



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

February 27, 2018

VIA UPS OVERNIGHT MAIL

Jon Stine, General Manager
Scott Badger, CFO
Mount Joy Wire Corporation
1000 E. Main Street
Mount Joy, PA 17552

Michael Davis
Barley Snyder
126 East King Street
Lancaster, PA 17602

**Re: Mount Joy Wire Corporation, Docket No. RCRA-03-2018-0026
Consent Agreement and Final Order FILED February 27, 2018
Payment Schedule, First Payment Due by March 29, 2018 to avoid interest**

RECEIVED
2018 FEB 27 PM 4:13
REGIONAL HEARING CLERK
EPA REGION III PHILADELPHIA, PA

Dear Mr. Stine, Mr. Badger and Mr. Davis,

Please find enclosed the Consent Agreement and Final Order (“CAFO”) which has now been signed by the Regional Judicial Officer and filed with the Regional Hearing Clerk. This CAFO initiates and concludes the legal proceeding by the United States Environmental Protection Agency, Region III (“EPA”) against Mount Joy Wire Corporation under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g). The Regional Judicial Officer approved the proposed settlement amount of \$105,000.00. The enclosed Consent Agreement and Final Order memorialize this settlement.

Please carefully follow the payment instructions and schedule on pages 16 - 20 of the Consent Agreement. Note that copies of payment information must be sent to the Regional Hearing Clerk and to me.

The payment plan requires Mount Joy Wire Corporation to pay the penalty in six installment payments of \$17,536.46 each. The Consent Agreement is being mailed to you on this date, February 27, 2018. Therefore, the installment payments will be due on the following dates:

1st Payment – March 29, 2018

2nd Payment – April 30, 2018 (April 28 is a Saturday)

3rd Payment – May 28, 2018

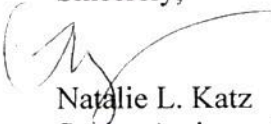
4th Payment – June 27, 2018

5th Payment – July 27, 2018

6th Payment – August 27, 2018 (August 26 is a Sunday)

I am glad that we were able to bring this matter to a resolution. If you have questions about the requirements of the Consent Agreement and Final Order, please contact Andrew Ma at (410) 305-3429, or me at (215) 814-2615.

Sincerely,



Natalie L. Katz
Senior Assistant Regional Counsel

Enclosures

cc: Andrew Ma, EPA (3LC70)

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

In the matter of: :
 :
 :
 Mount Joy Wire Corporation : U.S. EPA Docket RCRA-03-2018-0026
 1000 E. Main Street :
 Mount Joy, PA 17552 :
 :
 Respondent, : Proceeding under Section 3008(a) and (g)
 : of the Resource Conservation and
 : Recovery Act, as amended,
 Mount Joy Wire Corporation : 42 U.S.C. § 6928(a) and (g)
 1000 E. Main Street :
 Mount Joy, PA 17552 :
 :
 Facility. :
 :

RECEIVED
2018 FEB 27 PM 3:58
REGIONAL HEARING CLERK
ENVIRONMENTAL PROTECTION AGENCY
PHILADELPHIA, PA.

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division (“Complainant”), U.S. Environmental Protection Agency, Region III (“EPA” or the “Agency”), and Mount Joy Wire Corporation (“Respondent”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. § 6928(a) 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 of Practice*”), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order simultaneously commence and conclude this administrative proceeding against the Respondent.

