

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

In Re:	:	Docket No. RCRA-03-2010-0230
	:	
COMPUNETICS, INC.	:	CONSENT AGREEMENT
700 Seco Road	:	
Monroeville, PA 15146	:	Proceeding under Sections 3008(a) and (g) of
	:	the Resource Conservation and Recovery
RESPONDENT	:	Act, as amended, 42 U.S.C. § 6928(a) and (g).
	:	

I. PRELIMINARY STATEMENT

1. This Consent Agreement ("CA") is entered into by the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III ("Complainant" or "EPA"), and Compunetics, Inc. ("Compunetics" or "Respondent"), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order ("FO", hereinafter jointly referred to as the "CA/FO") both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's facility at 700 Seco Road, Monroeville, PA 15416 (the "Facility").
 2. On January 30, 1986, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, Pennsylvania was granted final authorization to administer a state hazardous waste management program ("PaHWR") in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. PaHWR was reauthorized by EPA on September 26, 2000 (effective on November 27, 2000), January 20, 2004 (effective on March 22, 2004), and April 29, 2009 (effective June 29, 2009). The provisions of the authorized PaHWR, through such authorization, have become requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
 3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporates by reference certain federal hazardous waste management regulations that were in effect as of May 1, 1999 for the November 27, 2000 PaHWR authorization, and in effect on
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September 25, 2003 for the March 22, 2004 PaHWR authorization. The 2004 authorized PaHWR do not make any changes to the November 27, 2000 PaHWR that are relevant to the violations set forth herein. The revisions to the PaHWR authorized in 2009 are not applicable to any of the violations alleged in this CA.

4. On July 28, 2009, EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), giving Pennsylvania prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. This CA is entered into by Complainant and Respondent to address the violations alleged in the Allegations of Fact, as set forth below.
6. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Allegations of Fact contained in this CA, except as provided in Paragraph 6, above.
8. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 6, above.
9. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
10. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
11. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

II. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW

13. This section represents the Allegations of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 7 and 8, above, Respondent neither admits nor denies these Allegations of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 10, above.

14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and as defined in 25 Pa. Code § 260a.10.

15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 700 Seco Road, Monroeville, PA 15146 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, or in 25 Pa. Code § 260a.10.
16. On November 12, 2008, representatives from EPA conducted an inspection of the Facility.
17. At the time of the inspection, and at all times relevant to the violations alleged in this CA, Respondent was a “generator,” and was engaged in the “storage” of materials described herein that are “solid wastes” and “hazardous wastes” in “containers” at the Facility, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 or as defined in 25 Pa. Code § 260a.10. At all times relevant to the violations alleged in this CA, Respondent generated greater than 100 kg but less than 1,000 kg of hazardous waste in a calendar month, and thus functioned as a “small quantity generator,” as that term is defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1. Respondent was also a “small quantity handler” of “universal waste,” specifically “universal waste lamps,” as those terms are defined in 40 C.F.R. § 273.9, which is incorporated by reference in 25 Pa. Code § 266b.1. In particular, Respondent was storing spent universal waste lamps in cardboard boxes in the “universal waste storage area” of the facility.
18. EPA issued four formal Information Request Letters to Respondent pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927(a), dated February 5, 2009, April 16, 2009, July 20, 2009, and December 7, 2009. EPA also submitted email information requests to Respondent on November 2, 2009, and December 30, 2009. The Information Request Letters were answered in responses dated February 20, 2009; April, 2009; July 28, 2009; and December 16, 2009. EPA’s email requests were responded to on November 3, 2009, and January 4, 2010.

COUNT I

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

19. The allegations of Paragraphs 1 through 18 of this Consent Agreement are incorporated herein by reference.
20. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, no person may own or

operate a facility for the treatment, storage, or disposal of hazardous waste unless such person has first obtained a permit for the facility or qualifies for interim status for such facility.

