

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Aludyne Columbus, LLC	)	
1600 Northside Industrial Boulevard	)	
Columbus, GA 31904	)	ORDER NO. EPD-WP-9834
Muscogee County	)	
	)	
Respondent.	)	

CONSENT ORDER

Authority

WHEREAS, Aludyne Columbus, LLC (the "Respondent") operates the Aludyne Columbus, LLC Industrial Facility (hereinafter the "Facility") located at 1600 Northside Industrial Boulevard, Muscogee County, Georgia; and

WHEREAS, the Director (the "Director") of the Environmental Protection Division of the Georgia Department of Natural Resources ("EPD") administers and enforces the Georgia Water Quality Control Act, as amended, O.C.G.A. § 12-5-20 et seq. (hereinafter the "Water Quality Act") and the Georgia Oil or Hazardous Material Spills or Releases Act, as amended, O.C.G.A. § 12-14-1 et seq.; and

WHEREAS, EPD administers and enforces the Rules for Water Quality Control, Chapter 391-3-6 as amended. (the "Water Quality Rules"), which were promulgated and are in effect pursuant to Water Quality Act; and

WHEREAS, the Water Quality Act and the Water Quality Rules make it unlawful to discharge pollutants into waters of the state except in accordance with a permit issued by the Director pursuant to the Water Quality Act and Water Quality Rules; and

WHEREAS, O.C.G.A. § 12-5-20 of the Water Quality Act and Chapter 391-3-6-.03(5)(a) of the Water Quality Rules states that all waters shall be free from materials associated with municipal or domestic sewage, industrial waste or any other waste which will settle to form sludge deposits that become putrescent, unsightly or otherwise objectionable; and

WHEREAS, O.C.G.A. § 12-5-20 of the Water Quality Act and Chapter 391-3-6-.03(5)(b) of the Water Quality Rules states that all waters shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with the designated use of the water body; and

WHEREAS, O.C.G.A. § 12-5-20 of the Water Quality Act and Chapter 391-3-6-.03(5)(c) of the Water Quality Rules states that all waters shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with the designated use of the water body; and

WHEREAS, O.C.G.A. § 12-5-20 of the Water Quality Act and Chapter 391-3-6-.05(3) of the Water Quality Rules states that whenever, because of an accident or otherwise, any toxic or taste and color producing substance, or any other substance which would endanger downstream users of the waters of the State or would damage property, is discharged into such waters, or is so placed that it might flow, be washed, or fall into them, it shall be the duty of the person in charge of such substances at the time to forthwith notify the Division in person or by telephone of the location and nature of the danger, and it

shall be such person's further duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream users of said water; and

WHEREAS, O.C.G.A. § 12-5-23 of the Water Quality Act assigns the Director the authority to issue permits stipulating in each permit the conditions or limitations under which such permit was issued and the authority to issue orders as may be necessary to enforce compliance with the provisions of the Water Quality Act and all rules and regulations promulgated thereunder; and

WHEREAS, National Pollutant Discharge Elimination System Wastewater Permit GA0047619 for the discharge of noncontact cooling water was issued to the Respondent effective February 1, 2022 (hereinafter "the WW Permit"); and

WHEREAS, the WW Permit requires effluent discharge limitations outlined in Part I. A.1.b. of the WW Permit; and

WHEREAS, the WW Permit requires monthly sampling and submittal of the data on monthly Discharge Monitoring Reports (DMR) to the Division no later than the 15th day of the month following the reporting period, outlined in Part I.D.1. of the WW Permit; and

WHEREAS, Part II.B.15 of the WW Permit, requires the permittee to furnish the EPD Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit; and

WHEREAS, on June 1, 2022, the General Permit No. GAR050000 entitled "Authorization to Discharge Under the National Pollutant Discharge Elimination System Stormwater Discharges Associated With Industrial Activity" (hereinafter the "IGP") became effective; and

