

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

In the Matter of:	:	
	:	
Alliant Techsystems Operations LLC	:	U.S. EPA Docket No. RCRA-03-2021-0023
55 Thiokol Road	:	
Elkton, MD 21921	:	Proceeding under Section 3008(a) and (g) of the
	:	Resource Conservation and Recovery Act, as
Respondent.	:	amended, 42 U.S.C. § 6928(a) and (g)
	:	
Alliant Techsystems Operations LLC	:	
55 Thiokol Road	:	
Elkton, MD 21921	:	
	:	
Facility.	:	
	:	

CONSENT AGREEMENT

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 Alliant Techsystems Operations, LLC (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), as amended, 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. Section 3008(a) of RCRA authorizes the Administrator of the U.S. Environmental Protection Agency (“EPA” or the “Agency”) to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil monetary penalty against any person who violates any requirement of RCRA Subtitle C, EPA’s regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of Maryland final authorization to administer its hazardous waste management program regulations (“MdHWMR”) 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. §§ 6921-6939e. Through this final authorization, the provisions of the MdHWMR became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA authorized revisions to the Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13 effective on July 31, 2001, September 24, 2004, and on October 31, 2016, and, accordingly, the provisions of the revised MdHWMR are enforceable by EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a). Maryland has not sought authorization to implement the federal universal waste regulations applicable to spent lamps. Therefore, in Maryland, waste lamps are regulated as hazardous waste, with the characteristic of toxicity for mercury (D009).
6. On November 7, 2019, EPA sent a letter to the State of Maryland, through the Maryland Department of the Environment (“MDE”), giving prior notice of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.

10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Respondent's facility is located at 55 Thiokol Road, Elkton, Maryland 21921 ("Facility"). At the Facility, Respondent manufactures solid fuel rocket propellant and motors for satellites and missiles as well as some ordnance and conducts research and development. The Facility covers approximately 600 acres and includes approximately 200 buildings. Respondent notifies as a Large Quantity Generator ("LQG") of hazardous waste at this Facility (RCRA Number MDD003067121) and maintains RCRA Controlled Hazardous Substances Permit A-052 ("the Permit" or "Permit A-052") issued by the Maryland Department of the Environment ("MDE") for storage and treatment via open burning/detonation. The Permit expired in February 2015 but has been administratively extended while MDE processes a permit renewal application.
15. Respondent is a limited liability company organized under the laws of the state of Delaware.
16. Respondent generates hazardous waste, including but not limited to propellant/propellant contaminated waste that is characteristic for reactivity (EPA Hazardous Waste No. D003) as well as paint booth waste (D007, Chromium and D039, Tetrachloroethylene) as well as waste fluorescent lamps (D009, Mercury).
17. Respondent is now and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).
18. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the "operator" and the "owner" of the Facility, as those terms are defined in COMAR 26.13.01.03.B(58) and (59), during the period of the violations alleged in this Consent Agreement. Respondent or its corporate predecessor has owned and operated the Facility since at least 2005.

19. As described below, at all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and 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).
20. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, engaged in the “storage” of “solid waste” and “hazardous waste” in “containers” at the Facility, as those terms are defined in COMAR 26.13.01.03.B(76), (73), (31), and (9).
21. At all times relevant to the allegations set forth in this Consent Agreement, Respondent’s Facility is, and has been, a hazardous waste storage “facility” as that term is defined in COMAR 26.13.01.03.B(23).
22. On June 25-26, 2019, two duly-authorized representatives of EPA (“EPA Inspectors”) conducted a Compliance Evaluation Inspection at the Facility (the “CEI” or “Inspection”), to examine the Respondent’s compliance with the federally-authorized MdHWMR and applicable federal hazardous waste regulations.
23. On May 5, 2020, EPA sent a Request to Show Cause (“Show Cause letter”) to Respondent advising it of EPA’s preliminary findings of violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent’s compliance with the MdHWMR and federal hazardous waste regulations at the Facility. Respondent provided additional information to EPA in response to the Show Cause letter.
24. On the basis of EPA’s findings during the Inspection, and Respondent’s response to EPA’s Show Cause letter, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized MdHWMR requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

Count I

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

25. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
26. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, 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.
27. Respondent’s Permit allows storage of hazardous wastes in containers within the confines of designated buildings; destruction of unstable wastes, classified as hazardous only

because of their explosive nature, by open burning/open detonation; and post-closure care, including maintenance, remediation and monitoring of the site of a closed incinerator feed surface impoundment.

