these inspection in accordance with rule 335-14-6-.02(6)(d). ADEM Admin. Code r. 335-14-6-.02(6)(d) requires the generator to record inspection in an inspection log or summary.

A review of Seoyon E Hwa's weekly inspection logs revealed several weeks when no inspections were documented.

(g) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(c)1.(ii), a generator may accumulate as much as 55 gallons of hazardous waste at or near the point of generation where wastes initially accumulate, without a permit and without complying with 335-14-3-.03(5)(a), provided that the containers are marked either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

Seoyon E Hwa did not mark one 55-gallon satellite container of paint and solvent waste located in the Paint Area and one 55-gallon satellite container holding waste aerosol cans located in the Laydown Yard with either the words "Hazardous Waste" or with other words describing their contents.

(h) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(c)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(2), if a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of 335-14-6.

The aforementioned satellite container holding waste aerosol cans was severely rusted.

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(c)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(4)(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Seoyon E Hwa did not keep closed the aforementioned satellite container of waste aerosol cans. At the time of the inspection, no waste was being added to or removed from the container.

(j) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)3., a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit, provided that containers and tanks are labeled or marked clearly with the words "Hazardous Waste" and the EPA hazardous waste number(s).

Seoyon E Hwa did not mark or label two 55-gallon drums in the hazardous waste storage area with the words "Hazardous Waste" or the appropriate EPA hazardous waste number(s).

(k) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)2., a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit, provided that the date when each period of accumulation begins is clearly marked and visible

for inspection on each container.

Seoyon E Hwa did not mark two drums in the hazardous waste storage area with an accumulation start date.

(l) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

Seoyon E Hwa did not label or mark seven 55-gallon drums of used oil with the words "Used Oil".

(m) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(d), upon detection of a release of used oil to the environment that is not subject to the corrective action requirements of Division 335-6, Volume 2 of the ADEM Administrative Code, a used oil generator must stop the release; contain the released used oil; and clean up and manage properly the released used oil and other materials in accordance with all applicable Division 335-13 and 335-14 requirements.

Seoyon E Hwa did not clean up released used oil on the ground at the base of three used oil drums in the Laydown Yard. This release was not subject to the corrective action requirements of Division 335-6.

5. On May 5, 2016, representatives of the U. S. Environmental Protection Agency - Region 4 and of the Department's Industrial Hazardous Waste Branch conducted a second CEI of Seoyon E Hwa. The second CEI and a review of Seoyon E Hwa's compliance showed the following violations:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)2., a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit, provided that the date when each period of accumulation begins is clearly marked and visible for inspection on each container.

Seoyon E Hwa did not stage one 55-gallon drum in the hazardous waste storage area so that the accumulation start date was visible for inspection. A similar violation was noted during the February 25, 2016 CEI.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(4)(a), a large quantity generator may accumulate hazardous waste which is generated on-site for 90 days or less without a permit or without having interim status, provided that containers holding hazardous waste are always kept closed during storage, except when it is necessary to add or remove waste.

Seoyon E Hwa did keep closed two drums of paint-related hazardous waste located in the hazardous waste storage area. One drum had a loose bung cap. The other drum was equipped with a pouring funnel that was not latched. Waste was not being added or removed from the drums at the time of the inspection. A similar violation was noted during the February 25, 2016 CEI.

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)1.(i), referencing ADEM Admin. Code r. 335-14-6-.09(6)(a) and (b)1., a large quantity generator may accumulate hazardous waste which is generated on-site for 90 days or less without a permit provided that the waste is stored in container storage areas that have a containment system. The containment system must have a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

Seoyon E Hwa did not provide adequate secondary containment in its hazardous waste storage area. The floor of the hazardous waste storage area was covered by metal plates that were bolted or screwed to the floor. There were visible gaps between the metal floor plates and many indications that paint or similar material had been spilled in the past. Facility personnel were unable to explain how they would or could inspect the underlying floor to verify it was free of gaps or cracks.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4. referencing ADEM Admin. Code r. 335-14-6-.03(4), a large quantity generator may accumulate hazardous waste which is generated on-site for 90 days or less without a permit, provided that all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, are tested and maintained as necessary to assure their proper operation in time of emergency.

