

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

**IN RE:**

Tox Path Specialists, LLC  
8420 Gas House Pike Ste. G  
Frederick, MD 21701

Respondent,

Tox Path Specialists, LLC  
8420 Gas House Pike Ste. G  
Frederick, MD 21701

Facility.

U.S. EPA-REGION 3-RHC  
FILED-26DEC2018PM2:41

**Docket No. RCRA-03-2019-0014**

**CONSENT AGREEMENT**

**Preliminary Statement**

This Consent Agreement (“CA”) is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”), and Tox Path Specialists, LLC (“Respondent”), pursuant to Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. § 6928(a)(1) and (g), 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 22.18(b)(2) and (3).

**Regulatory Background**

This CA and the accompanying Final Order (collectively “CAFO”) resolve violations of the RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939f, and regulations in the authorized Maryland hazardous waste program in connection with Respondent’s facility located at 8420 Gas House Pike, Ste. G, Frederick, Maryland.

The Maryland Hazardous Waste Management Regulations (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 MdHWMR set forth at Code of Maryland Regulations (COMAR), Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 (*See* 66 FR 29712), and September 24, 2004 (*See* 69 FR 44463). The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CAFO simultaneously commences and concludes 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.

Respondent was previously notified regarding the RCRA Subtitle C allegations recited herein in a letter dated March 14, 2018. In accordance with Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), EPA has notified the State of Maryland of EPA's intent to enter into a CAFO with Respondent resolving the RCRA Subtitle C 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 CA and any right to a hearing and 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, upon investigation, certifies to EPA by its signature herein that, to the best of its knowledge and belief, it is presently in compliance with the provisions of the RCRA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and Respondent and any 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 the RCRA or any regulations promulgated thereunder.

**EPA's Findings of Fact and Conclusions of Law**

10. In accordance with the Consolidated Rules of Practice at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.

11. Respondent is a corporation duly incorporated under the laws of Maryland.

12. Respondent is, and has been at all times relevant to this CAFO, the owner and operator of the facility located at 8420 Gas House Pike, Ste. G, Frederick, Maryland (the "Facility").

13. Representatives of EPA Region III conducted a RCRA inspection at the Facility on September 27, 2016 ("EPA Inspection").

**COUNT I – RCRA Subtitle C – Operating Without a Permit**

14. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

15. 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 COMAR 26.13.01.03.

16. Respondent is a corporation and is therefore a "person" as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03.

17. 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 COMAR 26.13.01.03, including the hazardous waste referred to herein.

18. Respondent is, and at all times relevant to this CAFO, has been a Large-Quantity Generator that generates hazardous waste in an amount greater than 1,000 kilograms per month at the Facility, and uses EPA ID MDR000525749.

19. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, 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 the facility.

20. COMAR 26.13.03.05E(1) provides, in pertinent part, that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less, if, *inter alia*:

(a) The waste is shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility;

(b) The generator accumulates the waste in containers, tanks, on certain drip pads, or in a containment building;

(c) Containers used to accumulate the waste meet the standards of COMAR 26.13.03.05A (Packaging);

(d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;

(e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(f) Each container is (i) properly labeled and marked according to COMAR 26.13.03.05.B and C (“Labeling and Marking”); and (ii) labeled or marked clearly with the words “Hazardous Waste” while being accumulated on-site; and

(g) The generator complies with the requirements for owners and operators in COMAR 26.13.05.02G, 26.13.05.03, and 26.13.05.04 (“Personnel Training,” “Preparedness and Prevention,” and “Contingency Plan and Emergency Procedures,” respectively).

#### **Storage Greater Than 90 Days**

21. COMAR 26.13.03.05E(1)(a) requires that accumulated waste must be shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility.

22. Records indicate that Respondent on at least three occasions from 4/1/14 to 7/18/16 stored at the Facility containers of hazardous waste (D001, D011, F003) for a period of time greater than 90-days, specifically:

- (a) Respondent stored five (5) containers of hazardous waste (D001, D011, F003) onsite for greater than 90-days from April 1, 2014, to September 15, 2014 (totaling 167 days); and
- (b) Six (6) containers of hazardous waste (D001, D011, F003) onsite for greater than 90-days from September 16, 2014, to March 12, 2015 (totaling 177 days); and
- (c) Six (6) containers of hazardous waste (D001, D011, F003) onsite for greater than 90-days from March 11, 2016, to July 18, 2016 (totaling 129 days);

23. Respondent violated COMAR 26.13.07.01A on at least three occasions from 4/1/14 to 7/18/16, by storing accumulated hazardous waste onsite for greater than 90 days without obtaining a permit from the Maryland Department of the Environment.

24. For the reasons and during each of the dates and time periods identified in Paragraphs 22 and 23, above, Respondent failed to comply with the permit exemption conditions, identified in Paragraph 20, above, for temporary (i.e., 90 days or less) accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.

