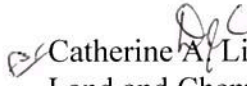




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Consent Agreement and Final Order  
IMO Quad/Graphics, Inc. -Martinsburg, West Virginia  
Docket No. RCRA-03-2017-0160

FROM:  Catherine A. Libertz, Acting Director  
Land and Chemicals Division

 Mary Coe *8/30/17*  
Regional Counsel

TO: Joseph J. Lisa  *9-6-2017*  
Regional Judicial Officer

The attached Consent Agreement and Final Order both commences and concludes a matter negotiated in settlement of alleged violations of the authorized West Virginia Hazardous Waste Management Regulations, enforceable by EPA under Section 3008(a) of Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.13(b).

The attached Final Order directs Respondent to pay a civil penalty in the amount of \$31,880.00. The settlement amount is an appropriate penalty for the identified violations upon consideration of the statutory penalty factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violations and any good faith efforts by the Respondent to comply with the applicable requirements, with appropriate inflation adjustments pursuant to 40 C.F.R. Part 19 and applicable EPA implementing guidance. These and other relevant and appropriate 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, and further support the civil penalty settlement amount.

We recommend that you sign the attached Final Order. After you execute the Final Order, please return the documents to Joyce Howell, x2644, for further processing.

Attachments

cc: Joyce Howell, Esq.  
Diane M. Marchik, Esq.

2017 SEP -5 AM 11:35

RECEIVED



("FO"), collectively referred to herein as the "CAFO," simultaneously commences and concludes this administrative proceeding against Respondent.

3. The State of West Virginia has received federal authorization to administer a Hazardous Waste Management Program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§6921 – 6939 (g). Effective May 29, 1986 the West Virginia Hazardous Waste Management Regulations ("WVHWMR"), were authorized by EPA 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. 17739), May 10, 2000, effective July 10, 2000 (65 Fed. Reg. 29973), October 16, 2003, effective December 15, 2003 (68 Fed. Reg. 59542 and November 25, 2013, effective January 24, 2014 (78 Fed. Reg. 70225). The WVHWMR incorporate, with certain exceptions, specific provisions of Title 40 of the 2010 Code of Federal Regulations by reference. *See* W.V. Code R. § 33-20-1.5.
4. Pursuant to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) - (3) of the Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), 22.18(b)(2) – (3), this CAFO simultaneously commences and concludes an administrative proceeding against Respondent by the issuance of a Consent Agreement and Final Order, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a), to resolve alleged violations of RCRA at Respondent's facility located at 891 Auto Parts Place, Suite #1, Martinsburg, West Virginia, 25403.
5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. For purposes of this proceeding only, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
9. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.



## Notice of Action to the State of West Virginia

11. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated December 15, 2016, EPA notified the State of West Virginia, through the West Virginia Department of Environmental Protection (“WVDEP”), of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.
12. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C, and upon satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

### **II. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

13. Respondent is, and was at the time of the violations alleged herein, a corporation of the State of Wisconsin.
14. Respondent is, and at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903, W.V. Code R. § 33-20-2.1.a.
15. Respondent is, and at all times relevant to this Consent Agreement, was the “owner” and “operator” of a “facility”, described in Paragraph 16, below, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.V. Code R. § 33-20-2.1.a.
16. The facility referred to in Paragraph 15, above, including all of its associated equipment and structures (hereinafter the “Facility”), is a manufacturing facility located at 891 Auto Parts Place, Suite #1, Martinsburg, West Virginia, 25403.
17. Respondent at all times relevant to this CAFO generated more than 100 but less than 1,000 kilograms of hazardous waste per month at its Facility. Respondent was at all times relevant to this CAFO a “small quantity generator” as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference in W.V. Code R. § 33-20-2.1.a.
18. Respondent is assigned EPA ID No. WVR000523944.
19. Respondent was at all times relevant to this CAFO, a “generator” of, and has 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 W.V. Code R. § 33-20-2.1.a.

