

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Kathleen E. Woodward 5/8/18  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number RCRA-01-2017-0053

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

GVS North America, Inc.  
63 Community Dr.  
Sanford, ME 04073

Total Dollar Amount of Receivable \$ 63,036 Due Date: 6/7/18

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

\_\_\_\_\_ Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**BY HAND**

May 8, 2018

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1 (ORA 18-1)  
5 Post Office Square  
Boston, Massachusetts 02140

Re: GVS North America, Inc.  
Docket No. RCRA-01-2017-0053

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Consent Agreement and Final Order. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Kathleen E. Woodward".

Kathleen E. Woodward  
Senior Enforcement Counsel

cc: Ann Sobolewski, Esq.

Enclosure

RECEIVED

MAY 08 2018

EPA ORC WS  
Office of Regional Hearing Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**RECEIVED**

**MAY 08 2018**

EPA ORC *WS*  
Office of Regional Hearing Clerk

IN THE MATTER OF: )  
)  
GVS North America, Inc. )  
63 Community Dr. )  
Sanford, ME 04073 )  
)  
EPA I.D. No. MED980914451 )  
)  
Proceeding under Section 3008(a) )  
Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )  
\_\_\_\_\_ )

Docket No.  
RCRA-01-2017-0053

**CONSENT AGREEMENT  
AND  
FINAL ORDER**

**CONSENT AGREEMENT AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein on September 30, 2017, against Respondent GVS North America, Inc. ("Respondent" or "GVS")); and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CAFO") 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”).

2. The Complaint alleges that Respondent violated Section 3002 of RCRA, 42 U.S.C. § 6922, Chapter 13 of Title 38 of the Maine Revised Statutes (“M.R.S.A.”) and the regulations promulgated thereunder at Chapter 850 *et seq.* (the “Maine Rules”).

3. This CAFO shall apply to and be binding upon Respondent, its officers, employees, 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 against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue. Without admitting or denying the factual allegations or conclusions of law contained in the Complaint or in this CAFO, and without admitting or denying liability as to any claim alleged in the Complaint or in this CAFO, Respondent consents for purposes of settlement to the terms of this CAFO.

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

## **II. TERMS OF SETTLEMENT**

6. Respondent certifies that its facility located in Sanford, Maine, is now in compliance with Section 3002 of RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the following:

a. In accordance with Section 8.B.(5) of Chapter 851 of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16, Respondent has developed a training program to teach facility personnel hazardous waste management procedures relevant to the position in which they are employed (40 C.F.R. § 264.16(a)(2)), and ensures that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems (40 C.F.R. § 264.16(a)(3));

b. In accordance with Section 8.B.(5) of Chapter 851 of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16, Respondent has properly trained all employees requiring hazardous waste training (40 C.F.R. § 264.16(a)(3)); the training is directed by a person trained in hazardous waste management procedures (40 C.F.R. § 264.16(a)(2)); and Respondent maintains all required documents regarding training (40 C.F.R. § 264.16(d));

c. In accordance with Section 8.B.(3) of Chapter 851 of the Maine Rules, Respondent has labeled all hazardous waste containers at the Facility with the words “Hazardous Waste”;

d. In accordance with Section 8.B.(3) of Chapter 851 of the Maine Rules, Respondent has labeled all containers of hazardous waste (except properly-managed satellite accumulation containers) with the accumulation start date;

e. In accordance with Section 13.C.(7) of Chapter 851 of the Maine Rules, Respondent is storing its hazardous waste with adequate aisle space wherever hazardous waste is being accumulated;

f. In accordance with Section 13.D.(1) and (2) of Chapter 851 of the Maine Rules, Respondent is conducting and documenting weekly hazardous waste inspections of all areas where hazardous wastes are stored;

g. In accordance with Section 13.C.(7)(c)(ii) of Chapter 851 of the Maine Rules, Respondent is in compliance with requirements regarding annual updates of mutual aid agreements; and

h. In accordance with Sections 7(F) and 7(L) of Chapter 858 of the Maine Rules, Respondent is in compliance with requirements regarding management of universal wastes.

