

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Kevin Pechulis 1/6/14
Name of Case Attorney Date

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

Case Docket Number RCRA-01-2013-0070

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:

Geoff Loftus
Presstek, Inc.
55 Executive Drive
Hudson, NH 03051-4903

Total Dollar Amount of Receivable \$ 116,000 Due Date: 7/5/14

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1st \$ 58,000 on 2/5/14
- 2nd \$ 58,725 on 7/5/14
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ 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 I – New England
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

BY HAND

January 6, 2014

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORA18-1)
Boston, MA 02109-3912

RECEIVED
JAN 06 2014
EPA ORC WS
Office of Regional Hearing Clerk

Re: In the Matter of Presstek, Inc., EPA Docket No. RCRA-01-2013-0070; Approved Consent Agreement and Final Order

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of a Consent Agreement and Final Order (CAFO) resolving the above-referenced enforcement case. Also enclosed is the original and one copy of a certificate of service documenting that, on this date, a copy of the CAFO and this cover letter were mailed to the Respondent.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kevin P. Pechulis".

Kevin P. Pechulis, Enforcement Counsel
Regulatory Legal Office
EPA Region 1

Enclosures

cc: LeAnn Jenson, Regional Judicial Officer (without enclosures)
Geoff Loftus, Chief Operating Officer, Presstek, Inc.
Richard Piligian, EPA Region 1 (electronically)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)
)
PRESSTEK, INC.)
55 Executive Drive)
Hudson, NH 03051)
EPA ID No. NHD500021738)
)
Respondent)
)
Proceeding under Section 3008(a) of the)
Resource Conservation and Recovery)
Act, 42 U.S.C. § 6928(a))

EPA Docket No. RCRA-01-2013-0070

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order (“CAFO”) and associated cover letter to the Regional Hearing Clerk have been provided to the following persons, in the manner specified on the date noted below:


Original and one copy,
hand-delivered:

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environment Protection Agency, Region I
5 Post Office Square, Suite 100 (ORA18-1)
Boston, MA 02109-3912

One copy by certified mail, return
receipt requested, and email:

Geoff Loftus, Chief Operating Officer
Presstek, Inc.
55 Executive Drive
Hudson, New Hampshire 03051-4903
gloftus@presstek.com

Date: 1/6/14


Kevin P. Pechulis
Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912
(617) 918-1612
pechulis.kevin@epa.gov

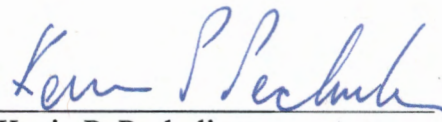
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
PRESSTEK, INC.)	
55 Executive Drive)	
Hudson, NH 03051)	EPA Docket No. RCRA-01-2013-0070
EPA ID No. NHD500021738)	
)	CERTIFICATE OF SERVICE
Respondent)	
)	
Proceeding under Section 3008(a) of the)	
Resource Conservation and Recovery)	
Act, 42 U.S.C. § 6928(a))	

I hereby certify that the foregoing Consent Agreement and Final Order ("CAFO") and associated cover letter to the Regional Hearing Clerk have been provided to the following persons, in the manner specified on the date noted below:

Original and one copy, hand-delivered:	Wanda I. Santiago, Regional Hearing Clerk U.S. Environment Protection Agency, Region I 5 Post Office Square, Suite 100 (ORA18-1) Boston, MA 02109-3912
---	---

One copy by certified mail, return receipt requested, and email:	Geoff Loftus, Chief Operating Officer Presstek, Inc. 55 Executive Drive Hudson, New Hampshire 03051-4903 gloftus@presstek.com
---	---

Date: <u>1/6/14</u>	 Kevin P. Pechulis Enforcement Counsel U.S. Environmental Protection Agency, Region I 5 Post Office Square, Suite 100 (OES04-3) Boston, MA 02109-3912 (617) 918-1612 pechulis.kevin@epa.gov
---------------------	--

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	EPA Docket No. RCRA-01-2013-0070
)	
PRESSTEK, INC.)	CONSENT AGREEMENT AND
55 Executive Drive)	FINAL ORDER
Hudson, NH 03051)	
EPA ID No. NHD500021738)	
)	
Respondent)	
)	
Proceeding under Section 3008(a) of the)	
Resource Conservation and Recovery)	
Act, 42 U.S.C. § 6928(a))	

RECEIVED
JAN 06 2014
EPA ORC WS
Office of Regional Hearing Clerk

CONSENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, has alleged that Presstek, Inc. (“Presstek” or “Respondent”) has violated Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, 40 C.F.R. Parts 262 and 265, New Hampshire Statutes, Chapter 147-A, and the New Hampshire Code of Administrative Rules, Sections Env-Hw 502.01, 507.01, 507.03, 509.02, and 511.01. EPA Region I (“Complainant”) and Presstek (together, the “Parties”) have agreed to settle this matter through this administrative Consent Agreement and Final Order (“CAFO”). EPA’s regulations governing RCRA administrative penalty actions and settlements are set out in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.