WHEREAS, Part B.6 of the IGP requires that if the permittee becomes aware of a failure to submit any relevant facts or of the submittal of incorrect information in the NOI, Annual Report, or in any report to EPD, the permittee shall promptly submit the relevant facts or information; and

WHEREAS, Part 2.1.2.2 of the IGP requires permittees to keep clean all exposed areas that are potential sources of pollutants. The permittee must perform good housekeeping measures in order to minimize pollutant discharges. Consider the following:

- a. Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat and properly dispose of the washdown water;
- b. Store materials in appropriate containers;
- c. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could contaminate stormwater, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.1.3 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;
- d. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged

; and

WHEREAS, Part 2.1.2.5 of the IGP requires permittees to minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, permittees must implement:

- a. Procedures for plainly labeling containers (e.g., "used oil," "spent solvents," "fertilizers and pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- b. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

- c. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the stormwater pollution prevention team (see Part 5.1.1);
- d. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility covered by this permit shall be prevented, if at all possible, or minimized in accordance with the applicable SWPPP for the facility. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Materials Spills or Releases Act (O.C.G.A 12-14-2), 40 CFR Part 110.6, 40 CFR Part 117, and 40 CFR Part 302;
- e. The SWPPP required of this permit must be modified within thirty (30) calendar days of knowledge of a release with the potential to impact stormwater equal to or in excess of a reportable quantity under Georgia's Oil or Hazardous Materials Spills or Releases Act (O.C.G.A 12-14-2), 40 CFR Part 110.6, 40 CFR Part 117 or 40 CFR Part 302 and provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the SWPPP must be reviewed and amended to identify measures needed to prevent the reoccurrence of such releases and to respond to such releases;
- f. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill except in *de minimis* amounts after removal and proper disposal of the spilled material has been completed in accordance with State and Federal requirements;

;and

WHEREAS, Part 2.1.2.4 of the IGP requires permittees to regularly inspect, test, maintain, repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. Permittees must maintain in effective operating condition all control measures that are used to achieve the effluent limits required by this permit. Nonstructural control measures must also be maintained (e.g., keeping spill response supplies available, training personnel appropriately). If permittees find that control measures need to be replaced or repaired, permittees must make the necessary repairs or modifications as expeditiously as practicable; and

WHEREAS, Part 3.1(e) of the IGP requires if any of the following conditions occur, permittees must review and revise the selection, design, installation, and implementation of control measures to eliminate the condition and ensure that it will not be repeated in the future:

- e. permittees find in a routine facility inspection, quarterly visual assessment, or comprehensive site inspection that control measures are not being properly operated and maintained

; and

WHEREAS, Part 7.1 of the IGP requires all monitoring data collected pursuant to Parts 6.2.1, 6.2.2, 6.2.4, 6.3, and Appendix C must be submitted in a format approved by EPD. For the period from the effective date of permit until December 31, 2022, permittees should report monitoring data along with the Annual Report. Beginning January 1, 2023, the permittee must submit all stormwater discharge monitoring data collected pursuant to Part 6 to EPD using NetDMR, EPA's electronic DMR system; and

WHEREAS, Part 7.2 of the IGP requires Monitoring and sampling data for the period from the effective date of permit until December 31, 2022, shall be reported by the permittee with the 2022 Annual Report due January 31, 2023. Beginning January 1, 2023, the permittee must submit quarterly discharge monitoring reports (DMR) for all applicable parameters through NetDMR. The permittee shall submit the DMR no later than 11:59 p.m. on the 45 days following the reporting period. A DMR must be submitted for every monitoring period (quarter) even if no monitoring was conducted. NetDMR will provide a list of NODI (no data indicated) codes to be used when there is no data to report; and

WHEREAS, Part 7.3 of the IGP requires the annual reports to be submitted annually using the electronic forms provided by EPD per the following schedule:

- a. Submit by January 31, 2023, for the period from the effective date of permit until December 31, 2022. Activities conducted between January 1, 2022, and the effective date of the permit shall be included if the permittee had coverage under the 2017 IGP.
- b. Submit by January 31, 2024, for calendar year 2023.
- c. Submit by January 31, 2025, for calendar year 2024.
- d. Submit by January 31, 2026, for calendar year 2025.
- e. Submit by January 31, 2027, for calendar year 2026.

