UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:	Docket No. RCRA-01-2025-0017
Bostik, Inc.,	
Respondent.	**CONSENT AGREEMENT AND FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1, alleges that Bostik, Inc. ("Bostik" or "Respondent"), has violated the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at Bostik's adhesive and sealing product manufacturing facility in Middleton, Massachusetts. EPA Region 1 ("Complainant") and Bostik (together, the "Parties") have agreed to settle this matter through this Consent Agreement and Final Order ("CAFO"). EPA's procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice ("Consolidated Rules") at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Massachusetts pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. Bostik is a Delaware corporation that owns and operates an adhesive and sealing product manufacturing facility at 211 Boston Street in Middleton, Massachusetts (the "Facility").

5. On November 16, 17 and 18, 2022, EPA representatives conducted a compliance evaluation inspection ("Inspection") at the Facility to determine the Facility's compliance with RCRA and federal and state hazardous waste regulations.

6. At various times after the Inspection, Bostik provided follow-up compliance information to EPA.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

9. On January 24, 1985, EPA granted final authorization to the Commonwealth of Massachusetts to administer its hazardous waste program in lieu of the federal program. *See* 50 Fed. Reg. 3344 (January 24, 1985). That authorization became effective on February 7, 1985. Effective November 30, 1998, October 12, 1999, March 12, 2004, March 31, 2008, August 23, 2010, and March 7, 2022, Massachusetts received final authorization for additional hazardous waste rules. The federally authorized Massachusetts regulations, together with other state hazardous waste regulations, are codified in Title 310, Chapter 30 of the Code of Massachusetts

Regulations ("CMR"), 310 CMR 30.000 *et seq.* (the "Massachusetts Hazardous Waste Regulations").

10. EPA promulgated air emission control regulations pursuant to the Hazardous and Solid Waste Amendments ("HSWA") of 1984. EPA has promulgated these regulations at 40 C.F.R. Part 265, Subparts AA, BB, and CC ("Subpart AA, BB, and CC regulations"). EPA has not authorized the Commonwealth to administer the Subpart AA, BB, and CC regulations.

11. Section 3006 of RCRA, 42 U.S.C. § 6926, provides that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Thus, a violation of a requirement of an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce violations of any requirement of Subtitle C of RCRA, including requirements of the federally authorized Massachusetts hazardous waste program and of Subparts AA, BB, and CC, by issuing administrative orders to assess a civil penalty and to require compliance.

12. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), provides that any person who violates any order or requirement of Subchapter C of RCRA shall be liable to the United States for a civil penalty in an amount of up to $25,000 per day for each violation. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015 ("FCPIAA"), and the FCPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after December 27, 2023, are currently subject to penalties of up to $124,426 per day for each violation. *See* 90 Fed. Reg. 1,375, 1,378 (Jan. 8, 2025).

B. General Allegations

13. Respondent is a corporation and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 310 CMR 30.010.

Respondent manufactures construction, industrial, and consumer adhesives.

14. At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(4), 40 C.F.R. § 260.10, and 310 CMR 30.010.

15. At all times relevant to the allegations set forth in this CAFO, Respondent's Facility generated "hazardous waste" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. § 261.3, and 310 CMR 30.010. Respondent is, therefore, subject to the standards for generators of hazardous waste set forth in the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000 *et seq*. and the Subpart AA, BB and CC regulations.

16. Pursuant to 310 CMR 30.340(1), a generator who is not a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353 is a Large Quantity Generator.

17. Pursuant to 310 CMR 30.340(2), a Large Quantity Generator must comply with the requirements set forth or referred to in 310 CMR 30.340 through 30.343, and with all other applicable requirements of 310 CMR 30.000.

18. Pursuant to 310 CMR 30.340(3), a Large Quantity Generator may manage its universal wastes in compliance with 310 CMR 30.1000.

19. Pursuant to 310 CMR 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that (a) the waste is accumulated in compliance with the general accumulation standards of 310 CMR 30.341; and (b) the waste is accumulated in containers managed in compliance with 310 CMR 30.342 or in tanks managed in compliance with 310 CMR 30.343.

20. At all times relevant to the violations alleged in this CAFO, Respondent has been

and is a "Large Quantity Generator" of hazardous waste, within the meaning of 310 CMR 30.340(1), based on the amount of hazardous waste generated and accumulated on site during the period of the RCRA violations alleged herein.

21. Respondent has never applied for or obtained a license for the treatment, storage, or disposal of hazardous wastes ("TSD license") at the Facility.