3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, 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 EPA 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 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 PaHWR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the April 29, 2009 PaHWR authorization. The provisions 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).
4. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to initiate an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle C, EPA’s regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.
5. This Consent Agreement (“CA”) and the accompanying Final Order (“FO”) (collectively, the “CAFO”) address alleged violations by Respondent of Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939g, certain federally-authorized Pennsylvania hazardous waste regulations, set forth at 25 Pa. Code Chapters 260a-266a, 266b, in connection with Respondent’s facility. Respondent’s facility is located at 1000 E. Main Street, Mount Joy, PA 17552 (“Facility”) and is further described below.
6. Factual allegations or legal conclusions in this CA that are based on provisions of federally-authorized PaHWR cite those respective provisions as the authority for such allegations or conclusions.
7. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated April 5, 2017, EPA notified the Pennsylvania Department of Environmental Protection (“PADEP”) of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
9. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in the CAFO, except as provided in Paragraph 8, above.
10. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.
11. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
12. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
13. Respondent shall bear its own costs and attorney's fees.
14. This CAFO shall not relieve Respondent of its obligations 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 RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. 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 following findings of fact and conclusions of law:
16. EPA has jurisdiction over this matter pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).
17. Respondent is a corporation incorporated in the Commonwealth of Pennsylvania. Respondent is now, and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10.
18. Respondent manufactures carbon steel wire products at the Facility, and its customers include the automotive, off-road, construction, agricultural, fiber optic, aerospace, and electronic industries. The Facility is located on approximately 12 acres of land, in a

building of approximately 200,000 square feet. Respondent has been in operation at the Facility since 1991.

19. On February 25, 1992, Respondent submitted a Notification of Hazardous Waste Activity (“Notification”) for the Facility to the Pennsylvania Department of Environmental Protection (“PADEP”) and to 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 I.D. Number PAD003023371. The Facility is reporting as a RCRA Large Quantity Generator (“LQG”) of hazardous waste. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.
20. At all times relevant to the allegations set forth in this CA, Respondent’s Facility is, and has been, a hazardous waste storage “facility” as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
21. At all times relevant to the allegations set forth in this CA, Respondent is, and has been, the “operator” and the “owner” of a “facility,” described in paragraph 18, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
22. At all times relevant to the allegations set forth in this CA, Respondent is, and has been, a “generator” of, and has engaged in the “storage” in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes,” as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1, which with the exception of the term “storage” and which is defined in 25 Pa. Code § 260a.10.
23. On June 9, 2016, an inspector from EPA and two inspectors from PADEP conducted a Compliance Evaluation Inspection (the “CEI” or “Inspection”) at the Facility, to examine the Respondent’s compliance with the federally-authorized PaHWR, 25 Pa. Code Ch. 260a-266a, 266b, 268a and 270a.
24. On June 9, 2016, “hazardous waste” generated by Respondent, identified below in Paragraph 25 were in “storage” in containers at the Facility.
25. At the Facility, Respondent generated the following hazardous wastes:
 - a. Furnace refractory brick and hi-temperature insulation hazardous waste containing lead (EPA Hazardous Waste No. D008) which exhibits the characteristic of toxicity.
 - b. Aerosol cans, some of which met the hazardous waste criteria for the characteristic of ignitability (EPA Hazardous Waste No. D001) and reactivity (EPA Hazardous Waste No. D003) when disposed, and some of which contained acetone and xylene (EPA Hazardous Waste No. F003), as well as toluene and methyl ethyl ketone (EPA Hazardous Waste No. F005).

26. To gather additional information about the issues raised during the Inspection, and to request documents, EPA sent two information request letters (“IRLs”), pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a). On November 17, 2016, EPA sent a first information request letter, and Respondent responded to this request in two letters dated January 13, 2017 and January 31, 2017. EPA issued a second request for information on February 27, 2017, and Respondent responded to this second request in a letter dated March 24, 2017.
27. On September 6, 2017, EPA sent a Request to Show Cause (“Show Cause letter”) to Respondent advising it of EPA’s preliminary findings of violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent’s compliance with the PaHWR at the Facility.
28. On the basis of EPA’s findings during the Inspection and Respondent’s responses to EPA’s Show Cause letter and IRLs, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and certain federally-authorized PaHWR requirements promulgated thereunder.

