

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

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 EPA REGION III PHILA. PA

In the Matter of:

Almag Plating Corporation
1800 Cherry Hill Road
Baltimore, MD 21230

DOCKET No. RCRA-03-2012-0204

Respondent,

CONSENT AGREEMENT

1800 Cherry Hill Road
Baltimore, MD 21230

Facility.

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA," "Agency" or "Complainant") and Almag Plating Corporation ("Almag" or "Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of Subtitle C RCRA and the State of Maryland Hazardous Waste Management Regulations ("MdHWMR"), set forth at the Code of Maryland Regulations ("COMAR"), Title 26, Subtitle 13 *et seq.*, in connection with Respondent's facility located at 1800 Cherry Hill Road, Baltimore, Maryland 21230 ("Facility"). The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWR set forth at COMAR, Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

2. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as this "CA/FO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's Facility.
3. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
4. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.
5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CA/FO, or the enforcement of the CA/FO.
6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms.
8. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the State of Maryland

9. EPA has given the State of Maryland, through the Maryland Department of the Environment ("MDE"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

10. Respondent is a corporation registered to do business in the State of Maryland.
11. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and COMAR 26.13.01.03.B (61).

12. Respondent is the “owner” and “operator” of a “facility” located at 1800 Cherry Hill Road, Baltimore, Maryland 21230 (the “Facility”), as those terms are defined at COMAR 26.13.01.03, consisting of a primary building where metal is anodized, and a second building which is known as the “Waterview Building” where the metal parts are prepared for anodizing.
13. Respondent submitted to the MDE a Notification of Hazardous Waste Activity (“Notification”) for the Facility, identifying itself as a Large Quantity Generator (“LQG”) of hazardous waste at the Facility. The Facility was assigned EPA ID No. MDD003062213.
14. At the Facility, Respondent is a “generator” of materials described below that are “solid wastes” and “hazardous waste,” as those terms are defined in COMAR 26.13.01.03B (29), (31) and (73).
15. On February 17, 2010, a representative of EPA and a representative of MDE conducted a Compliance Evaluation Inspection (“CEI”) at the Facility.

COUNT I
(Failure to Make a Waste Determination)

16. The allegations contained in Paragraphs 1 through 15 are incorporated herein by reference as though fully set forth at length.
17. COMAR 26.13.03.02A provides that a person who generates a “solid waste” as defined in COMAR 26.13.02.02 shall determine if that waste is a hazardous waste using the method set forth in COMAR 26.13.03.02.A. The method requires the generator to:
 - a. First determine if the waste is excluded from regulation under COMAR 26.13.02.04-.4.5;
 - b. Then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15-.19; and
 - c. If the waste is not listed as a hazardous waste in COMAR 26.13.02.15-.19, the generator shall determine whether the waste is identified by either testing the waste according to the methods set forth in COMAR 26.13.02.10-.14, or, according to an equivalent method approved by the MDE under COMAR 26.13.01.04B, or apply knowledge of the hazardous characteristic of the waste in light of the materials or processes used.
18. As the person who generated the solid waste described in this Count, Respondent was

required by COMAR 26.13.03.02A to determine if the solid waste it generated was hazardous waste using the method prescribed by COMAR 26.13.03.02.A-C.

19. At the time of the CEI, Respondent had generated rags, cotton swabs, and brushes contaminated with methyl ethyl ketone (“MEK”) solvent hazardous waste, which were being disposed of in the regular trash.
20. The used rags, cotton swabs and brushes at the Facility are hazardous wastes, D035, pursuant to 40 C.F.R. § 261.24 and COMAR 26.13.02.14 because they exhibit the characteristic of “toxicity” for MEK, pursuant to the Toxic Characteristic Leaching Procedure.
21. At the time of the CEI, Respondent failed to perform a hazardous waste determination, as required by COMAR 26.13.03.02, on the solid waste it generated at the Waterview Building at the Facility.
22. Respondent violated COMAR 26.13.03.02A by failing to perform a hazardous waste determination on solid waste generated at the Waterview Building at the Facility.

COUNT II

(Operation Without a Permit or Interim Status)

23. The allegations contained in Paragraphs 1 through 22 are incorporated herein by reference.
24. Pursuant to COMAR 26.13.07.01.A, subject to exceptions not applicable to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit, or interim status, or valid exemption for such facility.
25. COMAR 26.13.03.05 provides that a generator may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided that, *inter alia*:
 - a. The waste is placed in containers in accordance with COMAR 26.13.05.09;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words “Hazardous Waste”;
 - d. The generator complies with the requirements for owners or operators set forth in COMAR 26.13.05.02G, .03, and .04; and

- e. The generator, in accumulating waste in tanks, complies with the requirements of COMAR 26.13.05.10-.10-3, and .10-6A, and 26.13.06.18D, with some exceptions not relevant herein.

