

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

In Re:	:	
	:	
Capital Electro-Circuits, Inc.	:	
7845-I Airpark Road	:	Docket No. RCRA-03-2016-0174
Gaithersburg, MD 20879	:	
	:	
RESPONDENT.	:	
	:	
Capital Electro-Circuits, Inc.	:	Proceeding under Section 3008(a) and
7845-I Airpark Road	:	(g) of the Resource Conservation and
Gaithersburg, MD 20879	:	Recovery Act, as amended, 42 U.S.C.
EPA Facility Id. No.: MDD981739840	:	
	:	
FACILITY.	:	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Capital Electro-Circuits, 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 and September 24, 2004. 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 7845-I Airpark Road, Gaithersburg, Maryland 20879, EPA Facility Identification No. MDD981739840 (“Facility”).
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated April 8, 2015, 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 Maryland, engaged in business in the State of Maryland, with its principal office located at the Facility, 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" and the "owner" of a printed circuit board manufacturing facility located at 7845-I Airpark Road, Gaithersburg, Maryland 20879, EPA Facility Identification No. MDD981739840 (*i.e.*, the Facility), 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 24, 2014 in order to assess the Respondent's compliance with federally-authorized MdHWMR requirements at the Facility.
19. On March 16, 2016, 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 telephone conferences and email exchanges 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 or in tanks 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)(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(4), which provides, in relevant and applicable part, that “[t]he plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator . . . and this list shall be kept up to date[;] and those of COMAR 26.13.05.04D, which further provide that “[a] copy of the contingency plan and all revisions to the plan shall be: (1) Maintained at the facility”
 - b. the condition set forth at COMAR 26.13.03.05E(1)(h), which requires that waste in tanks must be accumulated in accordance with COMAR 26.13.05.10, which includes provisions pertaining to “Inspections”, which are set forth at COMAR 26.13.05.10D, and which further require, at COMAR 26.13.05.10D(2)(d) and .10D(5) that “[t]he owner or operator shall: . . . [i]nspect at least once each operating day: . . . [t]he construction materials of, and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous wastes, such as wet spots. . . .;” and “[d]ocument, in the operating record of the facility, inspections of the items required to be made in § D(1)–(4) of this regulation.”

- c. the condition set forth at COMAR 26.13.03.05E(1)(h), which further requires that waste in tanks must be accumulated in accordance with COMAR 26.13.05.10, which includes provisions pertaining to the “Assessment of Existing Tank System’s Integrity,” that are set forth at COMAR 26.13.05.10-2 and apply to owners and operators of existing tank systems that do not have secondary containment meeting the requirements of COMAR 26.13.05.10-4, and which further require, at COMAR 26.13.05.10-2(B)(1) and (2), that “[t]he owner or operator shall: . . . [d]evelop, and keep on file at the facility, a written assessment of whether the tank system: (a) Is leaking or otherwise unfit for use; (b) Will collapse, rupture, or fail based on an analysis of the tank system design, structural strength, and compatibility with the waste or wastes to be stored or treated . . .;” and “[h]ave the assessment . . . reviewed and certified by an independent, qualified registered professional engineer, in accordance with COMAR 26.13.07.03D.”

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. On June 24, 2014, at the time of the CEI, the EPA Inspectors asked Facility personnel to provide them with certain Facility records, including the Contingency Plan maintained by the Respondent at the Facility.
27. At the time of the CEI, the Contingency Plan maintained by the Respondent at the Facility failed to include the addresses for the Facility’s emergency coordinators, as required pursuant to COMAR 26.13.05.04C(4).
28. At all times relevant to the allegations herein, including the period from at least January 1, 2012 through June 24, 2014, Respondent stored characteristic and listed hazardous wastes identified as D008 (characteristic for toxicity – lead) and F006 (listed electroplating waste), in a less than 90-day accumulation tank at its Facility that was part of an “Existing tank system,” as that term is defined in COMAR 26.13.01.03B(22-1), and which did not have secondary containment meeting the requirements of COMAR 26.13.05.10-4.
29. As part of the record review conducted on June 24, 2014, the EPA Inspectors requested that Facility personnel provide them with all daily inspection records pertaining to the Facility’s less than 90-day hazardous waste tank (identified in the preceding paragraph), but no such records were then, or thereafter, produced by the Respondent for any date or time period prior to the date of the June 24, 2014 CEI.
30. From at least January 1, 2012 through June 24, 2014, Respondent failed either to conduct or to document daily inspections of the Facility’s less than 90-day hazardous waste tank (identified two paragraphs above), where hazardous wastes regularly and routinely were stored, to detect erosion or signs of releases of hazardous wastes, as required pursuant to COMAR 26.13.05.10D(2)(d) and .10D(5).
31. As part of the record review conducted on June 24, 2014, the EPA Inspectors also requested

that Facility personnel provide them with the written assessment, required by COMAR 26.13.05.10-2(B)(1) and (2), for the Facility's less than 90-day existing hazardous waste tank system not having secondary containment meeting the requirements of COMAR 26.13.05.10-4 (identified two paragraphs above), but no such written assessment was then produced or provided by the Respondent.