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21. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.70, at any time.
22. 40 C.F.R. § 262.34(c), as incorporated by reference into 25 Pa. Code § 262a.10, provides in pertinent part that a generator may accumulate as much as 55 gallons of hazardous waste 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, without a permit or interim status and without complying with the requirements of 40 C.F.R. 262.34(a), provided that such generator marks the containers of hazardous waste either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
23. 40 C.F.R. § 262.34(d), as incorporated by reference into 25 Pa. Code § 262a.10, provides, in pertinent part, that a small-quantity generator of hazardous waste who accumulates hazardous waste in containers on-site for less than 180 days is exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of provisions set forth in that section, including, *inter alia*:
- (a) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. § 262.34(a)(2), which provides that the date upon which each period of accumulation of hazardous waste begins must be clearly marked and visible for inspection on each container.
 - (b) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. § 262.34(a)(3), which provides that while being accumulated onsite, each container holding hazardous waste must be clearly labeled or marked with the words "Hazardous Waste."
 - (c) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, Subpart I, including 40 C.F.R. § 265.173(a), which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

24. On November 12, 2008, at the time of the Inspection, Respondent was not in compliance with all of the conditions for temporary accumulation of hazardous waste by a small quantity generator pursuant to 40 C.F.R. § 262.34(c) or (d), as incorporated by reference into 25 Pa. Code § 262a.10, described in Paragraphs 22 and 23, above, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by such sections. Specifically, Respondent failed to qualify for the exemption in 40 C.F.R. § 262.34(c) and (d) in the following ways:
- (a) By failing to clearly label the satellite accumulation container in the tin strip line area of the Facility with either the words “Hazardous Waste” or words that identified the contents of the container, as observed during EPA’s inspection on November 12, 2008, Respondent failed to satisfy the requirements of 40 C.F.R. § 262.34(c)(1)(ii).
 - (b) By failing to properly mark all containers of hazardous waste in the container storage area of the Facility with the date upon which the period of accumulation began, as observed during EPA’s inspection on November 12, 2008, Respondent failed to satisfy the requirements of 40 C.F.R. § 262.34(d)(4).
 - (c) By failing to clearly label all containers of hazardous waste in the container storage area with the words “Hazardous Waste”, as observed during EPA’s inspection on November 12, 2008, Respondent failed to satisfy the requirements of 40 C.F.R. § 262.34(d)(4).
 - (d) By failing to keep containers holding hazardous waste closed during storage at the Facility while it was not necessary to add or remove waste, as observed during EPA’s inspection on November 12, 2008, Respondent failed to satisfy the requirements of 40 C.F.R. § 262.34(d)(2).
25. The Facility was, at all times relevant to the violations alleged in this CA, a hazardous waste treatment, storage or disposal “facility,” as the term is defined by 25 Pa. Code § 260a.10, with respect to the activities and units described herein.
26. Respondent was 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 Facility.
27. On at least November 12, 2008, Respondent stored hazardous waste at the Facility without a permit, interim status or valid exemption, in violation of 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).

COUNT II

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

28. The allegations of Paragraphs 1 through 27 of this Consent Agreement are incorporated herein by reference.
29. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into 25 Pa. Code § 264a.1, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
30. At the time of the November 12, 2008 inspection, several containers at the Facility holding hazardous waste were open during storage, even though it was not necessary to add or remove waste from these containers at the time of the inspection.
31. On November 12, 2008, Respondent failed to keep containers holding hazardous waste closed during storage at the Facility while it was not necessary to add or remove waste, in violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).

COUNT III

(Failure to Properly Manage Universal Waste)

32. The allegations of Paragraphs 1 through 31 of this Consent Agreement are incorporated herein by reference.
33. 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal hazardous waste, including used fluorescent lamps, contain the waste in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.14(e), requires that each lamp, or container or package containing such lamps, must be clearly labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)." 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.15(c), provides that a small quantity generator of universal waste who accumulates such 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 using one of the methods specified in 40 C.F.R. § 273.15(c)(1)-(6).
34. At the time of the November 12, 2008 Inspection, containers of universal waste lamps were stored at the Facility in open cardboard boxes. None of the lamps or boxes containing such lamps were labeled with the phrases "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)." Respondent was unable to demonstrate the length

of time that such universal waste was accumulated using one of the methods specified in 40 C.F.R. § 273.15(c)(1)-(6).

