

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

U.S. EPA-REGION 3-RHC  
FILED-4SEP2019PM3:16

**In Re:** :  
:  
**The Gill Corporation - Maryland** :  
**1502 Quarry Drive** : **U.S. EPA Docket No. RCRA-03-2019-0092**  
**Edgewood, MD 21040** :  
:  
**RESPONDENT.** :  
:  
**The Gill Corporation - Maryland** : **Proceeding under Section 3008(a) and**  
**1502 Quarry Drive** : **(g) of the Resource Conservation and**  
**Edgewood, MD 21040** : **Recovery Act, as amended, 42 U.S.C.**  
**EPA Facility Id. No.: MDR000521005** : **Section 6928(a) and (g)**  
:  
**FACILITY.** :

## CONSENT AGREEMENT

### I. 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 The Gill Corporation – Maryland, (f/k/a Alcore, Inc), (“Respondent”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as 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 (“CA”) and the accompanying Final Order (“FO”), collectively referred to herein as the “CAFO,” simultaneously commences and concludes this administrative proceeding against 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 State of Maryland has been granted final authorization to administer its hazardous

waste management program, set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 *et seq.*, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The State of Maryland Hazardous Waste Management Regulations (“MdHWMR”) originally were authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001, September 24, 2004 and October 31, 2016. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C and are enforceable by the United States Environmental Protection Agency (“EPA” or the “Agency”) pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. Factual allegations or legal conclusions in this CA that are based on provisions of federally-authorized MdHWMR requirements cite those respective provisions as the authority for such allegations or conclusions. Factual allegations or legal conclusions in this CA that are based solely on provisions of the federal hazardous waste management program for which the State of Maryland has not yet received authorization alternatively cite the associated federal provisions as the authority for those particular allegations or conclusions.
5. 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. Respondent is hereby notified of EPA’s determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally-authorized MdHWMR requirements, at its facility located at 1502 Quarry Drive, Edgewood, Maryland 21040, EPA Facility Identification No. MDR000521005 (“Facility”).
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated December 4, 2017, EPA notified the State of Maryland (hereinafter, the “State”), through the Solid Waste Program Administrator of the Maryland Department of the Environment (“MDE”), 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**

7. Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, immediately above, of this CA.
9. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.
10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and

conditions.

12. Respondent shall bear its own costs and attorneys' fees.

### **III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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:

13. Respondent is a corporation organized under the laws of the State of Delaware, engaged in business in the State of Maryland, with its principal office located at 1502 Quarry Drive, Edgewood, Maryland 21040, and is a "person" as defined by RCRA Section 1004(15), 42 § Section 6903(15) and COMAR 26.13.01.03B(61).
14. Respondent is, and has been, the "operator" of a manufacturing facility located at 1502 Quarry Drive, Edgewood, Maryland 21040, EPA Facility Identification No. MDR000521005, as these terms are defined by COMAR 26.13.01.03.B (58) and (59), during the period of the violations alleged in this CA.
15. As described below and at all times relevant to the allegations set forth in this CAFO, Respondent has been a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in COMAR 26.13.01.03.B(29), (73) and (31), and has engaged in the "storage" of "solid waste" and "hazardous waste" " in "container[s]" at the Facility, as those terms are defined in COMAR 26.13.01.03.B(76), (73), (31) and (9).
16. The Facility is, and at all times herein relevant has been, a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03B(23).
17. Respondent submitted to EPA a Notification of Hazardous Waste Activity ("Notification"), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, for its operations at the Facility, which includes operation as a large quantity generator of hazardous waste.
18. A duly authorized representative of the EPA ("EPA Inspector") performed a compliance evaluation inspection ("CEI") at the Facility, and conducted file reviews of certain Facility records, on June 7, 2017, in order to assess the Respondent's compliance with federally-authorized MdHWMR requirements at the Facility.
19. On October 5, 2018, EPA sent a Notice of Noncompliance and Request to Show Cause letter ("NON") to the Facility advising Respondent of EPA's preliminary findings of MdHWMR violations at the Facility and offering Respondent the opportunity to provide additional information that it believed the Agency should review and consider before reaching any final conclusions as to the Respondent's MdHWMR compliance status at the Facility.
20. On the basis of the information collected by EPA during the Facility CEI and the additional information provided in discussions with the Respondent, EPA concludes that Respondent

has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally-authorized MdHWMR requirements promulgated thereunder.

**Permit/Interim Status Requirements**

21. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01, with exceptions not relevant to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
22. At no time did the Respondent have a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or COMAR 26.13.07.01, for the storage of hazardous waste at the Facility.
23. At no time did Respondent have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or COMAR 26.13.07.23.