25. For each of the reasons and for each of the time periods set forth in Paragraphs 22 and 23, above, Respondent did not meet the requirements for a permit exemption under COMAR 26.13.03.05E and therefore violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (i.e., the Facility) without a permit or interim status.

### **Count II - Hazardous Waste Determination**

26. COMAR 26.13.03.02.A. requires 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 outlined in COMAR 26.13.02.02.

27. Respondent uses Formalin during a tissue preparation procedure at the Facility. Respondent generates a Formalin/Formalex mixture (“FF Mixture”) by adding Formalex to the waste Formalin to render the Formalin as non-hazardous prior to disposal in the sanitary sewer.

28. According to the Formalex manufacturer instructions, the FF Mixture must be tested prior to disposal to ensure it is non-hazardous.

29. At the time of the EPA Inspection, Respondent indicated it regularly disposes untested FF

Mixture. Respondent neither tested the FF mixture according to the manufacturer specifications nor undertook any of the other hazardous waste determination methods outlined in COMAR 26.13.03.02.A prior to disposal.

30. On September 27, 2016, Respondent failed to make a hazardous waste determination in violation of COMAR 26.13.03.02.A by failing to test the FF Mixture according to manufacturer specifications and/or failing to use any of the methods outlined in prior to disposal COMAR 26.13.03.02.A to determine whether the waste was hazardous.

### **Count III - Biennial Reports**

31. COMAR §26.13.03.06(B) states that a facility that generates hazardous and ships it off-site to a facility with the United States must submit biennial reports to the Secretary of the Maryland Department of the Environment (“MDE”) regarding such shipments.

32. At the time of the EPA Inspection, and subsequent to the Inspection, during the information request process, Respondent failed to submit biennial reports for 2014 and 2016 to the MDE.

33. At the time of the EPA Inspection and subsequent to the Inspection, Respondent violated COMAR §26.13.03.06(B) by failing to submit the required biennial reports for years 2014 and 2016 to the MDE.

### **Count IV - Job Descriptions**

34. COMAR 26.13.03.05E(1)(g) requires that a generator accumulating hazardous waste onsite for 90 days or less must comply with, *inter alia*, COMAR 26.13.05.02G.

35. The provisions of COMAR 26.13.03.02G(4)(b), entitled “Personnel Training,” provide, in relevant and applicable part, as follows:

The owner or operator must maintain the following documents and records at the facility:  
(b) A written job description for each position listed under [COMAR 26.13.05.02] § G(4)(a), . . . .

36. At the time of the EPA Inspection, Respondent failed to maintain at the Facility documents or records that provided job descriptions for the facility personnel who handle hazardous waste or hazardous waste management in contravention of COMAR 26.13.05.02G(4)(b) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).

37. On September 27, 2016, Respondent violated COMAR 26.13.05.02G(4)(b), by failing to maintain at the Facility documents or records that provided job descriptions for the facility

personnel who handle hazardous waste or hazardous waste management.

**Count V - Contingency Plan**

38. COMAR 26.13.03.05E(1)(g) requires that a generator accumulating hazardous waste onsite for 90 days or less must comply with, *inter alia*, COMAR 26.13.05.04, Contingency Plan and Emergency Procedures.

39. COMAR 26.13.05.04B(1) requires each owner or operator to have a contingency plan for its facility to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

40. COMAR 26.13.05.04C(4) provides that the contingency plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list shall be kept up to date.

41. COMAR 26.13.05.04F provides that at all times, the employee designated as the emergency coordinator must be either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

42. At the time of the EPA Inspection, Respondent's contingency plan failed to list as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures in contravention of COMAR 26.13.05.04C(4).

43. On September 27, 2016, Respondent violated the requirements of COMAR 26.13.03.05E(1)(g) which requires compliance with COMAR 26.13.05.04C(4) by failing to list in its contingency plan as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

**Count VI – Failure to Perform Weekly Inspections**

44. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

45. COMAR 26.13.05.09E requires the owner and operator of a hazardous waste facility to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

46. At the time of the EPA Inspection, Respondent advised EPA that inspections were of the hazardous waste container storage area were conducted monthly rather than weekly.

47. For the period of November 27, 2013 through September 27, 2016, Respondent, as an owner and operator of a hazardous waste facility, violated the requirements of COMAR 26.13.05.09E by failing to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

**Count VII – Failure to Provide Annual Training**

48. Pursuant to COMAR 26.13.05.02G(3) personnel at a hazardous waste facility shall take part in an annual review of the initial hazardous waste training required in COMAR 26.13.05.02G(1).

49. COMAR 26.13.05.02G(1) states that facility personnel Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter. This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. At a minimum the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, when applicable:

- (i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- (ii) Key parameters for automatic waste feed cutoff systems;
- (iii) Communications or alarm systems;
- (iv) Response to fires or explosions;
- (v) Response to ground water contamination incidents; and
- (vi) Shutdown of operations.