7. Pursuant to Section 3008 of RCRA, based upon the nature of the alleged violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of sixty-three thousand and thirty-six dollars (\$63,036).

8. For purposes of settling this matter, Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

9. Respondent shall pay the penalty in the following manner:

a. The payment of \$63,036 shall be made within thirty calendar (30) days of the effective date of this CAFO. If the due date for the payment falls on a weekend or federal or state holiday, then the due date is the next business day.

b. The payments shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference “*In the Matter of GVS North America, Inc.*, Consent Agreement and Final Order, EPA Region 1,” Respondent’s name and address, and the EPA Docket Number of this action (RCRA-01-2017-0053), and be payable to “Treasurer, United States of America.” The payments shall be remitted as follows:

**If remitted by regular U.S. mail:**

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

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

**If remitted by wire transfer:** Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

c. A copy of the check (or notification of other type of payment) shall also be sent to:

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Mail Code: ORC04-6  
Boston, MA 02109-3912

and

Kathleen Woodward  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES04-2  
Boston, MA 02109-3912

d. If Respondent fails to make the payment of \$63,036 by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be

calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

10. Nothing in this CAFO 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 agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

11. The civil penalty due, and any interest, non-payment penalties or charges that arise pursuant to this CAFO shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Section 1.162-21 of the Internal Revenue Code, 26 U.S.C. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

12. 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.

13. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to RCRA for the violations alleged in the Complaint. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent. Nothing in the CAFO shall be construed to limit the authority of 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.

14. If Respondent fails to pay the civil penalty it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Pursuant to 31 U.S.C.



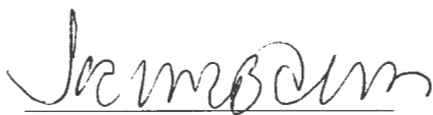
§ 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty (or any portion thereof) on the date it is due under this CAFO if such penalty (or portion thereof) is not paid in full by such due date. 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). In addition, a penalty charge of six percent per year and an amount to cover the costs of collection will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

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

16. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

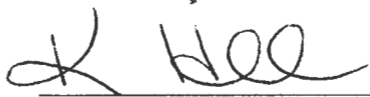
For Complainant:



Joanna Jerison  
Legal Enforcement Manager  
U.S. Environmental Protection Agency  
Region 1

Date: 4/27/18

For Respondent:

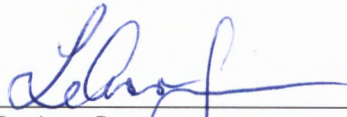


Kenneth Hall, General Manager  
GVS North America, Inc.

Date: 4/23/18

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which will become effective on the date it is filed with the Regional Hearing Clerk.



\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. Environmental Protection Agency-Region 1

5/3/2018  
Date

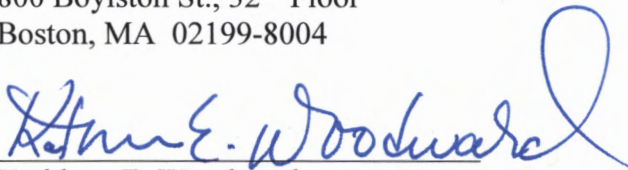
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

In the Matter of:	)	
	)	
GVS North America, Inc.	)	Docket No. RCRA-01-2017-0053
63 Community Drive	)	
Sanford, ME 04073-5809	)	
	)	
Respondent	)	<b>Certificate of Service</b>
	)	
	)	

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 U.S. EPA, Region I 5 Post Office Square, Suite 100 (ORA18-1) Boston, MA 02109-3912
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Copy, Certified Mail, Return Receipt Requested:	Ann Sobolewski, Esq. Posternak Blankstein & Lund LLP The Prudential Tower 800 Boylston St., 32 <sup>nd</sup> Floor Boston, MA 02199-8004
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Dated: May 8, 2018	 <u>Kathleen E. Woodward</u> Senior Enforcement Counsel U.S. EPA, Region I 5 Post Office Square, Suite 100 (OES04-2) Boston, Massachusetts 02109-3912
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