**Permit Exemption Conditions - Accumulation Time Requirements**

24. COMAR 26.13.03.05E(1) provides, in relevant part, that a generator may accumulate hazardous waste on-site in containers without a permit or without having interim status, for 90 days or less, so long as the hazardous waste is accumulated in accordance with a number of conditions set forth in that section, including, *inter alia*:
  - a. the condition set forth at COMAR 26.13.03.05E(1)(e), which requires the date upon which each period of accumulation begins to be clearly marked and visible for inspection on each container of hazardous waste;
  - b. the condition set forth at COMAR 26.13.03.05E(1)(f)(ii), which requires that each container must be, *inter alia*, labeled or marked clearly with the words "Hazardous Waste" while being accumulated on-site;
  - c. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires the generator to accumulate hazardous waste in containers in accordance with COMAR 26.13.05.09, which requires, *inter alia*, that these containers of hazardous waste must be closed during storage of the hazardous waste except when it is necessary to add or remove waste (COMAR 26.13.05.09D); and
  - d. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires that waste in containers must be accumulated in accordance with COMAR 26.13.05.09, which includes provisions pertaining to "Inspections", which are set forth at COMAR 26.13.05.09E, and which further require that "[t]he owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors."

- e. the condition set forth at COMAR 26.13.03.05E(1)(g), which requires, with an exception that is not herein applicable, that owners and operators of all hazardous waste facilities have and comply with the “Contingency Plan and Emergency Procedures” requirements of COMAR 26.13.05.04, including the provisions of COMAR 26.13.05.04C(5), which provides, in relevant and applicable part, that “[t]he plan shall include a list of all emergency equipment at the facility. . . In addition, the plan shall include the location and a physical description of each item on the list. . . .”
- f. the condition set forth at COMAR 26.13.03.05E(1)(g), which incorporates by reference COMAR 26.13.05.02G, requires the owner or operator of a hazardous waste facility provide introductory hazardous waste training and an annual review of such initial training to those employees managing hazardous waste at the Facility and the owner or operator maintain those records which document the training completed by facility personnel who manage hazardous waste.

**COUNT I**  
**(Operating Without a Permit or Interim Status)**

25. The allegations of Paragraphs 1 through 24 of this CA are incorporated herein by reference.
26. At the time of the CEI, Respondent failed to mark the date on two containers of chrome conversion coating which is a D007 (characteristic for toxicity) hazardous waste near the Duracore Line.
27. At the time of the CEI, Respondent did not have a legible date on a D001 (characteristic for ignitability) hazardous waste container labeled as “WASTES FROM PRINT LINE 1 AND 2, RQ WASTE, FLAMMABLE LIQUID, METHANOL and METHLENE CHLORIDE” in the 90-day storage area.
28. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 26 and 27 were not dated as required by COMAR 26.13.03.05E(1)(e) and therefore, such containers of hazardous waste were not exempt from permitting requirements under COMAR 26.13.07.01A.
29. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” two satellite accumulation area containers of D001 (characteristic for ignitability), D007 (characteristic for toxicity), and F003 (listed non-halogenated spent solvent) hazardous waste in the print room.
30. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” one satellite accumulation area container of D001 (characteristic for ignitability) hazardous waste in the machine area.
31. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” two containers of D007 (characteristic for toxicity) near the Duracore Line.

32. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” one satellite accumulation area container of methanol contaminated wipes D001 (characteristic for ignitability) hazardous waste in the Quality Lab.
33. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 29 through 32 were not labeled as required by COMAR 26.13.03.05E(1)(f)(ii) and therefore, Respondent was not exempt from permitting requirements under COMAR 26.13.07.01A.
34. At the time of the CEI, Respondent failed to keep two containers of chrome conversion coating which is a D007 (characteristic for toxicity) hazardous waste closed except when it was necessary to add or remove waste.
35. At the time of the CEI, Respondent failed to keep a container labeled “hazardous waste” dated June 1, 2017 closed except when it was necessary to add or remove waste.
36. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 34 and 35 were not kept closed except when necessary to add or remove waste as required by COMAR 26.13.03.09D and therefore, Respondent was not exempt from permitting requirements under COMAR 26.13.07.01A.
37. For 27 weeks in 2014 and 4 weeks in 2015, Respondent failed to keep the required records of weekly inspections of its hazardous waste storage areas to look for leaks and for deterioration of a hazardous waste container as required by COMAR 26.13.05.09E and therefore, Respondent was not exempt from permitting requirements under COMAR 26.13.07.01A.
38. At the time of the CEI, the Contingency Plan maintained by the Respondent at the Facility did not list the location of emergency equipment at the Facility, as required by COMAR 26.13.03.05E(1) which incorporates by reference COMAR 26.13.05.04C(5).
39. During calendar years 2014, 2015 and 2016, Respondent failed to provide required hazardous waste training to Facility personnel who managed hazardous waste as required by COMAR 26.13.05.02G(3).
40. Respondent failed to comply with the permit exemption conditions set forth in COMAR 26.13.03.05E(1)(g) and E(1)(h), as identified in Paragraphs 24(a) – (f), above, for temporary (*i.e.*, 90 days or less) accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E(1), and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
41. At the time of the inspection and during calendar years 2014, 2015 and 2016, 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 of RCRA, 42 U.S.C. § 6925, or COMAR 26.13.07.01A.
42. At the time of the inspection and during calendar years 2014, 2015 and 2016, Respondent

violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (*i.e.*, the Facility) without a permit, interim status or valid exemption to the permitting/interim status requirements.