Seoyon E Hwa did not test and maintain all fire protection equipment at the site. The two fire extinguishers in the hazardous waste storage area had not been inspected or maintained since October of 2014; all other fire extinguishers were inspected once each year.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4. referencing ADEM Admin. Code r. 335-14-6-.02(5)(c), unless exempted under 335-14-6-.02(5)(a)1. and (a)2., a large quantity generator may accumulate hazardous waste which is generated on-site for 90 days or less without a permit, provided that a sign with the legend, "Danger--Unauthorized Personnel Keep Out", is posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion.

Seoyon E Hwa, not exempt from this rule, did not mark all approaches to the hazardous waste storage area with the required signage. The personnel door leading to the hazardous waste storage area was marked with the required warning sign, but the adjacent roll up door lacked any signage.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(c)1.(i) referencing ADEM Admin. Code r. 335-14-6-.09(4)(a), a generator may accumulate as much as 55 gallons of hazardous waste at or near the point of generation without a permit and without complying with 335-14-3-.03(5)(a), provided that the containers are kept closed, except when it is necessary to add or remove waste.

Seoyon E Hwa did not keep closed a corrugated cardboard box and a 55-gallon drum (both satellite containers) holding waste aerosol cans located at the Main Building. A similar violation was noted during the February 25, 2016 CEI.

(g) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(c)1.(ii), a generator may accumulate as much as 55 gallons of hazardous waste at or near the point of generation where wastes initially accumulate, without a permit and without complying with 335-14-3-.03(5)(a), provided that the containers are marked either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

Seoyon E Hwa did not mark the abovementioned corrugated cardboard box of waste aerosol cans and a plastic trash can holding about 20 waste aerosol cans located in the Meadowcraft Building either with the words "Hazardous Waste" or with other words that identify the contents of the containers. A similar violation was noted during the February 25, 2016 CEI.

(h) Pursuant to ADEM Admin. Code r. 335-14-11-.02(4)(d)1., a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Seoyon E Hwa did not keep closed one corrugated cardboard box of spent fluorescent lamps; the top flaps had been torn off.

(i) Pursuant to ADEM Admin. Code r. 335-14-11-.02(5)(e), each lamp or a container or package in which the lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste -- Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".

Seoyon E Hwa did not mark the abovementioned corrugated cardboard box of spent fluorescent lamps with any one of the required phrases.

(j) Pursuant to ADEM Admin. Code r. 335-14-11-.02(6)(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Seoyon E Hwa did not have a method in place to document how long spent fluorescent lamps remained on-site. The abovementioned corrugated cardboard box of spent fluorescent lamps was not dated, and employees were not able to demonstrate any other method used to track how long universal waste lamps remained at the facility.

(k) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1., containers used to store used oil at used oil generator locations must be labeled or marked clearly with the words "Used Oil".

Seoyon E Hwa did not mark all containers of used oil with the words "Used Oil." In the Laydown Yard, one open-top 55-gallon drum of used oil was marked with the words "Waste Oil." At the Meadowcraft Building, two 55-gallon open-top drums holding used oil saturated sorbents were not marked in any way. Similar violations were noted during the February 25, 2016 CEI.

(l) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(a)1., a container holding used oil must always be closed during storage, except when it is necessary to add or remove used oil.

Seoyon E Hwa did not keep closed all containers of used oil. In the Laydown Yard, the abovementioned open-top 55-gallon drum of used oil was not closed: a cover was placed over the drum, but it was not secured to the drum and it had a hole cut in the center. In the Meadowcraft Building, an open-top drum holding used oil saturated sorbents was not closed. The open drum was covered with a square of plywood.

(m) Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(d), upon detection of a release of used oil to the environment that is not subject to the corrective action requirements

of Division 335-6, Volume 2 of the ADEM Administrative Code, a used oil generator must stop the release; contain the released used oil; and clean up and manage properly the released used oil and other materials in accordance with all applicable Division 335-13 and 335-14 requirements.

Seoyon E Hwa did not clean up a release of oil to the ground outside the Meadowcraft Building. This release was not subject to the corrective action requirements of Division 335-6.

