

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Titan Coatings, Inc.
Bessemer, Jefferson County, Alabama
USEPA ID Number AL0000266569**

Consent Order No. 23-XXX-CHW

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (“the Department” or “ADEM”) and Titan Coatings, Inc. (“Titan Coatings”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (“AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. Titan Coatings operates a paint manufacturing and distribution facility (the “Facility”) with EPA Identification Number AL0000266569, located at 2025 Exchange Place in Bessemer, Jefferson County, Alabama. Titan Coatings, as a result of its operations at the Facility, was a large quantity generator of hazardous waste and a small quantity handler of universal waste, as those terms are defined in ADEM Admin. Code Div. 14, 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-17, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), 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 January 24, 2022, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Titan Coatings. The CEI and a review of Titan Coatings' compliance showed the following:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4., a satellite accumulation container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste, or temporary venting.

Titan Coatings failed to keep closed the following satellite accumulation containers of hazardous waste:

- three 55-gallon satellite accumulation containers located at the Drum Recycle Area;
- three 55-gallon satellite accumulation containers located at the Gravity Stand Area;
- two 55-gallon satellite accumulation containers located in Area 4-5;
- two 55-gallon satellite accumulation containers located in Area 7-8;
- one 55-gallon satellite accumulation container located at Mill 1-2;
- one 55-gallon satellite accumulation container located at Mill 3-4;
- four 55-gallon satellite accumulation containers located at Tank 6; and
- two 55-gallon satellite accumulation containers located in the Laboratory.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5.(i), a generator must mark or label its satellite accumulation containers with the words "Hazardous Waste".

Titan Coatings failed to mark or label the following satellite accumulation containers of hazardous waste with the words "Hazardous Waste":

- two 55-gallon satellite accumulation containers located at the Gravity Stand;
- two 55-gallon satellite accumulation containers located in Area 4-5;
- two 55-gallon satellite accumulation containers located in Area 7-8;
- one 55-gallon satellite accumulation container located at Mill 1-2;

- one 55-gallon satellite accumulation container located at Mill 3-4;
- five 55-gallon satellite accumulation containers located at Tank 6; and
- two 55-gallon satellite accumulation containers located in the Laboratory.

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5.(ii), a generator must mark or label its satellite accumulation containers with an indication of the hazards of the contents.

Titan Coatings failed to mark or label the following satellite accumulation containers of hazardous waste with an indication of the hazards of the contents:

- two 55-gallon satellite accumulation containers located at the Gravity Stand;
- two 55-gallon satellite accumulation containers located in Area 4-5;
- two 55-gallon satellite accumulation containers located in Area 7-8;
- one 55-gallon satellite accumulation container located at Mill 1-2;
- one 55-gallon satellite accumulation container located at Mill 3-4; and
- three 55-gallon satellite accumulation containers located at Tank 6.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10., a large quantity generator must prevent unknown entry into the central accumulation area.

Titan Coatings stored three 55-gallon containers of hazardous waste, not in satellite accumulation, and failed to restrict unknown entry into the area where those containers were stored.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(vi)b., "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Titan Coatings stored three 55-gallon containers of hazardous waste, not in satellite accumulation, and failed to post "No Smoking" signs in the area where those containers were stored.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10.(ii), a sign with the legend, "Danger--Unauthorized Personnel Keep Out", must be posted at each entrance to the central accumulation area, and at other locations, in sufficient numbers to be seen from any

approach. The legend must be written in English and in any other language predominant in the workplace and the area surrounding the facility, and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

Titan Coatings stored three 55-gallon containers of hazardous waste, not in satellite accumulation, and failed to post the required signage in the area where those containers were stored.

(g) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)a., a large quantity generator must mark or label its containers with the words "Hazardous Waste".

Titan Coatings failed to label one 55-gallon container of hazardous waste located in the central hazardous waste accumulation area with words "Hazardous Waste".

(h) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)c., a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Titan Coatings failed to mark two 55-gallon containers of hazardous waste located in the central hazardous waste accumulation area with an accumulation start date.

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), at least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The large quantity generator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Titan Coatings stored three 55-gallon containers of hazardous waste, not in satellite accumulation, and failed to conduct weekly inspections of the area where those containers were stored.

(j) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)6.(iii), a generator who accumulates hazardous waste in excess of the amounts listed in 335-14-3-.01(5)(a) at the satellite accumulation area must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

Titan Coatings failed to mark an accumulation start date on the following satellite containers of hazardous waste: two 55-gallon satellite containers located at the Gravity Stand and three 55-gallon satellite containers located at Tank 6.

(k) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(viii), container storage areas must meet the containment requirements of ADEM Admin. Code r. 335-14-6-.09(6).

Titan Coatings stored three 55-gallon containers of hazardous waste, not in satellite accumulation, and failed to have a containment system for the area where those containers were stored.

