

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

In the Matter of:	:	
	:	
Beckton Dickinson and Company	:	U.S. EPA Docket No. RCRA-03-2021-0013
7 Loveton Circle	:	
Sparks, Maryland, 21152	:	
	:	
Respondent.	:	Proceeding under Section 3008(a) and
	:	(g) of the Resource Conservation and
	:	Recovery Act, as amended, 42 U.S.C.
Becton Dickinson and Company	:	Section 6928(a) and (g)
7 Loveton Circle	:	
Sparks, Maryland, 21152,	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Becton Dickinson and Company, (“Respondent”) (collectively the “Parties”), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. §§ 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. 42 U.S.C. Section 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. Section 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into Consent Agreements to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant’s civil penalty claims against Respondent 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. This Consent Agreement and the accompanying Final Order address alleged violations, by Respondent, of Subtitle C of RCRA, 42 U.S.C. §§ 6921 – 6939g, and the current authorized State of Maryland Hazardous Waste Management Regulations (“MdHWMR”), set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 et seq. in connection with Respondent’s facility located at 7 Loveton Circle, Sparks, Maryland, 21152 (the “Facility”).
5. The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA, June 1, 2001 (66 Fed. Reg. 29712) effective July 31, 2001, and July 26, 2004 (69 Fed. Reg. 44463) effective September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
6. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
7. By letter to the Maryland Department of the Environment (“MDE”), dated February 13, 2020, EPA has given the State of Maryland, through MDE, prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

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

12. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
13. Respondent 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 is and was at the time of the violations alleged herein, a corporation of the State of New Jersey.
16. Respondent is, and at the time of the violations alleged herein, was a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).
17. Respondent is, and at the time of the violations alleged herein has been, the "owner" and "operator" of a "facility," described in paragraph 18, below, as the terms "facility", "owner" and "operator" are defined in COMAR 26.13.01.03B(23), (59) and (58).
18. The Facility referred to in Paragraph 17, above, including all its associated equipment and structures, is a pharmaceutical equipment facility located at 7 Loveton Circle, Sparks Maryland, 21152.
19. Respondent is assigned EPA RCRA ID No. MDD982674079.
20. Respondent is and, at all times relevant to this Consent Agreement and Final Order has been, a "generator" of, and has engaged in the "storage" in "containers" and "tanks" at the Facility of materials described below that are "solid wastes" and "hazardous wastes" as those terms are defined in COMAR 26.13.01.03B(29), (76), (9), (78), (73), and (31).
21. On July 10 -11, 2019, representatives of EPA conducted an EPA Compliance Evaluation Inspection (EPA CEI) at Respondent's Facility.
22. Respondent generates waste isopropyl alcohol (IPA) at the Facility which is a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of COMAR 26.13.02.11, because it exhibits the characteristic of ignitability.
23. Respondent generates waste solvent at the Facility which is a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of COMAR 26.13.02.11, because it exhibits the characteristic of ignitability.

COUNT I

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

24. The preceding paragraphs are incorporated by reference.
25. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, with certain exceptions not relevant here, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.
26. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (*i.e.*, “interim status”) until such time as final administrative disposition of such application is made.
27. Respondent has never had “interim status” pursuant to RCRA Section 3005(e) or a permit issued pursuant to RCRA Section 3005(a) for the treatment, storage, or disposal of hazardous waste at the Facility.
28. COMAR 26.13.03.05E(1)(e) provides that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less if *inter alia*, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
29. COMAR 26.13.03.05E(1)(h)(iv) provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in tanks provided that, *inter alia*, each tank is labeled or marked clearly with the words “Hazardous Waste” while being accumulated on site.
30. COMAR 26.13.03.05E(1)(d), (which references COMAR 26.13.05.09), provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in containers provided that, *inter alia*, a container holding hazardous waste is always closed during storage, except when necessary to add or remove waste.
31. COMAR 26.13.03.05E(1)(h)(i), (which references COMAR 26.13.05.10D(2)) provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in tanks provided that, *inter alia*, the generator conducts inspections of the hazardous waste storage tanks at least once each operating day.

