

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

In Re:	:	
	:	
GlaxoSmithKline, LLC	:	Docket No. RCRA-03-2014-0096
1250 South Collegeville Rd.	:	
Collegeville, PA 19426-0989	:	
	:	CONSENT AGREEMENT
RESPONDENT	:	
	:	Proceeding under 3008(a) and (g) of the
709 Swedeland Road.	:	Resource Conservation and Recovery
King of Prussia, PA 19406	:	Act, <i>as amended</i> , 42 U.S.C. § 6928(a) and (g)
	:	
FACILITY	:	

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EPA REGION III PHILADELPHIA

I. PRELIMINARY STATEMENT

1. This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant” or “EPA”), and GlaxoSmithKline, LLC (“GSK” or “Respondent”), pursuant to 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. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order (“FO,” hereinafter jointly referred to as the “CAFO”) both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's facility at 709 Swedeland Road, King of Prussia, PA 19406 (the “Facility”).

2. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the “Pennsylvania Hazardous Waste Management Program”) in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Regulations (“PaHWR”) were authorized by the U.S. Environmental Protection Agency (“EPA” or the “Agency”) pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWR subsequently were revised, and thereafter re-authorized by EPA, on three separate occasions (September 26, 2000, January 20, 2004 and April 29, 2009). Such authorized revised PaHWR requirements and provisions became effective on November 27, 2000, March 22, 2004 and June 29, 2009, respectively. The provisions of Pennsylvania’s current authorized revised PaHWR, codified at 25 Pa. Code Chapters

of Pennsylvania's current authorized revised PaHWR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporates by reference certain federal hazardous waste management regulations that were in effect as of May 1, 1999 for the November 27, 2000 PaHWR authorization, and in effect on September 25, 2003 for the March 22, 2004 PaHWR authorization. Neither the 2004 nor the 2009 authorization make any changes to the November 27, 2000 PaHWR that are relevant to the violations set forth herein.
4. This CA is entered into by Complainant and Respondent to address the violations alleged in the Findings of Fact, as set forth below.
5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA, as set forth in this CAFO.
6. For the purposes of this proceeding only, Respondent neither admits nor denies the Findings of Fact contained in this CA, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 5, above.
8. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
9. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
10. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
11. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the Commonwealth of Pennsylvania

12. On May 20, 2013 EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), giving Pennsylvania 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

13. This section represents the Findings of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 6 and 7, above, Respondent neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 9, above.
14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10.
15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 709 Swedeland Road, King of Prussia, PA 19406 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and, with respect to the term “facility”, as defined in 25 Pa. Code § 260a.10.
16. On August 22, 2012, representatives from EPA conducted a Compliance Evaluation Inspection (the “Inspection”) of the Facility. At the time of the Inspection, and at all times relevant to the violations alleged in this CAFO, Respondent was a large quantity “generator” of “hazardous waste” at the Facility as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1. The Facility’s RCRA ID No. is PAD980551964.
17. At the time of the Inspection, Respondent was engaged in the “storage” of “hazardous waste” in “containers” at the Facility as described herein, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 and/or as defined in 25 Pa. Code § 260a.10.
18. Respondent is and has been, at all times relevant to the allegations set forth in this CAFO, the “owner” and “operator” of a 150-gallon above-ground hazardous waste storage “tank” which is and was subject to the requirements of 40 C.F.R. Part 265, Subparts BB and CC, including Tank Level 1 controls, as incorporated by references into 25 Pa. Code § 260a.1, located at the Facility, as these terms are defined by 40 C.F.R. § 260a.10.
19. At all times relevant to the allegations set forth in this CAFO, Respondent generated an aqueous waste stream at the Facility that contained ethanol. This waste generated at the Facility is a hazardous waste within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.21, because it has the characteristic for ignitability within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.21.
20. The waste referenced in Paragraph 19, above, is a hazardous waste with an organic concentration of at least ten percent by weight.

21. On the basis of the August 22, 2012 Facility Inspection and a review of information provided by Respondent subsequent thereto, EPA has determined that Respondent violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally authorized PaHWR requirements promulgated thereunder.