**COUNT II**

**(Failure to Keep Containers of Hazardous Waste Closed)**

43. The allegations of Paragraphs 1 through 42 of this CA are incorporated herein by reference.
44. COMAR 26.13.05.09D requires the operator of a hazardous waste facility to ensure that any container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
45. At the time of the CEI, Respondent failed to keep two containers of chrome conversion coating which is a D007 (characteristic for toxicity) hazardous waste closed except when it was necessary to add or remove waste.
46. At the time of the CEI, Respondent failed to keep a container labeled hazardous waste and dated June 1, 2017 closed except when it was necessary to add or remove waste.
47. At the time of the CEI, Respondent violated COMAR 26.13.05.09D by failing to keep these three containers of hazardous waste closed during storage except when necessary to add or remove waste.

**COUNT III**

**(Failure to Keep Records of Weekly Hazardous Waste Storage Area Inspections)**

48. The allegations of Paragraphs 1 through 47 of this CA are incorporated herein by reference.
49. COMAR 26.13.03.05E(1)(k) requires the generator maintain an inspection log or summary for at least 3 years with the dates and times of each inspection, the name(s) of the inspector(s), notations of the observations made, and the dates and nature of any repairs made or other remedial actions taken.
50. For 27 weeks in 2014 and 4 weeks in 2015, Respondent failed to keep the required records of weekly inspections of its hazardous waste storage areas to look for leaks and for deterioration of a hazardous waste container as required by COMAR 26.13.05.09E.
51. For 27 weeks in 2014 and 4 weeks in 2015, Respondent violated the requirements of COMAR 26.13.05.09E by failing to keep records of the required weekly inspections of its less than 90-day hazardous waste container storage areas.

**COUNT IV**

**(Failure to List the Location of Emergency Equipment in Contingency Plan)**

52. The allegations of Paragraphs 1 through 51 of this CA are incorporated herein by reference.
53. COMAR 26.13.05.04(C)(5) requires owners and operators of hazardous waste facilities to list all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), the location of the emergency equipment and an outline of its capabilities.
54. At the time of the CEI, the Facility's Contingency Plan did list the emergency equipment, but it did not provide the location of the emergency equipment at the Facility as required by COMAR 26.13.05.04C(5).
55. At the time of the CEI, Respondent's failure to include, within the Contingency Plan, the location of the emergency equipment at the Facility violated the Contingency and Emergency Procedures "Content of Contingency Plan" requirements of COMAR 26.13.05.04C(5).

**COUNT V**

**(Failure to Provide Hazardous Waste Training)**

56. The allegations of Paragraphs 1 through 55 of this CA are incorporated herein by reference.
57. COMAR 26.13.05.02G(3) requires that facility personnel managing hazardous waste be provided with introductory hazardous waste training and that all such personnel take part in an annual review of such initial training.
58. During calendar years 2014, 2015 and 2016, Respondent failed to provide hazardous waste training to Facility personnel who managed hazardous waste as required by COMAR 26.13.05.02G(3).
59. During calendar years 2014, 2015 and 2016, Respondent violated COMAR 26.13.05.02G(3) by failing to provide hazardous waste training to Facility personnel who manage hazardous waste.

**COUNT VI**

**(Failure to Sign Manifest Certifications)**

60. The allegations of Paragraphs 1 through 59 of this CA are incorporated herein by reference.
61. COMAR 26.13.03.04E(1)(a) requires a generator to "[s]ign the manifest certification by hand."
62. At the time of the CEI, Respondent had not signed the following manifests: 014915473JJK,



013197814JJK, 014915282JJK, and 014913974JJK.