20. On September 14, 2016, a representative of EPA conducted a RCRA Compliance Evaluation Inspection (“RCRA CEI”) at the Facility.
21. On September 14, 2016, “hazardous wastes” generated by Respondent, identified below in Paragraphs 22 – 24 were in “storage” in containers at the Facility.
22. Respondent generated ink/solvent waste at the Facility which is hazardous waste (EPA Hazardous Waste No. D001) within the meaning of W.V. Code R. § 33-20-3.1, which incorporates by reference 40 C.F.R. § 261.21, because it exhibits the characteristic of ignitability.
23. Respondent generated ink/solvent contaminated gloves and rags at the Facility which is a hazardous waste (EPA Hazardous Waste No. D001) within the meaning of W.V. Code R. § 33-20-3.1, which incorporates by reference 40 C.F.R. §§ 261.21, because it exhibits the characteristic of ignitability.
24. Respondent generated waste aerosol cans at the Facility which are hazardous waste (EPA Hazardous Waste No. D001) within the meaning of W.V. Code R. § 33-20-3.1, which incorporates by reference 40 C.F.R. §§ 261.21, because it exhibits the characteristic of ignitability.

#### COUNT I

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

25. The preceding paragraphs are incorporated by reference.
26. W.V. Code R. § 33-20-11.1, 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.
27. Pursuant to W. Va. Code R. § 33-20-5.1, which incorporates by reference the generator accumulation and permit exemption requirements and conditions of 40 C.F.R. § 262.34(d)(2), (which references 40 C.F.R. § 265.173(a)), a small quantity generator may accumulate hazardous waste in containers for 180 days or less provided that, among other things, each container used to store hazardous waste while being accumulated on site, is always kept closed during storage, except when it is necessary to add or remove waste.
28. On September 14, 2016, Respondent stored hazardous waste aerosol cans in an open 55-gallon drum at the Facility.
29. On September 14, 2016, Respondent stored hazardous waste solvent contaminated rags in an open container at the Facility.



30. Pursuant to W. Va. Code R. § 33-20-5.1, which incorporates by reference the generator accumulation and permit exemption requirements and conditions of 40 C.F.R. § 262.34(d)(4), (which references 40 C.F.R. § 262.34(a)(3)), a small quantity generator may accumulate hazardous waste in containers for 180 days or less provided that, among other things, each container used to store hazardous waste while being accumulated on site, is marked with the words “Hazardous Waste.”
31. On September 14, 2016, Respondent stored hazardous waste in the following containers at the Facility that were not labeled with the words “Hazardous Waste” as required by W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34(d)(4), which references 40 C.F.R. § 262.34(a)(3): 1) a 55-gallon drum being used to store liquid hazardous waste solvent; 2) a 55-gallon drum being used to store hazardous waste solvent contaminated wipes and gloves and 3) two 55-gallon drums being used to store hazardous waste aerosol cans.
32. Pursuant to W. Va. Code R. § 33-20-5.1, which incorporates by reference the generator accumulation and permit exemption requirements and conditions of 40 C.F.R. § 262.34(d)(4), (which references 40 C.F.R. § 262.34(a)(2)), a small quantity generator may accumulate hazardous waste in containers for 180 days or less provided that, among other things, each container used to store hazardous waste while being accumulated on site, is properly labeled with the date upon which each period of accumulation began.
33. On September 14, 2016, Respondent stored hazardous waste in the following containers at the Facility that were not labeled properly with the date upon which each period of accumulation began, as required by W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34(d)(4), which references 40 C.F.R. § 262.34(a)(2): 1) a 55-gallon drum being used to store liquid hazardous waste solvent; 2) a 55-gallon drum being used to store hazardous waste solvent contaminated wipes and gloves and 3) two 55-gallon drums being used to store hazardous waste aerosol cans.
34. W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34(c)(2) with exceptions not relevant herein, provides that a generator of hazardous waste who accumulates in excess of 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 261.31 or § 261.33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, must, with respect to the amount of excess waste, comply within three days with 40 C.F.R. § 262.34(a) or other applicable sections of 40 C.F.R. § 262.34 and during the three day period, the generator must continue to comply with 40 C.F.R. § 262.34(c)(1)(i), 40 C.F.R. § 262.34(c)(1)(ii), and must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

