BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:

United States Department of Veterans Affairs

Respondent;

Wilmington Veterans Affairs Medical Center
1601 Kirkwood Highway
Wilmington, DE 19805

Facility.

Docket No. RCRA-03-2008-0108

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement ("CA") is entered into by the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and the U.S. Department of Veterans Affairs ("VA" or "Respondent"), pursuant to Sections 3008(a)(1) and (g), 6001(b), 9006, and 9007 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6928(a)(1) and (g), 6961(b), 6991e, and 6991f, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the accompanying Final Order (collectively "CAFO") resolve violations of RCRA, Subtitle C, 42 U.S.C. §§ 6921-6939e, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268 and 270-273, the regulations in the authorized Delaware hazardous waste program, and violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991i, and regulations in the authorized Delaware underground storage tank program in connection with Respondent's facility located at the Wilmington Veterans Affairs Medical Center, 1601 Kirkwood Highway, Wilmington, DE 19805.

RCRA Background

On October 7, 2004, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, Delaware was granted final authorization to administer a state hazardous waste management program (Delaware Regulations Governing Hazardous Waste,

DRGHW) in lieu of the federal hazardous waste management program established under RCRA, Subtitle C. The provisions of the authorized DRGHW, through such authorization have become requirements of RCRA, Subtitle C, and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). In accordance with Section 6001 of RCRA, 42 U.S.C. § 6961, federal facilities are to comply with the requirements of RCRA as would any other regulated entity.

Effective October 28, 1996 (See, 61 Fed. Reg. 50720), pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the State of Delaware was granted final authorization to administer a state underground storage tank management program in lieu of the Federal underground storage tank management program. The provisions of the Delaware underground storage tank management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Delaware's regulations for its federally authorized State of Delaware Underground Storage Tank program can be found at Regulations Governing Underground Storage Tank (UST) Systems, Title 70, Chapter 100, Subtitle 105 (Delaware UST Regulations). Section 9006(a)-(d) of RCRA, 42 U.S.C. § 6991e(a)-(d), authorizes EPA: (a) to take enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle I, EPA's regulations thereunder, or any regulation of a state underground storage tank program which has been authorized by EPA; and (b) to assess a civil penalty against any person who violates any requirement of RCRA Subtitle I. In accordance with Section 9007 of RCRA, 42 U.S.C. § 6991f, federal facilities are to comply with the underground storage tank requirements of RCRA as would any other regulated entity.

Respondent was previously issued a notice regarding the RCRA allegations recited herein under cover letter dated May 11, 2007. In accordance with Sections 3008(a)(2) and 9006(a)(2) of RCRA, 42 U.S.C. §§6928(a)(2) and 6991e(a)(2), EPA has notified the State of Delaware of EPA's intent to enter into a CAFO with Respondent resolving RCRA violations set forth herein.

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.

2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.

3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.

4. For the 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.

5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

6. Respondent shall bear its own costs and attorney's fees.

7. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of RCRA referenced herein.

8. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, successors and assigns.

9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA, Subtitle C, 42 U.S.C. §§ 6921-6939e, RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991i, or any regulations promulgated thereunder.

EPA's Findings of Fact and Conclusions of Law

10. In accordance with the Consolidated Rules at §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:

11. Respondent is the owner and operator of a hospital and nursing home facility located at 1601 Kirkwood Highway, Wilmington, DE 19805 (hereinafter the "Facility").

12. Respondent is a department, agency and/or instrumentality of the United States and is a "person" as defined by Sections 1004(15) and 9001(5) of RCRA, 42 U.S.C. §§ 6903(15) and 6991(5), and as defined by DRGHW § 260.10 and Delaware UST Regulations Part A, Section 2.

13. EPA conducted an inspection of Respondent's Facility on May 23-24, 2006.

14. Respondent is and has been at all times relevant to this CAFO the "owner" and "operator" of a "facility," as those terms are defined by DRGHW § 260.10.

15. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" in "containers" of, materials that are "solid wastes" and "hazardous waste" at the Facility, as those terms are defined in DRGHW § 260.10.

COUNT I (RCRA SUBTITLE C-OPERATING WITHOUT A PERMIT

16. The allegations contained in Paragraphs 1 through15 of this CAFO are incorporated by

reference herein as though fully set forth at length.

17. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and DRGHW § 122.1 provide, in pertinent part, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for such facility or has qualified for interim status.

Container Labeling

18. DRGHW § 262.34(d) provides that a generator who generates greater than 100 kilograms, but less than 1000 kilograms, of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status provided that, inter alia, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

19. At the time of the inspection, the EPA inspectors observed a fifty-five (55) gallon drum of waste xylene, a hazardous waste, at the Facility's waste accumulation area without any markings on the container of the date that the period of accumulation began.

Inspections

20. DRGHW § 262.34(d) provides that a generator who generates greater than 100 kilograms, but less than 1000 kilograms, of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status provided that, inter alia, the generator complies with the requirements of Subpart I of Part 265, except for §§ 265.176 and 265.178.

21. According to DRGHW § 265.174, the owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. A written record of the inspections must be maintained onsite for a minimum of three years.

22. At the time of the inspection, the Facility had not established a formal inspection program for the Facility's waste accumulation area and were not keeping documentation of their visits to the Facility's waste accumulation area.

23. Because Respondent did not properly mark the accumulation start date on the container of hazardous waste referred to in Paragraphs 18-19, above, and failed to inspect at least weekly the waste accumulation area, as described in Paragraphs 20-22, above, Respondent failed to satisfy the conditions set forth at DRGHW § 262.34(d), for a generator to qualify for an exemption from the permit and/or interim status requirements of RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and DRGHW § 122.1 for the hazardous waste management activities described in Paragraphs 18-22, above.

24. Respondent does not have, and at the time of the violations alleged herein, did not have, a permit or interim status to store hazardous waste at the Facility as required by DRGHW § 122.1 and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e).

25. Because of the activities alleged in Paragraphs18-22, above, Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and DRGHW § 122.1 by operating a hazardous waste storage facility without a permit or interim status.

COUNT II (UNIVERSAL WASTE)

26. The allegations contained in Paragraphs 1 through 25 of this CAFO are incorporated by reference herein as though fully set forth at length.

27. The definition of universal waste at DRGHW § 273.9 includes, among other items, batteries (as described at DRGHW § 273.2) and lamps (as described at DRGHW § 273.5).

28. According to DRGHW § 273.1 a facility must follow specific requirements to properly manage spent lamps and batteries. According to DRGHW § 273.13(d)(1), a generator of universal waste must contain any spent lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Moreover, according to DRGHW § 273.14, a generator of universal waste must label or mark the universal waste to identify the type of universal waste. According to DRGHW § 273.14(e), each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." According to 40 DRGHW § 273.14(a), universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." Finally, according to DRGHW § 273.15(a), a facility may accumulate universal waste for no longer than one year from the date the universal waste was generated. DRGHW § 273.15(c) requires that a facility be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received; such demonstration can be accomplished by a variety of means, including, among others, placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received, marking or labeling each individual universal waste item with the date it became a waste or was received, or maintaining an inventory system.

29. At the time of the inspection, the EPA inspectors observed two flourescent light bulbs

stored on a shelving unit at the Facility's main waste accumulation area. The bulbs were wrapped with a universal waste label, but were not in a container and there was no waste accumulation start date on the label.

30. At the time of the inspection, the EPA inspectors observed two plastic containers marked with universal waste battery labels on a shelving unit at the Facility's main waste accumulation area. There were no accumulation start dates on either container.

31. While touring the indoor electrical room at the Facility's nursing home, the EPA inspectors observed six fluorescent bulbs leaning against a wall in the electrical room. There were no labels or marking on these bulbs, including no accumulation start date.