50. For calendar years 2014-2016, Respondent failed to provide annual hazardous waste training meeting the requirements of COMAR 26.13.05.02G(1) in violation of COMAR §26.13.05.02G(3).

**CIVIL PENALTY**

51. Respondent consents to the assessment of a civil penalty of Twenty-Nine Thousand Four Hundred Twenty-Five dollars (\$29,425.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above counts 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.

52. The civil penalty settlement amount set forth in Paragraph 51, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g). Complainant has also considered the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, and the January 11, 2018 Memorandum by EPA Assistant Administrator, Susan Parker Bodine, entitled, "Amendments to EPA's Civil Penalty Policies to Account for Inflation (effective January 15, 2018) and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule." The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.

53. Payment of the civil penalty amount required under the terms of Paragraph 52, 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-03-2019-0014);

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

The Customer Service contact for the above method of payment is Eric Volck at 513-487-2105.

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

U.S. Bank

Government Lockbox 979077

no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.

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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 Eric Volck at 513-487-2105.

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

U.S. Bank  
Government Lockbox 979077

U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The Customer Service number for the above method of payment is 314-418-1028.

- 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"

- f. All payments through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver  
ABA = 051036706  
Transaction Code 22 - checking  
Account 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:

5700 Rivertech Court  
Riverdale, MD 20737

The Customer Service contact for the above method of payment is John Schmid at 202-874-7026, or REX at 1-866-234-5681.

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: [WWW.PAY.GOV](http://WWW.PAY.GOV). Enter sfo 1.1 in the search field and complete all required fields in the form.
- h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. RCRA-03-2019-0014] in

the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.

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

and to

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

54. 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.

55. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO 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).

56. The costs of the Agency'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.

57. A late payment penalty of six percent (6%) 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).

58. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

#### **EFFECT OF SETTLEMENT**

59. This CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under the RCRA for the specific violations alleged, 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**

60. 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 the 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**

61. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 3008(a)(1) and (g) of the RCRA, 42 U.S.C. § 6928(a)(1) and (g), for the specific violations alleged in this CAFO. This CAFO constitutes the entire agreement and understanding of the parties regarding settlement of all claims pertaining to specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

#### **AUTHORITY TO BIND THE PARTIES**

62. The undersigned representative of Respondent certifies that he or she is fully authorized

In re: Tox Path Specialists, LLC

EPA Docket No. RCRA-03-2019-0014

by the Respondent to enter into the terms and conditions of this CA and to bind the Respondent to it.

**EFFECTIVE DATE**

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

**For Respondent:**

27 Nov 2018

Date

Mark T. Butt

Mark T. Butt  
President  
Tox Path Specialists, LLC

In re: Tox Path Specialists, LLC

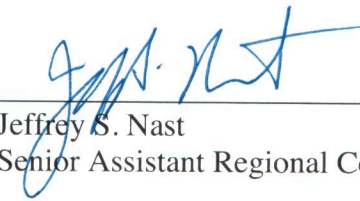
EPA Docket No. RCRA-03-2019-0014

**For Complainant:**

U.S. Environmental Protection Agency,  
Region III

12/6/18

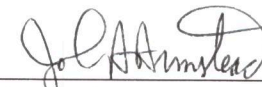
Date

  
\_\_\_\_\_  
Jeffrey S. Nast  
Senior Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator or his designee, the Regional Judicial Officer, issue the Final Order attached hereto pertaining to Docket No. RCRA-03-2019-0014.

12.17.18

Date

  
\_\_\_\_\_  
John A. Armstead, Director  
Land and Chemicals Division  
U.S. EPA - Region III





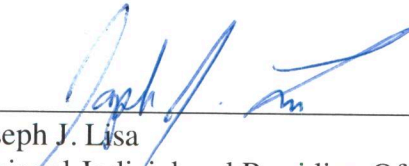
In re: Tox Path Specialists, LLC

EPA Docket No. RCRA-03-2019-0014

(g), 6961(b), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY-NINE THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$29,425.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

12/20/2018  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

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

IN RE:

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8420 Gas House Pike Ste. G  
Frederick, MD 21701

Respondent,

Docket No. RCRA-03-2019-0014

Tox Path Specialists, LLC  
8420 Gas House Pike Ste, G  
Frederick, MD 21701

Facility.

CERTIFICATE OF SERVICE

I certify that on DEC 26 2018, the original and one (1) copy of the foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

**Copy served via UPS Overnight to:**

Mr. Mark T. Butt, President  
Tox Path Specialists, LLC  
8420 Gas House Pike, Suite G  
Frederick, MD 21701

**Copy served via Hand Delivery or Inter-Office Mail to:**

Jeffery S. Nast, Esq.  
Office of Regional Counsel  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103

Dated: \_\_\_\_\_

DEC 26 2018



Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III