

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of:

**Safetech Corp.**  
**Santana Industrial Park**  
**Arecibo, Puerto Rico**

Respondent

In a proceeding under Section 113(d)  
of the Clean Air Act, 42 U.S.C. § 7413(d)

**CONSENT AGREEMENT**

**AND**

**FINAL ORDER**

**CAA-02-2015-1215**

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Region 2

**PRELIMINARY STATEMENT**

This Consent Agreement and Final Order (“CAFO”) resolves an administrative penalty proceeding commenced on September 29, 2015, by the filing of a Complaint and Notice of Opportunity for a Hearing (“Complaint”) by the Complainant, the Director of the Caribbean Environmental Protection Division (“CEPD”) for the United States Environmental Protection Agency (“EPA”) Region 2, against Respondent Safetech Corp., (“Safetech” or “Respondent”), pursuant to Section 113(d), 42 U.S.C. § 7413(d), of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. § 7401 *et seq.*, and EPA's 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.

This Consent Agreement is signed by the Complainant and Respondent, and the Final Order is issued by the Region 2 Regional Administrator. As set forth in the “Jurisdictional Allegations” section of the Consent Agreement, the Complainant is duly authorized to sign consent agreements and the Regional Administrator is duly authorized to issue final orders.

## CONSENT AGREEMENT

### General Provisions

1. EPA has determined that Safetech violated the CAA and its implementing regulations at its plant located in Santana Industrial Park, Arecibo, Puerto Rico (“Facility”). In general, the violations involve Respondent’s failure to comply with the requirements or prohibitions of Section 111, 42 U.S.C. § 7671 of the Act, the Puerto Rico Regulations for the Control of Atmospheric Pollution (“PRRCAP”) and the Facility’s Title V Operating Permit, which includes the Commercial Industrial Solid Waste Incineration requirements set forth under Rule 405(c) PRRCAP as applicable requirements.
2. The specific violations identified by EPA are set forth below in the section of the Consent Agreement entitled “Conclusions of Law.” The Complainant and Respondent enter into this Consent Agreement and propose the attached Final Order to resolve an administrative civil penalty proceeding that was commenced by EPA’s Complaint, dated September 29, 2015.
3. For the purposes of this administrative penalty proceeding, and to avoid the expense of protracted litigation, Respondent:
  - a. admits the jurisdictional allegations set forth below in the section of this Consent Agreement entitled “Jurisdictional Allegations;”
  - b. neither admits nor denies the findings of fact set forth in the section of this Consent Agreement entitled “Findings of Fact;”
  - c. consents to the payment of the civil penalty specified in the section of this Consent Agreement entitled “Settlement,” on the terms specified in that section;
  - d. consents to the issuance of the attached Final Order; and

- e. waives any right to contest the allegations set forth in the “Conclusions of Law” section of this Consent Agreement and any right to appeal the attached Final Order.

### **Jurisdictional Allegations**

4. Section 113(d) of the CAA authorizes the EPA Administrator to issue an order assessing civil administrative penalties against any person that has violated or is violating any requirement or prohibition of subchapters I, III, IV-A, V or VI of the Act, or any requirement or prohibition of any rule, order, waiver, permit or plan promulgated pursuant to any of those subchapters, including but not limited to any regulation promulgated pursuant to Section 112 or 114 of the Act.

5. Section 302(e) of the CAA provides that whenever the term “person” is used in the Act, the term includes an individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

6. Pursuant to EPA Delegation of Authority 7-6-A and EPA Region 2 Delegation of Authority 7-6-A, the Administrator has delegated to the Complainant, the Director of the Caribbean Environmental Protection Division, through the Region 2 Regional Administrator, the authority to (a) make findings of violations, (b) issue CAA Section 113(d) administrative penalty complaints, and (c) agree to settlements and sign consent agreements memorializing those settlements, for CAA violations that occur in the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands.

7. Pursuant to EPA Delegation of Authority 7-6-C, the Administrator has delegated to the Region 2 Regional Administrator the authority to execute CAA Section 113(d) Final Orders.

8. Pursuant to Section 113(d), the Administrator and the Attorney General, through their respective delegates, have jointly determined that this matter is appropriate for an administrative penalty proceeding. Specifically, on September 28, 2015, the United States Department of Justice (“DOJ”) granted EPA’s requests for waiver of the CAA Section 113(d) time and penalty limitations on EPA’s authority to initiate administrative penalty actions in this matter.

9. Respondent is a “person” within the meaning of Section 302(e) of the Act.

10. Respondent is an “owner or operator” of the Facility, as that term is used in Section 111(a)(5) of the Act and 40 C.F.R. § 63.2.