22. In order to store hazardous waste for 90 days or less without obtaining a TSD license or having interim status, Respondent's Facility must comply with the conditions found in the applicable provisions of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000 *et seq.*

23. At the time of the Inspection, Respondent maintained hazardous waste tanks at its Facility, including:

a. Tanks "T1" and "T2" are each 8,000-gallon tanks used for collecting ignitable hazardous waste from the distillate receiver tanks for reactors R1, R2, R3, R4, R10, R13, and R14, as well as from the Day Tank ("DT-1"); and

b. DT-1, which acts as a knock-out pot for vapors generated from the polyester manufacturing process, the distillate of which is hazardous waste, and also collects hazardous waste distillate from the R13 reactor system.

24. At the time of the Inspection, in addition to the hazardous waste tanks described in paragraph 23 above, Respondent maintained the following equipment (hereafter, the "Equipment") at its Facility:

a. Valves, connectors, pumps, flanges, pipe manifolds, and other connections used to transfer hazardous waste from the distillate receiver tanks for

reactors R1, R2, R3, R4, R10, and R14 and from DT-1 to Tanks T1 and T2, and from the valve at the R13 reactor system that the operator turns to send hazardous waste to DT-1.

b. Valves, flanges, and other connections used to transfer hazardous waste from the exit point of the knockout pot located in Building 37 in the polyurethane manufacturing area that had an open-ended line.

25. As set forth in 40 C.F.R. § 262.17(a)(2), a generator may accumulate hazardous waste on-site for 90 days or less, without a permit, provided the waste is placed in tanks and the generator complies with, among other things, Subparts BB and CC of 40 C.F.R. Part 265 ("Subparts BB and CC").

26. At all times relevant to the allegations in this CAFO, Respondent has accumulated hazardous waste on-site for 90 days or less, without a permit, placed the waste in tanks, and was required to comply with Subparts BB and CC.

27. As set forth in 40 C.F.R. § 265.1064(g)(6), a generator that must comply with Subparts BB and CC must identify equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight.

28. All of the tanks described in paragraph 23 above contained or contacted hazardous wastes with an organic concentration of at least 10 percent by weight.

29. All of the equipment described in paragraph 24 above contained or contacted hazardous wastes with an organic concentration of at least 10 percent by weight.

30. 310 CMR 30.010 defines "universal waste" to include any of the following hazardous wastes managed under the Massachusetts universal waste requirements: batteries, pesticides, thermostats, mercury-containing devices, and mercury-containing lamps.

31. Pursuant to 310 CMR 30.010 and 30.1010, a "small quantity handler of universal

waste" is defined as: a "universal waste handler who accumulates less than 5,000 kilograms total of universal waste at any time."

32. At all times relevant to the allegations set forth in this CAFO, Respondent stored less than 5,000 kilograms total of waste or used batteries, battery packs, and waste mercury thermometers at the Facility. Respondent was thus a "small quantity handler of universal waste," as defined in 310 CMR 30.010 and 30.1010.

33. On February 15, 2023, EPA Region 1 issued an Early Warning Notice to Respondent regarding potential RCRA violations identified at the Facility during the Inspection.

C. RCRA Violations

Count 1: Failure to Comply with Hazardous Waste Air Emission Standards (Subpart BB) for Labeling Subpart BB Equipment

34. Paragraphs 1 through 33 are incorporated by reference as if fully set forth herein.

35. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), a generator that accumulates hazardous waste in tanks on-site for 90 days or less, without a permit, must comply with the requirements of Subpart BB of 40 C.F.R. Part 265 ("Subpart BB").

36. Pursuant to 40 C.F.R. § 265.1050(c), each piece of equipment to which the Subpart BB regulations apply shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

37. The equipment described in paragraph 24 above contained or contacted hazardous wastes with organic concentrations of at least 10 percent by weight and is subject to the requirements of Subpart BB.

38. At the time of the Inspection, multiple pieces of equipment were identified by Bostik as being subject to Subpart BB but were not marked and therefore not readily distinguishable from other pieces of equipment.

