

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

U.S. EPA-REGION 3-RHC
FILED-12AUG2019am10:00

IN RE:

Johns Hopkins University Applied Physics Laboratory
11100 Johns Hopkins Road
Laurel, MD 20723

Respondent,

Johns Hopkins University Applied Physics Laboratory
11100 Johns Hopkins Road
Laurel, MD 20723

Facility.

: Docket No. RCRA-03-2019-0062

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement (“CA”) is entered into by the Director of the Enforcement Compliance & Assurance Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”), and Johns Hopkins Applied Physics Laboratory (“Respondent”), pursuant to Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. § 6928(a)(1) 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”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

Regulatory Background

This CA and the accompanying Final Order (collectively “CAFO”) resolve alleged violations of the RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939f, implementing regulations, and laws and regulations in the authorized Maryland hazardous waste program in connection with Respondent’s facility located at 11100 Johns Hopkins Road, Laurel, Maryland.

The Maryland Hazardous Waste Management Regulations (“MdHWMR”) were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The State of Maryland has been granted final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 *et seq.*, in lieu of the federal

hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001 and September 24, 2004, and October 31, 2016. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CAFO simultaneously commences and concludes an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's facility.

Respondent was previously notified regarding the RCRA Subtitle C allegations recited herein in a letter dated July 19, 2018. In accordance with Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), EPA has notified the State of Maryland of EPA's intent to enter into a CAFO with Respondent resolving the RCRA Subtitle C violations set forth herein.

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to a hearing and to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. Respondent, upon investigation, certifies to EPA by its signature herein that, to the best of its knowledge and belief, it is presently in compliance with the provisions of the RCRA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and Respondent and any successors and assigns.

9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of the RCRA or any regulations promulgated thereunder.

EPA's Findings of Fact and Conclusions of Law

10. In accordance with the Consolidated Rules of Practice at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.

11. Respondent is a division of The Johns Hopkins University, a private research university founded in 1876 and incorporated under the laws of Maryland.

12. Respondent is, and has been at all times relevant to this CAFO, the operator of the facility located at 11100 Johns Hopkins Road, Laurel, Maryland (the "Facility").

13. Representatives of EPA Region III conducted a RCRA inspection at the Facility on April 4-5, 2017 ("EPA Inspection").

14. Respondent is and has been at all times relevant to this CAFO the "operator" of a "facility," as those terms are defined by COMAR 26.13.01.03.

15. Respondent is a corporation and is therefore a "person" as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03.

16. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" in "containers" of materials that are "solid wastes" and "hazardous waste" at the Facility, as those terms are defined in COMAR 26.13.01.03, including the hazardous waste referred to herein.

17. Respondent is, and at all times relevant to this CAFO, has been a Large-Quantity Generator that generates hazardous waste in an amount greater than 1,000 kilograms per month at the Facility, and is assigned EPA ID MDD040549461.

COUNT I – RCRA Subtitle C – Operating Without a Permit

18. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

19. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, in pertinent part, 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.

20. Respondent has never had a permit or interim status, pursuant to COMAR 26.13.07.01 or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility.

Generator Accumulation of Hazardous Waste (the "Generator Permit Exemption")

21. COMAR 26.13.03.05E(1) provides:

E. Accumulation Time.

- (1) A generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less if:
 - (a) The waste is shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility;
 - (b) The generator accumulates the waste:
 - (i) In containers,
 - (ii) In tanks, or
 - (iii) On drip pads, if the waste is drippage from a wood-preserving process, precipitation, or surface water run-on;
 - (iv) In a containment building;
 - (c) Containers used to accumulate the waste meet the standards of §A of this regulation;
 - (d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;
 - (e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (f) Each container is:
 - (i) Properly labeled according to §§B and C of this regulation; and
 - (ii) Labeled or marked clearly with the words "Hazardous Waste", while being accumulated on site.
 - (g) The generator complies with the requirements for owners or operators in COMAR 26.13.0S.02G [personnel training], .03 [preparedness and prevention], and .04 [contingency plan and emergency procedures];