32. COMAR 26.13.03.05E(1)(h)(i), (which references COMAR 26.13.05.10-3B) provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in new tanks provided that, *inter alia*, the generator complies with the requirements of COMAR 26.13.03.05E(1)(h)(i), which references COMAR 26.13.05.10-3B, which provides that generator may not manage hazardous waste in a new tank system unless the generator first obtains a written assessment of the tank, reviewed and certified by an independent, qualified, registered professional engineer using the criteria set forth in COMAR 26.13.05.10-3B.
33. COMAR § 26.13.03.05.E(k)(iii), provides that generators of hazardous waste may accumulate hazardous waste on-site for less than 90 days in containers provided that, *inter alia*, the generator maintains an inspection log or summary which documents the inspections performed in accordance with COMAR § 26.13.03.05E(1)(d), which references COMAR 26.13.05.09, of the facility hazardous waste accumulation areas, and the log or summary includes the date and time of each inspection, the name of the inspector, a notation of observations made, and the date and nature of any repairs made or other remedial action taken and the generator keeps the log on file for a minimum of 3 years from the date of inspection.
34. At the time of the EPA CEI, Respondent had a 55-gallon container located in Room 1012 at the Facility containing 40 gallons of D001 hazardous waste that was not marked with a start accumulation date as required by COMAR 26.13.03.05E(1)(e).
35. At the time of the EPA CEI, Respondent used a five-gallon tank located in Room #1544 at the Facility that was not labeled with the words “Hazardous Waste” as required by COMAR 26.13.03.05E(1)(h)(iv).
36. At the time of the EPA CEI, Respondent stored hazardous waste 4-foot long silver tipped universal waste lamps in a container that was open, and waste was not being added or removed as required by COMAR 26.13.03.05E(1)(d).
37. From at least January 1, 2016 to the time of the EPA CEI, Respondent did not conduct and record daily inspections of (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area; (b) the 20-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area; and, (c) the 20-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area as required by COMAR 26.13.03.05E(1)(h)(i).
38. At the time of the EPA CEI, Respondent had not obtained a written assessment reviewed and certified by an independent, qualified, registered professional engineer using the criteria set forth in COMAR 26.13.05.10-3B for the following hazardous waste storage tanks as required by COMAR 26.13.03.05E(1)(h)(i), which references COMAR 26.13.05.10-3B:

- (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
- (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area;
- (c) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.

- 39. From at least November 17, 2018 to July 7, 2019, Respondent accumulated hazardous waste in 55-gallon hazardous waste containers in Room 1605 and Room 1012 at the Facility, and failed to record the time the inspections were completed, and failed to keep records of the inspections of these areas in contravention of the requirements of COMAR § 26.13.03.05.E(k)(ii) and (iii).
- 40. For the reasons and during the times set forth above at the Facility, Respondent failed to comply with the conditions for the temporary storage (*i.e.*, 90 days or less) of hazardous waste by a generator that are required pursuant to COMAR 26.13.03.05E, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
- 41. Respondent's Facility is a hazardous waste treatment, storage or disposal "facility" as that term is defined in COMAR 26.13.01.03B(23), with respect to the storage of hazardous waste as described above.
- 42. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT II

(Failure to Determine Whether Equipment Contains or Contacts a Hazardous Waste With 10% or More Organic Concentration)

- 43. The preceding paragraphs are incorporated by reference.
- 44. Pursuant to 40 C.F.R. § 264.1063(d), large quantity generators of hazardous waste and owners and operators of a hazardous waste treatment, storage or disposal facility are required to determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10% by weight. This determination is made using a methodology incorporated by reference in 40 C.F.R § 262.11, or through application of knowledge of the nature of the hazardous waste stream or the process by which it was produced.