39. Specifically, at the time of the Inspection, Bostik identified at least the following pieces of equipment as being subject to Subpart BB, but none of the following pieces of equipment had been marked so that it could be readily distinguishable as such:

Tag #	**Location**	**Equipment Description**
BB-039	Manifold in H-Room	Ball Valve
BB-053	R10	Ball Valve
BB-056	R10	Ball Valve
BB-059	R10	Check Valve

40. Further, at the time of the Inspection, at least the following pieces of equipment contained or contacted hazardous wastes with organic concentrations of at least 10 percent by weight, and thus were subject to the requirements of Subpart BB, but were not identified by Bostik as such on its Subpart BB equipment list, nor was each piece marked in such a manner as to make it readily distinguishable from other pieces of equipment:

Location	**Type of equipment**
H-Room	Day Tank Pump
H-Room	Manifold Pump
H-Room	R10 Receiver Recirculation Pump
H-Room	Hand valves, at least one for each distillate receiver tank
H-Room	At least 4 flanges on the manifold
H-Room	Flanges and valves on the piping for the Day Tank
T1	At least 5 flanges and one valve between the front and back of the T1 tank
T2	At least 5 flanges and one valve between the front and back of the T2 tank
R-13, third floor	Multiple valves, flanges, and other connections located after the hand valve that is turned to send distillate from the R13 system to the Day Tank

41. Additionally, at the time of the Inspection, there was a knockout pot labeled

"HAZARDOUS WASTE Polyester Distillate Contains Methanol, Methyl Ethyl Ketone, Toluene, Xylene & Ethyl Acetate Knockout Tank-PU" located in Building 37, near polyurethane reactors. Attached to the knockout pot was an open-ended, uncapped line that was equipped with a single hand valve and other connectors. None of the equipment associated with the transfer of hazardous waste at the point where the distillate exits the knockout pot was identified as being subject to Subpart BB on Bostik's Subpart BB list, nor was it marked as such at the equipment itself.

42. By failing to mark the equipment described in paragraphs 38-41 in such a manner that it could be distinguished readily from other pieces of equipment, Respondent violated 40 C.F.R. § 265.1050(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

43. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

Count 2: Failure to Comply with Hazardous Waste Air Emission Standards (Subpart BB) for Monitoring Pumps in Light Liquid Service and Valves in Light Liquid Service or Gas/Vapor Service

44. Paragraphs 1 through 43 are incorporated by reference as if fully set forth herein.

45. Pursuant to 40 C.F.R. § 265.1052(a)(1), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b).

46. Pursuant to 40 C.F.R. § 265.1052(a)(2), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from

the pump seal.

47. Pursuant to 40 C.F.R. § 265.1057(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), each valve in light liquid service or in gas/vapor service shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b), and shall comply with certain requirements specified in 40 C.F.R. § 265.1057(b) through (e) for the continued monitoring and repair of such valves.

48. At the time of the Inspection, the equipment described in paragraph 24 above was used in light liquid service and/or gas/vapor service, contained or contacted hazardous wastes with organic concentrations of at least 10 percent by weight, and is, therefore, subject to the requirements of Subpart BB.

49. At the time of the Inspection, Bostik utilized at least two pumps in light liquid service, located in the H-Room, that were not included in the Facility's Subpart BB plan and were not being monitored or inspected for leaks, including a pump that transferred hazardous waste from the Day Tank to Tanks T1 and T2 and a pump located on the manifold used to pump waste from the distillate receiver tanks to Tanks T1 and T2.

50. Further, at the time of the Inspection, Bostik utilized numerous valves in light liquid service that were not included in the Facility's Subpart BB plan and were not being monitored for leaks, including valves located in the H-Room, at the equipment associated with reactor R13, and at the equipment associated with Tanks T1 and T2.

51. By failing to monitor the equipment described in paragraphs 49 and 50 above, Respondent violated Subpart BB of 40 C.F.R. Part 265, including Sections 265.1052(a)(1) and (2) and 265.1057(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of

RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

52. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR. 30.801(1).

Count 3: Failure to Comply with Subpart BB and CC Leak Detection Monitoring Methods

53. Paragraphs 1 through 52 are incorporated by reference as if fully set forth herein.

54. Pursuant to 40 C.F.R. §§ 265.1063(a)-(c) and 265.1084(d), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), leak detection monitoring for the purpose of compliance with the RCRA air emissions standards of Subparts BB and CC must be conducted in accordance with the procedures specified in Method 21, found at 40 C.F.R. Part 60, Appendix A.

55. Under Method 21, the relevant calibration standard for facilities that must comply with Subparts BB and CC is set forth in Sections 265.1063(b) and 265.1084(d) of 40 C.F.R. Part 265.