A similar violation was noted during the February 25, 2016 CEI.

(n) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4., referencing ADEM Admin. Code r. 335-14-6-.04(3), a generator may accumulate hazardous waste on-site for 90 days or less without a permit, provided that the generator has a contingency plan which contains the following information:

- i. The actions facility personnel must take in response to fires, explosions, or any unpermitted sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water;
- ii. A description of arrangements with local police departments, fire departments, hospitals, and ADEM Field Operations Division and local emergency response teams to coordinate emergency services;
- iii. A list of the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator;
- iv. A list of all emergency equipment at the facility including the location, physical description, and a brief outline of its capabilities for each item on the list; and
- v. An evacuation plan for facility personnel that describes signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

Seoyon E Hwa failed to provide an adequate contingency plan. The site's contingency plan lacked the following elements: a description of arrangements with local police

departments, fire departments, hospitals, and ADEM Field Operations Division and local emergency response teams; a list of all emergency equipment at the facility including the locations; and an evacuation plan for facility personnel that describes signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(o) Pursuant to ADEM Admin. Code r. 335-14-3-.03(5)(a)4. referencing ADEM Admin. Code r. 335-14-6-.02(7)(d), the generator must maintain the following documents and records at the facility:

- i. A written job description for the positions related to hazardous waste management, which includes the requisite skills, education or other qualifications, and duties related to hazardous waste management; and
- ii. A written description of both introductory training and continuing training required for each position.

Seoyon E Hwa failed to maintain job descriptions that document the requisite skills, education or other qualifications, and duties related to hazardous waste management. Only the job description for one PCS Technician made any mention of hazardous waste management duties. None of the job descriptions included any descriptions of the type and amount of training required or the requisite skills, education, or other qualifications. In addition, the job descriptions for the Safety/Environmental Specialist (who is also the emergency coordinator) and the two individuals who act as alternate emergency coordinators include no mention of duties, qualifications, or training related to emergency response. A similar violation was noted during the February 25, 2016 CEI.

(p) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a person who generates a solid waste, as defined in 335-14-2-.01(2), must make a hazardous waste determination.

Seoyon E Hwa failed to make proper hazardous waste determinations on a pile of discarded construction debris and other discarded items, including two aerosol spray cans, observed at the rear and the side of the Meadowcraft Building and on wastewaters from the

“waterfall” paint system. The waterfall paint system is cleaned with a mixture of toluene and xylene; wastewater removed from this system is generally managed as non-hazardous waste, but it has occasionally been disposed as a characteristic and a listed hazardous waste (EPA hazardous waste numbers D001, D010, F003, and F005). A similar violation was noted during the February 25, 2016 CEI.

(q) Pursuant to ADEM Admin. Code r: 335-14-3-.04(2)(a), a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Department by March 1 of each even numbered year. The Biennial Report must be submitted on the Hazardous Waste Generator Biennial Report form supplied by the Department and must cover generator activities during the previous calendar year.

Seoyon E Hwa had not submitted a Biennial Report to the Department since September 9, 2014. The 2015 Biennial Report was submitted on June 29, 2016, 120 days after the March 1, 2016 deadline.

6. As a result of February 25, 2016 and May 6, 2016 CEIs, the Department issued to Seoyon E Hwa a Notice of Violation (dated June 22, 2016), which cited violations of the hazardous waste regulations that were discovered during the CEIs.

7. On July 28, 2016, the Department received Seoyon E Hwa’s response to the aforementioned Notice of Violation.

8. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty.

Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATIONS:** In arriving at the civil penalty, the Department considered the general nature and magnitude of the violations along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **THE STANDARD OF CARE:** In considering the standard of care manifested by Seoyon E Hwa, the Department noted that the violations noted above were non-technical in nature and easily avoidable. Consequently, Seoyon E Hwa did not exhibit a standard of care commensurate with applicable regulatory standards.

(c) **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has determined that there was no significant economic benefit gained by Seoyon E Hwa as a result of the violations referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** There are no known environmental effects to mitigate as a result of the alleged violations.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, Seoyon E Hwa has a documented history of previous violations with respect to ADEM Admin. Code div. 335-14. Previous enforcement actions have included violations similar to fourteen of the thirty violations listed above.