I. PRELIMINARY STATEMENT

2. On September 30, 2013, EPA Region 1 issued a complaint, compliance order, and notice of opportunity for hearing (“Complaint”) in this action to Presstek.

3. Presstek filed Requests for Extension of Time to File the Answer on October 29, 2103 and December 16, 2013. The answer is now due on January 6, 2013.
4. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. GENERAL TERMS

5. The terms of this CAFO shall apply to and be binding on Respondent, its successors and assigns.
6. Respondent admits the jurisdictional allegations contained in the Complaint, and neither admits nor denies the factual allegations contained in the Complaint. Further, Respondent waives any right to a judicial or administrative hearing or appeal on any allegation of law or fact set forth in the Complaint and waives its right to appeal the Final Order accompanying this CAFO.
7. Respondent consents to the assessment of the civil penalty set out in Section IV below. Respondent also consents to any conditions specified in this CAFO.

III. COMPLIANCE CERTIFICATION

8. Respondent certifies that it is now in compliance with the items described in the Compliance Order section of the Complaint and is generally in compliance with RCRA and federal and state hazardous waste regulations.

IV. CIVIL PENALTY

9. Respondent shall pay a civil penalty in the amount of \$116,000. EPA Region 1 has determined, consistent with statutory penalty criteria and applicable policies, that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors.

10. Respondent shall pay the total penalty in two installments. Interest at a rate of three percent (3%) per annum shall be included in any and all payments made beyond 30 days from the effective date and shall accrue from 30 days after the effective date until the date of payment. Respondent shall submit the first payment of \$58,000 no later than 30 days after the effective date of this CAFO, by cashier's or certified check, payable to the order of the "Treasurer, United States of America," and referencing the title of this action and the RCRA case docket number (RCRA-01-2013-0070). The check shall be sent via regular mail to the following address:

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

If Presstek sends the check via express mail, the following address shall be used:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
phone 314-418-4087

Presstek shall send a notice of the penalty payment and a copy of the check to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
Mail Code ORA-18-1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

and

Kevin Pechulis
Enforcement Counsel
U.S. EPA, Region 1

Mail Code OES04-3
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

11. Respondent shall make the second payment of \$58,725 (\$58,000 principal plus \$725 accrued interest) within 180 days of the effective date of this CAFO in the manner described in paragraph 10 above.
12. If Respondent fails to make any payment required by paragraphs 10 or 11 above by the required due date, the total penalty amount of \$116,000 plus all accrued interest (less payments already made) shall become due immediately to the United States upon such failure.
Respondent shall pay interest on any 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).
13. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

V. EFFECT OF SETTLEMENT

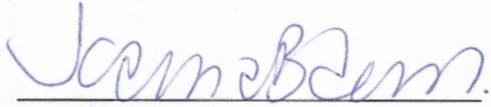
14. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for the violations set out in the Complaint.
15. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions which may present an imminent and substantial endangerment to the public health, welfare or

the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state or local law or regulation.

16. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and shall not be construed to be a ruling or determination regarding any issue related to any federal, state or local permit. Except as provided in Paragraph 14 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.
17. Each Party shall bear its own costs, disbursements and attorneys' fees in connection with this enforcement action, and specifically waives any right to recover such costs, disbursements or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.
18. Respondent's undersigned representative certifies that he is fully authorized by Respondent to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

SO SIGNED AND AGREED:

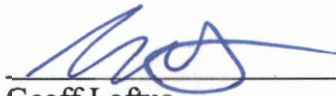
For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
EPA Region I

Date: 1/6/14

For Respondent:



Geoff Loftus
Chief Operating Officer
Presstek, Inc.

Date: 1/2/2014

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 this CAFO, which shall be effective on the date that it is filed with the Regional Hearing Clerk.

SIGNED:



LeAnn Jensen
Acting Regional Judicial Officer
EPA Region 1

Date: 1/6/14