56. Pursuant to 40 C.F.R. §§ 265.1063(b)(4) and 265.1084(d)(5), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), calibration gases for monitoring tanks and equipment shall be: (i) zero air (less than 10 parts per million ("ppm") of hydrocarbon in air) and (ii) a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

57. Pursuant to 40 C.F.R. § 265.1063(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), when equipment is tested for compliance with no detectable emissions, as required in §§ 265.1052(e), 265.1053(i), 265.1054, and 265.1057(f), the arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

58. Pursuant to 40 C.F.R. §§ 265.1052(b)(1), 265.1057(b), and 265.1058(b), as

referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), if, during Subpart BB equipment monitoring, an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

59. Pursuant to 40 C.F.R. § 265.1084(d)(8), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), when tanks are tested for compliance with no detectable emissions for the purposes of complying with Subpart CC, as required in §§ 265.1085(c)(3)(ii), among other regulations, the arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance, except when monitoring a seal around a rotating shaft that passes through a cover opening.

60. Pursuant to Method 21, "the calibration gas is usually the reference compound at a known concentration approximately equal to the leak definition concentration." 40 C.F.R. Part 60, Appendix A-7, Method 21 § 3.1.

61. At the time of the Inspection, Bostik utilized various pumps, flanges, valves, and other equipment in light liquid service that were required to be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b). 40 C.F.R. §§ 265.1052(a), 265.1057(a), and 265.1058(a).

62. At the time of the Inspection, Bostik utilized hazardous waste tanks, as described in paragraph 23 above, which used Tank Level 1 controls, pursuant to 40 C.F.R. § 265.1085(c). Whenever hazardous waste is in such tanks, a fixed roof shall be installed with each closure device secured in the closed position, except that, *inter alia*, opening of a pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with design specifications. 40 C.F.R. § 265.1085(c)(3)(ii). This device shall be designed to operate with no detectable organic

emissions when the device is secured in the closed position. *Id.*

63. Accordingly, Bostik should have been conducting such monitoring for the purpose of compliance with the RCRA air emissions standards of Subparts BB and CC after calibrating the measuring instrument at known concentrations approximately equal to the relevant leak definition concentrations.

64. At the time of the Inspection, Bostik contracted with Triumvirate Environmental to conduct leak detection monitoring for the Facility. The calibration records provided by Triumvirate Environmental show the use of a MiniRae 3000 photoionization detector ("PID"), which was calibrated using zero air and 100 ppm isobutylene. This calibration procedure does not meet the requirement to calibrate with gas concentrations near the leak definition/thresholds which, for Bostik, are 500 ppm and 10,000 ppm.

65. By failing to conduct monitoring with equipment that was calibrated at the leak definition/thresholds for which Bostik should be calibrating, Respondent violated Subparts BB and CC, including 40 C.F.R. §§ 265.1063(a) and 265.1084(d), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

66. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR. 30.801(1).

Count 4: Failure to Comply with Hazardous Waste Air Emission Standards (Subpart BB) for Open-Ended Valves and Lines

67. Paragraphs 1 through 66 are incorporated by reference as if fully set forth herein.

68. Pursuant to 40 C.F.R. § 265.1056(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), each open-ended valve or line shall be equipped with

a cap, blind flange, plug, or a second valve, and the cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.

69. Pursuant to 40 C.F.R. § 265.1056(b), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)), each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the hazardous waste stream end is closed before the second valve is closed.

70. At the time of the Inspection, the inspection team observed a knockout pot labelled "HAZARDOUS WASTE Polyester Distillate Contains Methanol, Methyl Ethyl Ketone, Toluene, Xylene & Ethyl Acetate Knockout Tank-PU", located in Building 37, which had an open-ended line extending from the bottom of the knockout pot that was equipped with only one valve and was not capped or sealed. At the time of the Inspection, the single valve was closed, no hazardous waste was flowing through the line, and the inspection team measured emissions of 1,071 ppm volatile organic compounds ("VOCs") from the open line using a toxic vapor analyzer (TVA2020).

71. By having one open-ended line, Respondent violated 40 C.F.R. § 265.1056, as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

72. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR. 30.801(1).

Count 5: Failure to Comply with Hazardous Waste Tank Air Emission Standards (Subpart CC)

73. Paragraphs 1 through 72 are incorporated by reference as if fully set forth herein.

74. A generator that accumulates hazardous waste in tanks on-site for 90 days or less, without a permit, must comply with the requirements of Subpart CC of 40 C.F.R. Part 265 ("Subpart CC"). 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)).

75. As provided in 40 C.F.R. § 265.1083(b) of Subpart CC, a facility shall control air pollutant emissions from each hazardous waste management unit in accordance with the applicable standards specified in §§ 265.1085 through 265.1088 of Subpart CC.

76. Pursuant to 40 C.F.R. § 265.1089, a facility shall inspect and monitor air emission control equipment used to comply with Subpart CC in accordance with the applicable requirements specified in 40 C.F.R. §§ 265.1085 through 265.1088.

