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RCRA- 01-2008-0074
EPCRA- 01-2008-0091

In the Matter of:
The Jackson Laboratory, Inc.
600 Main Street
Bar Harbor, Maine 04609

Respondent.

EPA I.D. No. MED042140483

Proceeding under Sections 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a); and Section 325(c)
of the Emergency Planning and Community
Right-to-Know Act, 42 U.S.C. § 11045(c)

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (EPA), having filed the Complaint herein against Respondent, the Jackson Laboratory, Inc.; and Complainant and Respondent (together, the Parties) having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (Consent Agreement) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to

Section 3008(a) of the Resource Conservation and Recovery Act (RCRA) and Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11045(c) (also known as the Emergency Planning and Community Right-to-Know Act of 1986, hereinafter EPCRA).

2. The Complaint alleges that Respondent violated Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924; the regulations promulgated thereunder at 40 C.F.R. Parts 262 and 268, and Chapter 13 of Title 38 of the Maine Revised Statutes and the regulations promulgated thereunder at Chapter 850 *et seq.* (the Maine Rules). The Complaint also alleges that Respondent violated Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and the federal regulations that set out these statutory requirements at 40 C.F.R. Part 370.

3. This Consent Agreement shall apply to and be binding upon Respondent, its successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this Final Order.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

6. Respondent states that it is operating its facility located at 600 Main Street, Bar Harbor, Maine (facility) in compliance with RCRA and the federal and state regulations promulgated thereunder with respect to the generation, treatment, transport, storage and disposal of hazardous waste. Respondent further avers that it is now operating its facility in compliance

with EPCRA.

III. PENALTY

7. After consideration of the nature of the RCRA violations alleged in the Complaint and other relevant factors, EPA has determined that an appropriate civil penalty to settle the RCRA action is \$140,000.

8. After consideration of the nature of the EPCRA violations alleged in the Complaint and other relevant factors, EPA has determined that an appropriate civil penalty to settle the EPCRA action is \$21,680. The entire civil penalty thus totals **\$161,680**.

9. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty as set out in the foregoing paragraphs.

10. Within thirty (30) days of the effective date of this Consent Agreement, Respondent shall submit a cashier's or certified check in the amount of \$161,680 payable to the order of the "Treasurer, United States of America," and referencing the RCRA and EPCRA Docket Numbers of this action (RCRA- 01-2008-0074; EPCRA- 01-2008-0091). The check should be forwarded to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda Santiago
Regional Hearing Clerk
United States Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114-2023

and

Joshua Secunda
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SPP)
Boston, Massachusetts 02114-2023.

Interest and late charges, if applicable, shall be paid as specified in Paragraph 11 below.

11. Failure by Respondent to pay the total penalty in full by the due date may subject the Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date of the Final Order. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid, in accordance with 31 C.F.R. § 901.9(d).

12. The penalty specified in Paragraphs 8 and 10, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

IV. GENERAL PROVISIONS

13. This Consent Agreement constitutes a settlement by EPA of all claims for civil

penalties pursuant to Section 3008(a) of RCRA and Section 325(c) of EPCRA for the violations alleged in the Complaint. Compliance with this Consent Agreement shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA. It is the responsibility of the Respondent to comply with such laws and regulations. This Consent Agreement in no way relieves Respondent or its employees of any criminal liability. Nothing in the Consent Agreement shall be construed to limit the authority of the EPA to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment. Nothing in this Consent Agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this Consent Agreement or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

14. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

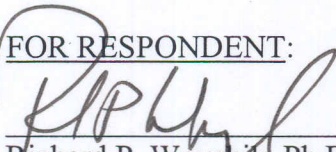
15. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this Consent Agreement.

16. This Consent Agreement does not constitute a waiver, suspension or modification of the requirements of RCRA, 42 U.S.C. § 6901 *et seq.*, EPCRA, 42 U.S.C. § 11022(a), or any regulations promulgated under RCRA or EPCRA.

RCRA- 01-2008-0074
EPCRA- 01-2008-0091

In re: The Jackson Laboratory, Inc.

FOR RESPONDENT:

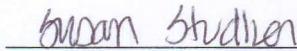


Richard P. Woychik, Ph.D.
President and Chief Executive Officer
The Jackson Laboratory, Inc.
600 Main Street
Bar Harbor, ME 04609

3/27/09

Date

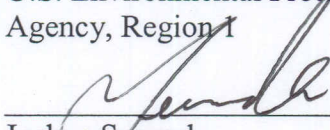
FOR COMPLAINANT:



Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection
Agency, Region 1

03/31/09

Date



Joshua Secunda
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1

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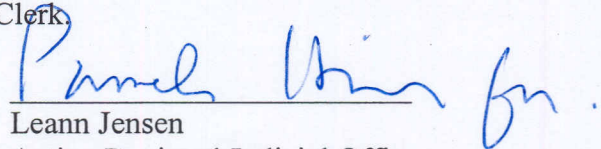
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VI. FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a); Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and in accordance with 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective upon its filing with the Regional Hearing Clerk.

Date:

3/31/09



Leann Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection
Agency, Region I

EPA DOCKET NOS.
RCRA-01-2008-0074
EPCRA-01-2008-0091

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy, hand-delivered:

Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy of Complaint and 40 C.F.R. Part 22, first class mail, return receipt requested:

Kenneth F. Gray, Esq.
Pierce Atwood LLP
One Monument Square
Portland, ME 04101



Joshua Secunda
Senior Enforcement Counsel (SPP)
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100
Boston, MA 02114-2023
Tel (617) 918-1736

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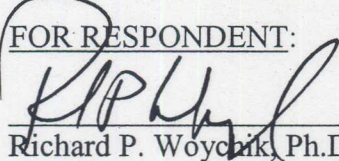
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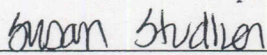


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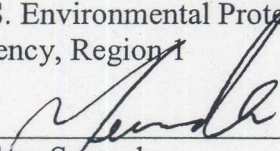
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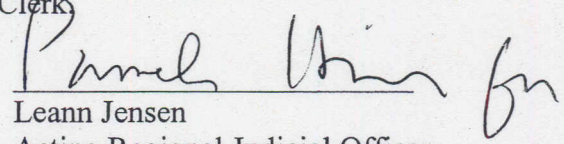
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Leann Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection
Agency, Region I

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