; and

WHEREAS, O.C.G.A. § 12-14-3(a) of the Oil or Hazardous Material Spill or Release Act states that any person owning or having control over any oil or hazardous substance who has knowledge of any spill or release of such oil or who has knowledge of any spill or release of such hazardous substance in a quantity equal to or exceeding the reportable quantity or who has knowledge of a spill or release of an unknown quantity of oil or a hazardous substance shall immediately notify the division through the Department of Natural Resources Emergency Operations Center as soon as that person knows of the spill or release; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-5-52 of the Water Quality Act provides that any person violating any provision of the Act or any permit condition or limitation established pursuant to the Act or, negligently or intentionally, failing or refusing to comply with any final order of the Director shall be liable for a civil penalty of not more than \$50,000.00 per day for each day during which such violation continues provided, however, that a separate and later incident creating a violation within a 12 month period shall be liable for a civil penalty not to exceed \$100,000.00 per day for each day during which such violation continues; and

WHEREAS, O.C.G.A. § 12-14-4 of the Oil or Hazardous Material Spills or Releases Act provides that any person knowingly violating any provision of this chapter or rules or regulations established pursuant to this chapter shall be liable for a civil penalty of not more than \$1,000.00 per day. Each day during which the violation continues may be considered a separate violation; and

Background

WHEREAS, IGP Permit 01384 was issued to the Respondent under the name of DMI Columbus LLC effective July 12, 2022; and

WHEREAS, IGP Permit 000014053 was issued to the Respondent under the name of Aludyne Columbus LLC effective December 13, 2022; and

WHEREAS, the Respondent submitted multiple Notices of Intent (NOI) for IGP coverage for both 01384 (DMI), dated July 12, 2022, and 000014053 (Aludyne), dated December 13, 2022, and failed to notify EPD of the incorrect information pursuant to the duplication of records for this location; and

WHEREAS, the Respondent did not submit Annual Reports for 000014053 (ALUDYNE) which were due in GEOS by January 31, 2024, and January 31, 2025; and

WHEREAS, the Respondent submitted one Annual Report for 01384 (DMI) in GEOS on January 29, 2026, and contained 2025 data, which is after the date the Respondent indicated through NOI submittals that the site changed names from DMI to Aludyne (2019) and failed to notify EPD of the incorrect information pursuant to the duplication of records for this location; and

WHEREAS, on January 15, 2026, the Respondent notified EPD via email that all production at the Facility would be stopped by the end of January 2026 and WW Permit discharges would cease; and

WHEREAS, the Respondent failed to submit DMRs for February 2026 through July 2026, despite the requirement to continue to submit DMRs until such time that the WW Permit is rescinded/terminated by EPD; and

WHEREAS, on July 14, 2026, EPD received a complaint, CTS#117514, regarding a possible diesel fuel and possibly hydraulic fluid spill near the Facility. Columbus Consolidated Government (CCG) investigated the complaint and reported an unknown red substance in Roaring Branch Creek; however, there was no active discharge at the time of the investigation and pads and booms had been placed and maintained for containment at the outfall from the Facility. There was a large amount of soot and foundry sand that had been daylighted and exposed to stormwater on the Facility property. Individuals on site claimed that all work was associated with dismantling of equipment for sale. CCG notified employees on site that a cleanup would be necessary, and the Respondent would be ticketed following their investigation; and

WHEREAS, on July 15, 2026, CCG returned to the Facility. Cleanup of isolated areas was underway but demolition without a municipal permit had begun. CCG ticketed the Respondent on several water quality related violations and issued a stop work order for the unpermitted demolition but as stated by the Respondent, CCG informed Respondent that the removal of assets and items already on the ground could continue along with salvage efforts; and