Generator Permit Exemption: Satellite Accumulation

22. COMAR 26.13.03.05E(3), provides, “A generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste listed in COMAR 26.13.02.19E 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 and without complying with §E(1) provided the generator:

- (a) Complies with COMAR 26.13.05.09B—D; and
- (b) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

23. Although the provisions of COMAR 26.13.03.05E(1) provide hazardous waste generators with an exemption from the permitting requirements for the temporary accumulation (90 days or less) of hazardous waste generated by a facility (referred to here as the “90-day accumulation exemption”), on certain dates as set out in the allegations herein and for a subset of accumulated hazardous waste, Respondent failed to meet the conditions necessary to qualify for the exemption set forth in COMAR 26.13.03.05E(1).

24. At the time of the Inspection on April 4-5, 2017, the following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions in COMAR 26.13.03.05E(1):

- a. Respondent was storing the following hazardous waste in satellite accumulation containers that were not labeled with the words “hazardous waste” or other words to identify their contents as required by COMAR 26.13.03.05E(3)(b), and the applicable permit exemption condition set forth at COMAR 26.13.03.05.E(1)(f)(ii): three (3) satellite accumulation containers of waste (two 10-gallon containers that were stated to be collecting solid waste; and one container of samples that was ready for transportation to Building 10A) were in Building 21 Room N431.
- b. Respondent was storing the following hazardous waste in a 90-Day container that was not marked with a start accumulation date as required by COMAR 26.13.03.05E(1)(e): one (1) white 10-gallon container in Room N487; five (5) containers (two 30-gallon drums and three smaller containers) of hazardous waste in Room S219; eight (8) containers (one 30-gallon waste drum with Dimethyl Methyl Phosphate, one 55-gallon drum of phosphorous oxychloride; one 30-gallon solid waste drum with glassware; and five smaller containers of hazardous waste) in Building 10A-North Lab; and a green bin containing expired chemicals in Building 15.
- c. On April 4-5, 2017, EPA observed in Building 10A (Main Accumulation Area

- (MAA)), six (6) white 10-gallon containers with waste batteries that were not labeled.
- d. On April 4-5, 2017, Respondent failed to comply with COMAR 26.13.10.17 [40 C.F.R. §273], for failing to label or mark each container of universal waste batteries with one of the following phrases: “Universal Waste—Battery(ies)”; “Waste Battery(ies)”; or “Used Battery(ies).”
 - e. Pursuant to COMAR 26.13.10.15 [40 C.F.R. §273.13(d)(2)], a small quantity handler of universal waste shall immediately collect any materials resulting from breakage of a universal waste lamp.
 - f. On April 4-5, 2017, EPA observed in Building 10A MAA, pieces of broken universal waste lamps on the floor.
 - g. On April 4-5, 2017, Respondent failed to comply with COMAR 26.13.10.15 [40 C.F.R. §273.13(d)(2)], for failing to immediately collect any materials resulting from breakage of a universal waste lamp.
 - h. COMAR 26.13.10.17B(3)(a) and (b)(i) [40 C.F.R. §273.15(c)], a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received; and the demonstration can be made by labeling or marking the container with the earliest date that any universal waste is placed in the container or maintaining an inventory system on-site that identifies same.
 - i. On April 4-5, 2017, EPA observed in Building 10A MAA, six (6) 10-gallon containers and one (1) 55-gallon container as well as two (2) pallets holding dozens of universal waste batteries that did not have labels indicating the date the container or individual battery became a waste.
 - j. On April 4-5, 2017, Respondent failed to comply with COMAR 26.13.10.17B(3)(a) and(b)(i) [40 C.F.R. §273.15(c)], and the required applicable permit exemption condition set forth at COMAR 26.13.03.05.E(1)(f)(ii), for failing to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received; and the demonstration can be made by labeling or marking the container with the earliest date that any universal waste is placed in the container or maintaining an inventory system on-site that identifies same.
 - k. On April 4-5, 2017, Respondent failed to keep a hazardous waste container closed except when it is necessary to add or remove waste, insofar as a satellite container of waste in Room N256 next to the liquid chromatograph machine with waste from said machine that was full, but not closed and not marked with the words “hazardous waste”. Waste was neither being added nor removed from this open container in

violation of COMAR §26.13.03.05.E(3)(a)&(b), and the applicable permit exemption condition set forth at COMAR 26.13.03.05E(1)(d).

