

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM****EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM****TO BE FILLED OUT BY ORIGINATING OFFICE:***(Attach a copy of the final order and transmittal letter to Defendant/Respondent)*This form was originated by: Joyce Howell 9/1/2009  
Name of Contact person Datein the Office of Regional Counsel at x2644  
office phone number Non-SF Jud. Order/Consent  
Decree. DOJ COLLECTS Administrative Order/  
Consent Agreement  
FMD COLLECTS PAYMENT SF Jud. Order/Consent  
Decree. FMD COLLECTS This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment

Sandvik, LLCThe Total Dollar Amount of Receivable 160,017  
(If in installments, attach schedule of amounts and respective due dates)The Case Docket Number RCA-~~03~~-03-2009-0160

The Site-Specific Superfund Acct. Number \_\_\_\_\_

The Designated Regional/HQ Program Office R3 Land and Chemicals  
Division, Office of Land Enforcement**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
(Name of Contact) (Date)

in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:1. Rosemarie Pacheco  
Environmental Enforcement Section  
Lands Division, Room 130044  
1425 New York Avenue, N.W.  
Washington, D.C. 200052. Originating office (ORC)  
3. Designated Program Office**ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the administrative order should be sent to:1. Originating Office  
3. Regional Hearing Clerk2. Designated Program Office  
3. Regional Counsel

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

9/10/09 1:43 PM  
EPA

In the Matter of:

Sandvik, Inc.

Docket No. RCRA-03-2009-0160

**RESPONDENT**

Sandvik Materials Technology  
982 Griffen Pond Road  
Clark Summit, PA 18411

~~Handwritten signature and initials~~  
S. J. Dwyer  
R.H.C.

**CONSENT AGREEMENT**

**FACILITY**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA", "Agency" or "Complainant") and Sandvik, Inc. ("Sandvik" or "Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") 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 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. This Consent Agreement ("CA") and the accompanying Final Order ("FO") address alleged violations by Respondent of RCRA and the Pennsylvania Hazardous Waste Management Regulations ("PaHWMR"), 25 Pa. Code, Chapters 260a - 270a, which were authorized by EPA on January 30, 1986 and reauthorized by EPA, effective November 27, 2000 (65 Fed. Reg. 57734 (September 26, 2000)) and effective March 22, 2004 (69 Fed. Reg. 2674 (Jan. 20, 2004)). The PaHWMR incorporate, with certain exceptions,

specific provisions of Title 40 of the 1999 Code of Federal Regulations by reference. *See* 25 Pa. Code § 260a. 3(e).

3. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached FO (hereinafter jointly referred to as this "CAFO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g) to resolve alleged violations of RCRA at Respondent's facility at 982 Griffen Pond Road, Clark Summit, Pennsylvania, 18501 (the "Facility").
4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
5. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA, except as provided in Paragraph 4, above.
6. For the purposes of this proceeding only, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
7. For 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.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
9. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

#### **Notice of Action to the Commonwealth of Pennsylvania**

10. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

#### **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

11. Respondent is a corporation of the State of Delaware and authorized to do business in the Commonwealth of Pennsylvania, and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903 (15), and as defined in 25 Pa. Code § 260a.10.

12. Respondent is, and has been at all times relevant to this Consent Agreement, the "owner" and "operator" of a "facility", described below, as those terms are defined in 25 Pa. Code § 260a.10, which, with the exception, among others, of the term "facility", incorporates by reference 40 C.F.R. § 260.10.
13. The facility referred to in Paragraph 12, above, including all of its associated equipment and structures (hereinafter "Facility"), is a manufacturing facility located at 982 Griffin Pond Road, Clark Summit, Pennsylvania, 18411.
14. Respondent produces coil springs, welding wire, spring wire, and stainless tubing at the Facility.
15. Respondent is a large quantity generator of hazardous waste. Respondent's Facility has been assigned EPA ID No. PAD065651671.
16. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" at the Facility of materials described below that are "solid wastes" and "hazardous wastes" in "containers" and "tanks" as those terms are defined in 25 Pa. Code § 260a.10, which with the exception, among others, of the term "storage" incorporates by reference 40 C.F.R. § 260.10.
17. On September 19, 2007 and August 12, 2008, representatives of EPA conducted RCRA Compliance Evaluation Inspections ("RCRA CEI") at the Facility.
18. On September 19, 2007, and August 12, 2008, "hazardous wastes" generated by Respondent were in "storage" at the Facility as those terms are defined by 25 Pa. § 260a.10, which with the exception, among others, of the term "storage" incorporates by reference 40 C.F.R. § 260.10.
19. "Spent Spectrum PB" is a "hazardous waste" within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.21 and 24, because it exhibits the characteristics of "corrosivity" and "toxicity."
20. From at least September 19, 2007 to December 1, 2009 Respondent stored spent Spectrum PB in a "tank" as that term is defined in 25 Pa. Code § 260a.10, which incorporates by reference 40 C.F.R. § 260.10, at the Facility.
21. The spent Spectrum PB storage tank is part of a "new tank system" within the meaning of 25 Pa. § 260a.10, which incorporates by reference 40 C.F.R. § 260.10, except that the date referenced is January 16, 1993, instead of July 14, 1986. Such tank has secondary containment.