Generator Accumulation of Hazardous Waste (the "Generator Permit Exemption" regarding the parts of the facility not covered by the Permit)

28. COMAR 26.13.03.05E provides:

E. Accumulation Time.

- (1) A generator may accumulate hazardous waste on-site without a permit for 90 days or less if:
 - (a) The waste is shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility;
 - (b) The generator accumulates the waste:
 - (i) In containers,
 - (ii) In tanks, or
 - (iii) On drip pads, if the waste is drippage from a wood-preserving process, precipitation, or surface water run-on;
 - (c) Containers used to accumulate the waste meet the standards of §A of this regulation;
 - (d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;
 - (e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (f) Each container is:
 - (i) Properly labeled according to §§B and C of this regulation; and
 - (ii) Labeled or marked clearly with the words "Hazardous Waste", while being accumulated on site.

29. COMAR §26.13.03.05.E(3), which in turn references COMAR §26.13.05.09.B-D [40 C.F.R. §262.34(c)(1)], states a generator may accumulate hazardous waste on-site without a permit at a Satellite Accumulation Area ("SAA") at or near any point of generation where wastes initially accumulate, which is under control of the operator of the process generating the waste.

30. Although the provisions of COMAR 26.13.03.05E(1) and (3) provide hazardous waste generators with an exemption from the permitting requirements for the temporary accumulation (90 days or less) of hazardous waste generated by a facility (referred to here as the “Generator Permit Exemption”), Respondent failed to meet the conditions necessary to qualify for the exemption set forth in COMAR 26.13.03.05E as described herein.
31. At the time of the Inspection on June 25-26, 2019, Respondent was storing hazardous waste in containers in a part of the Facility that was not covered by the Permit that were not marked with a start accumulation date as required by COMAR 26.13.03.05E(1)(e): One (1) spent aerosol can of Sherwin Williams “Protective Maritime Coatings” (D001) in Building A-83; one (1) 20-gallon container of hazardous waste (D001) spent IPA wipes in Building G-18; one (1) 10-gallon can of hazardous waste spent solvent rags at Waste Pad G-18C; several small containers of hazardous waste in flammables cabinet at Waste Pad G-18C; three (3) 55-gallon drums holding hazardous waste (D003) vacuum debris in Building C-14.
32. At the time of the Inspection on June 25-26, 2019, Respondent failed to label the containers referenced in Paragraph 31, above, which contained or were accumulating hazardous waste and not covered by the Permit, with the words “hazardous waste” or other words to identify their contents as required by COMAR 26.13.03.05.E(1)(f)(ii).
33. On June 25-26, 2019, in an area of the Facility that was not covered by the Permit, EPA observed one (1) 10-gallon can of hazardous waste spent solvent rags located in Saw Area, that was not generated at or near the Saw Area. Respondent failed to keep the 10-gallon can of hazardous waste spent solvent rags satellite accumulation container located at or near the point of generation where waste was initially accumulated, and under the control of the operator of the process generating the waste, as required by COMAR 26.13.03.05E(3).
34. COMAR § 26.13.03.05.E(1)(d) provides that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less if the generator accumulates the waste in containers in accordance with COMAR 26.13.05.09 (Use and Management of Containers). Pursuant to COMAR § 26.13.05.09.D, a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste. On June 25-26, 2019, in an area not covered by the Permit, Respondent stored hazardous waste in one (1) 5-gallon container of hazardous waste (D011) spent photographic fixer with gaps around tubing entering the container; and one (1) 20-gallon container of hazardous waste (D001) spent IPA wipes in Building G-18 open at time of inspection while waste was not being added nor removed in violation of COMAR §§ 26.13.05.09.D. and 26.13.03.05.E(1)(d).
35. For each of the reasons and during the dates identified above, regarding parts of the Facility not covered by the Permit, Respondent failed to comply with the permit exemption conditions set forth in COMAR 26.13.03.05E(1), E(1)(e), E(1)(f)(ii), and