11. The Facility is a “stationary source,” as that term is used Section 111(a)(3) of the Act.

12. The Facility is subject to the requirements or prohibitions of Section 111, 42 U.S.C. § 7671 of the Act, the PRRCAP and the Facility’s Title V Operating Permit, which includes the Commercial Industrial Solid Waste Incineration requirements set forth under Rule 405(c) of the PRRCAP as applicable requirements.

### **Legal Background**

#### **CAA Sections 111 and 114**

13. Sections 111(d) and 129 of the Act require the Administrator to establish performance standards and other requirements, pursuant to Section 111, for each category of solid waste incineration unit, including emission limitations, monitoring, operator training and other requirements.

14. Section 114 of the Act authorizes the EPA Administrator to require testing, monitoring, record-keeping, and reporting of information, to enable her to

carry out any provision of the Act (except certain provisions in subchapter II) and to assess compliance with, among other requirements, any regulations promulgated under Sections 111 and 112 of the Act.

CISWI regulations

15. The Commercial Industrial Solid Waste Incineration (“CISWI”) Emission Guidelines (“EG”) under 40 C.F.R. Part 60, Subpart DDDD, establish emission and operating requirements under the authority of the CAA, Sections 111(d) and 129. These requirements must be incorporated into a State Plan that is “at least as protective” as the EG, and is federally enforceable upon approval by EPA.

16. On June 4, 2003, Puerto Rico adopted revisions to Rule 102 and Rule 405 of the PRRCAP, entitled ‘Definitions’ and ‘Incineration,’ respectively. Revised Rules 102 and 405 of the PRRCAP became effective on July 4, 2003, and are intended to control air emissions from existing CISWI Units located in Puerto Rico.<sup>1</sup>

17. On April 12, 2004, EPA approved the Puerto Rico CISWI State Plan.

18. The Puerto Rico CISWI State Plan provides for the implementation and enforcement of the EG, as promulgated by EPA on December 1, 2000, applicable to existing CISWI Units for which construction commenced on or before November 30, 1999. Specifically, the State Plan adopted emission limits for organics, carbon monoxide (“CO”), metals, acid gases and particulate matter (“PM”) and compliance schedules for the existing CISWI Units located in Puerto Rico.

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<sup>1</sup> Thus, the 2003 revisions to Rule 102 and 405 of the PRRCAP are the Puerto Rico CISWI State Plan enacted pursuant to Section 111(d) and 129 of the CAA. Rules 102 and 405 are part of the PRRCAP and are identified herein as such.

19. Rule 102 of the PRRCAP defines “CISWI Unit” as any combustion device that combusts commercial and industrial waste. The boundaries of a CISWI Unit are defined as, but not limited to, the commercial and industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash.

20. Rule 102 of the PRRCAP defines “commercial and industrial waste” as a solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial and industrial facility or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

21. Pursuant to Rule 405(c)(2)(A) of the PRRCAP, on the date that the initial performance test is completed or is required to be completed, whichever date comes first, the designated facility must meet the emission limitations specified in Table 1 of Rule 405(c) of the PRRCAP.

22. Pursuant to Rule 405(c)(2)(B) of the PRRCAP, if a wet scrubber is used to comply with the emission limitations, then operating limits must be established during the initial performance test for the operating parameters as specified in Table 2 of Rule 405(c).

23. Pursuant to Rules 405(c)(8)(A)(i) and (ii), if the owner or operator plans to achieve compliance more than one (1) year following the effective date of State Plan approval, the facility should meet the two (2) increments of progress: i) submit a final control plan and (ii) achieve final compliance.

24. Pursuant to Rules 405(c)(8)(C)(i) to (iii), the notification of achievement of increments of progress must include three (3) items: (i) notification that the

increment of progress has been achieved, (ii) submission of any items required with each increment of progress, and (iii) signature of the owner or operator of the CISWI Unit.

25. Pursuant to Rule 405(c)(8)(E) of the PRRCAP, if the owner or operator fails to meet an increment of progress, he/she must submit a notification to the EPA and to the Puerto Rico Environmental Quality Board (“EQB”), postmarked within ten (10) business days after the date for that increment of progress as specified in Table 5 of Rule 405 of the PRRCAP. The owner or operator must inform the EPA and the EQB that he/she did not meet the increment, and must continue to submit reports each subsequent calendar month until the increment of progress is met.