WHEREAS, on July 16, 2026, representatives of EPD's Emergency Response Team, EPD West Central District Office staff and CCG conducted an investigation of the Facility. During the investigation, the following was noted: The Facility is a metal foundry facility that discontinued operations around January 2026. A consultant, Ramboll, and a demolition contractor, Atlantic Coast Dismantling (ACD) have been on site since that time. Respondent and/or the demolition contractor have been in the process of draining all on-site equipment and machinery of all fuels/oils, removing them from the buildings, and demolishing the buildings. The waste fuels/oils recovered from equipment are being pumped into above-ground storage tanks (ASTs) in one of the buildings. A secondary containment valve failed and released an unknown amount of waste oil/diesel fuel into an on-site drop inlet that routes to a concrete drainage ditch along the northwest property boundary. The valve was replaced and release secured. A significant amount of waste oil remains outside secondary containment within that building. Some of the building demolitions have progressed without draining fuels/oils and removing the machinery, and without recovering the remaining soot and foundry sand from manufacturing processes. The foundry holding pits had been gutted and exposed from at least two buildings within the property. These basement areas are collecting and containing waste oil runoff and rainwater. Process soot and foundry sand were observed in and around buildings throughout the property as well as the aforementioned drainage ditch to the northwest property boundary. An environmental response contractor has been secured to address the building with the ASTs as well as the drainage ditch. Multiple layers of absorbent boom and sandbags have been deployed in the drainage ditch. Recovery operations were underway with pressure washers and vacuum trucks to contain and remove run-off/latent materials. Absorbent pads were deployed to plug drain lines routed from each building to the drainage ditch. At that time, there was no active release or discharge of fuel/oils, but there is no proper containment for standing waste oil, process soot and foundry sands. EPD proceeded to request federal assistance from the Environmental Protection Agency (EPA) Region 4 for emergency response; and

WHEREAS, on July 17, 2026, EPD's Emergency Response Team met with EPA's Federal On-Scene Coordinator Kevin Eichinger, the Respondent, Ramboll and ACD. The Respondent advised that all equipment and machinery on site had been retrofitted for non-PCB oils. The Respondent and ACD advised that an asbestos management plan is in place for the demolition and Terracon Consultants, Inc., has collected samples. A conference call with EPA and the Respondent focused on EPA's requests for the development of an engineered stormwater management plan for demolition to address fuels/oils and foundry sands. An environmental contractor was tasked with active recovery operations on the building

housing, the ASTs, the drainage ditch and basement engine rooms. No active release or discharge of fuel or oil was noted at the time of this visit; and

WHEREAS, on July 21, 2026, EPD's Emergency Response Team, West Central District Office staff, CCG, the Respondent, Ramboll and ACD personnel met onsite. During the site visit, EPD advised that absorbent boom replacement, maintenance, and remediation, including removal of stained vegetation and soils, must occur at the storm drain outfall. Facility investigation and discussions focused on the need for an engineered stormwater management plan for containment of fuel/oils, soot and foundry sands. Discussions also included EPD relaying additional state demolition notification requirements regarding asbestos management, remediation and demolition disposal. The Facility was advised to ensure containment of all pollutants on the property and recover any waste oils. The Facility was also advised of the need for flushing of all drain lines after demolition is completed on site and extending to the storm drain outfall at Roaring Branch Creek; and

WHEREAS, on July 23, 2026, EPD's Nonpoint Source-Industrial Stormwater Unit reviewed IGP compliance. Upon review of the Facility's Stormwater Pollution Prevention Plan (SWPPP), EPD noted that Page 9 documents deficiencies in good housekeeping measures including oil-stained ground and evidence of leaking equipment in the forklift repair area; the SWPPP does not document that the Respondent followed through with this control measure nor implement appropriate recommended spill prevention and response procedures; and

WHEREAS, EPD Nonpoint Source-Industrial Stormwater Unit noted that page 9 of the Facility's SWPPP documents deficiencies in existing Best Management Practices (BMPs) including accumulation of dirt and debris within secondary containment, the SWPPP does not document that the Respondent followed through with this BMP maintenance; and