**COUNT I****(Operating Without Qualifying for a Permit Exemption or Obtaining a Permit)**

22. The allegations of Paragraphs 1 through 21, above, are incorporated herein by reference as though fully set forth.
23. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e) provide, in pertinent part, that a person may not 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.
24. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that the hazardous waste is stored on-site for no longer than 90 days.
25. During the time period beginning on January 24, 2004 through and including June 10, 2008, Respondent stored spent Spectrum PB at the Facility for over 90 days on seven different occasions.
26. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, while being accumulated on-site, each container of hazardous waste is marked with the accumulation start date which is visible for inspection.
27. At the time of the September 19, 2007 RCRA CEI, Respondent failed to label or clearly mark a container used to store spent Spectrum PB with an accumulation start date which was visible for inspection as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2).
28. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates 40 C.F.R. Part 265, Subpart I, (including 40 C.F.R. §265.173(a)), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, while being stored on-site, each container holding hazardous waste is kept closed during storage, except when it is necessary to add or remove waste.
29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates 40 C.F.R. Part 265, Subpart I, (including 40 C.F.R. §265.174)

- a provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, the generator weekly inspects areas where containers of hazardous waste are stored.
30. From June 14, 2004 through and including May 27, 2008, Respondent did not conduct weekly inspections of the areas where containers of hazardous waste were stored on 26 occasions, as required by 25 Pa. Code § 262a.10, which in turn incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), which, in turn, references 40 C.F.R. § 265.174.
  31. At the time of the August 12, 2008 RCRA CEI, Respondent failed to keep a container used for storage of spent Spectrum PB closed at all times except when adding or removing waste as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2), which in turn references 40 C.F.R. § 265.173(a).
  32. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 265.16, including the requirement to provide an annual review of initial training pursuant to 40 C.F.R. § 265.16(c).
  33. From September 19, 2002 through and including September 19, 2007, Respondent did not provide an annual review of initial training to its employees as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), which in turn references 40 C.F.R. § 265.16(c).
  34. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which in turn incorporates by reference 40 C.F.R. Part 265, Subpart J (including 40 C.F.R. § 265.195) provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less in a tank without a permit or having interim status provided that, among other things, the generator inspects each such existing tank system at least once each operating day as provided by 40 C.F.R. § 265.195.
  35. From September 19, 2002 through and including September 19, 2007, Respondent did not conduct inspections of the spent Spectrum PB 3,000 gallon storage tank as required by 25 Pa. Code § 265a.1 which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which in turn references 40 C.F.R. § 265.195.
  36. Respondent failed to qualify for the "less than 90-day" generator accumulation exemption of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), by

failing to satisfy the conditions for such exemptions as set forth in 25 Pa. Code § 260a.10, which incorporates by reference 40 C.F.R. § 262.34(a), referred to in Paragraphs 22 through 36, above.

37. The Facility is a hazardous waste treatment, storage or disposal "facility", as that term is defined by 25 Pa. Code § 260a.10.
38. Respondent does not have, and never had, a permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility.
39. Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for its hazardous waste storage activities described in this Count.
40. Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) by operating a hazardous waste storage facility without a permit or interim status.