32. At the time of the June 24, 2014 CEI, Respondent did not have on file at the Facility a written assessment, reviewed and certified by a an independent, qualified registered professional engineer, in accordance with COMAR 26.13.07.03D, of whether the Facility's less than 90-day hazardous waste tank (identified two paragraphs above and used to store D008 characteristic and F006 listed hazardous wastes) was leaking or otherwise unfit for use, or whether such tank would collapse, rupture, or fail based on an analysis of the tank system design, structural strength, and compatibility with the waste or wastes to be stored or treated.
33. For each of the reasons and during the time periods identified in Paragraphs 27, 30 and 32, above, 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) – (c), 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.
34. For each of the reasons and during the time periods identified in Paragraphs 27, 30 and 32, 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 of RCRA, 42 U.S.C. § 6925, or COMAR 26.13.07.
35. 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 List Addresses of Emergency Coordinators in Contingency Plan)

36. The allegations of Paragraphs 1 through 35 of this CA are incorporated herein by reference.
37. The requirements and provisions of COMAR 26.13.05.04C(4), pertaining to "Contingency and Emergency Procedures" requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, are set forth, in relevant and applicable part, in paragraph 24.a., above.
38. Respondent violated the Contingency and Emergency Procedures "Content of Contingency Plan" requirements of COMAR 26.13.05.04C(4) at the time of the June 24, 2014 CEI, as previously described in Paragraph 27, above, as a result of its failure to include, within the Contingency Plan then maintained at the Facility, the addresses for its emergency coordinators.

COUNT III

(Failure to Conduct or to Document Daily Hazardous Waste Tank Inspections)

39. The allegations of Paragraphs 1 through 38 of this CA are incorporated herein by reference.
40. The provisions of COMAR 26.13.05.10D(2)(d) and .10D(5) pertaining to hazardous waste tank inspections are set forth, in relevant and applicable part, in paragraph 24.b., above.
41. From at least January 1, 2012 through June 24, 2014, Respondent failed either to conduct or to document required daily inspections of its less than 90-day hazardous waste tank (identified in paragraph 28, above), where hazardous wastes regularly and routinely had been stored, to detect erosion or signs of releases of hazardous wastes, as required pursuant to COMAR 26.13.05.10D.
42. Respondent violated the requirements of COMAR 26.13.05.10D(2)(d) or .10D(5) by failing either to conduct, or to document, required daily inspections of its less than 90-day hazardous waste tank, where hazardous wastes regularly and routinely had been stored, to detect erosion or signs of releases of hazardous wastes, from at least January 1, 2012 through June 24, 2014.

COUNT IV

(Failure to Obtain Certified Written Assessment of Hazardous Waste Tank)

43. The allegations of Paragraphs 1 through 42 of this CA are incorporated herein by reference.
44. The owner and operator tank assessment and certification requirements of COMAR 26.13.05.10-2, pertaining to the "Assessment of Existing Tank System's Integrity," are set forth, in relevant and applicable part, in paragraph 24.c., above.
45. At the time of the June 24, 2014 CEI, Respondent did not have or maintain at the Facility a written assessment, reviewed and certified by a an independent, qualified registered professional engineer, in accordance with COMAR 26.13.07.03D, of whether the Facility's less than 90-day hazardous waste tank (previously identified in paragraph 28, above and used to store D008 characteristic and F006 listed hazardous wastes) was leaking or otherwise unfit for use, or whether such tank would collapse, rupture, or fail based on an analysis of the tank system design, structural strength, and compatibility with the waste or wastes to be stored or treated.
46. Respondent violated the requirements of COMAR 26.13.05.10-2(B)(1) and (2) by failing to develop and keep on file at its Facility a written assessment, reviewed and certified by a an independent, qualified registered professional engineer, in accordance with COMAR 26.13.07.03D, of whether the Facility's less than 90-day hazardous waste tank (previously identified in paragraph 28, above and used to store D008 characteristic and F006 listed hazardous wastes) was leaking or otherwise unfit for use, or whether such tank would collapse, rupture, or fail based on an analysis of the tank system design, structural strength,

and compatibility with the waste or wastes to be stored or treated.

