

delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondents under RCRA (or the “Act”) for the violations alleged herein.

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

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Commonwealth of Pennsylvania has received federal authorization to administer a portion of its Hazardous Waste Management Program (the “Pennsylvania Hazardous Waste Management Program”) in lieu corresponding portions federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939 (g). Effective January 30, 1986, the Pennsylvania Hazardous Waste Management Program (PaHWMR) was authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). See 51 Fed.Reg. 1791 (January 15, 1986), 65 Fed. Reg. 57734 (September 26, 2000), 69 Fed. Reg. 2674 (January 20, 2004) and 74 Fed. Reg. 19453 (April 29, 2009). The PaHWMR incorporate, with certain exceptions, specific provisions of Title 40 of the 1999 Code of Federal Regulations by reference “including any subsequent modifications and additions.” See 25 Pa. Code § 260a.3(e).
5. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PaDEP”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. This Consent Agreement (“CA”) and the accompanying Final Order (“FO”) (hereinafter jointly referred to as this “CAFO”) address alleged violations by Respondents of RCRA and the federally authorized PaHWMR, codified at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a.
7. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).

GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondents admit the jurisdictional allegations set forth in this CAFO.
9. Except as provided in Paragraph 8, above, Respondents neither admit nor deny the specific factual allegations set forth in this Consent Agreement.

10. Respondents agree not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.
11. For purposes of this proceeding only, Respondents hereby expressly waive their right to contest the allegations set forth in this CAFO and waive their right to appeal the accompanying Final Order.
12. Respondents consent to the assessment of the civil penalty stated herein, and to any conditions specified herein.
13. Respondents shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Respondent DHL Supply Chain is and was at the time of the violations alleged herein, a corporation of the Commonwealth of Pennsylvania.
16. Respondent 3M Company is and was at the time of the violations alleged herein, a corporation of the State of Delaware.
17. Respondents are, and at the time of the violations alleged herein, were "persons" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903, 25 Pa. Code § 260a.10.
18. Respondent DHL Supply Chain is, and at all times relevant to this Consent Agreement was, the "owner" and "operator" of a "facility," described in Paragraph 19, below, as the terms "facility", "owner" and "operator" are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
19. The facility referred to in Paragraph 18, above, including all of its associated equipment and structures (hereinafter the "Facility"), is a warehouse located at 245 Salem Church Road, Mechanicsburg, Pennsylvania, 17050.
20. The Facility is assigned EPA ID No. PAR000001149.

21. Respondents are and, at all times relevant to this CAFO have been, “generators” of, and have engaged in the “storage” in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes” as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1, which with the exception of the term “storage” and which is defined in 25 Pa. Code § 260a.10.
22. On June 6, 2018, representatives of EPA conducted an EPA Compliance Evaluation Inspection (CEI) at the Facility.
23. Respondents generate hazardous wastes at the Facility containing barium, cadmium, chlorobenzene, chromium, ethylene oxide, lead, methyl ethyl ketone and mercury which are hazardous wastes (EPA Hazardous Waste Nos. D005, D006, D021, D007, U115, D008, D035, D009) within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.24 because these wastes exhibit the characteristics of toxicity.
24. Respondents generate hazardous waste liquids at the Facility which are a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.21 because the waste exhibits the characteristics of ignitability.
25. Respondents generate hazardous wastes at the Facility which are a hazardous waste (EPA Hazardous Waste No. D002) within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.22 because the waste exhibits the characteristics of corrosivity.
26. On June 6, 2018 the hazardous waste described in Paragraphs 23 - 25, above, was in “storage” in containers at the Facility.

COUNT I

(Hazardous Waste Determination)

27. The preceding paragraphs are incorporated by reference.
28. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11 with exceptions not relevant herein, provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the following methods:
 - (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4.
 - (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 C.F.R. Part 261.

(c) For purposes of compliance with 40 C.F.R. Part 268, or if the waste is not listed in subpart D of 40 C.F.R. Part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. Part 261 by either:

(1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 C.F.R. § 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

29. On June 6, 2018, Respondents stored approximately 68 pallets of containers of waste in the Hazard Room Aisle at the Facility.
30. Respondents began making hazardous waste determinations of the contents of the 68 pallets of containers subsequent to the June 6, 2018 EPA CEI.
31. Between June 7, 2018 and June 28, 2018, Respondents made hazardous waste determinations of the contents of the 68 pallets of containers located in the Hazard Room Aisle at the Facility. The contents of several of the containers were identified by Respondents as containing EPA Hazardous Waste Nos. D001, D002, D007, D021, D035, and U115 hazardous waste.
32. From at least June 7, 2018 until June 28, 2018, Respondents did not conduct hazardous waste determinations on waste material stored in the Hazardous Room Aisle at the Facility which is “solid waste” as defined at 25 Pa. Code § 261a.2, which incorporates by reference 40 C.F.R. § 261.2.
33. The wastes referred to in Paragraph 31 above, are and were at the time of the alleged violations “solid wastes” as this term is defined in 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.2, with exceptions not relevant here.
34. From at least June 7, 2019 to June 28, 2019, Respondents violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, by failing to conduct hazardous waste determinations on solid waste generated at the Facility.