- l. On April 4-5, 2017, Respondent failed to conduct weekly inspections of the Facility's hazardous waste accumulation areas, as required by COMAR 26.13.05.09E, and / or failed to maintain inspection logs of weekly inspections of hazardous waste accumulation areas, as further described in Count III, below, as required by COMAR 26.13.05.02F(2) and (3), and the applicable permit exemption condition set forth at COMAR 26.13.03.05E(1)(k).
- m. On April 4-5, 2017, Respondent failed to maintain an adequate contingency plan, as further described in Count IV, below, as required by COMAR 26.13.05.04, and the applicable permit exemption condition set forth at COMAR 26.13.03.05E(1)(g).

25. For each of the reasons and on the dates identified in Paragraph 24, above, Respondent failed to comply with the permit exemption conditions set forth in COMAR 26.13.03.05E(1), as identified in Paragraphs 21 and 22, above, for temporary (i.e., 90 days or less) and satellite accumulation of hazardous waste by a generator at the Facility, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such sections.

26. On April 4-5, 2017, for each of the reasons identified in Paragraph 24, above, Respondent engaged in the operation of a hazardous waste storage facility (i.e., the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), or COMAR 26.13.07.01A.

Count II - Hazardous Waste Determination

27. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

28. COMAR 26.13.03.02.A. requires that a person who generates a solid waste, as defined in COMAR 26.13.02.02, shall determine if that waste is a hazardous waste using the method outlined in COMAR 26.13.03.02.

29. On April 4-5, 2017, EPA observed three one-gallon containers that were not empty, with no labels or start accumulation dates on them in building 10A. The Facility representative stated that the Facility was not sure what the containers had in them. In addition, waste acetone rags and spent aerosol cans are discarded in the general trash.

30. On April 4-5, 2017, Respondent failed to make a hazardous waste determination for the three one-gallon containers that were not empty, with no labels or start accumulating dates on them in building 10A and for disposing of waste acetone rags and spent aerosol cans discarded in general trash in violation of COMAR 26.13.03.02.A by failing to use any of the methods prior to disposal outlined in COMAR 26.13.03.02.A to determine whether the waste was hazardous.

Count III – Failure to Perform Weekly Inspections

31. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.
32. COMAR 26.13.05.09E requires the owner and operator of a hazardous waste facility to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.
33. On April 4-5, 2017, records revealed that the Respondent failed to inspect the areas where hazardous waste containers are stored weekly during the following periods: 5/18/2016 – 6/8/2016 (3 weeks); 11/11/2016 – 1/8/2017 (8 weeks); and 2/8/2017 – 3/7/2017 (4 weeks).
34. During the time periods listed in Paragraph 33, above, Respondent, as an operator of a hazardous waste facility, violated the requirements of COMAR 26.13.05.09E by failing to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

Count IV - Contingency Plan

35. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.
36. COMAR 26.13.03.05E(1)(g) requires that a generator accumulating hazardous waste onsite for 90 days or less must comply with, *inter alia*, COMAR 26.13.05.04, Contingency Plan and Emergency Procedures.
37. COMAR 26.13.05.04B(1) requires each owner or operator to have a contingency plan for its facility to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
38. COMAR 26.13.05.04C(5) provides that the contingency plan shall list and identify the location of emergency equipment at the Facility.
39. At the time of the EPA Inspection, Respondent's contingency plan failed to list and identify the location of emergency equipment at the hazardous waste accumulation area in contravention of COMAR 26.13.05.04C(5), despite the Respondent's having a contingency plan and emergency equipment for the broader Facility.
40. On April 4-5, 2017, Respondent violated the requirements of COMAR 26.13.03.05E(1)(g) which requires compliance with COMAR 26.13.05.04C(5) by failing to include a list and the location of emergency equipment at the hazardous waste accumulation area

in the Contingency Plan.