V. CIVIL PENALTY

47. 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 TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), which Respondent agrees to pay in accordance with the payment terms set forth in Paragraph 51, 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.
48. The Parties find and represent that the aforesaid settlement amount is reasonable and is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*. The Parties further acknowledge and represent that the aforesaid settlement is based, in part, upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon the following information submitted to Complainant by Respondent:
- a. Capital Electro-Circuit, Inc.'s Federal Income Tax Returns for 2011, 2012, 2013, 2014 and 2015;
 - b. Capital Electro-Circuit, Inc.'s internally prepared Balance Sheets from 2011, 2012, 2013, 2014 and 2015; and
 - c. Capital Electro-Circuit, Inc.'s internally prepared Profit & Loss Statements from 2011, 2012, 2013, 2014 and 2015;
49. Complainant has relied upon the financial information provided by Respondent and identified in Paragraph 48, immediately above. Based upon an analysis of the same, and in consideration and application of a number of factors to the particular facts and circumstances of this case, including: the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003

(“RCRA Penalty Policy”); the appropriate Adjustment of Civil Monetary Penalties for Inflation pursuant to 40 C.F.R. Part 19; and associated EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division implementation guidance, it is Complainant’s conclusion that the Respondent has established that they are unable to pay a civil penalty in excess of the amount set forth in Paragraph 47, above, in settlement of the above-captioned action.

50. By the signature below, Respondent’s representative certifies that the information submitted to EPA regarding Respondent’s ability to pay and regarding any other matter at issue in this proceeding, is accurate and not misleading. Respondent and its officers, directors and principals are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding Respondent’s claim of inability to pay, or regarding any of other matter herein at issue, are false or, in any material respect, inaccurate.
51. The civil penalty of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), set forth in Paragraph 47, above, may be paid in twenty four (24) 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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,031.18 and an interest payment of \$21.53, shall be paid within thirty (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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,032.74 and an interest payment of \$19.97, shall be paid within sixty (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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,032.96 and an interest payment of \$19.75, shall be paid within ninety (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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,034.46 and an interest payment of \$18.25, shall be paid within one hundred and twenty (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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,034.74 and an interest payment of \$17.97, shall be paid within one

hundred and fifty (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 ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,035.63 and an interest payment of \$17.08, shall be paid within one hundred and eighty (180) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- g. **7th Payment:** The seventh payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,038.09 and an interest payment of \$14.62, shall be paid within two hundred and ten (210) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- h. **8th Payment:** The eighth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,038.12 and an interest payment of \$14.59, shall be paid within two hundred and forty (240) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- i. **9th Payment:** The ninth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,038.77 and an interest payment of \$13.94, shall be paid within two hundred and seventy (270) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- j. **10th Payment:** The tenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,039.20 and an interest payment of \$13.51, shall be paid within three hundred (300) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- k. **11th Payment:** The eleventh payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,040.51 and an interest payment of \$12.20, shall be paid within three hundred and thirty (330) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- l. **12th Payment:** The twelfth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,041.00 and an interest payment of \$11.71, shall be paid within three hundred and sixty (360) days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- m. **13th Payment:** The thirteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,041.89 and an interest payment of \$10.82, shall be paid within three hundred and ninety (390) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- n. **14th Payment:** The fourteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,043.11 and an interest payment of \$9.60, shall be paid within four hundred and twenty (420) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- o. **15th Payment:** The fifteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,043.69 and an interest payment of \$9.02, shall be paid within four hundred and fifty (450) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- p. **16th Payment:** The sixteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,044.85 and an interest payment of \$7.86, shall be paid within four hundred and eighty (480) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- q. **17th Payment:** The seventeenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,045.49 and an interest payment of \$7.22, shall be paid within five hundred and ten (510) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- r. **18th Payment:** The eighteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,046.39 and an interest payment of \$6.32, shall be paid within five hundred and forty (540) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- s. **19th Payment:** The nineteenth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,047.81 and an interest payment of \$4.90, shall be paid within five hundred and seventy (570) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- t. **20th Payment:** The twentieth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,048.19 and an interest payment of \$4.52, shall be paid within

six hundred (600) days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- u. **21st Payment:** The twenty first payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,049.21 and an interest payment of \$3.50, shall be paid within six hundred and thirty (630) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- v. **22nd Payment:** The twenty second payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,050.00 and an interest payment of \$2.71, shall be paid within six hundred and fifty (650) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- w. **23rd Payment:** The twenty third payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,050.96 and an interest payment of \$1.75, shall be paid within six hundred and eighty (680) days of the date on which this CAFO is mailed or hand-delivered to Respondent; and
- x. **24th Payment:** The twenty fourth payment in the amount of ONE THOUSAND AND FIFTY TWO DOLLARS AND SEVENTY ONE CENTS (\$1,052.71), consisting of a principal payment of \$1,051.01 and an interest payment of \$0.91, shall be paid within seven hundred and ten (710) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) and total interest payments in the amount of TWO HUNDRED AND SIXTY FOUR DOLLARS AND TWENTY FIVE CENTS (\$264.25).