COUNT II

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

35. The preceding paragraphs are incorporated by reference.
36. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), provide, in pertinent part, that a person may not own or operate a facility for the treatment, storage or disposal of hazardous

- waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
37. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(d), which provides, in pertinent part, a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status.
 38. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(d)(1), which provides, in pertinent part, a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the quantity of waste accumulated on-site never exceeds 6000 kilograms.
 39. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(d)(2) which references 40 C.F.R. § 265.174 provides, in pertinent part, that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status in containers provided that, the generator complies with the requirement to inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.
 40. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(d)(4) which references 40 C.F.R. § 262.34(a)(2) provides, in pertinent part, that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status in containers provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
 41. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.34(d)(4) which references 40 C.F.R. § 262.34(a)(3) provides, in pertinent part, that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status in containers provided that while being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste.”
 42. A December 8, 2015 hazardous waste manifest (#006745005FLE) described 17,662 pounds (approximately 8,011 kilograms) of hazardous waste which had been accumulated on site at the Facility in violation of the 6000 kilogram limit set forth at 25 Pa. Code § 262a.10 which incorporates by reference 40 C.F.R. § 262.34(d)(1).
 43. For the period between July 1, 2013 until June 30, 2018 Respondents did not conduct, at least weekly, inspections of areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by

corrosion or other factors as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(2) which references 40 C.F.R. § 265.174.

44. On June 6, 2018, Respondents accumulated hazardous waste in containers that were not properly labeled with the date upon which each period of accumulation began in violation of 25 Pa. Code § 262a.10 which incorporates by reference 40 C.F.R. § 262.34(d)(4) with reference to 40 C.F.R. § 262.34(a)(2). Specifically, containers of hazardous waste stored on pallets in the Hazard Room Aisle HR500 at the Facility were not labeled with the date upon which each period of accumulation began.
45. On June 6, 2018, Respondents accumulated hazardous waste in containers that were not properly labeled with the words “Hazardous Waste” in violation of 25 Pa. Code § 262a.10 which incorporates by reference 40 C.F.R. § 262.34(d)(4) with reference to 40 C.F.R. § 262.34(a)(3).
46. Respondents failed to qualify for the “less than 180-day” generator accumulation exemption of 25 Pa. Code § 262a.10, which incorporates by reference the requirements of 40 C.F.R. § 262.34(d) referred to in Paragraphs 36 - 41, above, and as described in Paragraphs 42 - 45, above.
47. Respondent DHL Supply Chain’s Facility is a hazardous waste treatment, storage or disposal “facility” as that term is defined in 25 Pa. Code § 260a.10 with respect to the storage of hazardous waste as described above.
48. Respondents do not have, and never had, a hazardous waste treatment or storage permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the treatment or storage of hazardous waste at the Facility.
49. Respondents were required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the hazardous waste storage activities described in this count.
50. From at least July 1, 2013 until June 30, 2019, Respondents violated 25 Pa. Code § 270a.1, 40 C.F.R. § 270.1(b) and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility without a permit, interim status or a valid exemption to the permit requirement.

COUNT III

(Weekly Inspections of Hazardous Waste Areas)

51. The preceding paragraphs are incorporated by reference.
52. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, provides that at least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

53. For the period at least June 7, 2013 to June 6, 2018, Respondents did not conduct weekly inspections of the areas where containers of hazardous waste are stored.
54. From at least June 7, 2013 to June 6, 2018 Respondents violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, by failing to conduct weekly inspections of the areas where containers of hazardous waste are stored.

COUNT IV

(Universal Waste Container Management)

55. The preceding paragraphs are incorporated by reference.
56. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9, Respondent DHL Supply Chain is a small quantity handler of universal waste.
57. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), a small quantity handler of universal waste is required to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, and specifically requires a small quantity handler of universal waste to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
58. On June 6, 2018, Respondent DHL Supply Chain stored universal waste lamps in an open container located in the Maintenance Shop of the Facility.
59. On June 6, 2018, Respondent DHL Supply Chain violated 25 Pa. Code § 266b.1 which incorporates by reference 40 C.F.R. § 273.13(d)(1) by storing universal waste lamps in an open container at the Facility.