(E)(3), as identified in Paragraphs 31 through 34, above, for temporary storage (i.e., 90 days or less), 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 sections.

36. Therefore, requirements of COMAR Chapter 26.13.03, Chapter 26.13.06, and the permit requirements of Chapter 26.13.07 applied to the Facility, because Respondent failed to meet certain conditions of the permit exemption.
37. At the time of the Inspection, on June 25-26, 2019, Respondent violated the requirements of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, by storing hazardous waste at areas of the Facility not covered by the Permit, without a permit.

Count II
(Failure to Maintain TSD-Signed Copy of Hazardous Waste Manifest)

38. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
39. COMAR 26.13.03.06A(1) states that generator shall keep a copy of each manifest for 3 years or until he receives a signed copy from the designated facility which received the waste. This signed copy shall be retained as a record for at least 3 years from the date the waste was accepted by the initial transporter.
40. At the time of the Inspection, on June 25-26, 2019, the Respondent could not locate at the Facility a copy of Hazardous Waste Manifest #011891921FLE signed by the designated facility. Respondent did later provide EPA a copy after the Inspection.

Count III
**(Failure to Keep Containers of Hazardous Waste
Closed Except When it is Necessary to Add or Remove Waste)**

41. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
42. COMAR 26.13.05.09D, pertaining to the “Use and Management of Containers,” requires that “[a] container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in any manner which may rupture the container or cause it to leak.”
43. At the time of the Inspection on June 25-26, 2019, Respondent failed to keep closed the following containers of hazardous waste, at a time when it was not adding or removing waste: one (1) 5-gallon container of hazardous waste (D011) spent photographic fixer

with gaps around tubing entering the container; and one (1) 20-gallon container of hazardous waste (D001) spent IPA wipes in Building G-18.

44. On June 25-26, 2019 (date of the Inspection), Respondent violated the requirements of COMAR 26.13.05.09D by failing to hold hazardous waste in containers that were always kept closed during storage, except when it was necessary to add or remove waste.

**Count IV
(Failure to Properly Label Universal Waste Batteries)**

45. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
46. Pursuant to COMAR § 26.13.10.17, each universal waste battery or container of universal waste batteries must be clearly labeled or marked with one of the following phrases: “Universal Waste—Battery(ies)”; “Waste Battery(ies)”; or “Used Battery(ies).”
47. On June 25-26, 2019 (date of the inspection), EPA inspectors observed several universal waste batteries in Shop A-12 with no labels or markings with one of the following phrases: “Universal Waste— Battery(ies)”; “Waste Battery(ies)”; or “Used Battery(ies).” in violation of COMAR § 26.13.10.17A(2)(a).
48. On June 25-26, 2019 (date of the inspection), Respondent violated the requirements of COMAR § 26.13.10.17A(2)(a) by failing to clearly label or mark the several universal waste batteries in the Shop A-12 at the Facility with one of the following phrases: “Universal Waste—Battery(ies)”; “Waste Battery(ies)”; or “Used Battery(ies).”

The following Counts regard to violations of Permit conditions.