WHEREAS, EPD Nonpoint Source-Industrial Stormwater Unit noted that the Respondent failed to submit required reporting and monitoring data to EPA's NetDMR system required for both 01384 (DMI) and 000014053 (Aludyne); and

Alleged Violations

WHEREAS, the Respondent is responsible for spills impacting waters of the state, in violation of Section 391-3-6-.03(5) (a), (b) and (c) of the Rules and O.C.G.A. § 12-5-20 of the Water Quality Act; and

WHEREAS, the Respondent failed to notify the Division of the spills, in violation of Section 391-3-6-.05(3), Water Quality Control Emergency Actions and O.C.G.A. § 12-5-20 of the Water Quality Act; and

WHEREAS, the Respondent failed to notify the Division of a spill or release of hazardous substances, in violation of O.C.G.A., §12-14-3(a) of the Oil or Hazardous Material Spill or Release Act; and

WHEREAS, the Respondent submitted multiple Notices of Intent (NOI) for IGP coverage for both 01384 (DMI), dated July 22, 2022, and 000014053 (Aludyne), dated December 13, 2022, and failed to notify EPD of the incorrect information pursuant to the duplication of records for this location in violation of Section B.6 of the IGP; and

WHEREAS, the Respondent failed to implement/correct the IGP SWPPP deficiencies indicated on Page 9, including oil-stained ground and evidence of leaking equipment in the forklift repair area, in violation of 2.1.2.2 of the IGP and failed to implement appropriate recommended spill prevention and response procedures, in violation of Section 2.1.2.5 of the IGP; and

WHEREAS, the Respondent failed to document in the IGP SWPPP the implementation or correction of deficiencies indicated on Page 9 in existing Best Management Practices (BMPs), including

accumulation of dirt and debris within secondary containment, in violation of Sections 2.1.2.4 and 3.1 (e.) of the IGP; and

WHEREAS, the Respondent failed to submit required monitoring data to EPA's NetDMR system required for both 01384 (DMI) and 000014053 (Aludyne) in violation of Sections 7.1 and 7.2 of the IGP; and

WHEREAS, the Respondent failed to submit 2023 and 2024 Annual Reports for 000014053 (Aludyne), in violation of Section 7.3 of the IGP; and

WHEREAS, the Respondent submitted an incorrect 2025 Annual Report for 01384 (DMI) following the ownership change from DMI to Aludyne (2019) and failed to notify EPD of the incorrect information pursuant to the duplication of records for this location in violation of Section B.6 of the IGP; and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. The Respondent agrees to stop all activity with the exception of corrective actions until the Facility has complied with Conditions 2, 3, 5, 6, 7, 8, 9, and 10 below.
2. Within forty-five (45) days of the execution of this Order, the Respondent agrees to develop and submit an engineered Stormwater Management Plan (SMP) to EPD for review and approval. The SMP must address stormwater management needs associated with the current and planned decommissioning and demolition activity at the Facility. The SMP must outline appropriate BMP designs and installation to protect water quality specific to the existing potential pollutants on site through completion of the project.
3. Within forty-five (45) days of the execution of this order, the Respondent will develop and submit to EPD for review and approval, a restoration plan for all offsite or stormwater impacts from onsite pollutants. The plan must include:
 - a) Remediation actions for pollutant-impacted areas extending from the Facility outfall to Roaring Branch Creek, including absorbent boom replacement and maintenance, removal of stained vegetation, soils and outlet protection and restoration of vegetation and reestablishment of adequate outlet protection.
 - b) Procedures for responsible handling, containment and disposal of fuel/oil reclamation activities.
 - c) Procedures for responsible handling, containment and disposal of foundry sands, slag, and other sediment and pollutants subject to migration through stormwater conveyance offsite.
 - d) Plans for collection and proper disposal of comingled wastes and stormwater in any vaults, containment areas or impacted stormwater piping on site.
 - e) A reasonable timeframe for implementation of protective measures, remediation and completion.
4. Upon approval, the SMP and Restoration Plan requirements and timelines will be incorporated as conditions of this Order. Any proposed modifications to the SMP and Restoration Plan after incorporation must be submitted for review and approval by EPD. The Respondent agrees to complete items referenced in the SMP and Restoration Plan within approved timelines.