45. At the time of the EPA CEI, Respondent did not identify equipment at the Facility which contained or was in contact with a hazardous waste with an organic concentration that equaled or exceeded 10% by weight for the following hazardous waste tanks:
- (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
 - (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area;
 - (c) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.
46. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 264.1063(d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT III

(Failure to Perform and Record Daily Inspections for Hazardous Waste Tanks)

47. The preceding paragraphs are incorporated by reference.
48. COMAR 26.13.05.10D(2) requires owners and operators of facilities which treat, store or dispose of hazardous waste to inspect hazardous waste storage tank systems at least once each operating day.
49. From at least January 1, 2016 to the time of the EPA CEI, Respondent did not conduct and record daily inspections of (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area; (b) the 20-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area; and, (c) the 20-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area as required by COMAR 26.13.05.10D(2).
50. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.05.10D(2), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT IV

(Failure to Provide a Written Assessment for Hazardous Waste Storage Tanks)

51. The preceding paragraphs are incorporated by reference.

52. COMAR 26.13.05.10-3B, requires the owners and operators of a new hazardous waste storage tank system to demonstrate, through a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with COMAR 26.13.07.03D, and using the criteria set forth in COMAR 26.13.05.10-3B, that the tank system has sufficient structural integrity and is acceptable for the management of hazardous waste.
53. At the time of the EPA CEI, Respondent had not obtained a written assessment reviewed and certified by an independent, qualified, registered professional engineer using the criteria set forth in COMAR 26.13.05.10-3B for the following hazardous waste storage tanks as required by COMAR 26.13.05.10-3B:
- (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
 - (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area;
 - (c) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.
54. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.05.10-3B, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT V

(Failure to Monitor Pumps that Contain or Contact Hazardous Waste)

55. The preceding paragraphs are incorporated by reference.
56. 40 C.F.R. § 264.1052, requires owners and operators of facilities which treat, store or dispose of hazardous waste to monitor monthly, using the methods set forth in 40 C.F.R. § 264.1063(b), each pump in light liquid service at the Facility that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight and that is managed in a unit listed in 40 C.F.R. § 264.1050(b)(1) – (3).
57. At the time of the EPA CEI, Respondent used pumps in light liquid service at the Facility which contain or contact hazardous wastes with organic concentrations of at least ten percent by weight within the meaning of 40 C.F.R. § 264.1050(b) and. 40 C.F.R. § 264.1031.
58. At the time of the EPA CEI, Respondent managed hazardous waste in units listed in 40 C.F.R. § 264.1050(b)(1) – (3), namely:

- (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
- (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area; and,
- (c) the valves associated with the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.

59. At the time of the EPA CEI, Respondent did not monitor monthly the pumps in light liquid service at the Facility which contain or contact hazardous wastes with organic concentrations of at least ten percent by weight associated with units listed in Paragraph 58(a-c).
60. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 264.1052(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT VI
(Failure to Monthly Monitor Valves Subject to Subpart BB)

61. The preceding paragraphs are incorporated by reference.
62. 40 C.F.R. § 264.1057 requires owners and operators of facilities which treat, store or dispose of hazardous waste to monitor monthly, using the method set forth in 40 C.F.R. § 264.1063(b), each valve in light liquid service at the Facility that contains or contacts hazardous wastes with organic concentrations of at least ten percent by weight and that is managed in a unit listed in 40 C.F.R. § 264.1050(b)(1) – (3).
63. At the time of the EPA CEI, Respondent used valves in light liquid service at the Facility which contain or contact hazardous wastes with organic concentrations of at least ten percent by weight within the meaning of 40 C.F.R. § 264.1050(b) and. 40 C.F.R. § 264.1031.
64. At the time of the EPA CEI, Respondent managed hazardous waste in units listed in 40 C.F.R. § 264.1050(b)(1) – (3), namely:
- (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
 - (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area; and,
 - (c) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.