(l) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iv)b., the large quantity generator must maintain records of the written job description for each hazardous waste management position listed under 335-14-3-.01(7)(a)7.(iv)a. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

Titan Coatings failed to provide for review the job description for each position that handles hazardous waste.

(m) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10)(a), a large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., law enforcement agencies, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).

Titan Coatings failed to provide documentation that the facility's contingency plan and all revisions had been sent to all local emergency responders.

(n) Pursuant to ADEM Admin. Code r. 335-14-3-.14(9)(d), the required contingency plan must list names and emergency telephone numbers of all persons qualified to

act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

Titan Coatings failed to include names and emergency telephone numbers of all emergency coordinators in its contingency plan. The emergency coordinators listed in the contingency plan were no longer employed at the facility at the time of the CEI.

(o) Pursuant to ADEM Admin. Code r. 335-14-3-.01(8)(d)1., a large quantity generator or small 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. The Department must receive the ADEM Form 8700-12 (including all appropriate attachment pages and fees) no later than the 15th day of the specified month in the specified month schedule located at 335-14-1-.02(1)(a).

Titan Coatings failed to notify as a generator of hazardous waste in its most recent submittal of ADEM Form 8700-12 (which was received by the Department on June 9, 2021).

5. On March 14, 2022, the Department issued a Notice of Violation to Titan Coatings, which cited violations of the hazardous waste regulations that were discovered during the January 24, 2022, CEI.

6. On April 27, 2022, the Department received Titan Coatings' response to the March 14, 2022, Notice of Violation.

7. On June 28, 2022, a representative of the Department's Industrial Hazardous Waste Branch conducted an additional CEI of Titan Coatings. The CEI and a review of Titan Coatings' compliance showed the following:

(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 an accurate determination as to whether

that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable AHWMMMA regulations.

Titan Coatings failed to provide a waste determination for personal protective equipment and general facility trash found in the solvent-contaminated wipe containers located throughout the facility.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)a., a large quantity generator must mark or label its containers with the words "Hazardous Waste".

Titan Coatings failed to label two 55-gallon containers of hazardous waste located in the central hazardous waste accumulation area with the words "Hazardous Waste".

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)c., a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Titan Coatings failed to mark four 55-gallon containers of hazardous waste located in the central hazardous waste accumulation areas with an accumulation start date.

(d) Pursuant to ADEM Admin. Code r. 335-14-2-.01(4)(b)18.(i), solvent-contaminated wipes, when accumulated, stored, and transported, should be contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes."

Titan Coatings failed to mark containers storing solvent-contaminated wipes with the words "Excluded Solvent-Contaminated Wipes".

(e) Pursuant to ADEM Admin. Code r. 335-14-2-.01(4)(b)18.(i), during accumulation, a container storing solvent-contaminated wipes should be closed in accordance with 335-14-1-.02, except when necessary to add or remove solvent contaminated wipes.

Titan Coatings failed to keep closed containers storing solvent contaminated wipes.

(f) Pursuant to ADEM Admin. Code r. 335-14-2-.01(4)(b)18.(v)(I), a generator must provide the name and address of the landfill or combustor that is receiving the solvent-contaminated wipes.

Titan Coatings was unable to provide the name and address of the facility that receives its solvent-contaminated wipes.

(g) Pursuant to ADEM Admin. Code r. 335-14-2-.01(4)(b)18.(v)(II), a generator must provide documentation that the 180 day accumulation time limit in accordance with 335-14-2-.01(4)(b)18.(ii) is being met.

Titan Coatings was unable to provide documentation that the 180-day accumulation time limit for solvent-contaminated wipes was being met at the time of the CEI.

(h) Pursuant to ADEM Admin. Code r. 335-14-2-.01(4)(b)18.(v)(III), a generator must provide a description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal.

Titan Coatings was unable to provide a description of the process to ensure solvent-contaminated wipes contain no free liquids.

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.14(6), a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

Titan Coatings failed to provide aisle spacing in the central hazardous waste accumulation area to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

(j) Pursuant to ADEM Admin. Code r. 335-14-3-.14(2), a large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Titan Coatings failed to operate the facility in a manner to minimize the possibility of a release of hazardous waste to the environment. Department staff observed containers of spent solvents in the general trash compactor at the facility.

8. On August 2, 2022, the Department issued a Notice of Violation to Titan Coatings, which cited violations of the hazardous waste regulations that were discovered during the June 28, 2022, CEI.

9. On September 14, 2022, the Department received Titan Coatings' response to the August 2, 2022, Notice of Violation.

10. Pursuant to Ala. Code § 22-22A-5(18), 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 determining the seriousness of the violations, 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) **STANDARD OF CARE:** In considering the standard of care manifested by Titan Coatings, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Titan Coatings failed to exhibit a standard of care commensurate with the 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 Titan Coatings as a result of the violations referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** The Department is not aware of any environmental effects to mitigate as a result of the alleged violations.

