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

RCRA

In Re:)
)
SCHOTT North America, Inc.)
555 Taxter Road)
Elmsford, NY 10523)
)
RESPONDENT)
)
400 York Avenue)
Duryea, PA 18642)
)
FACILITY)

Docket No. RCRA-03-2008-0334

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement ("CA") is entered into by the Director, Waste and Chemicals Management Division, United States Environmental Protection Agency, Region III ("Complainant" or "EPA"), and SCHOTT North American, Inc. ("SCHOTT" or "Respondent"), pursuant to 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. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order ("FO", hereinafter jointly referred to as the "CA/FO") both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's facility at 400 York Avenue, Duryea, PA 18642 (the "Facility").
2. On January 30, 1986, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, Pennsylvania was granted final authorization to administer a state hazardous waste management program ("PaHWR") in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§6921-6939e. A revised set of PaHWR was authorized by EPA on September 26, 2000, and became effective on November 27, 2000. A more recent revised set of PaHWR was authorized by EPA on January 20, 2004, and became effective on March 22, 2004. The provisions of the authorized PaHWR through such authorization, have become requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporates by reference certain federal hazardous waste management regulations that were in effect as of May 1, 1999 for the November 27, 2000 PaHWR authorization, and in effect on September 25, 2003 for the March 22, 2004 PaHWR authorization. The 2004 authorized PaHWR do not make any changes to the November 27, 2000 PaHWR that are relevant to the violations set forth herein.
4. On February 22, 2007, EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), giving Pennsylvania prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. This CA is entered into by Complainant and Respondent to address the violations alleged in the Findings of Fact, as set forth below.
6. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA, as set forth above.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Findings of Fact contained in this CA, except as provided in Paragraph 6, above.
8. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 6, above.
9. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
10. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
11. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. This section represents the Findings of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 7 and 8, above, Respondent

neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 10, above.

14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and as defined in 25 Pa. Code § 260a.10.
15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 400 York Avenue, Duryea, PA 18642 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
16. On July 27, 2006, representatives from EPA and the Pennsylvania Department of Environmental Protection (“PADEP”) conducted an inspection of the Facility (the “July 2006 Inspection”). At the time of the July 2006 Inspection, and at all times relevant to the violations alleged in this CA/FO, Respondent was a “generator” of the “hazardous waste” at the Facility described herein as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1.
17. At the time of the July 2006 Inspection, and at all times relevant to this CA/FO, Respondent was engaged in the “storage” of the “hazardous waste” in “containers” and “tanks” at the Facility as described herein, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 and/or as defined in 25 Pa. Code § 260a.10.
18. From at least June 30, 2003 to August 29, 2006, Respondent stored hazardous waste at the Facility in two three-thousand gallon tanks that were part of “new tank systems,” as that term is defined at 25 Pa. Code § 260a.1.
19. On March 8, 2007, EPA issued a formal information request letter (“IRL”) to SCHOTT pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927(a). SCHOTT responded to the IRL on April 17, 2007.

COUNT I

(Operating a treatment, storage, or disposal facility without a permit or interim status)

20. The allegations of Paragraphs 1 through 19 of this Consent Agreement are incorporated herein by reference.
21. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, no person may own or

operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.

22. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 40 C.F.R. Part 270, as incorporated by reference into 25 Pa. Code § 270a.1, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 40 C.F.R. § 270.70, as incorporated by reference into 25 Pa. Code § 270a.1, at any time.
23. Pursuant to 40 C.F.R. § 262.34(a), as incorporated by reference into 25 Pa. Code § 262a.10, generators of hazardous waste who accumulate hazardous waste in containers, tanks, drip pads, or containment buildings on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section, including, *inter alia*:
 - a. Pursuant to 40 C.F.R. § 262.34(a)(2), as incorporated by reference into 25 Pa. Code § 262a.10, the date upon which each period of accumulation begins must be clearly marked and visible for each container; and
 - b. Pursuant to 40 C.F.R. § 262.34(a)(3), as incorporated by reference into 25 Pa. Code § 262a.10, each container and tank must be clearly marked with the words "Hazardous Waste;" and
 - c. Pursuant to 40 C.F.R. § 262.34(a)(1)(I), as incorporated by reference into 25 Pa. Code § 262a.10, the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265, which includes the requirement that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste (40 C.F.R. § 265.173(a)); and
 - d. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), as incorporated by reference into 25 Pa. Code § 262a.10, the generator must comply with the applicable requirements of Subpart J of 40 C.F.R. Part 265 when storing hazardous waste in tanks. Subpart J of 40 C.F.R. Part 265 includes the following requirements:
 - I. Pursuant to Subpart J, 40 C.F.R. § 265.192(a), the owner or operator of a new tank system must obtain a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) attesting that the system has sufficient structural integrity and is acceptable for the storing and treatment of hazardous waste.