65. At the time of the EPA CEI, Respondent did not monitor monthly the valves in light liquid service at the Facility which contain or contact hazardous wastes with organic concentrations of at least ten percent by weight associated with units listed in Paragraph 64 (a-c).
66. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 264.1057(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

COUNT VII

(Failure to Control Air Pollution Emissions from Hazardous Waste Storage Tanks)

67. The preceding paragraphs are incorporated by reference.
68. Pursuant to 40 C.F. R. § 264.1082(b), air emissions from tanks used to manage hazardous waste must be controlled in accordance with standards specified in 40 C.F.R. § 264.1084 unless such tanks have been demonstrated to be exempt for this requirement.
69. At the time of the EPA CEI, Respondent managed hazardous waste in the tanks listed below without controlling the air emissions from such tanks and without demonstrating that these tanks were exempt from regulation under 40 C.F.R. Part 264 Subpart CC.
 - (a) the five-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 hazardous waste accumulation area;
 - (b) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 3 hazardous waste accumulation area;
 - (c) the twenty-gallon hazardous waste tank of IPA cleaning solution in the IDAST Line 1 and Line 2 hazardous waste accumulation area.
70. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 264.1082(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

71. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of SEVENTY-ONE THOUSAND THREE HUNDRED SIXTY DOLLARS (\$71,360.00), which Respondent shall be liable to pay in accordance with the terms set forth below.
72. 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.
73. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2021-0013;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

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

Joyce A. Howell
Senior Assistant Regional Counsel

U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
howell.joyce@epa.gov

74. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
75. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
76. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
77. 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.
78. 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).
79. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

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

CERTIFICATION OF COMPLIANCE

82. Respondent certifies to EPA, upon 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

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

RESERVATION OF RIGHTS/

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

EXECUTION /PARTIES BOUND

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

EFFECTIVE DATE

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

ENTIRE AGREEMENT

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

In Re: Becton Dickinson and Company
EPA Docket No. RCRA-03-2021-0013

For Respondent: Becton Dickinson and Company

Date: January 21, 2021

By: 

Dave Hickey
EVP and President
Life Sciences Segment
Becton- Dickinson and Company

In Re: Becton Dickinson and Company
EPA Docket No. RCRA-03-2021-0013

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: 02/03/2021

By: **KAREN MELVIN** Digitally signed by KAREN MELVIN
Date: 2021.02.03
09:59:08 -05'00'

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

Attorney for Complainant:

Date: 02/03/2021

By: **JOYCE HOWELL** Digitally signed by JOYCE HOWELL
Date: 2021.02.03
08:53:56 -05'00'

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

In Re: Becton Dickinson and Company
EPA Docket No. RCRA-03-2021-0013

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

In the Matter of:	:	
	:	
Beckton Dickinson and Company	:	U.S. EPA Docket No. RCRA-03-2021-0013
7 Loveton Circle	:	
Sparks, Maryland, 21152	:	
	:	
Respondent.	:	Proceeding under Section 3008(a) and
	:	(g) of the Resource Conservation and
	:	Recovery Act, as amended, 42 U.S.C.
Becton Dickinson and Company	:	Section 6928(a) and (g)
7 Loveton Circle	:	
Sparks, Maryland, 21152,	:	
	:	
Facility.	:	

FINAL ORDER

Complainant, the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondent, Becton Dickinson and Company, have executed a document entitled "Consent Agreement" which I hereby 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. 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

In Re: Becton Dickinson and Company
EPA Docket No. RCRA-03-2021-0013

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 Respondent pay a civil penalty of **SEVENTY-ONE THOUSAND THREE HUNDRED SIXTY DOLLARS (\$71,360.00)**, 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 Respondent’s 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.

02/03/2021

Date:

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2021.02.03
10:42:31 -05'00'

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

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

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7 Loveton Circle	:	
Sparks, Maryland, 21152,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that on 2/3/21, the original and one (1) copy of the foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Email to:

Ellen Kondracki
Vice President, Sustainability & EHS
1 Becton Drive
Franklin Lakes, NJ 07417
ellen.kondracki@bd.com

Joyce A. Howell
Senior Assistant Regional Counsel
ORC – 3RC40
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

In Re: Becton Dickinson and Company
EPA Docket No. RCRA-03-2021-0013

Dated: 2/3/21

BEVIN
ESPOSITO

Digitally signed by
BEVIN ESPOSITO
Date: 2021.02.03
11:54:46 -05'00'

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