5. Within forty-five (45) days of execution of the Order, the Respondent must submit 2023, 2024, and 2026 IGP Annual Reports using EPD's electronic GEOS submittal system. If Respondent cannot reasonably comply with these reporting requirements due to inaccessible or missing data, Respondent shall submit a statement to EPD stating that the applicable filing cannot be completed due to the unavailability of such data.
6. Within forty-five (45) of execution of the Order, the Respondent must submit all monitoring data required by the IGP via the NetDMR application. If Respondent cannot reasonably comply with these reporting requirements due to inaccessible or missing data, Respondent shall submit a statement to EPD stating that the applicable filing cannot be completed due to the unavailability of such data.
7. Upon completion of Condition 5. And 6., the Respondent must properly submit IGP Notices of Termination (NOT) using EPD's electronic GEOS submittal system to terminate IGP permit coverage. NOTs must be submitted for the permit coverage of both 01384 (DMI) and 000014053 (Aludyne).
8. Within forty-five (45) days of the execution of this order, the Respondent must submit DMRs for February 2026 through July 2026 via the NetDMR application and continue to submit DMRs until such time that the WW Permit is rescinded/terminated by EPD.
9. Within forty-five (45) days of the execution of this Order, the Respondent must formally notify the EPD Director with detailed information needed for the termination of WW Permit GA0047619.
10. The Respondent must ensure all proper asbestos inspections, asbestos abatement certifications and demolition notifications regarding asbestos management are submitted using EPD's electronic GEOS submittal system prior to any further demolition. Notifications submitted must be copied to the correspondence address below for verification.
11. The Respondent agrees, within forty-five (45) days of the execution of this Consent Order, to pay to EPD the sum of twenty-two thousand seven hundred fifty dollars (\$22,750.00) as a civil penalty in settlement of the alleged violations set forth herein. Payment shall be in the form of a certified check or money order made payable to the Georgia Department of Natural Resources and should be delivered to:

Georgia Department of Natural Resources
Environmental Protection Division
West Central District
2640 Shurling Drive
Macon, Georgia 31211

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and EPD to Respondent relating to this Consent Order shall be sent to:

Brendan Joyce, Wind Down Officer
63 Kercheval Avenue, Suite 215
Grosse Pointe Farms, Michigan 48236
Brendan.Joyce@aludyne.com

Respondent shall submit address changes to EPD in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to EPD relating to this Consent Order shall be sent to:

J. Tilden Bembry
Environmental Protection Division
2640 Shurling Drive
Macon, Georgia 31211
Tilden.Bembry@dnr.ga.gov

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Upon the submission of any reports, plans, schedules or other information required by any Condition(s) of this Consent Order, EPD shall review the submission to determine its completeness. If EPD determines that the submission is complete, EPD shall notify Respondent in writing that the submission is approved.

If EPD determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have fifteen (15) days from issuance of EPD's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by EPD, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by EPD of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by EPD if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to EPD that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term "force majeure event" as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent's operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by EPD in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify EPD verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to EPD of the force majeure event, the

possible effects and the anticipated length (if known) of any delay. EPD shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by EPD except as specifically authorized herein, which authorization shall be strictly construed. This Consent Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director's right to use the violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality

For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

It is so ORDERED and CONSENTED TO on the following date Aug 31, 2026.

For the Georgia Environmental Protection Division:

By: Jeffrey W. Cown
Jeffrey W. Cown, Director

For Respondent:

By: 
Signed by: Brendan Joyce
1B29CA029D3B440...

Printed _____
Name: _____
Brendan Joyce

Title: _____
Wind Down Officer