Failure to Label Containers:

- 26. At the time of the CEI, Respondent engaged in the storage of hazardous waste generated at the Facility including:
 - a. One 1170-gallon tank of D002 hazardous waste was not labeled as hazardous waste;
 - b. One 55-gallon container of D001/D035/F005 hazardous waste was not labeled as hazardous waste; and
 - c. Two 5-gallon containers of D001/D035/F005 hazardous waste were not labeled as hazardous waste.

Failure to have an Adequate Contingency Plan

- 27. COMAR 26.13.05.04.A and .B requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have a contingency plan for its facility consistent with the requirements of COMAR 26.13.05.04.B and .C.
- 28. At the time of the CEI, Respondent's contingency plan for the Facility failed to include the Waterview Building in such plan for the Facility.

Failure to Maintain a Current List of Emergency Coordinators

- 29. COMAR 26.13.05.04C.(4) requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have in its contingency plan for its facility current contact information for a primary and an alternate emergency coordinator consistent with the requirements of COMAR 26.13.05.04.C(4).
- 30. At the time of the CEI, Respondent failed to have current contact information for the alternate emergency coordinator in the contingency plan for the Facility.

Storage and Thermal Treatment of Hazardous Waste:

- 31. At the time of the CEI, Respondent was heating the tank described in Paragraph 26.a., above (hereinafter "Tank A-13"), which contained D002 hazardous waste, causing increased evaporation and thermal treatment of such waste. The D002 hazardous waste was accumulated and stored in Tank A-13 for greater than 90 days before Respondent shipped the waste off-site for disposal.

32. At the time of the CEI, Respondent failed to qualify for the “less than 90 day” generator accumulation exemption of COMAR 26.13.03.05, which incorporates by reference COMAR 26.13.05, for the activities described in Paragraphs 26-31, above, by failing to satisfy the conditions for such exemption as set forth COMAR 26.13.03.05, which incorporates by reference COMAR 26.13.05.
33. Respondent’s Facility is a hazardous waste treatment, storage or disposal “facility”, as that term is defined by COMAR 26.13.01.03, with respect to the activities described in Paragraphs 29-31, above.
34. Respondent has never had a permit or interim status pursuant to COMAR 26.13.07.01.A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage or thermal treatment of hazardous waste at the Facility.
35. Respondent was required by COMAR 26.13.07.01.A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the activities described in Paragraphs 26-31, above.
36. From at least December 7, 2009 through the date of the CEI, Respondent violated COMAR 26.13.03.05E(1), by storing hazardous waste in Tank A-13 at the Facility, as described above, without a permit, interim status or valid exemption.
37. From at least September 8, 2009 through the date of the CEI, Respondent violated COMAR 26.13.07.01, by thermally treating hazardous waste in an existing tank system, at the Facility, as described above, without a permit, interim status or valid exemption.

COUNT III

(Failure to Document Daily Tank Inspections in the Operating Record)

38. The allegations contained in Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth at length.
39. Pursuant to COMAR 26.13.05.10D(5), owners or operators of facilities that use tank systems to treat or store hazardous waste must, each operating day, document in the operating record of the facility an inspection of the hazardous waste tanks and tank systems at the facility.
40. Respondent added spent chromic acid solution (D002) to Tank A-13 on September 8, 2009 and November 5, 2009, thereby reclassifying its process tank as a tank system (A-13) used to treat and store hazardous waste which required the documentation of daily inspections pursuant to COMAR 26.13.05.10D(2).

41. From September 9, 2009 through the date of the CEI, Respondent failed to document in the operating record of the Facility, the daily inspections of the hazardous waste tank system, Tank A-13, at the Facility in violation of COMAR 26.13.05.10D(5).
42. Respondent violated COMAR 26.13.05.10D.(5) by failing to document daily inspections of Tank A-13 at the Facility.

COUNT IV

(Failure to Provide a Written Assessment for an Existing Tank System)

43. The allegations contained in Paragraphs 1 through 42 are incorporated herein by reference as though fully set forth at length.
44. Pursuant to COMAR 26.13.05.10-2B, the owner or operator shall, for each existing tank system that does not have secondary containment, develop and keep on file at the facility a written assessment consistent with the requirements of COMAR 26.13.05.10-2B.
45. At the time of the CEI, Respondent did not develop and keep on file at the Facility a written assessment consistent with the requirements of COMAR 26.13.05.10-2B, for each existing tank system that does not have secondary containment.
46. Respondent violated COMAR 26.13.05.10-2B by failing to develop and keep on file at the Facility, a written assessment for Tank A-13, which met the requirements of COMAR 26.13.05.10-2B.