26. Pursuant to Rule 405(c)(9)(A) of the PRRCAP, the owner or operator must conduct an initial performance test, as required under 40 C.F.R. § 60.8, to determine compliance with the emission limitations in Table 1 of Rule 405 and to establish operating limits using the procedures in Rule 405(c)(2)(B), Rule 405(c)(2)(C), and Rule 405(c)(2)(D), or Rule 405(c)(2)(E). The initial performance test must be conducted using the test methods listed in Table 1 of Rule 405 and the procedures in Rule 405(c)(5).

27. Pursuant to Rule 405(c)(9)(B), the initial performance test must be conducted no later than 180 days after the final compliance date. Final compliance date is specified in Table 5 of Rule 405 of the PRRCAP.

28. Pursuant to Rule 405(c)(10)(A) of the PRRCAP, the owner or operator must conduct an annual performance test for PM, hydrogen chloride (HCl), and opacity for each CISWI Unit, as required under 40 C.F.R. § 60.8, to determine

compliance with the emission limitations. The annual performance test must be conducted using the test methods listed in Table 1 of Rule 405 and the procedures in Rule 405(c)(5) of the PRRCAP.

29. Pursuant to Rule 405(c)(10)(D) of the PRRCAP, the owner or operator must conduct annual performance tests for PM, HCl, and opacity within twelve (12) months following the initial performance test. The owner or operator must conduct subsequent annual performance tests within twelve (12) months following the previous one.

*Title V Operating Permit Requirements*

30. On November 30, 2010, EQB issued Respondent a Title V Operating Permit, PFE-TV-4953-07-1003-0001.

31. Respondent's Title V Operating Permit incorporates by reference Rule 405(C) of the PRRCAP.

**Findings of Fact**

32. Safetech is a corporation that owns and operates the CISWI Unit located at Santana Industrial Park, Lot # 30, Arecibo, Puerto Rico.

33. The Facility, a source of air pollutant emissions subject to the regulatory requirements of the PRRCAP, is comprised of one (1) incinerator unit for non-hazardous commercial and industrial solid waste.

34. The incinerator unit was constructed in the year 1995 as a thermal oxidizer for biological wastes with the potential to burn hazardous waste.

35. The Facility's main air pollution control device is a water scrubber.



36. The Facility's maximum design waste burning capacity is one thousand pounds per hour (1000 lbs/hr).

37. On May 16, 2006, EPA conducted an inspection and compliance evaluation (the "2006 Inspection") of the Facility, in order to determine compliance with the CISWI requirements.

38. On January 18, 2007, and May 24, 2007, Safetech submitted the test protocol for the initial performance tests for PM, CO, Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxide (NO<sub>x</sub>), dioxin/furans (D/F), cadmium (Cd), lead (Pb), mercury (Hg), HCl, and opacity.

39. On December 14, 2007, the EQB determined that the operator training program for CISWI incinerators submitted by Safetech on June 1, 2007, was incomplete and failed to address all regulatory requirements of Rule 405(c)(3)(C)(i) through Rule 405(c)(3)(C)(11) of the PRRCAP. Safetech submitted a revised operator training program on February 6, 2008.

40. On May 21, 2008, Safetech submitted to EQB the results of the initial performance tests conducted from February 28 to March 19, 2008. The results indicated that PM and Pb emissions were above the limits set forth in Rule 405(c) of the PRRCAP. The emission limits for CO, SO<sub>2</sub>, NO<sub>x</sub>, D/F, Cd and Hg were met satisfactorily.

41. In January 2009, EQB informed EPA that the initial performance tests repeated by Safetech for PM showed results within the limits established under Rule 405 of the PRRCAP. However, the tests for Pb failed again to meet the emission limits.

42. During July 2009, Safetech conducted another set of tests for Pb and was finally able to meet the emission limits set forth under Rule 405 of the PRRCAP. These set of tests for PM and Pb were part of the emission tests requirements for the initial performance tests.

43. On May 5, 2011, EPA sent Safetech a Request for Information pursuant to Section 114 of the CAA requesting additional documentation, in order to determine Safetech's compliance status with the CISWI regulations.

44. On August 8, 2011, an EPA Enforcement Officer conducted an inspection (the "2011 Inspection") to complete the assessment of Safetech's compliance with the CISWI requirements.

45. The EPA Enforcement Officer met with Mr. José Rivera, owner and President of Safetech ("Mr. Rivera").

46. During the 2011 Inspection, the EPA Enforcement Officer was able to confirm that the Facility was in operation.

47. During the 2011 Inspection, EPA confirmed that Safetech failed to conduct annual tests for PM, HCl and opacity in order to comply with Rule 405(c)(7)(F) of the PRRCAP from 2006 until 2011.