- ii. Pursuant to Subpart J, 40 C.F.R. § 265.194(b), the owner or operator of a tank system must use appropriate controls and practices to prevent spills and overflows from tank systems.
24. From at least June 30, 2003 to April 17, 2007, Respondent was not in compliance with all of the conditions for temporary accumulation of hazardous waste by a generator pursuant to 40 C.F.R. § 262.34, as incorporated by reference into 25 Pa. Code § 262a.10, described in Paragraph 23, above, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by such section. The specific reasons why Respondent did not qualify for the exemption include the following:
- a. Respondent stored hazardous waste in tanks at the Facility beyond the 90 day period of the exemption provided in 40 C.F.R. § 262.34(a), as incorporated by reference into 25 Pa. Code § 262a.10; and
 - b. Respondent stored hazardous waste in several containers at the Facility at the time of the July 2006 Inspection that were not clearly marked with the start date of accumulation as per the exemption requirement of 40 C.F.R. § 262.34(a)(2), as incorporated by reference into 25 Pa. Code § 262a.10; and
 - c. Respondent stored hazardous waste in several containers at the Facility at the time of the July 2006 Inspection that did not have the words “hazardous waste” on them as per the exemption requirement of 40 C.F.R. § 262.34(a)(3), as incorporated by reference into 25 Pa. Code § 262a.10; and
 - d. Respondent stored hazardous waste in several containers at the Facility at the time of the July 2006 Inspection that were not closed except when adding or removing waste as per the exemption requirement of 40 C.F.R. § 262.34(a)(1)(I), as incorporated by reference into 25 Pa. Code § 262a.10;
 - e. Respondent did not comply with the requirements of Subpart J, 40 C.F.R. Part 265, as per the exemption requirement of 40 C.F.R. § 262.34(a)(1)(ii), with respect to the tanks identified in Paragraph 18, above, by:
 - i. Failing to obtain a written assessment reviewed and certified by a qualified Professional Engineer as required by 40 C.F.R. § 265.192(a); and
 - ii. Failing to provide appropriate controls and practices to prevent spills and overfills as required by 40 C.F.R. § 265.194(b).
25. From at least June 30, 2003 to April 17, 2007, Respondent stored hazardous waste at the Facility without a permit, interim status or valid exemption, in violation of 40 C.F.R.

§ 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

COUNT II

(Failure to keep containers closed except when adding or removing hazardous waste)

26. The allegations of Paragraphs 1 through 25 of this Consent Agreement are incorporated herein by reference.
27. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into 25 Pa. Code § 264a.1, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
28. At the time of the July 2006 Inspection, several containers holding hazardous waste that were located at the Batch House at the Facility were not closed during storage. No waste was being added to or removed from these containers at the time of the inspection.
29. Respondent failed to keep containers holding hazardous waste closed except when adding or removing waste in violation of 40 C.F.R. § 264.173(a), as incorporated by reference into 25 Pa. Code § 264a.1.

COUNT III

(Failure to have appropriate controls or practices in place to prevent overflows from tank systems)

30. The allegations of Paragraphs 1 through 29 of this Consent Agreement are incorporated herein by reference.
31. 40 C.F.R. § 264.194(b), as incorporated by reference into 25 Pa. Code § 264a.1, requires the owner or operator of a tank containing hazardous waste to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.
32. 40 C.F.R. § 264.194(b)(2), as incorporated by reference into 25 Pa. Code § 264a.1, states that these appropriate controls must include, at a minimum, overflow prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank).
33. From at least June 30, 2003 to August 29, 2006, Respondent was storing hazardous waste at the Facility in two three-thousand gallon tanks that were part of "new tank systems," as that term is defined at 25 Pa. Code § 260a.1. These tanks were not equipped with any level sensing devices, high level alarms, automatic feed cutoff, bypass to a standby tank, or other overflow protection.