COUNT V

(Failure to Provide Secondary Containment for an Existing Tank System)

47. The allegations contained in Paragraphs 1 through 46 are incorporated herein by reference as though fully set forth at length.
48. Pursuant to COMAR 26.13.05.10-4A, with exceptions not applicable herein, the owner or operator of an existing tank system shall provide secondary containment for the existing tank system consistent with COMAR 26.13.05.10-4.
49. At the time of the CEI, Respondent failed to have secondary containment for Tank A-13 at the Facility that meets the requirements set forth in COMAR 26.13.05.10-4.
50. Respondent failed to provide secondary containment for an existing tank system, Tank A-13, at the Facility, in violation of COMAR 26.13.05.10-4A.

COUNT VI

(Failure to Properly Manage Universal Waste)

51. The allegations contained in Paragraphs 1 through 50 are incorporated herein by reference as though fully set forth at length.
52. COMAR 26.13.10.15, requires, among other things, that a small quantity handler of universal hazardous waste, specifically, universal waste “lamps”, contain such lamps in structurally-sound containers or packages that remain closed except when adding waste to, or removing waste from such containers or packages, and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. COMAR 26.13.10.17.A(2)(e) requires that each lamp, or container or package containing such lamps, must be clearly marked or labeled with one of the following phrases: “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”
53. At the time of the CEI, Respondent was a “small quantity handler of universal waste” as that term is defined at COMAR 26.13.01.03B, and was storing universal waste lamps at the Facility which were loose and uncontained. Such uncontained universal waste lamps were not labeled with the phrases “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”
54. At the time of the CEI, Respondent failed to store universal waste lamps in containers, in violation of COMAR 26.13.10.15 and failed to mark each lamp with proper labels, in violation of COMAR 26.13.10.17A(2)(e).

COUNT VII

(Failure to Have a Contingency Plan for the Waterview Building)

55. The allegations contained in Paragraphs 1 through 54 are incorporated herein by reference as though fully set forth at length.
56. COMAR 26.13.05.04.B requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have a contingency plan for its facility consistent with the requirements of COMAR 26.13.05.04.B and .C.
57. At the time of the CEI, the Respondent did not have a contingency plan that addressed the Waterview Building at the Facility consistent with the requirements set forth in COMAR 26.13.05.04.B and .C., in violation of COMAR 26.13.05.04.B.
58. Respondent violated COMAR 26.13.05.04.B. by failing to have a contingency plan at the Facility that met the requirements of COMAR 26.13.05.04.B and .C.

COUNT VIII

(Failure to Keep a Current List of Emergency Coordinators)

59. The allegations of Paragraphs 1 through 58 are incorporated herein by reference as though fully set forth at length.
60. COMAR 26.13.05.04C(4) requires owners and operators of all hazardous waste facilities, with exceptions not relevant herein, to have in its contingency plan for its facility current contact information for a primary and an alternate emergency coordinator consistent with the requirements of COMAR 26.13.05.04.C(4).
61. At the time of the CEI, the Respondent did not have current contact information for the alternate emergency coordinator in its contingency plan in violation of COMAR 26.13.05.04.C(4).
62. Respondent violated COMAR 26.13.05.04.C.(4). by failing to have in its contingency plan at the Facility current contact information for the alternate emergency coordinator.

III. CERTIFICATIONS

63. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the MdHWR as authorized pursuant to RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this CA/FO.

IV. CIVIL PENALTIES

64. Respondent agrees to pay a civil penalty in the amount of Sixty-five Thousand Dollars (\$65,000.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable consistent with the charge(s) below, immediately upon Respondent's receipt of a true and correct copy of this CA/FO fully executed by all parties. In order to avoid the assessment of additional interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CA/FO, Respondent must make the first payment of the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent:
 - A. The civil penalty set forth, above, shall be paid in four (4) installments with interest at the rate of one percent 1% per annum on the outstanding principal balance in accordance with the following schedule:
 - i. 1st Payment: The first payment in the amount of sixteen thousand, three hundred eleven dollars and eighty-one cents (\$16,311.81),

consisting of a principal payment of \$16,311.81 and an interest payment of \$0.00, shall be paid within thirty (30) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

- ii. 2nd Payment: The second payment in the amount of sixteen thousand, three hundred eleven dollars and eighty-one cents (\$16,311.81), consisting of a principal payment of \$16,187.38 and an interest payment of \$124.43, shall be paid within one hundred eighty (180) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- iii. 3rd Payment: The third payment in the amount of sixteen thousand, three hundred eleven dollars and eighty-one cents (\$16,311.81), consisting of a principal payment of \$16,229.66 and an interest payment of \$82.15, shall be paid within two hundred seventy (270) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
- iv. 4th Payment: The fourth payment in the amount of sixteen thousand, three hundred eleven dollars and eighty-one cents (\$16,311.83), consisting of a principal payment of \$16,271.15 and an interest payment of \$40.68, shall be paid within three hundred sixty (360) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

B.