COUNT I

(Operating a Treatment, Storage, and Disposal Facility without a Permit or Interim Status)

29. The information in the preceding Paragraphs is incorporated herein by reference, as though fully set forth at length.
30. 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), provide, in pertinent part, that a person may not own or operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
31. Respondent has never had a permit or interim status, 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), for the storage of hazardous waste at the Facility.

Generator Accumulation of Hazardous Waste (the “Generator Permit Exemption”)

32. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), provides:

Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(1) The waste is placed: (i) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR part 265;

* * *

- (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
- (4) The generator complies with the requirements for owners or operators in subparts C and D in 40 CFR part 265, with § 265.16, and with all applicable requirements under 40 CFR part 268.

Generator Permit Exemption: Storage Greater than 90 Days

33. Respondent stored four containers of furnace refractory brick and hi-temperature insulation hazardous waste (EPA Hazardous Waste No. D008) from 11/2008 until 9/20/2016. This period of storage totals approximately 2,849 days, or 7 years/9 months/18 days, which is a time period greater than 90 days.
34. Respondent stored three containers of furnace refractory brick and hi-temp insulation hazardous waste (EPA Hazardous Waste No. D008) from 6/2013 to 9/20/2016. This period of storage totals approximately 1,176 days, or 3 years/2 months/18 days, which is a time period greater than 90 days.

Generator Permit Exemption: Labelling and Dating Hazardous Waste Containers

35. As a condition of meeting the 90-day accumulation permit exemption, 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2), requires that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
36. In addition, 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3), requires that, while being accumulated on-site, each container and tank of hazardous waste is labeled or marked clearly with the words, 'Hazardous Waste.'
37. At the time of the Inspection, in the 90-day storage area, Respondent was storing seven containers of D008 hazardous waste, in the form of used refractory brick and hi-temperature insulation which were contaminated with lead. Two of these containers were not marked with the date that accumulation began so that the date was visible during inspection, as required by the applicable permit exemption condition set forth at 40 C.F.R. § 262.34(a)(2). Five of these containers were not marked with the words "Hazardous Waste," as required by the applicable permit exemption condition set forth at 40 C.F.R. § 262.34(a)(3).
38. Respondent failed to label or clearly mark seven hazardous waste containers with date upon which each period of accumulation began, or the words "Hazardous Waste," as

required by the applicable permit exemption conditions set forth at 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2) and (3).

Generator Permit Exemption: Personnel Training Requirements

39. As a condition of meeting the 90-day accumulation permit exemption, 25 Pa. Code § 262a.10, which incorporates the requirements of 40 C.F.R. § 265.16(a)(1) and (3), facility personnel engaged in hazardous waste management must 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 the federal hazardous waste management regulations. The owner or operator of a facility must ensure that this program includes all the elements described in that section, and must provide an annual review of this training.
40. As set forth in further detail in Count IV, below, Respondent failed to provide annual hazardous waste refresher training to each person employed in a position related to hazardous waste management, as required by 25 Pa. Code § 262a.10, which incorporates the requirements of 40 C.F.R. § 265.16(a)(1) and (3).

Generator Permit Exemption: Personnel Records

41. As a condition of meeting the 90-day accumulation permit exemption, 25 Pa. Code § 262a.10, which incorporates the requirements of 40 C.F.R. § 265.16(d), the owner or operator of a facility is required to keep on file at the facility job titles and written job descriptions for employees in positions related to hazardous waste management.
42. As set forth in further detail in Count V, below, Respondent failed to keep job titles and written job descriptions for employees in positions related to hazardous waste management on file at the Facility, as required by 25 Pa. Code § 262a.10, which incorporates the requirements of 40 C.F.R. § 265.16(d).
43. For each of the reasons and during each of the dates and time periods identified, above, Respondent failed to comply with the permit exemption conditions set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), as identified in Paragraphs 33 through 42, above, for temporary (*i.e.*, 90 days or less) and satellite accumulation of hazardous waste by a generator at the Facility, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such sections.
44. From at least September 30, 2012 through September 20, 2016, for each of the reasons identified in Paragraphs 33 through 42, above, Respondent engaged in the operation of a hazardous waste storage facility (*i.e.*, the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b).