35. On September 14, 2016, Respondent accumulated hazardous waste aerosol cans in excess of 55 gallons in a satellite accumulation area at the Facility for greater than three days without complying with 40 C.F.R. § 262.34(a) or other applicable sections of 40 C.F.R. § 262.34 with regard to the excess accumulation of hazardous waste, as required by W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34(c)(2), with exceptions not relevant herein.
36. On September 14, 2016, Respondent accumulated hazardous waste aerosol cans in excess of 55 gallons in a satellite accumulation area at the Facility for greater than three days without marking the satellite container being used to store the excess satellite accumulation of hazardous waste aerosol cans with the date the excess amount began accumulating, as required by W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34(c)(2) with exceptions not relevant herein.
37. Pursuant to W. Va. Code R. § 33-20-5.1 which incorporates by reference 40 C.F.R. § 262.34(d)(2) with exceptions not relevant herein, a small quantity generator may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that, among other things, the generator complies with 40 C.F.R. § 265.174, which requires that at least weekly, the owner or operator of a facility must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.
38. From at least January 1, 2015 to September 16, 2016, Respondent did not, at least weekly, inspect areas where containers of hazardous waste are stored at the Facility as required by W. Va. Code R. § 33-20-5.1 which incorporates by reference 40 C.F.R. § 262.34(d)(2) with exceptions not relevant herein.
39. Pursuant to W. Va. Code R. § 33-20-5.1 which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A) with exceptions not relevant herein, a small quantity generator may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that, among other things, the facility provides that the following information is posted next to the telephone: (A) The name and telephone number of the emergency coordinator; (B) The location of fire extinguishers and spill control material, and, if present, fire alarm; and, (C) The telephone number of the fire department, unless the facility has a direct alarm.
40. On September 14, 2016, Respondent had not provided that the following information is posted next to the telephone: (A) The name and telephone number of the emergency coordinator; and (B) The location of fire extinguishers and spill control material as required by W. Va. Code R. § 33-20-5.1 which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A).



41. Respondent failed to qualify for the “less than 180-day” generator accumulation exemption of W. Va. Code R. § 33-20-5, which incorporates by reference the requirements of 40 C.F.R. § 262.34(d), by failing to satisfy the conditions for such exemptions referred to in Paragraphs 26, 27, 30, 32, 34, 37 and 39, above, and as described in Paragraphs 28, 29, 31, 33, 35, 36, 38 and 40, above.
42. Respondent’s Facility is a hazardous waste treatment, storage or disposal “facility” as that term is defined in W. Va. Code R. § 33-20-2.1.a with respect to the storage of hazardous waste as described above.
43. Respondent does not have, and never had, a hazardous waste treatment or storage permit or interim status pursuant to W. Va. Code R. § 33-20-11.1, 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.
44. Respondent was required by W. Va. Code R. § 33-20-11.1, 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.
45. From at least January 1, 2015 until September 14, 2016, Respondent violated W. Va. Code R. § 33-20-11.1, which incorporates by reference 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 II

### (Hazardous Waste Determinations)

46. The preceding paragraphs are incorporated by reference.
47. W. Va. Code R. § 33-20-5.1, 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 C.F.R. 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.

48. On September 14, 2016, Respondent had failed to conduct hazardous waste determinations on waste aerosol cans at the Facility.
49. The waste referred to in Paragraph 48 above, are and were at the time of the alleged violations “solid wastes” as this term is defined in W.Va. Code R. § 33-20-2.1.a which incorporates by reference 40 C.F.R. § 261.2, with exceptions not relevant here.
50. On September 14, 2016, Respondent violated W. Va. Code R. § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.11 with exceptions not relevant herein, by failing to conduct hazardous waste determinations on solid waste generated at the Facility.