**Count V
(Failure to Comply with Permit Conditions Regarding RCRA Training/Job Descriptions)**

49. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
50. Permit A-052, II.D. states that Respondent shall conduct personnel training as required by COMAR § 26.13.05.02G and that Respondent shall maintain documents and records as required by COMAR § 26.13.05.02G (4) and (5), which require maintaining job descriptions and records of annual RCRA refresher training.
51. On June 25-26, 2019 (the date of the Inspection), EPA observed that no records at the Facility indicated that the employee listed as the Emergency Coordinator in the Facility’s Contingency Plan had been given annual RCRA refresher training in violation of Permit A-052, II.D.
52. On June 25-26, 2019 (the date of the Inspection), EPA observed that the job description

documentation at the Facility for “Manufacturing Technician” (which includes personnel moving hazardous waste from Waste Pads to Burn Fields) made no mention of hazardous waste responsibilities in violation of Permit A-052, II.D.

53. On June 25-26, 2019 (the date of the Inspection), Respondent violated its RCRA Permit A-052 by failing to document and keep records of personnel training; by failing to provide annual RCRA refresher training for the employee listed as the Emergency Coordinator in the Facility Contingency Plan; and by failing to mention hazardous waste responsibilities for the “Manufacturing Technician” position at the Facility.

Count VI

(Failure to Comply with Permit Condition Regarding Storage in Containers in Building H-22)

54. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
55. Permit A-052, III.A.1. states that the container storage area located in Building H-22 is to be used to store hazardous waste in 55-gallon drums.
56. On June 25-26, 2019 (the date of the Inspection), EPA observed that Respondent was storing hazardous waste at the Facility in several types of non-drum containers (boxes, totes, small containers, etc.) in Bldg. H-22 in violation of Permit A-052, III.A.1.
57. On June 25-26, 2019 (the date of the Inspection), Respondent violated its RCRA Permit A-052 by storing hazardous waste at the Facility in non-drum containers.

Count VII

(Failure to Comply with Permit Condition Regarding Storage in Magazine D-2)

58. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
59. Permit A-052, III.A.3. states that the explosive waste storage Magazine D-2 is designated for waste explosives received from off-site.
60. On June 25-26, 2019 (the date of the Inspection), EPA observed that Respondent was storing onsite-generated hazardous waste in Magazine D-2. The variety of waste observed at that time came from a variety of sources, including general operations, expired inventory, off-spec materials, terminated product lines, and testing.
61. On June 25-26, 2019 (the date of the Inspection), Respondent violated its RCRA Permit A-052 by storing waste in Magazine D-2 that was not hazardous waste received from off-site.

**Count VIII
(Failure to Comply with Permit Condition Regarding Open Detonation)**

62. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
63. Permit A-052, IV.C.2. states that when the mobile Waste Detonator Disposal Unit (“WDDU”) is not in use it shall be towed out of the Open Burn area and stored under cover.
64. On June 25-26, 2019 (the date of the Inspection), EPA observed the WDDU not in use and being stored in an open outdoor area within the open Burn Field bunker.
65. On June 25-26, 2019 (the date of the Inspection), Respondent violated its RCRA Permit A-052 for its failure to tow the WDDU out of the Open Burn area and store it under cover when not in use.

**Count IX
(Failure to Comply with Permit Conditions Regarding Burn Pad)**

66. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
67. Permit A-052, IV.D.1./SOP-P-50 p. 10 states that within 24 hours following a burn, but no sooner than a minimum of 16 hours after a burn, technicians shall, among other things, visually search the burning area for propellant and other debris and material ejected from the pan and collect and place ejected material on the pan for disposal during next burn.
68. On June 26, 2019, the second day of the Inspection, EPA observed chunks of ejected burnt material on the ground between the north side of each pan and the north-side platforms as well as on the southern end between the pans and platforms. Records indicated that the previous burn occurred approximately 48 hours prior on June 24, 2019. These observations indicate a violation of Permit A-052, IV.D.1./SOP-P-50 p. 10.
69. Permit A-052, IV.D.1./SOP-P-50 p. 4 states that the open burning area shall be kept trimmed or otherwise cleared of dead or dying vegetation within a 500-ft. radius of the burn pans or clamshell.
70. On the June 25-26, 2019 (the date of the Inspection), EPA observed patches of dry grass within the detonation bunker, approximately 30 – 50 feet from the burn pan in violation of Permit A-052, IV.D.1./SOP-P-50. These observations indicate a violation of Permit A-052, IV.D.1./SOP-P-50 p. 4.
71. Permit A-052, IV.D.1./SOP-P-50 p. 10 states that the burn field pans shall be cleared of ash and debris at least every 30 days.