34. Respondent failed to use appropriate controls and practices to prevent spills and overflows from the tanks described in Paragraphs 18 and 33, above, in violation of 40 C.F.R. § 264.194(b), as incorporated by reference into 25 Pa. Code § 264a.1.

COUNT IV

(Failure to store universal waste lamps in closed containers)

35. The allegations of Paragraphs 1 through 34 of this Consent Agreement are incorporated herein by reference.
36. Pursuant to 40 C.F.R. § 273.13(d)(1), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must contain used lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.
37. Respondent is a “small quantity handler of universal waste” as that term is defined in 40 C.F.R. § 273.9 and incorporated by reference into 25 Pa. Code § 266b.1.
38. At the time of the July 2006 Inspection, several containers storing universal waste “lamps,” as that term is defined in 40 C.F.R. § 273.9 and incorporated by reference into 25 Pa. Code § 266b.1, at the Facility were not closed.
39. Respondent violated 40 C.F.R. § 273.13(d)(1), as incorporated by reference into 25 Pa. Code § 266b.1, by failing to store universal waste lamps in closed containers.

COUNT V

(Failure to correctly label containers of universal waste lamps)

40. The allegations of Paragraphs 1 through 39 of this Consent Agreement are incorporated herein by reference.
41. Pursuant to 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must label or mark each container used to store universal waste lamps with one of the following phrases: “Universal Waste - Lamp(s),” “Waste Lamps,” or “Used Lamp(s).”
42. At the time of the July 2006 Inspection, several containers storing universal waste lamps at the Facility were not labeled or marked clearly with one of the phrases required by 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1.

43. Respondent violated 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1, by failing to correctly label or mark containers of universal waste lamps.

COUNT VI

(Failure to document daily tank inspections for each operating day in the operating record)

44. The allegations of Paragraphs 1 through 43 of this Consent Agreement are incorporated herein by reference.
45. 40 C.F.R. § 264.195(c)(1), as incorporated by reference into 25 Pa. Code § 264a.1, requires, with exceptions not relevant to this matter, owners or operators to inspect above ground portions tanks at least once each operating day to detect corrosion or releases of waste.
46. 40 C.F.R. § 264.195(h), as incorporated by reference into 25 Pa. Code § 264a.1, requires owners to document inspections required by 40 C.F.R. § 264.195(c) in the operating record of the facility.
47. From at least June 30, 2003 to August 29, 2006, inspections of two three-thousand gallon above-ground storage tanks storing hazardous waste at the Facility were not documented in the Facility's inspection log.
48. Respondent violated 40 C.F.R. § 264.195(h), as incorporated by reference into 25 Pa. Code § 264a.1, by failing to document in the operating record of the Facility inspections of the two three-thousand gallon above ground storage tanks for each operating day.

COUNT VII

(Failure to obtain a written assessment for new tanks, reviewed and certified by a qualified professional engineer)

49. The allegations of Paragraphs 1 through 48 of this Consent Agreement are incorporated herein by reference.
50. 40 C.F.R. § 264.192(a), as incorporated by reference into 25 Pa. Code § 264a.1, states that owners or operators of new tank systems must obtain a written assessment, reviewed and certified by a qualified Professional Engineer, in accordance with 40 C.F.R. § 270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
51. From at least June 30, 2003 to August 29, 2006, the Respondent did not obtain a written assessment, reviewed and certified by a qualified Professional Engineer, for the tanks

identified in Paragraph 18, above, that the tank systems had sufficient structural integrity and was acceptable for the storing and treating of hazardous waste.

52. Respondent violated 40 C.F.R. § 264.192(a), as incorporated by reference into 25 Pa. Code § 264a.1, by failing to obtain a written assessment for the tanks referenced in Paragraph 18, above, reviewed and certified by an independent, qualified professional engineer.

III. CIVIL PENALTIES

53. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA, Respondent consents to the assessment of a civil penalty in the amount of **ONE HUNDRED NINETY FOUR THOUSAND NINE HUNDRED AND SEVENTY DOLLARS (\$194,970.00)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct signed copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
54. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. Section 6928(a)(3).
55. Respondent shall remit payment for the civil penalty set forth in Paragraph 53, above, by certified check or cashier's check, or by electronic funds transfer, in the following manner:
- A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2008-0334;
 - B. All checks shall be made payable to "**United States Treasury**";
 - C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077

St. Louis, MO 63197-9000

Contact: Natalie Pearson, 314-418-4087

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

- E. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”

- F. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

G. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

H. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm

I. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

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

and

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

56. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.
57. Pursuant to 31 U.S.C. Section 3717 and 40 C.F.R. Section 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owned to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment

or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

58. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. Section 13.11(a).
59. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. Section 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
60. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. Section 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).