COUNT I

(Operating a treatment, storage, or disposal facility without a permit or interim status)

22. The allegations of Paragraphs 1 through 21 of this Consent Agreement are incorporated herein by reference.
23. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), 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 for such facility.
24. Respondent has never had “interim status” pursuant to RCRA Section 3005(e), 42 U.S.C. § 6925(e), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.70, or a permit issued pursuant to RCRA Section 3005(a), 42 U.S.C. § 6925(a) or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, for the treatment, storage, or disposal of hazardous waste.
25. Pursuant to 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34, generators of hazardous waste who accumulate hazardous waste on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, as long as the hazardous waste is stored in accordance with a number of conditions set forth in that section including, specifically, the requirement that the generator comply with the applicable requirements of Subparts I, BB, and CC of 40 C.F.R. Part 265.
26. Respondent failed to qualify for the 90-day storage exemption from permit requirements, specified in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), for the reasons specified below during the periods specified below:
 - a. Respondent failed to tag or mark equipment associated with the 150-gallon storage tank at the facility to which 40 C.F.R. Part 265, Subpart BB applies, in such a manner that it could have been distinguished readily from other pieces of equipment, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1050(c), from March 2008 to April 2013.
 - b. Respondent failed to monitor monthly valves which were in gas/vapor or light liquid service subject to 40 C.F.R. Part 265, Subpart BB, to detect leaks, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1057(a) from March 2008 to April 2013.

- c. Respondent failed to comply with the recordkeeping requirements for monitoring of the equipment, mentioned above in Paragraph 26.a., subject to 40 C.F.R. Part 265, Subpart BB, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1064 from March 2008 to April 2013.
 - d. Respondent failed to determine the maximum organic vapor pressure for hazardous wastes managed in the tank, referred to in Paragraph 18, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1084(c) from March 2008 to April 2013.
 - e. Respondent failed to comply with the fixed roof requirements for the tank, referred to in Paragraph 18, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1085(c)(2), from March 2008 to April 2013.
 - f. Respondent failed to comply with any of the recordkeeping requirements for tanks subject to 40 C.F.R. Part 265, Subpart CC, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.1090, from March 2008 to April 2013.
 - g. At the time of the Inspection, Respondent failed to keep closed one (1) 55-gallon drum of hazardous waste, located in the Waste Consolidation Area, when not adding or removing waste, in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(i), which in turn, references 40 C.F.R. § 265.173(a).
27. Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to have a permit for the activities described in Paragraph 26, above.
28. From at least September 2008 until April 2013, Respondent owned and/or operated a hazardous waste storage facility without a permit, interim status, or valid exemption.
29. Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by storing hazardous waste in a tank and a container at the Facility without a permit, interim status or valid exemption.

COUNT II
(Failure to Tag or Mark Equipment (Subpart BB))

30. The allegations of Paragraphs 1 through 29 of this CAFO are incorporated herein by reference as though fully set forth at length.
31. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d), Respondent was required to mark equipment that contains or contacts hazardous wastes with organic concentrations of at least ten percent by weight in such a manner that that it can be distinguished readily from other pieces of equipment.
32. At the time of the Inspection, Respondent had not marked the ancillary equipment associated with the 150-gallon storage tank at the Facility, which contained or contacted hazardous waste with organic concentrations of at least ten percent by weight, in such a manner that it could be distinguished readily from other pieces of equipment.
33. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d), by failing to mark the ancillary equipment at the Facility associated with hazardous waste with organic concentrations of at least ten percent by weight in such a manner that that it could be distinguished readily from other pieces of equipment.