35. On November 12, 2008, Respondent failed to store universal waste lamps in closed containers with proper labels, and Respondent was unable to demonstrate the length of time that such universal waste was accumulated using one of the methods specified in 40 C.F.R. § 273.15(c)(1)-(6), in violation of 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), .14(e), and .15(c).

COUNT IV

(Failure to Maintain Copies of Hazardous Waste Manifests)

36. The allegations of Paragraphs 1 through 35 of this Consent Agreement are incorporated herein by reference.
37. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. Part 262, Appendix (Uniform Hazardous Waste Manifest and Instructions). In addition, 25 Pa. Code § 262a.20(a)(1) provides that generators must complete the manifest form in its entirety and distribute copies of such manifest in accordance with its instructions. Pursuant to 40 C.F.R. § 262.23(a), as incorporated by 25 Pa. Code § 262a.10, the generator must sign the manifest, obtain the written signature of the initial transporter of the hazardous waste and date of acceptance of the manifest, and must retain one copy of the manifest for three years, or until the generator receives, as provided for in 40 C.F.R. § 262.40(a), a copy of each manifest for off-site shipments of hazardous waste that has been signed by the designated Treatment, Storage, or Disposal Facility (TSDF) and returned to the generator. 40 C.F.R. § 262.40(a), as incorporated by 25 Pa. Code § 262a.10, requires, upon receipt of the manifest signed by the TSDF, that the generator retain this copy of the manifest for three years from the date the waste is accepted by the initial transporter. Pursuant to 40 C.F.R. § 262.42(b), as incorporated into 25 Pa. Code § 262a.10, a generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the TSDF within sixty days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator.
38. On November 12, 2008, at the time of the Inspection, Respondent did not have copies of manifests 000124558, 00353557, 00361249, 00362629, or 0036231 that had been signed by the designated TSDF and returned to the Facility for hazardous waste shipped off-site within less than three years prior to the inspection and accepted by the initial transporter more than sixty days prior to the inspection. Also, at the time of the November 12, 2008 inspection, no indication that Respondent had not received confirmation of delivery of such shipments of hazardous waste had been filed with the Regional Administrator.

39. Respondent later, in response to an information request letter, produced two additional hazardous waste manifests that were unknown to Facility representatives at the time of the inspection. Respondent was unable to demonstrate that it had retained a copy of these manifests as signed in accordance with 40 C.F.R. § 262.23(a) for three years from the date the waste was accepted by the initial transporter or until Respondent received a signed copy of the manifest from the designated facility which received the waste.
40. Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.40(a) and .42(b), by failing to maintain copies of hazardous waste manifests, including manifests signed in accordance with 40 C.F.R. § 262.23(a) and manifests signed by the designated TSDF and returned to the Facility, for the off-site shipments of hazardous waste referred to above, for three years from the date of acceptance of the waste by the initial transporter, or by failing to file with the Administrator an indication of non-confirmation of delivery of shipments of hazardous waste within sixty days of the date the waste was accepted by the initial transporter.

III. CIVIL PENALTY

41. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA, Respondent consents to the assessment of a civil penalty in the amount of **SEVEN THOUSAND TWO HUNDRED TWENTY DOLLARS (\$7,220.00)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
42. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
43. Payment of the civil penalty amount set forth in paragraph 41, above, 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-03-2010-0230;

- (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
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck 513-487-2105

- (d) All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- (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 680107027 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) Additional payment guidance is available at:

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

- (h) On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

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

- (i) A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

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

and

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

44. 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 or to comply with the

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

45. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this signed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
46. The costs of the Agency'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 - 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.
47. A late payment penalty of six percent (6%) 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). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. COMPLIANCE ORDER

48. Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to perform the following compliance tasks immediately upon the effective date of this Compliance Order, except as otherwise expressly provided:
 - (a) Cease storing hazardous waste at the Facility except in accordance with a permit or interim status obtained pursuant to RCRA Section 3005, 42 U.S.C. § 6925, and 25 Pa. Code § 270a., or in accordance with the generator accumulation requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34.
 - (b) Keep containers holding hazardous waste closed during storage at the Facility while it is not necessary to add or remove waste, as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).
 - (c) Properly manage universal waste lamps, as required by 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. Part 273.