63. At the time of the CEI, Respondent violated COMAR 26.13.03.04E(1)(a) by failing to sign manifest certifications.

#### **V. CIVIL PENALTY**

64. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty of THIRTY-SIX THOUSAND TWO HUNDRED DOLLARS (\$36,200.00), which Respondent agrees to pay in accordance with the payment terms set forth in Paragraph 65, below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct signed copy of this CAFO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
65. The civil penalty settlement amount set forth in Paragraph 64, 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 appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and the January 11, 2018 memorandum by EPA Assistant Administrator Susan Parker Bodine, entitled *Amendments to the EPA's Civil Penalty Policies to Account for Inflation and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule*. The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.
66. Payment of the civil penalty set forth in Paragraph 64, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 68 through 71, 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., RCRA-03-2019-0092;
  - 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 63197-9000

Customer 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 63101

Contact: 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
67. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic wire transfer, as applicable, to:
- T. Chris Minshall, Esq.  
Sr. Assistant Regional Counsel  
Air and Toxics Law Branch (3RC30)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.
68. 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.
69. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
70. 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.

71. A late payment penalty of six percent (6%) 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). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
72. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

#### **V. CERTIFICATIONS**

73. Respondent certifies to Complainant by its respective representative's signature hereto, to the best of its knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the federally-authorized MdHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this CA.

#### **VI. OTHER APPLICABLE LAWS**

74. 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**

75. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person(s), 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**

76. 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 CA. Compliance with the requirements and provisions of this CAFO shall not be a defense to any action commenced at any time for any other

violation of the federal laws and/or regulations administered by EPA.

**IX. PARTIES BOUND**

77. This CA and the accompanying FO 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 CA on behalf of the Respondent acknowledges that he or she is fully authorized to enter into this CA and to bind Respondent to the terms and conditions of this CA and the accompanying FO.

**X. EFFECTIVE DATE**

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

**XI. ENTIRE AGREEMENT**

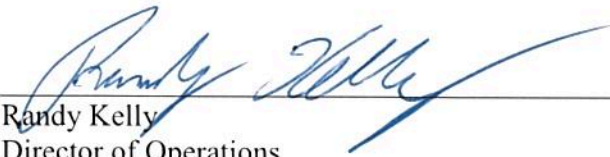
79. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

*In Re:*  
*Alcore, Inc.*

*Consent Agreement*  
*U.S. EPA Docket No. RCRA-03-2019-0092*

For the Respondent: The Gill Corporation - Maryland

Date: 8/7/19

By:   
Randy Kelly  
Director of Operations


Date: 8/2/19

By:   
David J. Otterson  
President

For the Complainant:


After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and 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.

Date: AUG 28 2019

By:   
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: 8/19/2019

By:   
T. Chris Minshall  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III

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

U.S. EPA-REGION 3-RHC  
FILED-4SEP2019PM3:16

**In the Matter of:**

<b>The Gill Corporation - Maryland</b>	:	
<b>1502 Quarry Drive</b>	:	
<b>Edgewood, MD 21040</b>	:	<b>EPA Docket No. RCRA-03-2019-0092</b>
	:	
	:	
<b>RESPONDENT.</b>	:	
	:	
<b>The Gill Corporation - Maryland</b>	:	<b>Proceeding under Section 3008(a) and</b>
<b>1502 Quarry Drive</b>	:	<b>(g) of the Resource Conservation and</b>
<b>Edgewood, MD 21040</b>	:	<b>Recovery Act, as amended, 42 U.S.C.</b>
<b>EPA Facility Id. No.: MDR000521005</b>	:	<b>Section 6928(a) and (g)</b>
	:	
	:	
<b>FACILITY.</b>	:	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, The Gill Corporation – Maryland, (d/b/a Alcore, Inc.), 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, 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).


**NOW, THEREFORE, PURSUANT TO** Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(1) and (g), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **THIRTY-SIX THOUSAND TWO HUNDRED DOLLARS (\$36,200.00)**, in accordance with the payment provisions set forth in the Consent Agreement, 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 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.

Sept 4, 2019  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

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

U.S. EPA-REGION 3-RHC  
FILED-4SEP2019PM3:17

In the Matter of: :  
: :  
The Gill Corporation - Maryland : Docket No. RCRA-03-2019-0092  
1502 Quarry Drive :  
Edgewood, MD 21040 :  
: Proceeding under Section 3008(a) and  
RESPONDENT. : (g) of the Resource Conservation and  
: Recovery Act, as amended, 42 U.S.C.  
: § 6928(a) and (g)

CERTIFICATE OF SERVICE

SEP 04 2019

I certify that on \_\_\_\_\_, the original and one (1) copy of foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Randy Kelly  
Director of Operations  
The Gill Corporation - Maryland  
1502 Quarry Drive  
Edgewood, MD 21040

Copy served via **Hand Delivery or Inter-Office Mail** to:

T. Chris Minshall  
Senior Assistant Regional Counsel  
Office of Regional Counsel (3RC30)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(Attorney for Complainant)

Dated: \_\_\_\_\_

SEP 04 2019

*Bettina L. Dymn*  
Regional Hearing Clerk

U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S):

7015 1520 0003 0896 2663