COUNT III

(Failure to Monitor Valves/Comply with Recordkeeping (Subpart BB))

34. The allegations of Paragraphs 1 through 33 of this CAFO are incorporated herein by reference as though fully set forth at length.
35. Pursuant to 25 Pa. Code § 264.a.1, which incorporates by 40 C.F.R. § 264.1057(a), Respondent was required to monitor monthly valves in gas vapor or light liquid service and subject to 40 CFR Part 264, Subpart BB, to detect leaks.
36. From March 2008 to April 2013, Respondent did not monitor monthly valves in gas vapor or light liquid service and subject to 40 CFR Part 264, Subpart BB, at the Facility to detect leaks.
37. Respondent violated 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1057(a), by failing to monitor monthly valves in gas vapor or light liquid service and subject to 40 CFR Part 264, Subpart BB, at the Facility to detect leaks from March 2008 to April 2013.
38. Pursuant to 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1064, Respondent was required to comply with recordkeeping requirements for the monitoring of equipment associated with the tank referenced in Paragraph 18, above, subject to 40 C.F.R. Part 265, Subpart BB.
39. From 2008 to February 2013, Respondent did not comply with the recordkeeping requirements for monitoring of the equipment associated with the tank referenced in

Paragraph 18, above, as required by 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1064.

40. Respondent violated 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1064, by failing to comply with the recordkeeping requirements for monitoring of the above-referenced equipment at the Facility from March 2008 to April 2013.

COUNT IV

(Failure to Comply with Fixed Roof Requirements (Subpart CC))

41. The allegations of Paragraphs 1 through 40 of this CAFO are incorporated herein by reference as though fully set forth at length.
42. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1084(c)(2), requires that an owner or operator of a tank subject to 40 C.F.R. Part 264, Subpart CC and Tank Level 1 controls to equip such tank with a fixed roof designed to meet certain specifications.
43. From March 2008 to April 2013, Respondent failed to comply with the fixed roof requirements for the tank referenced in Paragraph 18, above, in violation of 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1084(c)(2).
44. Respondent violated the fixed roof requirements for the tank referenced in Paragraph 18, above, in violation of 25 Pa. Code § 264.a.1, which incorporates by reference 40 C.F.R. § 264.1084(c)(2).

COUNT V

(Failure to Keep Closed Containers of Hazardous Waste)

45. The allegations of Paragraphs 1 through 44 of this CAFO are incorporated herein by reference as though fully set forth at length.
46. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173 (a), Respondent was required to keep containers of hazardous waste closed during storage except when it is necessary to add or remove waste.
47. At the time of the Inspection, Respondent failed to keep containers used for storage of hazardous waste closed at all times except when adding or removing waste as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).
48. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep containers of hazardous waste closed during storage except when adding or removing waste.

COUNT VI

(Failure to Keep Closed Containers of Universal Waste)

49. The allegations of Paragraphs 1 through 48 of this CAFO are incorporated herein by reference as though fully set forth at length.
50. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal waste, specifically, universal waste “lamps”, contain such lamps in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
51. At the time of the Inspection, Respondent was a “small quantity handler of universal waste” as that term is defined at 40 C.F.R. § 273.9, and was storing universal waste lamps at the Facility in five (5) containers that were not closed.
52. Respondent violated 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.13(d)(1), for failing to store universal waste lamps at the Facility in containers that were closed.

COUNT VII

(Failure to Label Containers of Universal Waste Lamps)

53. The allegations of Paragraphs 1 through 52 of this CAFO are incorporated herein by reference.
54. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(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).”
55. At the time of the Inspection, Respondent was storing universal waste lamps at the Facility in five (5) containers. The five (5) containers and/or each lamp were not labeled with the phrases “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”
56. Respondent violated 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.14(e), for failing clearly mark clearly mark or label universal waste lamps or universal waste lamp containers with one of the following phrases: “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).”

COUNT VII

(Failure to Demonstrate Duration of Universal Waste Accumulation)

57. The allegations of Paragraphs 1 through 56 of this CAFO are incorporated herein by reference as though fully set forth at length.
58. 25 Pa. Code § 266b, which incorporates by reference 40 C.F.R. § 273.15(c), requires that small quantity handlers of universal waste who accumulate universal waste must be able to demonstrate the length of time that the universal waste has been accumulated, from the date it became a waste or was received. The methods by which a small quantity handler may demonstrate this are listed at 40 C.F.R. § 273.15(c)(1)-(6).
59. At the time of the Inspection, Respondent, a small quantity handler of universal waste, failed to demonstrate, using any one of the six methods, the length of time that five (5) containers of universal waste lamps were accumulated, in violation of 25 Pa. Code § 266b, which incorporates by reference 40 C.F.R. § 273.15(c).
60. Respondent violated 25 Pa. Code § 266b, which incorporates by reference 40 C.F.R. § 273.15(c).