COUNT V

(Universal Waste Container Labeling)

60. The preceding paragraphs are incorporated by reference.
61. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), a small quantity generator of universal waste lamps must clearly label or mark each universal waste lamp or a container or package in which such universal waste lamps are contained with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.
62. On June 6, 2018, Respondent DHL Supply Chain stored universal waste lamps in an unlabeled container located in the Maintenance Shop of the Facility.

63. On June 6, 2018, Respondent DHL Supply Chain violated 25 Pa. Code § 266b.1 which incorporates by reference 40 C.F.R. § 273.14(e) by storing universal waste lamps in an unlabeled container at the Facility.

COUNT VI

(Universal Waste Container Tracking)

64. The preceding paragraphs are incorporated by reference.
65. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (3) Maintaining 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
 - (6) 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.
66. On June 6, 2018, Respondent DHL Supply Chain stored universal waste lamps at the Facility with no date-tracking system in place in violation of 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c).
67. On June 6, 2018, Respondent DHL Supply Chain violated 25 Pa. Code § 266b.1 which incorporates by reference 40 C.F.R. § 273.15(c) by storing universal waste lamps at the Facility with no date-tracking system in place.

CIVIL PENALTY

68. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondents consent to the assessment of a civil penalty in the amount of SEVENTY-FOUR THOUSAND THREE HUNDRED SIXTY DOLLARS (\$74,360), which Respondents shall be jointly liable to pay in accordance with the terms set forth below.
69. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
70. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondents shall include reference to each Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-2020-03-0019;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>
 - e. A copy of each Respondent's check or other documentation of payment of the penalty using the method selected by each Respondent for payment shall be sent simultaneously to:

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

and

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
howell.joyce@epa.gov

71. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondents' failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
72. Payment of the civil penalty is due and payable immediately upon forty-five (45) days following receipt by Respondents of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondents or Respondents' legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondents in accordance with 40 C.F.R. § 13.9(a).
73. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondents. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
74. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

75. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
76. Respondents agree not to deduct for federal tax purposes the civil penalty assessed in this CAFO. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of the requirements in Paragraph 72 is restitution or required to come into compliance with law.

GENERAL SETTLEMENT CONDITIONS

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

CERTIFICATION OF COMPLIANCE

79. Respondents certify to EPA, after Respondents' personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

80. Nothing in this CAFO shall relieve Respondents of Respondents' obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

81. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged against Respondents in this CAFO. EPA reserves the right to commence action against any persons, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

EXECUTION /PARTIES BOUND

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

EFFECTIVE DATE

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

ENTIRE AGREEMENT

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

In re Exel Inc., d/b/a DHL Supply Chain and 3M Company
RCRA-03-2020-0019

For Respondent: DHL SUPPLY CHAIN

Date: 1-17-2019

By: Allison E. Haedt
Allison Haedt
Assoc. General Counsel
Global Business Services
Exel, Inc. d/b/a/
DHL Supply Chain
(USA)

In re Exel Inc., d/b/a DHL Supply Chain and 3M Company
RCRA-03-2020-0019

For Respondent: 3M COMPANY

Date: 1/15/2020

By: 
Joe Klingsporn
Distribution Operations & Manufacturing
Services Manager
USAC Manufacturing and Supply Chain,
Enterprise Operations

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: FEB 4 2020

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

Attorney for Complainant:

Date: 2/4/2020

By: 
Joyce A. Howell
Sr. Assistant Regional Counsel
U.S. EPA – Region III

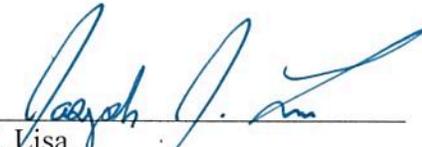
C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondents pay a civil penalty of **SEVENTY-FOUR THOUSAND THREE HUNDRED SIXTY DOLLARS (\$74,360.00)**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondents' obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

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

Feb. 5, 2020
Date:



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

In re Exel, Inc., d/b/a/DHL Supply Chain and 3M Company
EPA Docket No. RCRA-03-2020-0019

Gary Epperley
3M Center
2501 Hudson Road
Mail Stop: 220-9E-02
St, Paul, MN 55144

Copies served via Hand Delivery or Inter-Office Mail to:

Joyce A. Howell
Sr. Assistant Regional Counsel
Mail Code 3RC40
1650 Arch Street
Philadelphia, PA 19013

Dated: FEB 05 2020


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

TRACKING NUMBERS:

Exel, Inc., d/b/a DHI Supply Chain: 70080500000157528743
3M Company 70080500000157528736