<u>Payment</u>	<u>Payment Amount</u>	<u>Principal</u>	<u>Interest</u>			
1	\$16,311.81	\$16,311.81	\$0.00	(1 st payment within 30 days)		
2	\$16,311.81	\$16,187.38	\$124.43			
3	\$16,311.81	\$16,229.66	\$82.15			
4	\$16,311.83	\$16,271.15	\$40.68			
	\$65,247.26	\$65,000.00	\$247.26			

65. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final

satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) of RCRA for the violations alleged in this CA/FO.

66. Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of Sixty-Five Thousand Dollars (\$65,000.00), and total interest payments in the amount of Two Hundred and Forty-Seven Dollars and Twenty-Six Cents (\$247.26).
67. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 64, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 71-74, below, in the event of any such failure or default.
68. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 64, above, Respondent may pay the entire civil penalty of Sixty-Five Thousand Dollars (\$65,000.00) within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire balance, together with accrued interest to the date of such full payment.
69. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 64, above, and/or the full penalty, pursuant to Paragraphs 67 or 68, above, plus any interest, administrative fees and late payment penalties, in accordance with Paragraphs 71-74, below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:
 - A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2012-0204;
 - B. All checks shall be made payable to "United States Treasury";
 - C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: 513-487-2105 or 513-487-2091

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Bank
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- E. All payments made by check in any currency drawn with no USA branches shall be addressed to:

Cincinnati Finance
U.S. EPA, MS-NWD
26 W.M.L. King Drive
Cincinnati, OH 45268-0001

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

- G. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver
ABA=051036706
Account No.: 310006, U.S. Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical Location of U.S. Treasury Facility

5700 Rivertech Court
Rivertech, Maryland 20737

Contact: 1-866-234-5681

H. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

70. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.
71. Pursuant to 31 U.S.C. Section 3717 and 40 C.F.R. Section 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully

described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

72. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. Section 13.11(a).
73. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. Section 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
74. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. Section 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

V. OTHER APPLICABLE LAWS

75. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

76. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein and/or arising out of the February 17, 2010 inspection. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated there under, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

77. The settlement set forth in this CA/FO shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

78. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

79. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

X. ENTIRE AGREEMENT

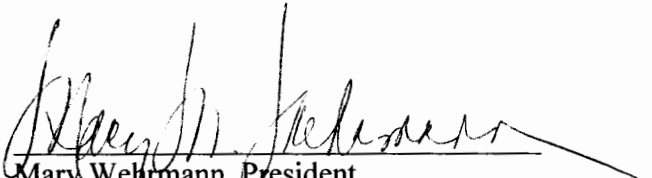
80. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

Almag Plating Corporation

Docket No. 03-2012-0204

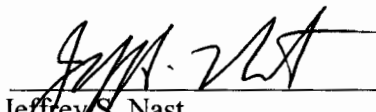
For Respondent, Almag Plating Corporation.

Date: 9/13/12

By: 
Mary Wehrmann, President
Almag Plating Corporation

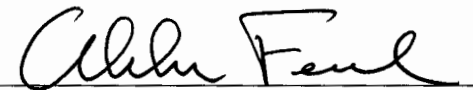
For Complainant, United States Environmental Protection Agency, Region III:

Date: 9/18/12

By: 
Jeffrey S. Nast
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 9/21/12

By: 
Abraham Ferdas
Director
Land and Chemicals Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Almag Plating Corporation

Docket No. 03-2012-0204

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 9/20/12

BY: Renee Sarajian
Renee Sarajian
Regional Judicial Officer
United States Environmental Protection Agency
Region III

CERTIFICATE OF SERVICE

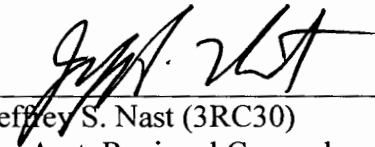
I hereby certify that the original and one copy of the Consent Agreement/Final Order, Docket No. RCRA-03-2012-0204, and associated enclosures, have been hand delivered and filed with the EPA Region III Regional Hearing Clerk on the date below, and that copies of the same were sent via UPS expedited delivery to:

Mary Wehrmann, President
Almag Plating Corporation
1800 Cherry Hill Rd.
Baltimore, MD 21230

and

Margaret Witherup, Esq.
Fordon Feinblatt LLC
233 E. Redwood St.
Baltimore, MD 21202

9/27/12
Date



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