VI. OTHER APPLICABLE LAWS

61. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VII. RESERVATION OF RIGHTS

62. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VIII. FULL AND FINAL SATISFACTION

- 63. Payment of the penalty specified in this CA/FO, above, shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the ~~Complaint~~ CA/FO.

IX. PARTIES BOUND

- 64. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

X. EFFECTIVE DATE

- 65. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

XI. ENTIRE AGREEMENT

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

For the Respondent:

SCHOTT North America, Inc.

Date: 16-JUN-08

By: Gerald J. Fine

Gerald J. Fine
President and CEO

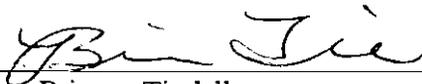
SCHOTT North America, Inc. CA/FO

U.S. EPA Docket Number RCRA-03-2008-0334 9:47

For the Complainant:

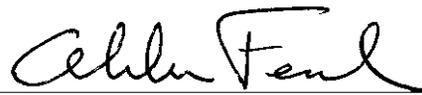
U.S. Environmental Protection Agency, Region III

Date: 6/20/08

By: 
Brianna Tindall
Assistant Regional Counsel

The Waste and Chemicals Management Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 6/25/08

By: 
Abraham Ferdas, Director
Waste and Chemicals Management Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

RECEIVED

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U.S. ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

SUBJECT: Corrections to Consent Agreement and Final Order
In the Matter of SCHOTT North America, Inc.
U.S. EPA Docket No. RCRA-03-2008-0334

FROM: Brianna Tindall (3RC30) BT
Assistant Regional Counsel

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

On June 25, 2008, two minor errors in the Consent Agreement and Final Order ("CA/FO"), U.S. EPA Docket No. RCRA-03-2008-0334 were identified by Renée Sarajian. These errors were: (1) an incorrect docket number was listed in Paragraph 55(A), Page 9, and (2) the document was referred to as a "Complaint," instead of a CA/FO, in Paragraph 63, Page 13.

On June 25, 2008, Brianna Tindall called the Respondent's representative, R. Timothy Weston at K & L Gates, LLP, and requested permission to make the changes. Mr. Weston granted authorization for both changes. The first change was made in the electronic version document, and a new page 9 replaced the old page with the error on it. Since the second error was located on the same page as the signature by Respondent, the second change was made with pen and ink by Brianna Tindall on June 25, 2008.

Please contact Brianna Tindall at (215) 814-2623, if you have any questions.

cc:

Jan Szaro (3WC31)
R. Timothy Weston, K & L Gates, LLP

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

IN THE MATTER OF:

)	FINAL ORDER
SCHOTT North America, Inc.)	
555 Taxter Road)	
Elmsford, NY 10523)	U.S. EPA Docket Number
)	RCRA-03-2008-0334
RESPONDENT)	
)	Proceeding under Section 3008
400 York Avenue)	of the Resource Conservation and
Duryea, PA 18642)	Recovery Act, as amended,
)	42 U.S.C. § 6928
FACILITY)	
_____)	

FINAL ORDER

Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency - Region III, and Respondent, SCHOTT North America, Inc., have executed a document entitled "Consent Agreement" which I ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **ONE HUNDRED NINETY FOUR THOUSAND NINE HUNDRED AND SEVENTY DOLLARS (\$194,970.00)** as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

FILED

SCHOTT North America, Inc. CA/FO

U.S. EPA Docket Number RCRA-03-2008-0334-18

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 6/26/08

BY: Renée Sarajian
Renée Sarajian
Regional Judicial Officer
United States Environmental Protection Agency
Region III

SCHOTT North America, Inc. CA/FO

U.S. EPA Docket Number ~~RCRA-03-2008-0334~~ 48
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CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: SCHOTT North America, Inc., U.S. EPA Docket Number RCRA-03-2008-0280**, to the persons and addresses listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

**Manfred Jaeckel
SCHOTT North America, Inc.
555 Taxter Road
Elmsford, NY 10523**

**R. Timothy Weston
Kirkpatrick & Lockhart Preston Gates Ellis LLP
17 North Second Street
18th Floor
Harrisburg, PA 17101-1507**

Dated: 6/30/08


Brianna Tindall
Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029