32. While touring the basement electrical room (room No. 143), the EPA inspectors observed a cardboard box containing a number of used fluorescent bulbs. There were no labels or markings with these bulbs, including, no accumulation start date.

33. Respondent failed to place spent lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps in violation of DRGHW § 273.13(d)(1).

34. Respondent failed to label or mark clearly spent lamps stored at the Facility as universal waste in violation of DRGHW § 273.14.

35. The Facility exceeded the accumulation time requirement by accumulating spent lamps for more than a year in violation of DRGHW § 273.15(a).

36. The Facility was unable to demonstrate the length of time that the universal waste had been accumulated from the date it became a waste or was received in violation of DRGHW § 273.15(c).

COUNT III (UNDERGROUND STORAGE TANKS)

37. The allegations contained in Paragraphs 1 through 36 of this CAFO are incorporated by reference herein as though fully set forth at length.

38. Respondent is, and was at all times relevant hereto, the "owner" and "operator" of underground storage tanks ("USTs") as defined in Delaware UST Regulations Part A, Section 2 and Section 9001(3), (4), and (10) of RCRA, 42 U.S.C. § 6991(3), (4), and (10), at its Facility, including four (4) tanks that are used to store diesel fuel for on-site emergency generator units. These four diesel tanks were installed in December 1995.

39. Respondent's USTs at its Facility referenced above in Paragraph 38 are, and were at all times relevant hereto, "petroleum UST systems" used to store "regulated substances" as

defined in Delaware UST Regulations Part A, Section 2 and "petroleum" "USTs" used to store "regulated substances" as defined in Section 9001(1), (2) and (8) of RCRA, 42 U.S.C. § 6991(1), (2) and (8).

40. Delaware UST Regulations, Part B, Section 1.06.B(2)(a) requires that all cathodic protection systems must be tested within six months of installation and at least every three years thereafter or according to another reasonable time frame established by the implementing agency.

41. Three of the four diesel storage tanks are sti-P3R tanks (sacrificed anode system), which would require a cathodic protection test within six months of installation and every three years thereafter.

42. At the time of the inspection, Respondent was unable to demonstrate that it had tested the cathodic protection on the three diesel storage tanks described in Paragraph 41, above, either initially (within six months of installation from December 1995) or every three years thereafter (1998, 2001, 2004).

43. Respondent violated Delaware UST Regulations, Part B, Section 1.06.B(2)(a), by not testing the cathodic protection for the three diesel storage tanks described in Paragraph 41, above, in 2004.

CIVIL PENALTY

44. Respondent consents to the assessment of a civil penalty of SIX THOUSAND THREE HUNDRED AND EIGHTY DOLLARS ($6,380.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above listed three counts of this CAFO. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. Respondent must pay the civil penalty no later than THIRTY (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.

45. For the violations alleged in Counts I - II, EPA considered a number of factors including, but not limited to, the statutory factors set forth in Section 3008(a)(3) of the RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondent's violations and the good faith efforts by Respondent to comply with the applicable requirements of the RCRA, the authorized DRGHW, and the *RCRA Civil Penalty Policy* (2003). EPA has also considered the *Adjustments of Civil Penalties for Inflation and implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* ("2004 Skinner Memorandum") which specify that for violations occurring after January 30, 1997, statutory penalties and penalties under the

RCRA Civil Penalty Policy for, *inter alia*, RCRA Subtitle C violations, were increased 10% above the maximum amount to account for inflation and, statutory penalties for, *inter alia*, RCRA Subtitle C violations occurring after March 15, 2004, were increased by and an additional 17.23% above the maximum amount to account for inflation. With respect to Count III, EPA considered a number of factors, including, but not limited to: the statutory factors of the seriousness of Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(d), 42 U.S.C. § 6991e(d), and EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance"), dated November 4, 1990. EPA has also considered the DCIA, as set forth in 40 C.F.R. Part 19, and the 2004 Skinner Memorandum.