COUNT II
(Failure to Make a Hazardous Waste Determination)

45. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
46. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, with exceptions not relevant herein, requires that "[a] person who generates a solid waste, as defined in 40 C.F.R. § 262.2, must determine if that waste is a hazardous waste," using a method set forth at 40 C.F.R. § 262.11.
47. At the time of the Inspection, aerosol can products stored at the Facility included compressed air, contact cleaner, paint and primer, and WD-40.
48. At the time of the Inspection, and prior to the Inspection, many of the aerosol cans used at the Facility contained hazardous waste. Some of the aerosol cans met the hazardous waste criteria for the characteristic of ignitability (EPA Hazardous Waste No. D001) and reactivity (EPA Hazardous Waste No. D003) when disposed, and some of the cans contained listed hazardous waste such as acetone and xylene (EPA Hazardous Waste No. F003), as well as toluene and methyl ethyl ketone (EPA Hazardous Waste No. F005).
49. At the time of the Inspection, and prior to the Inspection, it was Respondent's practice to send used aerosol cans offsite with scrap metal and scrap steel for recycling. It was not Respondent's practice to determine whether the solid waste remaining in the aerosol cans was a hazardous waste.
50. On August 5, 2016, Respondent began depressurizing and emptying its spent aerosol cans.
51. From December 1, 2012 to August 5, 2016, Respondent failed to determine whether solid waste remaining in used aerosol cans was a hazardous waste, prior to sending them offsite for recycling.
52. From December 1, 2012 to August 5, 2016, Respondent violated the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, by failing to determine whether solid waste remaining in used aerosol cans at the Facility was a hazardous waste.

COUNT III
(Failure to Send Hazardous Waste Offsite Using Hazardous Waste Manifest)

53. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
54. The provisions of Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.20(a)(1) requires that, "[a] generator who transports, or offers for transport a

hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to this part.”

55. As discussed in Count II, above, prior to the Inspection, it was Respondent’s practice to place all spent aerosol cans, containing characteristic (D001, D003) and listed (F003, F005) hazardous wastes into a container for off-site shipment and metal recycling.
56. As a result, December 1, 2012 to August 5, 2016, Respondent sent its spent aerosol cans, containing characteristic (D001, D003) and listed (F003, F005) hazardous wastes offsite without preparing and using a Manifest.
57. From December 1, 2012 to August 5, 2016, Respondent violated the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.20(a), by failing to prepare a Manifest when offering hazardous waste for transport, for offsite disposal.

COUNT IV

(Failure to Provide Annual Hazardous Waste Training)

58. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
59. The provisions of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1) and (c), 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.
60. Specifically, 40 C.F.R. § 264.16(a) provides, in relevant and applicable part:
 - (1) Facility personnel must 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 part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section.
 - (2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
 - (3) At a minimum, the training program must 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, where applicable:

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

61. 40 C.F.R. § 264.16(c) provides that “[f]acility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.”
62. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(e), provides that “[t]raining records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. . .”
63. Upon request by the EPA Inspector, Respondent failed to provide any records evidencing that any of its employees responsible for the management of hazardous waste took part in an annual review of the initial hazardous waste training during calendar year 2012.
64. Upon request by the EPA Inspector, Respondent failed to provide any records evidencing that any of its employees responsible for the management of hazardous waste took part in an annual review of the initial hazardous waste training during calendar year 2015.
65. Upon request by the EPA Inspector, Respondent failed to provide any records evidencing that four of its employees responsible for the management of hazardous waste took part in an annual review of the initial hazardous waste training during calendar year 2016.
66. During calendar years 2012, 2015 and 2016, Respondent violated the requirements of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), by failing have its employees responsible for the management of hazardous waste at the Facility take part in an annual review of the initial hazardous waste training.

COUNT V
(Failure to Maintain Personnel Records)

67. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.