77. Pursuant to 40 C.F.R. § 265.1085(c)(4)(i), owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall, among other things, inspect the air emission control equipment by visually inspecting the fixed roof and its closure devices to check for defects that could result in air pollution emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

78. Section 265.1085(k)(1) of Subpart CC requires that if a defect is detected during such an inspection of a tank using air emission controls, the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection, except as

provided under the section.[1]

79. Section 265.1090(b)(1)(ii)(B) of Subpart CC requires that the owner or operator of a tank using air emission controls in accordance with the requirements of 40 C.F.R. § 265.1085 shall record, for each defect discovered during the inspection, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of 40 C.F.R. § 265.1085, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

80. During the Inspection, the inspection team measured emissions of 797 ppm VOCs at the top of Tank T1, at the manhole cover, using a TVA2020. The most recent LDAR monitoring event conducted by Bostik's contract company, Triumvirate Environmental, took place on October 28, 2022, on which date it was documented in the *BIF Subpart CC Leak Detection Monitoring Log* that the contractor observed a reading of 727 ppm VOCs at Tank T1 "Cover (edges)", CC-076 tag number. Bostik did not document any attempt to repair the defect since it was detected by the contractor.

81. Therefore, at the time of the Inspection, Tank T1 had a defect that Bostik had known about for 19 days yet Bostik had not initiated any attempts to repair.

82. By failing to make first effort at repair of the defect within five days, and then failing to record the reason for delay and the expected date of completion of the repair, Respondent violated 40 C.F.R. §§ 265.1085(k)(1) and 265.1090(b)(1)(ii)(B), as referenced by 40

[1] Pursuant to 40 C.F.R. § 265.1085(k)(2), repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2)). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

83. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR. 30.801(1).

Count 6: Failure to Comply with Hazardous Waste Tank Inspection Requirements

84. Paragraphs 1 through 83 are incorporated by reference as if fully set forth herein.

85. Pursuant to 310 CMR 30.696(1), as required by 310 CMR 30.343(1)(f), daily inspections of hazardous waste tanks must be conducted and documented.

86. Pursuant to 310 CMR 30.696(1)(a) through (c), at least once each operating day, the owner or operator must inspect the following aspects of hazardous waste tanks: controls which prevent overfilling to ensure are in good working order; data gathered from monitoring equipment, where present, to ensure the tank is being operated according to its design; and construction materials and the area immediately surrounding the externally accessible portion of the tank system, including secondary containment system, to detect erosion or signs of releases of hazardous waste.

87. Pursuant to 310 CMR 30.343(1)(f)(3), the inspection record must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

88. At the time of the Inspection, Bostik was operating three hazardous waste tanks subject to these requirements: T1, T2 and DT-1.

89. At the time of the Inspection, EPA inspectors reviewed Respondent's inspection logs for the hazardous waste tanks along with associated records. Specifically, EPA inspectors

reviewed inspection logs for the months of September and October 2022.

90. Based on EPA's review of the inspection logs, Bostik did not conduct or document daily tank inspections on any of the hazardous waste tanks on September 13, 14, 15, 22, or 23, 2022, nor on October 3, 2022.

91. At the time of the EPA Inspection, Bostik utilized two different templates for documenting inspections: one for weekday inspections and one for weekend inspections. All three hazardous waste tanks (T1, T2, and DT-1) were included on each inspection log sheet.

92. At the time of the EPA Inspection, Bostik's weekday log sheet did not require nor include fields to document the inspection of controls to prevent overfilling, or data from monitoring equipment for any of the hazardous waste tanks (T1, T2, or the Day Tank, DT-1). Additionally, the weekday log sheet did not include the time of the inspection or the name of the inspector.

93. At the time of the EPA Inspection, the weekend log sheet did not require or include fields to document the inspection of controls to prevent overfilling or the data from monitoring equipment for all three hazardous waste tanks (T1, T2, and DT-1). The weekend log sheet also failed to include the time of the inspection.

94. Accordingly, Respondent failed to conduct and document daily inspections of hazardous waste tanks T1, T2, and DT-1 on at least six days, and the inspection log sheets used to document inspections on other days did not include all information required by 310 CMR 30.696(1)(a) and 30.343(1)(f). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators in 310 CMR 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

95. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

Count 7: Failure to Comply with Contingency Plan Requirements

96. Paragraphs 1 through 95 are incorporated by reference as if fully set forth herein.

97. Pursuant to 310 CMR 30.341(1)(b)(3), which incorporates by reference, as modified, 310 CMR 30.521, a large quantity generator must have a contingency plan that addresses all on-site hazardous waste management units.

