

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

In the Matter of:

**Johnstown Tube Laser, LLC (doing
business as Environmental Tank &
Container)
163 Cramer Pike
Johnstown PA 15906**

Respondent.

:
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: **U.S. EPA Docket No. RCRA-03-2022-0048**
:
: **Proceeding under Sections 3008(a) and (g) of**
: **the Resource Conservation and Recovery Act**
: **(RCRA), as amended,**
: **42 U.S.C. §§ 6928(a) and (g).**
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CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Johnstown Tube Laser, LLC, doing business as Environmental Tank and Container (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 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. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under Subtitle C of RCRA, as amended, 42 U.S.C. §§ 6901 *et seq.*, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270, and the Commonwealth of Pennsylvania’s federally authorized Hazardous Waste Management Program set forth in the Pennsylvania Hazardous Waste Regulations (PaHWR”) at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a, for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program in lieu of the federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939(g). Effective January 30, 1986, the PaHWR were authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). *See 51 Fed.Reg.* 1791 (January 15, 1986), *65 Fed. Reg.* 57734 (September 26, 2000), *69 Fed. Reg.* 2674 (January 20, 2004) and *74 Fed. Reg.* 19453 (April 29, 2009). EPA has authorized the PaHWR that incorporate, with certain exceptions, provisions of Title 40 of the Code of Federal Regulations by reference that were in effect as of October 12, 2005. The Code of Federal Regulation citations used herein when referring to the Federal regulations incorporated by the PaHWR are to the 2005 Federal regulations.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter dated April 4, 2021, EPA notified the Pennsylvania Department of Environmental Protection (PADEP) of EPA's intent to commence this administrative action against Respondent in response to violations of RCRA Subtitle C that are alleged herein.

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.

10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania.
15. Respondent is a 'person' as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10, and 25 Pa. Code § 260a.10, and is subject to the assessment of civil penalties for the violations alleged herein.
16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 163 Cramer Pike, Johnstown PA 15906, doing business as Environmental Tank and Container (hereinafter "the Facility"), as those terms are defined in 25 Pa. Code §§ 260a.1, 260a.10.
17. On or before May 7, 2013, the Respondent submitted a Notice of Hazardous Waste Activity ("Notification") for the Facility to the Pennsylvania Department of Environmental Protection ("PADEP") and to the EPA, Region III, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying the Facility as a generator of hazardous waste. Subsequently, the Facility was assigned EPA ID No. PAR000538074.
18. At all times relevant to the violations alleged herein, including at least from January 2017 until December 2020, Respondent is, and has been, a "generator" of "solid waste" and "hazardous waste" and has engaged in the temporary "storage" in "containers" at the Facility of F003, U002 and U239 hazardous wastes, as those terms are defined in 25 Pa. Code §§ 260a.1, 260a.10, 261a.1.
19. Although Respondent had reported in its notification that the Facility was a very small quantity generator, from at least January 2017 through December 2020 the Facility was a large quantity generator of hazardous waste.
20. On December 15, 2020 EPA Region III sent an Information Request Letter ("IRL") to Johnstown Tube Laser LLC. On January 29, 2021, Johnstown Tube Laser responded to the December 15, 2020 EPA Region III IRL.

21. Based on the information provided by Respondent, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized PaHWR requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

Count I
Operation Without a Permit or Interim Status

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), 40 C.F.R. §§ 262 & 270 require, with certain exceptions not relevant herein, that no person who owns or operates a facility for the treatment, storage or disposal of hazardous waste may do so without first obtaining a permit or interim status for the facility. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b) also requires a permit or interim status for the treatment, storage or disposal of hazardous waste.
24. At the time of the December 15, 2020 EPA IRL, Respondent did not possess, nor did Respondent ever possess, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), a permit or interim status for the storage of hazardous waste at the Facility.
25. 25 Pa. Code § 262a.10 incorporates by reference the generator permit exemption conditions of 40 C.F.R. § 262.34(a)(4)¹ and, by further reference, 40 C.F.R. §265.16(d), which requires as part of the generator permit exemption conditions that generators of hazardous waste maintain job descriptions for each position at the facility related to hazardous waste management, which must include the duties related to hazardous waste assigned to the position.
26. At the time of the January 29, 2021 response to the IRL, Respondent did not include hazardous waste management duties in five of the six job descriptions for job titles/positions related to hazardous waste management at the Facility, and thus failed to meet the conditions of the generator permit exemption of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and, by further reference, 40 C.F.R. §265.16(d). The five job titles missing the required hazardous waste management information are:
- a. Paint Line Worker;
 - b. Maintenance Technician;
 - c. Crew Leader;
 - d. Project Manager; and

¹ 40 C.F.R. § 262.34 (2005) is the currently federally enforceable version of that RCRA regulation in Pennsylvania. On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. §262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17.

e. Inventory Control Manager.

These job descriptions were applicable at the Facility from at least January 2017 through December 2020.

27. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(a)(4) and, by further reference, 40 C.F.R. §§ 265.16(c) and 265.16(d), which require as part of the generator permit exemption conditions, annual hazardous waste management refresher training for employees, and that the facility maintain records of such training.
28. In its response to the IRL, Respondent provided training documents for 2018, and 2020. However, these documents do not indicate that there was training for 2017 or 2019, which is in violation of 40 C.F.R. §265.16(c), which requires annual hazardous waste management refresher training for employees. The documents showed that Respondent conducted training on October 26, 2016, September 11, 2018 and then on September 25, 2020.
29. In failing to meet the above permit exemption conditions incorporated by reference within 25 Pa. Code § 262a.10, the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent is in violation of 25 Pa. Code § 270a.1, and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count II

Failure to provide a written job description for each position at the facility related to hazardous waste management

30. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
31. 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. §§ 264.16(d)(1) - (2), requires that the owner or operator maintain documentation of the job titles for each position at the facility related to hazardous waste management, the name of the employees in such positions, along with job descriptions of such positions, which must include the duties related to hazardous waste assigned to the position as required by 40 C.F.R. §264.16 (d)(2).
32. At the time of the January 29, 2021 response to the IRL, Respondent did not include hazardous waste management duties in five of the six job descriptions for job titles/positions related to hazardous waste management at the Facility, which is in violation of 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16 (d)(1) - (2). These job descriptions were applicable at the Facility from at least January 2017 through December 2020.
33. In failing to comply with the requirements of 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d)(1) - (2), Respondent is subject to the

assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count III

Failure to provide annual review of initial hazardous waste training

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §§ 264.16(a)(1), (c), and (d) (pertaining to “Personnel Training”), requires the owner or operator of a hazardous waste facility to provide initial hazardous waste training and annual refresher training to each person employed in a position related to hazardous waste management and to maintain records documenting such training.
36. At the time of the January 29, 2021 response to the IRL, Respondent provided RCRA Training logs for 2018 and 2020, along with RCRA training certificates for 2020. Each training log contained approximately 13 employees for the training on the provided dates. However, there was no evidence training was conducted in 2017 or 2019. Dates for training provided by the Facility are: 10/26/2016, 9/11/2018 and 9/25/2020. The lack of training and documentation for 2017 and 2019 is in violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §§ 264.16(a)(1), (c) and (d) as described above.
37. In failing to comply with the requirements of 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. §§ 264.16(a)(1), (c), and (d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count IV

Failure to submit a biennial report by March 1 of each even numbered year

38. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
39. 25 PA §§ 262a.10 (which incorporates by reference 40 C.F.R. §262.41) and 262a.41, require generators to submit a Biennial Report by March 1 of each even numbered year. 25 Pa. Code. § 262a.41 states the following:

A generator who ships any hazardous waste offsite to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a biennial report to [PADEP] by March 1 of each even numbered year. The biennial report shall be submitted on EPA Form 8700-13A as modified by the Department, shall cover generator activities during the previous year, and must include the following information...

40. The Facility was generating large quantities of hazardous waste that were shipped off-site 24 times from 2018 to 2020, but Respondent failed to submit a Biennial Report by March 1, 2020, as required by 25 Pa. Code §§ 262a.10 (which incorporates by reference 40 C.F.R. §262.41) and 262a.41.
41. In failing to comply with the requirements of 25 PA §§ 262a.10 and 262a.41, which incorporate by reference 40 C.F.R. § 262.41, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

42. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **TWENTY-THOUSAND FOUR HUNDRED SEVENTY-THREE dollars (\$20,473.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
43. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including the following: 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 and May 2020 (“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), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
44. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, **U.S. EPA Docket No. RCRA-03-2022-0048**;
 - b. All checks shall be made payable to the “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
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Daniel T. Gallo
Assistant Regional Counsel
gallo.dan@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

- 45. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 46. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
- 47. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
- 48. ADMINISTRATIVE COSTS: The costs of the 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 – Case 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.

49. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 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).
50. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

51. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
52. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

53. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

54. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or

local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

55. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

56. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

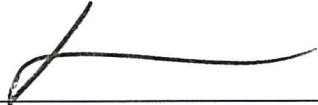
57. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

58. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the 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 Consent Agreement and Final Order.

For Respondent: Johnstown Tube Laser LLC

Date: 2-15-2022

By: 
William Polacek, Chief Executive Officer

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
(Digital signature and date)
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
(Digital signature and date)
Daniel T. Gallo
Assistant Regional Counsel
U.S. EPA – Region III

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

In the Matter of:	:
	:
Johnstown Tube Laser LLC (doing business as Environmental Tank & Container) 163 Cramer Pike Johnstown PA 15906	: U.S. EPA Docket No. RCRA-03-2022-0048
	:
	: Proceeding under Sections 3008(a) and (g) of
	: the Resource Conservation and Recovery Act
	: (RCRA), as amended,
	: 42 U.S.C. §§ 6928(a) and (g).
Respondent.	:
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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Johnstown Laser Tube LLC (doing business as Environmental Tank & Container), 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 upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 ("RCRA Penalty Policy"), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a) and (g), 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 THOUSAND FOUR HUNDRED SEVENTY-THREE DOLLARS (\$20,473.00)**, in accordance with the payment provisions set forth in the Consent

Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the RCRA and the regulations promulgated thereunder.

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.

By: _____
(Digital signature and date)
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III