72. On June 25-26, 2019 (the date of the Inspection), Alliant provided EPA records that indicated that the burn field pans had not been cleared of ash and debris between the months of December 2018 to May 2019, which was nearly 180 days and far exceeded 30 days in violation of Permit A-052, IV.D.1./SOP-P-50 p. 10.
73. From December 2018 to May 2019, Respondent was in violation its RCRA Permit A-052 for its failure to clear the burn field pans of ash and debris every 30 days and on the June 25-26, 2019 for failing to keep the open burning area trimmed or otherwise cleared of dead or dying vegetation within a 500-ft. radius of the burn pans or clamshell .

CIVIL PENALTY

74. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **THIRTY-SIX THOUSAND NINE HUNDRED TWENTY DOLLARS (\$36,920.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
75. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: 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), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
76. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2021-0023;
 - b. All checks shall be made payable to the “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
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - d. For additional information concerning other acceptable methods of payment of

the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously, by email and by first class mail, to:

Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
nast.jeffrey@epa.gov

Regional Hearing Clerk
U.S. EPA, Region III (3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029
R3_Hearing_Clerk@epa.gov

77. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
78. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
79. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).
80. ADMINISTRATIVE COSTS: The costs of the EPA'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 – Case 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.

81. LATE PAYMENT PENALTY: A late payment penalty of six percent 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). 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).
82. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

83. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
84. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents 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.

OTHER APPLICABLE LAWS

85. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the Resource Conservation and Recovery Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

86. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

87. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

88. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

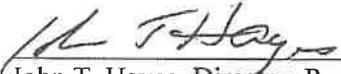
89. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In re: Alliant Techsystems Operations LLC.

EPA Docket No. RCRA-03-2021-0023

For Respondent: ALLIANT TECHSYSTEMS OPERATIONS LLC

Date: 9/29/2020

By: 
John T. Hayes, Director, Programs

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: _____

By: _____

KAREN MELVIN

Digitally signed by KAREN MELVIN
Date: 2020.10.13 14:13:07 -04'00'

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

Attorney for Complainant:

Date: 10/5/20

By: _____

JEFFREY NAST

Digitally signed by JEFFREY NAST
Date: 2020.10.05 11:59:19 -04'00'

Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA – Region III

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.

Date: 10/14/20

By: **JOSEPH LISA** Digitally signed by JOSEPH LISA
Date: 2020.10.14 13:08:19 -04'00'

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**

In the Matter of: :
: :
Alliant Techsystems Operations LLC :
55 Thiokol Road :
Elkton, MD 21921 :
Respondent. : EPA Docket No. RCRA-03-2021-0023
: :
: Proceeding under Section 3008(a)
: of the Resource Conservation and
: Recovery Act, as amended, 42 U.S.C.
: Section 6928(a)

CERTIFICATE OF SERVICE

I certify that on 10/14/20, 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 Electronic Mail to:

Channing J. Martin, Esq.
Williams Mullen
Williams Mullen Center
200 South 10th Street
Suite 1600
Richmond, VA 23219
(o) 804-420-6422
cmartin@williamsmullen.com
(Attorney for Respondent)

and Jeffrey S. Nast, Sr. Assistant Regional Counsel
Office of Regional Counsel (3RC40)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
nast.jeffrey@epa.gov
(Attorney for Complainant)

Dated: 10/14/20

BEVIN

ESPOSITO

Digitally signed by
BEVIN ESPOSITO

Date: 2020.10.14
14:24:29 -04'00'

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III