98. Pursuant to 310 CMR 30.341(1)(b)(5), the contingency plan must list the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator, and this list must be kept up to date. If more than one individual is listed, one shall be named as primary emergency coordinator, and others shall be listed in the order in which they will assume responsibility as alternates.

99. Pursuant to 310 CMR 30.341(1)(c), a copy of the contingency plan and all revisions of the plan shall be submitted to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, and state and local emergency response teams that may be called upon to provide emergency services.

100. Pursuant to 310 CMR 30.341(1)(d), the contingency plan shall be reviewed, and immediately amended, if necessary, whenever (1) the plan fails in an emergency; (2) the list of emergency coordinators changes; (3) the list of emergency equipment changes; (4) there is any change in the operation or maintenance of any hazardous waste management unit; or (5) there occurs any other circumstance which indicates the need for a change in the contingency plan.

101. At the time of the EPA Inspection, Respondent's contingency plan did not address the use of DT-1 as a hazardous waste tank. Rather, the contingency plan inaccurately stated that "DT-1 is no longer used for hazardous waste storage and is now used as part of a vapor system."

102. At the time of the Inspection, Respondent's contingency plan did not clearly list who was authorized to act as emergency coordinator, nor did it identify primary and alternate

emergency coordinators or list all of their contact information.

103. At the time of the Inspection, Respondent's contingency plan was inaccurate and out of date. It stated that contact had been made with four regional healthcare facilities where Bostik employees might be sent for care in the event of an emergency, including Union Hospital in Lynn, Massachusetts. The plan indicated that Bostik would mail a copy of the contingency plan to each of these facilities every year and notify the medical facilities whenever an emergency has affected a significant number of people at the Facility. Although Bostik most recently revised the contingency plan in March 2022, Union Hospital closed its Emergency Department in November 2019, and the entire hospital has been closed since 2020. Further, at the time of the EPA Inspection, Bostik could not demonstrate that the contingency plan had been submitted to any emergency response organizations, including but not limited to the four listed hospitals.

104. Accordingly, Respondent failed to address all on-site hazardous waste management units in the Facility's contingency plan, identify and provide adequate contact information for all authorized emergency coordinators, provide a copy of the contingency plan to all local emergency response and health care partners, and review and immediately amend the contingency plan to account for changes, as required by 310 CMR 30.341(1). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators in 310 CMR 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

105. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

Count 8: Failure to Keep Containers of Hazardous Waste Closed During Storage

106. Paragraphs 1 through 105 are incorporated by reference as if fully set forth herein.

107. Pursuant to 310 CMR 30.342(1)(c), which incorporates by reference 310 CMR 30.685, a large quantity generator must always keep containers holding hazardous waste closed during storage, except when waste is being added or removed.

108. At the time of the Inspection, one (1) 55-gallon hazardous waste satellite accumulation container located in the Quality Control laboratory had a cap that was loose; multiple five-gallon containers collecting runoff material from transfer piping lines at the Facility's ten (10) churn stations (which was later transferred into satellite accumulation containers) were not covered; and one (1) five-gallon container in the polyurethane area collecting runoff material from a drainpipe "wand" (which was later transferred into satellite accumulation containers) was open. Waste was not being added to or removed from these containers at the time of the EPA Inspection.

109. Accordingly, Respondent failed to keep containers holding hazardous waste closed during storage, as required by 310 CMR 30.342(1)(c) and 310 CMR 30.685. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators in 310 CMR 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

110. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

Count 9: Failure to Adequately Label Containers of Hazardous Waste

111. Paragraphs 1 through 110 are incorporated by reference as if fully set forth herein.

112. Pursuant to 310 CMR 30.341(2)(a)-(c) and 310 CMR 30.340(6)(e), which references 310 CMR 30.341(2)(a)-(c), a generator must mark and label each container in which hazardous waste is being initially accumulated near the point of generation with the words "Hazardous Waste," the hazardous waste(s) identified in words, and the type of hazard(s)

associated with the waste(s) indicated in words.

113. At the time of the Inspection, there were multiple five-gallon containers collecting runoff material from transfer piping lines at the Facility's ten (10) churn stations (which was later transferred into satellite accumulation containers). The five-gallon containers were labeled with a flammable decal but were not marked or labeled with the words "Hazardous Waste" or the identity of the hazardous waste(s) in words.

114. Additionally, there was one (1) five-gallon container in the polyurethane area collecting material runoff from a drainpipe "wand" (which was later transferred into satellite accumulation containers) that was labeled with a flammable decal but was not marked or labeled with the words "Hazardous Waste" or the identity of the hazardous waste(s) in words.