**COUNT II**  
**(Inspections)**

41. The allegations of Paragraphs 1 through 40, above, are incorporated herein by reference as though fully set forth.
42. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, the owner or operator of a hazardous waste storage facility is required to, at a minimum, inspect areas where containers of hazardous waste are stored weekly.
43. From June 14, 2004 through and including May 27, 2008, Respondent did not conduct a weekly inspection of the areas where containers of hazardous waste were stored on 26 occasions, as required by 40 C.F.R. § 264.174.
44. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174 by failing to conduct weekly inspections on 26 occasions from June 14, 2004 through and including May 27, 2008.

**COUNT III**  
**(Container Management)**

45. The allegations of Paragraphs 1 through 44, above, are incorporated by reference as though fully set forth at length herein.

46. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), Respondent is required to keep containers of hazardous waste closed during storage except when it is necessary to add or remove waste.
47. At the time of the August 12, 2008 RCRA CEI, Respondent failed to keep a container used for storage of spent Spectrum PB hazardous waste closed at all times except when adding or removing waste as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).
48. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep a container of spent Spectrum PB hazardous waste closed during storage except when adding or removing waste.

**COUNT IV**  
**(Training)**

49. The allegations of Paragraphs 1 through 48, above, are incorporated by reference as though fully set forth at length herein.
50. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1), requires that Facility personnel successfully complete a program of classroom training 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 40 C.F.R. § Part 264 Subpart B.
51. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), requires that Facility personnel take part in an annual review of the initial training referred to Paragraph 50, above.
52. From September 19, 2002 through and including September 19, 2007, Respondent did not provide its employees with an annual review of the initial training referred to in Paragraph 50, above.
53. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), by failing to provide its employees with an annual review of the initial training.

**COUNT V**  
**(Tank Requirements)**

54. The allegations of Paragraphs 1 through 53, above are incorporated by reference as though fully set forth at length herein.



55. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195, requires the owner or operator of a tank system to inspect such tank system at least once each operating day as provided in 40 C.F.R. § 264.195.
56. From September 19, 2002 through and including September 19, 2007, Respondent did not conduct daily inspections of the spent Spectrum PB 3,000 gallon storage tank in accordance with the requirements contained in 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195.
57. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.191(a) and 40 C.F.R. § 264.195, by its acts or omissions described in Paragraph 56, above.

### **III. COMPLIANCE ORDER**

Respondent shall perform the following Compliance Tasks set forth in Paragraphs 58 - 60, below within the time specified. Respondent shall certify completion of such Compliance Tasks in accordance with paragraph 61 no later than one hundred (100) days after Respondent's receipt of the fully executed CAFO. "Days" as used herein shall mean calendar days unless specified otherwise.

58. Immediately cease the storage of hazardous wastes at the Facility except in accordance with a permit issued by, or an exemption or exclusion allowed by, the federally authorized Pennsylvania Hazardous Waste Management Regulations ("PaHWMR"), 25 Pa. Code, Chapters 260a-270a, and/or EPA's hazardous waste management regulations, 40 C.F.R. Parts 260 -271, as applicable.
59. Within 10 days after Respondent's receipt of the fully executed CAFO, ensure that all containers of hazardous waste at the Facility are kept closed except when adding or removing contents as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).
60. Within 90 days after Respondent's receipt of the fully executed CAFO, ensure that all employees whose duties require them to manage hazardous waste have been trained to perform their duties in a way that ensures the Facility's compliance with RCRA requirements as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16.
61. Submissions to EPA: Any notice, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes,

demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of the Respondent:

I certify under penalty of law that this document and all attachments are true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

Except as otherwise provided herein, notifications or submissions to EPA required by this Compliance Order shall be sent to the attention of:

Kenneth J. Cox (3LC70)  
 RCRA Enforcement and Compliance Officer  
 United States Environmental Protection Agency - Region III  
 1650 Arch Street  
 Philadelphia, PA 19103-2029; and

Joyce A. Howell (3RC30)  
 Sr. Asst. Regional Counsel  
 U.S. Environmental Protection Agency

1650 Arch Street  
Philadelphia, PA 19103-2029

#### **IV. CIVIL PENALTIES**

62. Respondent agrees to pay a civil penalty in the amount of **\$160,017** in settlement of the alleged violations, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO fully executed by all parties. In order to avoid the assessment of interest, administrative costs, and late payment penalties 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.
63. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors 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, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) of RCRA for the violations alleged in this CAFO.
64. Payment of the civil penalty amount described above in Paragraph 62, shall be made either by 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 Docket Number of this action, RCRA-03-2009-0160;
  - 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 to:  
  
United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000
  - D. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:  
  
U.S. Bank

U.S. EPA, Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1028

- E. 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 45268-001

- 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 Clearing House (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: Jesse White 301-887-6548 or REX, 1-866-234-5681

- H. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field, open form and complete the required fields

- I. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

65. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
66. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
67. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a 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).

68. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the 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. A penalty charge of six percent per year will be assessed monthly on any portion of the 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 the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### **V. EFFECT OF SETTLEMENT**

72. Payment of the penalty specified in Paragraph 62, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Sections 3008(a) and (g), for the specific violations alleged in Counts I through V, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

#### **VI. RESERVATION OF RIGHTS**

73. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged in the CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. 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. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

#### **VII. 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.

#### **VIII. PARTIES BOUND**

75. This Consent Agreement and the accompanying Final Order 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 Consent Agreement and the accompanying Final Order.

**IX. EFFECTIVE DATE**

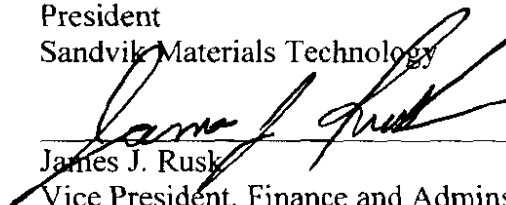
76. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent, Sandvik, Inc.

Date: 8/25/09

By:   
Peter L. Forsini  
President  
Sandvik Materials Technology

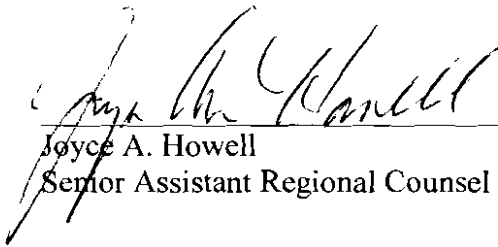
Date: 8/26/09

By:   
James J. Rusk  
Vice President, Finance and Administration  
Sandvik Materials Technology




For Complainant, United States Environmental Protection Agency, Region III:

Date: 8/11/2009

By:   
Joyce A. Howell  
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

8/17/09  
Date

By:   
Abraham Ferdas  
Director  
Land and Chemicals Division

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

In the Matter of:

Sandvik, Inc.

Docket No. RCRA-03-2009-0160

RESPONDENT

Sandvik Materials Technology  
982 Griffen Pond Road  
Clark Summit, PA 18411

FACILITY

FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Sandvik, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify 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 40 C.F.R. §§ 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.

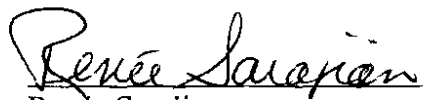
NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act of 1976, as amended by, inter alia, the Hazardous and Solid Waste Amendments of 1984 (RCRA), 42 U.S.C. Section 6928(a), and the Consolidated Rules of

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RHC

Practice, and having determined, on the basis of the parties' representations in the Consent Agreement, that the penalty agreed to therein by the parties is based on a consideration of the factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), it is hereby ordered that Respondent pay \$160,017 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

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

9/1/09  
Date

  
\_\_\_\_\_  
Renée Sarajian  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
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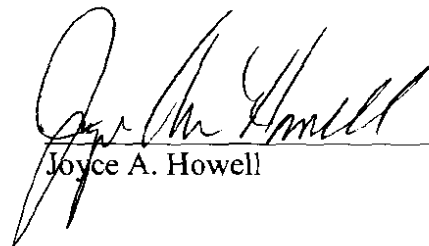
FACILITY

CERTIFICATION OF SERVICE

I certify that on the date noted below, I hand delivered, a copy of the CONSENT AGREEMENT AND FINAL ORDER to the addressee listed below. The original and two copies of the same were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

John J. McAleese, III  
Victoria L. Wesner  
Morgan Lewis and Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Dated: September 1, 2009

  
Joyce A. Howell

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*J. J. McAleese, III*  
*RHC*  
*9/1/09*