III. CIVIL PENALTIES

61. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CAFO, Respondent consents to the assessment of a civil penalty in the amount of **\$317,550.00**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct signed copy of this CAFO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
62. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, and other factors as justice may require, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. Section 6928(a)(3), EPA's RCRA Civil Penalty Policy (June 2003), and with the penalty inflation provisions of 40 C.F.R. Part 19.
63. Respondent shall remit payment for the civil penalty set forth in Paragraph 61, above, by certified check or cashier's check, or by electronic funds 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-03-2014-0096;

- 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. EPA
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: 202-874-7026 or 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 CAFO. 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

64. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CAFO.
65. 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 CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
66. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO 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).
67. 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.
68. 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).

IV. CERTIFICATION OF COMPLIANCE

69. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of its execution of this CAFO, is in compliance with the provisions of RCRA, Subtitle C, 42 U.S.C. §§ 6901 *et seq.*, and the Commonwealth of Pennsylvania's federally authorized hazardous waste program set forth at 25 Pa. Code §§ 260a.1 *et seq.* at the Facility referenced herein. This certification is based on the personal knowledge of the signer or an inquiry of the person or persons responsible for the Facility's compliance with Subtitle C of RCRA.

V. OTHER APPLICABLE LAWS

70. Nothing in this CAFO 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

71. This CAFO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. 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 CAFO.

VII. FULL AND FINAL SATISFACTION

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

VIII. PARTIES BOUND

73. This CAFO 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 CAFO.

IX. EFFECTIVE DATE

74. The effective date of this CAFO 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

75. This CAFO 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 CAFO.

For the Respondent:

GlaxoSmithKline, LLC

Date: June 12, 2014

By: Robert W. Carr MD MPH
Robert W. Carr, MD, MPH
Senior Vice President, Environment Health & Safety
GlaxoSmithKline, LLC

For the Complainant:

U.S. Environmental Protection Agency, Region III

Date: JUNE 17, 2014

By: Jeffrey S. Nast
Jeffrey S. Nast
Sr. Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 6.30.14

By: John A. Armstead
John A. Armstead, Director
Land and Chemicals Division

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of the U.S. EPA Region III or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 7-08-14

BY: *Heather Gray*

Heather Gray
Regional Judicial Officer
United States Environmental Protection Agency
Region III

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

SUBJECT: GlaxoSmithKline, LLC
Docket No. RCRA-03-2014-0096

FROM: Marcia E. Mulkey *JEM/mm 6/23/14*
Regional Counsel (3RC00)

John A. Armstead
Land & Chemicals Division (3LC00)

TO: Heather Gray
Regional Judicial and Presiding Officer (3RC00)

We recommend that you sign the enclosed Final Order which accompanies the fully-executed Consent Agreement. Pursuant to 40 C.F.R. § 22.13(b), the filing of this Consent Agreement and Final Order will simultaneously initiate and resolve the alleged violations by GlaxoSmithKline, LLC (“Respondent”) of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268 and 270-273, and the authorized Pennsylvania hazardous waste regulations (“PaHWR”) which operates in lieu of the federal hazardous waste management program in connection with Respondent’s facility located at 709 Swedeland Road, King of Prussia, PA 19406.

Pre-filing negotiations resulted in the recommended settlement, which is memorialized in the enclosed Consent Agreement. We concur with the terms of the attached CAFO. The CAFO requires that Respondent pay a civil penalty of \$317,550.00. The penalty was calculated by considering the factors set forth in Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), and in accordance with EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 (“RCRA Penalty Policy”), and the penalty inflation provisions of 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.

cc: Ms. Deanna Herman