115. Accordingly, Respondent failed to label the hazardous waste containers listed in paragraphs 113 and 114 above with the words "Hazardous Waste" or the identity of the hazardous waste(s) therein in words, as required by 310 CMR 30.341(2)(a)-(c) and 310 CMR 30.340(6)(e), which references 310 CMR 30.341(2)(a)-(c). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators in 310 CMR 30.340(4) and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

116. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1).

Count 10: Failure to Comply with Universal Waste Labeling Requirements for Batteries

117. Paragraphs 1 through 116 are incorporated by reference as if fully set forth herein.

118. The regulation at 310 CMR 30.1034(1) delineates the manner in which a small quantity handler of universal waste shall manage universal waste batteries so as to prevent any releases to the environment.

119. Pursuant to 310 CMR 30.1034(1)(d), each universal waste battery, or a container in which the batteries are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

120. At the time of the EPA Inspection, three (3) Power Sonic lead/acid batteries and one (1) box of battery packs were not marked or labeled as universal waste batteries.

121. Accordingly, Respondent failed to comply with universal waste labeling requirements for universal waste batteries, in violation of 310 CMR 30.1034(1)(d).

Count 11: Failure to Comply with Universal Waste Dating Requirements

122. Paragraphs 1 through 121 are incorporated by reference as if fully set forth herein.

123. Pursuant to 310 CMR 30.1034(7)(c), a small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received, by: (1) marking or labeling the container with the earliest date that any universal waste in the container became a waste; (2) marking or labeling each individual item of universal waste with the date it became a waste or was received; (3) maintain an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (e) any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

124. At the time of the Inspection, one box of battery packs, one (1) bag of mercury switches, and one (1) five-gallon bucket of nickel-cadmium batteries were not marked with the

date that accumulation began, and there were no other indications of how long they had been stored as waste.

125. Accordingly, Respondent failed to comply with universal waste dating requirements, in violation of 310 CMR 30.1034(7)(c).

Count 12: Failure to Comply with Universal Waste Accumulation Time Limits

126. Paragraphs 1 through 125 are incorporated by reference as if fully set forth herein.

127. Pursuant to 310 CMR 30.1034(7)(a), a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of 310 CMR 30.1034(7)(b) are met.

128. At the time of the EPA Inspection, Respondent was storing one (1) five-gallon bucket containing mercury-containing thermometers dated "10/08/21" and one battery dated "4-16-19," both of which exceeded the accumulated universal waste storage time limit of one year from the date the universal waste was generated.

129. Accordingly, Respondent failed to comply with universal waste storage time limits, in violation of 310 CMR 30.1034(7)(a).

IV. GENERAL TERMS

130. The terms of this CAFO shall apply to and be binding on Respondent, its successors, and its assigns.

131. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

b. Neither admits nor denies the specific factual allegations contained in

Section III of this CAFO;

c. Consents to the assessment of a civil penalty as stated below;

d. Consents to the issuance of any specified compliance or corrective action order;

e. Consents to the conditions specified in this CAFO;

f. Consents to any stated permit action; and

g. Waives any right to contest the allegations in this CAFO, and its right to appeal the proposed final order accompanying this Consent Agreement.

132. Without admitting or denying the specific factual allegations herein, Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Massachusetts and waives any rights in law or equity to challenge EPA's authority to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance.

133. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

134. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Massachusetts Hazardous Waste Regulations cited in paragraphs 34 through 129 above.

135. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it is operating in accordance with a permit for the Facility issued pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 CMR 30.801(1):

a. Respondent has identified and marked and will continue to identify and mark each piece of equipment subject to Subpart BB requirements, including the equipment described in paragraphs 24 and 38-41 above, in such a manner that it can be distinguished readily from other pieces of equipment, in accordance with 40 C.F.R. § 265.1050(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2));

b. Respondent is complying with Subpart BB requirements for pumps in light liquid service and valves in light liquid or gas/vapor service by conducting inspections and monitoring on a monthly and weekly basis, as appropriate, in accordance with the requirements of 40 C.F.R. §§ 265.1052(a)(1), 265.1052(a)(2), and 265.1057(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2));

c. Respondent is conducting proper Subparts BB and CC leak detection monitoring for the Facility by using calibration procedures that comply with Method 21, 40 C.F.R. Part 60, Appendix A, in accordance with the requirements of 40 C.F.R. §§ 265.1063(a)-(c) and 265.1084(d), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2));

d. Respondent has utilized and is utilizing caps, flanges, plugs, or second valves for open-ended valves and lines subject to Subpart BB