(f) **THE ABILITY TO PAY:** Seoyon E Hwa has not alleged an inability to pay the civil penalty.

(g) OTHER FACTORS: It should be noted that this Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without incurring the unwarranted expense of litigation (see "Attachment A", which is made a part of the Department's Contentions).

9. The Department neither admits nor denies Seoyon E Hwa's contentions, which are set forth below. The Department has agreed to the terms of this Special Order by Consent in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Special Order by Consent are in the best interest of the citizens of Alabama

FACILITY'S CONTENTIONS

10. Seoyon E-Hwa strives to do things the right way to protect the employees, community and environment we live and work in.

Daily, we strive to be good stewards of our environment and have implemented many changes in our handling of our waste and continue to make things better for all involved.

During the February and May ADEM inspection, we were found to be deficient in our responsibilities. We worked quickly to correct these issues.

None of the issues identified would have been considered a detriment to our employees or the surrounding community, but we were in error in the way it was handled, labeled, stored or identified. We now have properly trained individuals dealing with these issues on a daily basis. All our paperwork and plans have been corrected and prepared according to requirements.

We have had ADEM inspections in the past and there were no major issues cited. Our goal is to, once again, have an inspection with minimal or no findings.

11. Seoyon E Hwa neither admits nor denies the Department's contentions. Seoyon E Hwa consents to abide by the terms of this Special Order by Consent and to pay the civil penalty assessed herein.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, Seoyon E Hwa, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement and the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and Seoyon E Hwa agree to enter into this Special Order by Consent with the following terms and conditions:

A. Seoyon E Hwa agrees to pay to the Department a civil penalty in the amount of \$20,000 in settlement of the violations alleged herein within forty-five days of the effective date of this Special Order by Consent. Failure to pay the civil penalty within forty-five days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Seoyon E Hwa agrees that all penalties due pursuant to this Special Order by Consent shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods acceptable to the Department and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management

P.O. Box 301463

Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Special Order by Consent shall reference Seoyon E Hwa's name and address, and the ADEM Administrative Order number of this action.

C. Seoyon E Hwa agrees that, independent of this Special Order by Consent, Seoyon E Hwa shall comply with all terms, conditions, and limitations of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

D. The Department and Seoyon E Hwa (hereinafter the "parties") agree that this Special Order by Consent shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Special Order by Consent certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Special Order by Consent, to execute the Special Order by Consent on behalf of the party represented, and to legally bind such party.

E. The parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Special Order by Consent is intended to operate as a full resolution of the alleged violations cited herein.

F. Seoyon E Hwa agrees that it is not relieved from any liability if it fails to comply with any provision of this Special Order by Consent.

G. For purposes of this Special Order by Consent only, Seoyon E Hwa agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The parties agree that the sole purpose of this Special Order by Consent is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Special Order by Consent, then such future violations may be addressed in orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate; Seoyon E Hwa agrees not to object to such future orders, litigation, or enforcement action based on the issuance of this Special Order by Consent if future orders, litigation, or other enforcement action address new matters not raised in this Special Order by Consent.

I. The parties agree that this Special Order by Consent shall be considered final and effective immediately upon signature of all parties. This Special Order by Consent shall not be appealable, and Seoyon E Hwa does hereby waive any hearing on the terms and conditions of this Special Order by Consent.

J. The parties agree that this Special Order by Consent shall not affect Seoyon E Hwa's obligation to comply with any Federal, State, or local laws or regulations.

K. The parties agree that final approval and entry into this Special Order by Consent are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the order.

L. The parties agree that, should any provision of this Special Order by Consent be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The parties agree that any modifications of this Special Order by Consent must be agreed to in writing signed by both parties.