(e) HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Titan Coatings has a history of similar violations and the penalty reflects that history.

(f) ABILITY TO PAY: The Department does not have any evidence indicating that Titan Coatings is unable 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).

11. The Department neither admits nor denies Titan Coatings' 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

12. Titan Coatings neither admits nor denies the Department's contentions. Titan Coatings 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, Titan Coatings, 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. The Department believes that the following conditions are

appropriate to address the violations alleged herein. Therefore, the Department and Titan Coatings agree to enter into this Special Order by Consent with the following terms and conditions:

A. Titan Coatings agrees to pay to the Department a civil penalty in the amount of \$26,600 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. Titan Coatings 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 Titan Coatings' name and address, and the ADEM Administrative Order number of this action.

C. Titan Coatings agrees that, independent of this Special Order by Consent, Titan Coatings 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 Titan Coatings ("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. Titan Coatings 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, Titan Coatings 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 actions as may be appropriate. Titan Coatings agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Special Order by Consent if future orders, litigation, or other enforcement actions 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 Titan Coatings 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 Titan Coatings' 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 is 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.

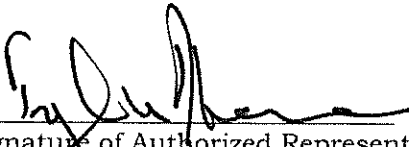
M. The parties agree that any modifications of this Special Order by Consent must be agreed to in writing signed by both parties.

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 Titan Coatings of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

TITAN COATINGS, INC.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



(Signature of Authorized Representative)

Lance R. LeFleur
Director

Tyler Hanna
(Printed Name)

President
(Printed Title)

10/2/02
(Date Signed)

(Date Executed)

Attachment A

Titan Coatings, Inc.
Bessemer, Jefferson County
Facility ID No. AL0000266569

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*
Failure to keep satellite accumulation containers of hazardous waste closed	1	\$500	\$100	\$0
Failure to mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste"	1	\$200	\$100	\$100
Failure to mark satellite accumulation containers of hazardous waste with an indication of the hazards	1	\$200	\$100	\$0
Failure to prevent unknowing entry into the hazardous waste storage area(s)	1	\$1,000	\$500	\$500
Failure to post "No Smoking" signs at the hazardous waste storage area(s)	1	\$200	\$100	\$0
Failure to post warning signs at each entrance to the hazardous waste storage area(s)	1	\$200	\$100	\$100
Failure to mark containers of hazardous waste with the words "Hazardous Waste"	2	\$1,000	\$500	\$500
Failure to mark containers of hazardous waste with accumulation start dates	2	\$1,000	\$500	\$500
Failure to conduct or document weekly inspections of the hazardous waste accumulation area(s)	1	\$1,000	\$500	\$0

Failure to mark satellite accumulation containers of hazardous waste with accumulation start dates	1	\$200	\$100	\$100
Failure to have adequate secondary containment in the hazardous waste accumulation area(s)	1	\$1,000	\$1,000	\$1,000
Failure to provide for review the job description for each position that handles hazardous waste	1	\$100	\$50	\$50
Failure to submit a copy of the contingency plan to local emergency responders	1	\$200	\$100	\$100
Failure to list the names and telephone numbers of the current emergency coordinators in the contingency plan	1	\$100	\$50	\$0
Failure to submit a correct and complete ADEM Form 8700-12 to the Department	1	\$100	\$50	\$0
Failure to provide a hazardous waste determination on waste generated at the facility	1	\$2,500	\$1,000	\$1,000
Failure to mark containers of solvent-contaminated wipes with the words "Excluded Solvent-Contaminated Wipes"	1	\$200	\$100	\$0
Failure to keep closed containers of solvent-contaminated wipes	1	\$200	\$100	\$0
Failure to document the name and address of the facility receiving solvent-contaminated wipes	1	\$500	\$250	\$0
Failure to document that the 180-day accumulation limit for solvent-contaminated wipes is being met	1	\$200	\$100	\$0

Failure to document that solvent-contaminated wipes do not contain free liquids	1	\$200	\$100	\$0	
Failure to maintain adequate aisle space	1	\$1,000	\$500	\$500	
Failure to operate in a way that minimizes the possibility of a release to the environment	1	\$7,500	\$2,500	\$1,000	Total of Three Factors
TOTAL PER FACTOR		\$19,300	\$8,500	\$5,450	\$33,250

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	-\$6,650

Amount of Initial Penalty	\$33,250
Total Adjustments (+/-)	-\$6,650
FINAL PENALTY	\$26,600

Footnotes

* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.