- (d) Maintain copies of all manifests, and file an indication of non-confirmation of delivery for all manifests not returned to the Facility after having been signed by the designated TSDF, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.40 and .42(b).
- 49. Within sixty (60) days after the effective date of this Compliance Order, submit to EPA a certification in the form set forth in Paragraph 51, below, by a responsible corporate officer, certifying whether or not the requirements of Paragraph 48 of this CA have been completed by Respondent.
- 50. Information or documents required to be submitted to EPA under this Compliance Order shall be sent to:

Andrew Ma (3LC70)
Environmental Scientist
Office of Land Enforcement
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029;

and

Jessica O'Neill (3RC30)
Assistant Regional Counsel
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

- 51. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of the Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

The certification of the responsible corporate officer required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

V. OTHER APPLICABLE LAWS

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

VI. RESERVATION OF RIGHTS

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

VII. FULL AND FINAL SATISFACTION

- 54. This settlement shall constitute full and final satisfaction of Complainant’s claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

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

IX. EFFECTIVE DATE

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

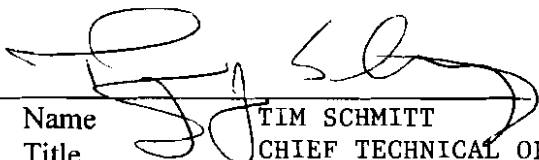
X. ENTIRE AGREEMENT

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

For the Respondent:

Compunetics, Inc.

Date: 3/30/10

By: 
Name TIM SCHMITT
Title CHIEF TECHNICAL OFFICER

For the Complainant:

U.S. Environmental Protection Agency, Region III

Date: 4/8/10

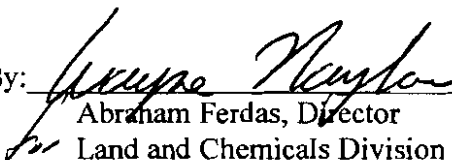
By: 
Jessica O'Neill
Assistant Regional Counsel

Compunetics, Inc. CA/FO

EPA Docket No. RCRA-03-2010-0230

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

Date: 4/14/10

By: 
Abraham Ferdas, Director
Land and Chemicals Division

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

IN THE MATTER OF:

Compunetics, Inc.
700 Seco Road
Monroeville, PA 15146

RESPONDENT

) FINAL ORDER
)
)
) U.S. EPA Docket Number
) RCRA-03-2010-0230
)
) Proceeding under Section 3008
) of the Resource Conservation and
) Recovery Act, as amended,
) 42 U.S.C. § 6928
)

FINAL ORDER

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

NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **SEVEN THOUSAND TWO HUNDRED TWENTY DOLLARS (\$7,220.00)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

Date: 4/20/10

BY: Renée Sarajian
Renée Sarajian
Regional Judicial Officer

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

IN THE MATTER OF:

**Compunetics, Inc
700 Seco Road
Monroeville, PA 15146**

RESPONDENT

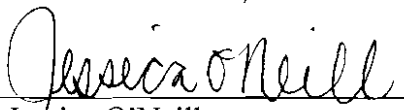
) **CERTIFICATE OF SERVICE**
)
) **U.S. EPA Docket Number**
) **RCRA-03-2010-0230**
)
) **Proceeding under Section 3008**
) **of the Resource Conservation and**
) **Recovery Act, as amended,**
) **42 U.S.C. § 6928**
)

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: Compunetics, Inc, U.S. EPA Docket Number RCRA-03-2010-0230**, to the persons and addresses listed below.

Tim Schmitt
Chief Technical Officer
Compunetics, Inc.
700 Seco Road
Monroeville, PA 15146

The original Consent Agreement and Final Order, plus one copy, were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

4/20/10
DATE

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Jessica O'Neill
Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029