requirements, the equipment described in paragraphs 24 and 70 above, in accordance with the requirements of 40 C.F.R. § 265.1056, as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2));

e. Respondent has repaired and documented such repair of all known defects of the hazardous waste tanks at the Facility, including those described in paragraphs 23 and 80-81 above, and shall continue to repair and document repair of all defects identified, as required by 40 C.F.R. §§ 265.1085(k)(1) and 265.1090(b)(1)(ii)(B), as referenced by 40 C.F.R. § 262.34(a)(1)(ii) (renumbered as 40 C.F.R. § 262.17(a)(2));

f. Respondent is complying with requirements for inspection of all hazardous waste tanks at the Facility, including those tanks described in paragraph 23 above, including daily inspections that address all required aspects of the tanks, and proper record-keeping of such, in accordance with 310 CMR 30.696, as referenced by 310 CMR 30.343(1)(f);

g. Respondent has revised the Facility's contingency plan to (1) address all on-site hazardous waste management units, including all hazardous waste tanks, (2) include current information regarding who was authorized to act as an emergency coordinator, their complete contact information, and designation of primary and alternate emergency coordinators, and (3) list only active and currently operating regional healthcare facilities that might be involved in an incident at the Facility, in accordance with 310 CMR 30.341(1)(b) and (d), which incorporate by reference, as modified, 310 CMR 30.521. Respondent has also submitted the updated contingency plan to local police departments, fire departments, hospitals, and boards of

health; the chief executive officer of the community; and state and local emergency response teams that may be called upon to provide emergency services, in accordance with 310 CMR 30.341(1)(c);

h. Respondent is keeping all hazardous waste containers at the Facility closed, except when necessary to add or remove waste, in accordance with 310 CMR 30.342(1)(c), which incorporates by reference 310 CMR 30.685;

i. Respondent is properly labeling all containers at the Facility in which hazardous waste is being initially accumulated near the point of generation with the words "Hazardous Waste," the identity of the hazardous waste(s) therein in words, and the type of hazard(s) associated with the waste(s) in words (*e.g.*, ignitable, toxic, dangerous when wet), in accordance with 310 CMR 30.341(2)(a)-(c) and 310 CMR 30.340(6)(e);

j. Respondent is properly labeling each universal waste battery, and each container in which such batteries are contained, with one of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)," in accordance with 310 CMR 30.1034(1)(d);

k. Respondent is marking or labeling each individual item of universal waste with the date it became a waste or was received or each container holding universal waste with the accumulation start date, or otherwise clearly tracking and demonstrating the length of time that universal waste has been accumulated, in accordance with 310 CMR 30.1034(7)(c); and

l. Respondent is accumulating universal waste for no longer than one year from the date the universal waste was generated, in accordance with 310

CMR 30.1034(7)(a).

VI. CIVIL PENALTY

136. Respondent agrees to pay a civil penalty in the amount of $122,589 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk.

137. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

138. When making a payment, Respondent shall:

a. Identify every payment with the Respondent's name (*i.e.*, "Bostik, Incorporated") and the docket number of this Agreement, RCRA-01-2025-0017,

b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-MO)
Boston, MA 02109
R1_Hearing_Clerk_Filings@epa.gov
and
Santiago.Wanda@epa.gov

and

Laura J. Berry, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-WO)
Boston, MA 02109
Berry.LauraJ@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
Via electronic mail to: CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

139. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the IRS large corporate underpayment rate ("LCU"); any lower rate would fail to provide the Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If

Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

140. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14;

b. Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H;

c. Suspend or revoke Respondent's licenses or other privileges, or suspend

or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17;

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

141. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

142. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

143. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

i. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer

Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

ii. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

iii. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at Chalifoux.Jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

iv. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division, via the email address in the preceding sub-paragraph, with Respondent's TIN within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VII. EFFECT OF SETTLEMENT

144. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the alleged violations set out in Section III.C of this CAFO.

145. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

146. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in paragraph 144 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

147. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

148. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

149. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to paul.caizzi@bostik.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

150. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the

Regional Judicial Officer.

151. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2025.05.30 17:02:16 -04'00'

Dated via electronic signature

James Chow, Director
Enforcement and Compliance Assurance Division
EPA Region 1

FOR RESPONDENT:

Paul Caizzi, Plant Manager
Bostik, Inc.

23MAY 2025
Date

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent Bostik, Inc., is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

LEANN JENSEN

Digitally signed by LEANN JENSEN
Date: 2025.06.03 10:30:08 -04'00'

Dated via electronic signature

LeAnn Jensen
Regional Judicial Officer
EPA Region 1