N. The parties agree that, except as otherwise set forth herein, this Special Order by Consent is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State, or local law, and shall not be construed to waive or relieve Seoyon E Hwa of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

**SEYON E HWA INTERIOR SYSTEMS
ALABAMA, LLC**

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**



(Signature of Authorized Representative)

Lance R. LeFleur
Director

Tae Sik Kang

(Printed Name)

President

(Printed Title)

12/09/2016

(Date Signed)

(Date Executed)

Attachment A

**Seoyon E Hwa Interior Systems Alabama LLC
Selma, Dallas County, Alabama
EPA Identification Number ALR000038893**

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*
Seoyon E Hwa failed to make hazardous waste determinations on four wastestreams generated at the site.	4	\$4,000	\$400	\$0
Seoyon E Hwa failed to submit a correct and complete ADEM Form 8700-12, Notification of Regulated Waste Activity, to the Department.	1	\$200	\$100	\$0
Seoyon E Hwa failed to have a written waste minimization plan.	1	\$100	\$100	\$0
Seoyon E Hwa failed to provide training records.	1	\$1,000	\$500	\$500
Seoyon E Hwa failed to have a trained, qualified emergency coordinator at the facility or on call at all times	1	\$500	\$500	\$0
Seoyon E Hwa failed to conduct and document weekly inspections.	1	\$1,000	\$500	\$500
Seoyon E Hwa failed to mark one satellite container with the words "Hazardous Waste"	1	\$100	\$100	\$100
Seoyon E Hwa failed to ensure one satellite container was in good condition.	1	\$200	\$100	\$0

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*
Seoyon E Hwa failed to keep closed one satellite container.	1	\$100	\$100	\$100
Seoyon E Hwa failed to mark two hazardous waste containers with the words "Hazardous Waste" & EPA hazardous waste number(s).	2	\$200	\$100	\$100
Seoyon E Hwa failed to mark two hazardous waste containers in storage with an accumulation start date.	2	\$200	\$100	\$100
Seoyon E Hwa failed to mark seven used oil containers with the words "Used Oil".	7	\$700	\$100	\$0
Seoyon E Hwa failed to clean up a release of used oil.	1	\$200	\$100	\$0
Seoyon E Hwa failed to ensure the accumulation start date was visible for inspection on one hazardous waste container.	1	\$200	\$100	\$100
Seoyon E Hwa failed to keep closed two hazardous waste containers in storage.	2	\$200	\$100	\$100
Seoyon E Hwa failed to provide adequate secondary containment in the 90-day accumulation area.	1	\$1,000	\$500	\$0
Seoyon E Hwa failed to test and maintain two fire extinguishers.	2	\$200	\$100	\$0

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*
Seoyon E Hwa failed to post the required signs at the 90-day accumulation area.	1	\$100	\$100	\$100
Seoyon E Hwa failed to keep closed two satellite containers.	2	\$200	\$100	\$100
Seoyon E Hwa failed to mark two satellite containers with the words "Hazardous Waste".	2	\$200	\$100	\$100
Seoyon E Hwa failed to keep closed one container of universal waste lamps.	1	\$100	\$100	\$0
Seoyon E Hwa failed to mark one container of universal waste lamps.	1	\$100	\$100	\$0
Seoyon E Hwa failed to document how long universal waste was accumulated.	1	\$100	\$100	\$0
Seoyon E Hwa failed to mark three used oil containers.	3	\$300	\$100	\$100
Seoyon E Hwa failed to keep closed two used oil containers.	2	\$200	\$100	\$100
Seoyon E Hwa failed to clean up a release of used oil to the ground.	1	\$200	\$100	\$100
Seoyon E Hwa failed to have an adequate contingency plan.	1	\$500	\$250	\$250
Seoyon E Hwa failed to document all training-related information on job descriptions.	1	\$1,000	\$500	\$500

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
Seoyon E Hwa failed to make an adequate hazardous waste determination on all wastes generated at the facility.	3	\$3,000	\$300	\$300	
Seoyon E Hwa failed to submit to the Department a Biennial Report during each even numbered year.	1	\$100	\$100	\$100	Total of Three Factors
TOTAL PER FACTOR		\$16,200	\$5,650	\$3,350	\$25,200

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$0
Total Adjustments (+/-) <i>Enter at Right</i>	(\$5,200)

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$25,200
Total Adjustments (+/-)	(\$5,200)
FINAL PENALTY	\$20,000

Footnotes

* See the "DEPARTMENT'S CONTENTIONS" portion of the Order for a detailed description of each violation and the penalty factors.