68. The provisions of 25 Pa. Code § 264a.1, which incorporate by reference 40 C.F.R. § 264.16(d), provide, in relevant and applicable part:
- (d) The owner or operator must maintain the following documents and records at the facility:
- (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - (2) A written job description for each position listed under paragraph (d)(1) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position; . . .
69. At the time of the Inspection, Respondent failed to maintain at the Facility job titles and written job descriptions for employees in positions related to hazardous waste management.
70. On June 9, 2016, Respondent violated the requirements of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d), by failing to maintain job titles and written job descriptions for employees in positions related to hazardous waste management on file at the Facility

COUNT VI

(Failure to Maintain Signed Manifests or File Exception Reports)

71. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
72. The provisions of 25 Pa. Code § 262a.10 incorporate by reference 40 C.F.R. Part 262, Subpart B ("The Manifest"), and Subpart D ("Recordkeeping and Reporting"), with exceptions not relevant herein.
73. 40 CF.R. § 262.20(a)(1) provides, in relevant and applicable part, that "[a] generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal . . . must prepare a Manifest . . . according to instructions included in the appendix to this part."
74. 40 CF.R. § 262.23(a) further provides that "[t]he generator must (1) Sign the manifest certification by hand; and (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and (3) Retain one copy, in accordance with § 262.40(a)."

75. 40 CF.R. § 262.40(a) provides that "[a] generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter."
76. 40 CF.R. § 262.42(a)(1) provides that a large quantity generator "who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste."
77. 40 CF.R. § 262.42(a)(2) provides that a generator "must submit an Exception Report to the EPA Regional Administrator for the Region in which generator is located if he has not received a copy of the manifest with the handwritten signature of the of the owner or operator of the designated facility within 45 days of date the waste was accepted by the initial transporter."
78. 40 CF.R. § 262.40(b) provides that "[a] generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report."

Hazardous Waste Sent Under Manifest No. #004549511FLE

79. On August 10, 2015, Respondent shipped offsite the following containers of hazardous waste under Manifest No. #004549511FLE.
 - a. 3 containers of sodium hydroxide solution (EPA Hazardous Waste Nos. D002, D008)
 - b. 2 containers of hydrochloric acid (EPA Hazardous Waste Nos. K062, D008)
 - c. 1 container cadmium lead (EPA Hazardous Waste Nos. D006, D008)
 - d. 1 container lead (EPA Hazardous Waste No. D008)
80. The hazardous waste shipped under Manifest No. #004549511FLE reached the designated treatment, storage, and disposal facility ("TSDF") on August 11, 2015.
81. At the time of the Inspection on June 9, 2016, Respondent did not have a Manifest signed by the designated TSDF for the shipment of hazardous waste sent under Manifest No. #004549511FLE, and had not submitted to EPA an Exception Report for that shipment.
82. It was not until March 15, 2017, 583 days of the date the waste was accepted by the initial transporter, that Respondent obtained the Manifest signed by the designated TSDF for the shipment of hazardous waste sent under Manifest No. #004549511FLE.

83. Although Respondent had not received a copy of Manifest No. #004549511FLE with the handwritten signature of the of the owner or operator of the designated facility within 45 days of date the waste was accepted by the initial transporter, Respondent did not file an Exception Report with the EPA Regional Administrator for the Region in which the Facility is located.