COUNT III  
(Weekly Inspections)

51. The preceding paragraphs are incorporated by reference.
52. Pursuant to W. Va. Code R. § 33-20-7.2, which incorporates by reference 40 C.F.R. § 264.174 with exceptions not relevant herein, the owner or operator of a hazardous waste facility is required to inspect areas where containers of hazardous waste are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion and other factors.
53. From at least January 1, 2015 to September 14, 2016, the Facility did not conduct weekly inspections as required by W. Va. Code R. § 33-20-7, which incorporates by reference 40 C.F.R. § 264.174 with exceptions not relevant herein.
54. From at least January 1, 2015 to September 14, 2016, Respondent violated W. Va. Code R. § 33-20-7.2, which incorporates by reference 40 C.F.R. § 264.174, by failing to inspect weekly all areas of the Facility where containers of hazardous waste were stored.

COUNT III  
(Container Management)

55. The preceding paragraphs are incorporated by reference.

56. Pursuant to W. Va. Code R. § 33-20-7.2, which incorporates by reference 40 C.F.R. § 264.173(a), the owner or operator of a hazardous waste facility is required to keep containers holding hazardous waste closed except when it is necessary to add or remove waste.
57. On September 14, 2016, Respondent failed to keep closed: 1) two 55-gallon drums containing hazardous waste aerosol cans, and 2) a container used to collect solvent – contaminated rags and wipes.
58. On September 14, 2016, Respondent violated, Respondent violated W. Va. Code R. § 33-20-7.2, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep containers holding hazardous waste closed except when it is necessary to add or remove waste.

### **III. CIVIL PENALTIES**

59. Respondent agrees to pay a civil penalty in the amount of THIRTY – ONE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (**\$31,880.00**) in settlement of the alleged violations set forth in this CAFO, 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 copy of the executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of the executed and filed CAFO is mailed or hand-delivered to Respondent.
60. The aforesaid settlement amount was based upon Complainant’s consideration of a number of factors, including the penalty criteria 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). Complainant also has considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the December 6, 2013 memorandum by EPA Assistant Administrator Cynthia Giles, entitled *Amendments to the U.S. Environmental Protection Agency’s Civil Penalty Policies to Account for Inflation (Effective December 6, 2013)*.
61. Payment of the civil penalty as required by Paragraph 59, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 64 - 66, below, shall be made by either cashier's check, certified check, or electronic wire 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-03-2017-0160;
- 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 to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Contact: Craig Steffen 513-487-2091

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

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

Contact: 314-418-1818

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

Federal Reserve Bank of New York  
ABA = 021030004  
Account No. = 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:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: John Schmid 202-874-7026 or REX, 1-866-234-5681

- G. On-Line Payment Option: WWW.PAY.GOV/PAYGOV  
Enter sfo 1.1 in the search field. Open and complete the form.
- H. Point of Contact regarding payment questions (i.e. how to make payment via wire, ACH, check, pay.gov):

Craig Steffen, 513-487-2091, [steffen.craig@epa.gov](mailto:steffen.craig@epa.gov)

Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>.

- 62. At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
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. Environmental Protection Agency  
Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

- 63. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
- 64. 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 as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.



65. 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. § 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.
66. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly. 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. § 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).

#### **IV. RESERVATION OF RIGHTS**

67. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged in the CAFO. 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. 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 CAFO, following its filing with the Regional Hearing Clerk. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

#### **V. OTHER APPLICABLE LAWS**

68. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

#### **VI. CERTIFICATION OF COMPLIANCE**

69. Respondent certifies to EPA that, upon investigation, to the best of Respondent's knowledge and belief, Respondent is currently in compliance with all applicable provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and the federally authorized WWHWMR, for which violations are alleged in this Consent Agreement.

#### **VII. PARTIES BOUND**

70. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.


#### **VIII. EFFECTIVE DATE**

71. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent, Quad/Graphics, Inc.:




Date: 08/24/2017

By:   
Tom Estock ~~ON BEHALF OF QUAD/CORPORATES, INC~~  
Director of Environmental Management


For Complainant, United States Environmental Protection Agency, Region III:

Date: 8/24/2017

By:   
Joyce A. Howell  
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

09-06-2017  
Date

By:   
Catherine A. Libertz  
Acting Director  
Land and Chemicals Division






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 **THIRTY – ONE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$31,880.00)**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

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.

Sept. 6, 2017  
Date:

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