CIVIL PENALTY

41. Respondent consents to the assessment of a civil penalty of Twenty-Nine Thousand Three Hundred Eighty dollars (\$29,380.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above counts of this CAFO. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.

42. The civil penalty settlement amount set forth in Paragraph 41, immediately above, was determined after consideration of the 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 reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g). Complainant has also considered the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, and the January 11, 2018 Memorandum by EPA Assistant Administrator, Susan Parker Bodine, entitled, "Amendments to EPA's Civil Penalty Policies to Account for Inflation (effective January 15, 2018) and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule." The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.

43. Payment of the civil penalty amount required under the terms of 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 its name and address and the Docket Number of this action (Docket No. RCRA-03-2019-0062);
- b. All checks shall be made payable to "**United States Treasury**;"
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
The Customer Service contact for the above method of payment is Eric Volck at 513-487-2105.

- d. All payments made by check and sent by overnight delivery service shall be addressed and sent 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

The Customer Service number for the above method of payment is 314-418-1028.

- e. All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

- f. All payments through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Transaction Code 22 - checking
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:

5700 Rivertech Court
Riverdale, MD 20737

The Customer Service contact for the above method of payment is John Schmid at 202-874-7026, or REX at 1-866-234-5681.

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: WWW.PAY.GOV. Enter sfo 1.1 in the search field and complete all required fields in the form.

- h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. RCRA-03-2019-0062] in the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.
- i. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

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

and to

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
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, administrative costs 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.

45. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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 a 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 a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

48. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

EFFECT OF SETTLEMENT

49. This CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under the RCRA for the specific violations alleged, above. 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.

RESERVATION OF RIGHTS

50. This CAFO resolves only the civil claims for monetary 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 the 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. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

FULL AND FINAL SATISFACTION

51. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 3008(a)(1) and (g) of the RCRA, 42 U.S.C. § 6928(a)(1) and (g), for the specific violations alleged in this CAFO. This CAFO constitutes the entire agreement and understanding of the parties regarding settlement of all claims pertaining to specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

AUTHORITY TO BIND THE PARTIES

52. Each undersigned representative of the parties certify that he or she is fully authorized by his or her respective party to enter into the terms and conditions of this CA and to bind his or her respective party to it.

EFFECTIVE DATE

53. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

6 AUG 2019
Date

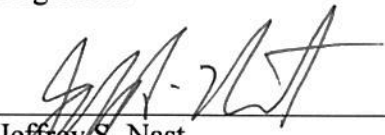


Paul Oostburg Sanz
General Counsel
Johns Hopkins Applied Physics Laboratory

For Complainant:

U.S. Environmental Protection Agency,
Region III

7/26/19
Date



Jeffrey S. Nast
Senior Assistant Regional Counsel

After reviewing the Consent Agreement and other pertinent matters, the Director of the Enforcement Compliance & Assurance Division of the U.S. Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

AUG 1 2019
Date




Karen Melvin, Director
Enforcement Compliance & Assurance Division
U.S. EPA - Region III

ORDERED that Respondent pay a civil penalty in the amount of **TWENTY-NINE THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$29,380.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

Aug. 12, 2019
Date



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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC
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In the Matter of:

Johns Hopkins Univ. Applied Physics Lab
11100 Johns Hopkins Road
Laurel, MD 20723

Respondent.

EPA Docket No. RCRA-03-2019-0062

Proceeding under Section 3008(a)
of the Resource Conservation and
Recovery Act, as amended, 42 U.S.C.
Section 6928(a)

CERTIFICATE OF SERVICE

I certify that on **AUG 12 2019**, the original and one (1) copy of 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 served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via UPS Overnight to:

Raissa V. Kirk
Sr. Assoc. General Counsel
111100 Johns Hopkins Road
Laurel, MD 20723
Raissa.Kirk@jhupl.edu

Copy served via **Hand Delivery or Inter-Office Mail** to:

Jeffrey S. Nast, Sr. Assistant Regional Counsel
Office of Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(Attorney for Complainant)

Dated: **AUG 12 2019**



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

TRACKING NUMBER(S): 1Z A43 F71 01 9436 8646