46. Payment of the civil penalty amount required under the terms of paragraph 44, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

a. All payments by Respondent shall reference its name and address and the Docket Number of this action (Docket No. RCRA-03-2008-0108);

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, Region III
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The Customer Service contact for the above method of payment is Natalie Pearson at 314-418-4087.

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

U.S. Environmental Protection Agency, Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

The Customer Service contact for the above method of payment is Natalie Pearson at 314-418-4087.

e. All electronic wire transfer payments 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"

The Federal Reserve Bank of New York Customer Service phone number for the above method of payment is 212-720-5000.

f. All payments through the Automated Clearinghouse shall be directed to:

PNC Bank
808 17th Street NW
Washington, DC 20074
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

The Customer Service contact for the above method of payment is Jesse White at 301-887-6548.

g. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

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

and to

Daniel L. Isales (3EC10)
Environmental Science Center
U.S. Environmental Protection Agency, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.

48. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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. § 13.11(a).

49. The costs of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 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.

50. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d)

EFFECT OF SETTLEMENT

51. Payment of the penalty specified in paragraph 44, above, in the manner set forth in paragraph 46, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA Subtitle C, for the specific violations alleged in Counts I and II, above, and under RCRA Subtitle I, for the specific violations alleged in Count III, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

RESERVATION OF RIGHTS

52. This CAFO resolves only the civil claims for monetary penalties for the specific violations alleged in the CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public 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 thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

FULL AND FINAL SATISFACTION

53. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a), and Section 9006 of RCRA, 42 U.S.C. § 6991e, for the specific violations alleged in this CAFO.

ANTIDEFICIENCY ACT

54. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, the applicable regulations thereunder, or with this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

AUTHORITY TO BIND THE PARTIES

55. The undersigned representative of the VA certifies that he or she is fully authorized by the VA to enter into the terms and conditions of this Consent Agreement and to bind the VA to it.

EFFECTIVE DATE

56. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

The United States Department of Veterans Affairs
Wilmington Veterans Affairs Medical Center

2-1-08
Date

Steven P. Gallerizzo
Acting Director
Wilmington Veterans Affairs Medical Center

For Complainant:

U.S. Environmental Protection Agency,
Region III

2 - 14 - 2008
Date

Daniel L. Isales
Assistant Regional Counsel
U.S. EPA - Region III

Accordingly, I hereby recommend that the Regional Administrator or his designee issue the Final Order attached hereto.

2-27-2008
Date

Samantha P. Beers, Director
Office of Enforcement, Compliance, and
Environmental Justice
U.S. EPA - Region III

3/20/08
Date

Abraham Ferdas, Director
Waste and Chemicals Management Division
U.S. EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:	:	
	:	
United States Department of Veterans Affairs	:	
	:	
Respondent;	:	
	:	**Docket No. RCRA-03-2008-0108**
Wilmington Veterans Affairs Medical Center	:	
1601 Kirkwood Highway	:	
Wilmington, DE 19805	:	
	:	
Facility.	:	

FINAL ORDER

Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondent, the United States Department of Veterans Affairs, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with 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, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties set forth in the Consent Agreement, I have determined that the penalty assessed herein is based upon a consideration of the factors set forth in Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), EPA's 2003 RCRA Civil Penalty Policy, the factors set forth in Section 9006(c) of RCRA, 42 U.S.C. § 6991e(c), EPA's November 1990 Penalty Guidance for Violations of UST Regulations, and the Consolidated Rules of Practice. IT IS HEREBY ORDERED that Respondent pay a penalty of SIX THOUSAND THREE HUNDRED AND EIGHTY DOLLARS ($6,380.00), in accordance with the foregoing Consent Agreement. Payment shall be made in the manner set forth in the foregoing Consent Agreement. Payment shall reference Respondent's name and address as well as the EPA Docket Number of this Final Order (Docket No. RCRA-03-2008-0108).

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

3/26/08
Date

Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III