- 52. If Respondent fail to make one of the installment payments in accordance with the schedule set forth in Paragraph 51, immediately 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 57, 58, 59 and 60 below, in the event of any such failure or default.
- 53. 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.
- 54. Payment of the civil penalty as required by paragraph 47, above, including payments made under the installment plan of paragraph 51, above, and any associated interest,

administrative costs and/or late payment penalties owed in accordance with the provisions of paragraphs 58, 59, 60 and/or 61, 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, address and the Docket Number of this action (***Docket No. RCRA-03-2016-0174***).
- b. All checks shall be made payable to "**United States Treasury**".
- c. All payments made by check and sent by Regular U.S. Postal Service Mail shall be addressed and mailed to:

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

Customer service contact: 513-487-2091

- d. All payments made by check and sent by Private Commercial 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 No. = 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>

55. At the time of payment, Respondent simultaneously shall send a notice of *each* payment, *including a copy of the check or electronic wire transfer, as applicable*, to:

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

and

T. Chris Minshall, Esq.
Sr. Assistant Regional Counsel
Waste and Chemical Law Branch (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

56. 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.
57. 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).
58. 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.
59. 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).
60. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

61. 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

62. 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

63. 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

64. 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

65. 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

66. 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

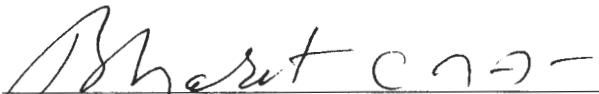
67. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

In Re:
Capital Electro-Circuits, Inc.

Consent Agreement
Docket No. RCRA-03-2016-0174

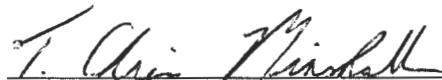
For the Respondent:

Date: 8-5-16

By: 
Bharat Sitapara, President
Capital Electro-Circuits, Inc.

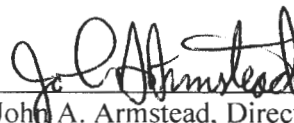
For the Complainant:

Date: 8/10/2016

By: 
T. Chris Minshall, Esq.
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

After reviewing the EPA Findings of Fact, 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: 8.17.16

By: 
John A. Armstead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

RECEIVED

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

2016 AUG 17 PM 2:59
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

Capital Electro-Circuits, Inc.
7845-I Airpark Road
Gaithersburg, MD 20879

Respondent

Capital Electro-Circuits, Inc.
7845-I Airpark Road
Gaithersburg, MD 20879
EPA Facility Id. No.: MDD981739840

Facility

Docket No. RCRA-03-2016-0174

FINAL ORDER

**Proceeding under RCRA Section
3008(a)(1) and (g), 42 U.S.C.
§ 6928(a)(1) and (g)**

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Capital Electro-Circuits, 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.

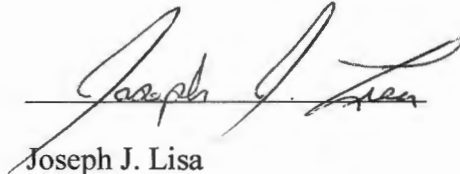
NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the penalty agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

In the Matter of:
Capital Electro-Circuits, Inc.

Docket No. RCRA-03-2016-0174

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

Date: Aug. 17, 2016

A handwritten signature in black ink, appearing to read "Joseph J. Lisa", written over a horizontal line.

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

RECEIVED

In the Matter of:
Capital Electro-Circuits, Inc.

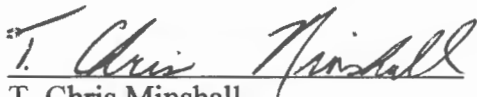
Docket No. RCRA-03-2016-0174 59
AUG 17 PM 2:59

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

I hereby certify that on this 17th day of August 2016, I sent a copy of the foregoing CONSENT AGREEMENT and FINAL ORDER by UPS, to the following person:

Bharat Sitapara
President
Capital Electro-Circuits, Inc.
7845-I Airpark Road
Gaithersburg, MD 20879



T. Chris Minshall
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III