Hazardous Waste Sent Under Manifest No. 015275882JJK

84. On September 20, 2016, Respondent shipped off-site the seven containers of refractory brick and hi-temperature insulation hazardous waste (EPA Hazardous Waste No. D008), discussed above in Count I, under Manifest #015275882JJK.
85. The hazardous waste shipped under Manifest No. #015275882JJK reached the designated TSDF on September 20, 2016.
86. It was not until March 15, 2017, 176 days of the date the waste was accepted by the initial transporter, that Respondent obtained the Manifest signed by the designated TSDF for the shipment of hazardous waste sent under Manifest No. #015275882JJK.
87. Although Respondent had not received a copy of Manifest No. #015275882JJK with the handwritten signature of the of the owner or operator of the designated TSDF within 45 days of date the waste was accepted by the initial transporter, Respondent did not file an Exception Report with the EPA Regional Administrator for the Region in which the Facility is located.
88. Therefore, for hazardous waste shipped under Manifest No. #004549511FLE and Manifest No. #015275882JJK, Respondent obtained the Manifests signed by the designated TSDF more than 45 days after the date the wastes were accepted by the initial transporter.
89. Furthermore, Respondent failed to submit an Exception Report when copies of Manifest #004549511FLE and Manifest #015275882JJK were not received with the handwritten signature of the designated TSDF within 45 days of the date the wastes were accepted by the initial transporter.
90. Therefore, from September 24, 2015 (45 days after hazardous waste shipped under Manifest No. 004549511FLE was accepted by the initial transporter) to March 15, 2017 (the date Respondent received Manifests signed by the designated TSDFs), Respondent violated the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.40(a), by failing to timely maintain Manifests signed by the designated TSDFs for hazardous waste shipped under Manifests #004549511FLE and #015275882JJK.
91. From September 24, 2015 (45 days after hazardous waste shipped under Manifest No. 004549511FLE was accepted by the initial transporter) to March 15, 2017 (the date Respondent received the Manifest signed by the designated TSDF), and also from

November 4, 2016 (45 days after hazardous waste shipped under Manifest No. #015275882JJK was accepted by the initial transporter) to March 15, 2017 (the date Respondent received the Manifest signed by the designated TSDf), Respondent violated the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.42(a)(2), by failing to timely submit Exception Reports to the EPA Regional Administrator for the Region in which the Facility is located.

COUNT VII

(Failure to Properly Label or Mark Clearly Universal Waste Lamps with Required Phrase)

92. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
93. The provisions of 25 Pa. Code § 266b.1, which incorporate by reference 40 C.F.R. § 273.14(e), require that, for small quantity handlers of universal waste lamps, each lamp or container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."
94. At the time of the Inspection, there were two blue plastic barrels of universal waste lamps in the 90-Day Area. These barrels contained approximately 200 waste lamps.
95. At the time of the Inspection, neither of the blue barrels were labeled with the words "Universal Waste-Lamp(s)," or similar phrases.
96. From February 1, 2013 through June 9, 2016, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), by failing to label approximately 200 universal waste lamps with one of the phrases required by such regulation.

COUNT VIII

(Failure to Keep Universal Waste Lamps in Closed Containers)

97. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
98. The provisions of 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires that a small quantity handler of universal waste lamps must contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and such containers or packages must remain closed.
99. At the time the Inspection, there were two open blue plastic barrels of universal waste lamps in the 90-Day Area. These barrels contained approximately 200 spent lamps. Because the containers were approximately 3' deep and the bulbs were approximately 5' long and 6' long, roughly half of each bulb was sticking out of the top of its container. A

small portion of these spent bulbs were in open cardboard boxes inside the 55-gallon containers.

100. At the time of the Inspection, Respondent failed to contain universal waste lamps in containers or packages that were structurally sound and adequate to prevent breakage, and failed to keep such containers closed.
101. On June 9, 2016, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to keep approximately 200 universal waste lamps stored at the Facility in containers which were structurally sound and adequate to prevent breakage, and failing to keep such containers closed.

COUNT IX

(Failure to Demonstrate Length of Time Universal Waste Lamps Had Been Accumulated)

102. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
103. The provisions of 25 Pa. Code § 266b.1, which incorporate by reference 40 C.F.R. § 273.15(c), require that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date that it becomes a waste or has been received.
104. 40 C.F.R. § 273.15(c)(1) provides that the handler may make this demonstration by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.
105. 40 C.F.R. § 273.15(c)(2) though (6) provide that this demonstration may also be made by marking each individual item with the date that it becomes a waste, maintaining an inventory system that identifies the earliest date that items became waste, placing universal waste in specific accumulation areas that identify the earliest date that items became waste, or any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
106. At the time of the Inspection, neither of the blue barrels storing universal waste lamps described in Paragraph 99, above, nor the lamps themselves, were labeled with an accumulation start date.
107. At the time of the Inspection, Respondent had no other method that clearly demonstrated the length of time that the universal waste lamps had been accumulated from the date they became a waste or had been received.
108. From February 1, 2013 through June 9, 2016, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), by failing to demonstrate the

length of time that the universal waste had been accumulated from the date that it became a waste or had been received.

COUNT X
(Accumulating Universal Waste Lamps for Longer Than One Year)

109. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.
110. The provisions of 25 Pa. Code § 266b.1, which incorporate by reference 40 C.F.R. § 273.15(a), provides, with exceptions not relevant here, that “[a] small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met.”
111. During the Inspection, Respondent’s staff reported that an exact date when the universal waste lamps were generated could not be determined, but estimated that the waste lamps were generated periodically, beginning in January 2013, when Respondent replaced older lamps with a “High Output” version.
112. From February 1, 2014 (one year after the accumulation start date) through July 6, 2016 (the date lamps were shipped offsite), Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(a), by accumulating universal waste lamps for longer than one year.

IV. CIVIL PENALTIES

113. Respondent agrees to pay a civil penalty in the amount of **\$105,000.00 (ONE HUNDRED FIVE THOUSAND DOLLARS)** in full and final settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations and facts alleged and set forth in Section III (“EPA Findings of Fact and Conclusions of Law”) of this Consent Agreement. Such civil penalty shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such 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.
114. The civil penalty settlement amount set forth in Paragraph 113, 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 July 27, 2016 Memorandum by EPA Assistant Administrator, Cynthia Giles, entitled, "Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation," (effective August 1, 2016). The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.

115. The civil penalty of **ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00)** set forth in Paragraph 113, above, may be paid in six (6) installments with interest at the rate of one per cent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- a. **1st Payment:** The first payment in the amount of \$17,536.46, consisting of a principal payment of \$17,536.46 principal and an interest payment of \$0, shall be paid within 30 days of the date on which this CAFO is mailed or hand-delivered to Respondent.
 - b. **2nd Payment:** The second payment in the amount of \$17,536.46, consisting of a principal payment of \$17,463.57 principal and an interest payment of \$72.89, shall be paid within 60 days of the date on which this CAFO is mailed or hand-delivered to Respondent.
 - c. **3rd Payment:** The third payment in the amount of \$17,536.46, consisting of a principal payment of \$17,478.13 principal and an interest payment of \$58.33, shall be paid within 90 days of the date on which this CAFO is mailed or hand-delivered to Respondent.
 - d. **4th Payment:** The fourth payment in the amount of \$17,536.46, consisting of a principal payment of \$17,492.69 principal and an interest payment of \$43.77, shall be paid within 120 days of the date on which this CAFO is mailed or hand-delivered to Respondent.
 - e. **5th Payment:** The fifth payment in the amount of \$17,536.46, consisting of a principal payment of \$17,507.27 principal and an interest payment of \$29.19, shall be paid within 150 days of the date on which this CAFO is mailed or hand-delivered to Respondent.
 - f. **6th Payment:** The sixth payment in the amount of \$17,536.46, consisting of a principal payment of \$17,521.88 principal and an interest payment of \$14.58, shall be paid within 180 days of the date on which this CAFO is mailed or hand-delivered to Respondent.

116. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 115, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 120 through 123 below, in the event of any such failure or default.
117. Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
118. Payment of the civil penalty set forth in Paragraph 113, above, including payments made under the installment plan of Paragraph 115, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 120 through 123, below, 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 Respondent's name and address, and the EPA Docket Number of this Consent Agreement, i.e., RCRA03-2018-0026;
 - 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
 - Fine and Penalties
 - Cincinnati Finance Center
 - P.O. Box 979077
 - St. Louis, MO 63197-9000Customer service contact: 513-487-2091
 - d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:
 - U.S. Environmental Protection Agency
 - Cincinnati Finance Center
 - Government Lockbox 979077
 - 1005 Convention Plaza
 - Mail Station SL-MO-C2-GL
 - St. Louis, MO 63101Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US 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:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- h. On-Line Payment Option: WWW.PAY.GOV/paygov/

Enter **sfo 1.1** in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

or by contacting Craig Steffen at 513-487-2091

119. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

Natalie Katz
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

120. 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. 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.
121. 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).
122. 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.
123. 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).
124. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

V. CERTIFICATIONS

125. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent is in compliance with all relevant provisions of the current, authorized revised PaHWR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this Consent Agreement.

VI. OTHER APPLICABLE LAWS

126. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. RESERVATION OF RIGHTS

127. This CAFO resolves only EPA's claims for civil penalties for the specific violations and facts which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the 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 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.

VIII. FULL AND FINAL SATISFACTION

128. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this Consent Agreement.

IX. PARTIES BOUND

129. This CAFO shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this CAFO.

X. EFFECTIVE DATE

130. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. ENTIRE AGREEMENT

131. 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 Respondent:

Mount Joy Wire Corporation

Date: 2/16/18

By: 

NAME Ty Krieger
TITLE President

For the Complainant:

U.S. Environmental Protection Agency, Region III

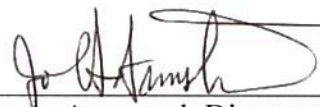
Date: 2/20/2018

By: 

Natalie L. Katz
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact and Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 2.22.18

By: 

John A. Armstead, Director
Land and Chemicals Division

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

In the matter of: :
 :
Mount Joy Wire Corporation : **U.S. EPA Docket RCRA-03-2018-0026**
1000 E. Main Street :
Mount Joy, PA 17552 :
 :
Respondent, : **Proceeding under Section 3008(a) and (g)**
 : **of the Resource Conservation and**
 : **Recovery Act, as amended,**
Mount Joy Wire Corporation : **42 U.S.C. § 6928(a) and (g)**
1000 E. Main Street :
Mount Joy, PA 17552 :
 :
Facility. :
 :

FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Mount Joy Wire Corporation (“Respondent”), 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. § 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if 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 (“RCRA Penalty Policy”), and the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).


NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) (“RCRA”), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty payment **\$105,000.00 (ONE HUNDRED FIVE THOUSAND DOLLARS)**, in accordance with the payment provisions set forth in of the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

RECEIVED
2018 FEB 27 PM 3:58
REGIONAL HEARING OFFICE
EPA REGION III, PHILA, PA

RECEIVED

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

Feb. 27, 2018
Date:



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the matter of: :
: :
Mount Joy Wire Corporation : U.S. EPA Docket RCRA-03-2018-0026
1000 E. Main Street :
Mount Joy, PA 17552 :
: :
Respondent, : Proceeding under Section 3008(a) and (g)
: of the Resource Conservation and
Mount Joy Wire Corporation : Recovery Act, as amended,
1000 E. Main Street : 42 U.S.C. § 6928(a) and (g)
Mount Joy, PA 17552 :
: :
Facility. : :
: :

RECEIVED
2018 FEB 27 PM 3:58
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by UPS Next Day Delivery, a copy of the Consent Agreement and Final Order to the addressee(s) listed below:

Jon Stine, General Manager
Scott Badger, CFO
Mount Joy Wire Corporation
1000 E. Main Street
Mount Joy, PA 17552

Michael Davis
Barley Snyder
126 East King Street
Lancaster, PA 17602

The original and one copy of were hand-delivered to, and filed with, the Regional Hearing Clerk, U.S. EPA Region III.

Dated: 2/27/2018


Natalie Katz (3RC30)
Senior Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103