48. On July 8 2011, Safetech conducted the annual performance test for HCl, PM and opacity.

49. Based on the information obtained by EPA through the Request for Information and during the 2011 Inspection, EPA issued a Notice of Violation ("NOV") to Respondent on June 15, 2012. A copy of the NOV was sent to EQB on June 15, 2012.

50. On June 22, 2012, Respondent sent a letter acknowledging receipt of the NOV and requesting a meeting to discuss its findings.

51. On July 23, 2012 and August 14, 2012, EPA met with Respondent to discuss the NOV.

52. On August 17, 2012, Respondent provided EPA with a written response to the NOV, along with supporting documents.

53. On September 17, 2012, Respondent provided EPA with a Revised Control Plan and an Annual Operation Report; both documents were dated September 15, 2012.

54. Based on the information available to the EPA during the assessment completed on July 19, 2011, and the 2011 Inspection, EPA issued an Administrative Order, Docket No. CAA-02-2012-1011 (“Order”), on September 28, 2012.

55. On October 12, 2012, Respondent confirmed receipt of the Order and requested a conference meeting with EPA.

56. A meeting to discuss the Order was held on November 5, 2012.

57. Between October 25 and November 9, 2012, Respondent submitted to EPA: a waste management plan and the final control plan approved by EQB; operator training and qualification program; the tests reports conducted and submitted to EQB for HCl, PM, and the opacity and annual reports previously submitted to EQB.

58. On December 18, 2012, Respondent submitted its stack test protocol, as required by the Order.

59. The stack test protocol underwent a series of revisions and on August 12, 2013, EPA approved a modified stack test protocol.

60. Respondent conducted the performance tests during the period of September 11 through September 18, 2013.

61. Respondent submitted the performance tests results on December 9, 2013.

62. According to Respondent, the performance tests results for dioxins/furans, HCl, SO<sub>2</sub> and metals met the standards set in Rule 405 of the PRRCAP.

63. However, Respondent also informed EPA that stack emissions for PM, Cd, and lead exceeded their respective regulatory emission limits, as specified in Rule 405(c)(2) of the PRRCAP.

64. From February 2014 through November 25, 2014, EPA and Safetech discussed the parameters for Respondent's retesting for PM, Cd and Pb.

65. On March 18 and 19, 2015, EPA and EQB witnessed the performance tests for PM, Cd and Pb and opacity.

66. On May 15, 2015, Respondent submitted the tests results for Cd, Pb, PM and opacity.

67. EPA reviewed the results for the tests conducted on March 18 and 19, 2015, and the results demonstrated compliance with the emission limits set forth under Rule 405(c) of the PRRCAP.

### **Conclusions of Law**

Based on the Findings of Fact set forth above, EPA reaches the following Conclusions of Law:

68. Respondent is a "person" within the meaning of Section 302(e) of the Act.

69. The Facility is a source that operates a commercial, industrial solid waste incinerator, subject to the requirements set forth in Rule 405(c) of the PRRCAP.

70. The Facility is subject to the conditions in its Title V Operating Permit.

71. Respondent's failure to meet the emission limits for Cd, Pb and PM during the 2013 performance tests is a violation of Rule 405(c)(2)(A) of the PRRCAP.

Respondent's violation of Rule 405(c)(2)(A) of the PRRCAP is a violation of Section 111 of the Act.

72. Respondent's failure to establish representative and appropriate operating limits during the initial performance tests is a violation of Rule 405(c)(2)(B) of the PRRCAP. Respondent's violation of Rule 405(c)(2)(B) of the PRRCAP is a violation of Section 111 of the Act.

73. Respondent's failure to submit a notification to the EPA stating that an increment of progress was not met, within ten (10) business days after the date for that increment of progress as established in Table 5 of Rule 405(c), is a violation of Rule 405(c)(8) of the PRRCAP. Respondent's violation of Rule 405(c)(2)(B) of the PRRCAP is a violation of Section 111 and 114 of the Act.

74. Respondent's failure to comply with the Title V Permit Conditions pertaining to emission limits, operating limits and reporting requirements is a violation of its Title V Permit.

### **Settlement**

75. Pursuant to Section 113(d) of the Act, Respondent shall pay a civil penalty of \$273,791 plus accrued interest. Respondent agrees to pay a civil penalty in the total amount of two hundred seventy-three thousand seven hundred ninety-one dollars (\$273,791), in installments, according to the payment schedule identified in paragraph 77. Interest at a rate of one percent (1%) per annum shall be included in any and all

payments made beyond thirty (30) days from the effective date and shall accrue from thirty (30) days after the effective date until the date of payment.

76. Respondent shall pay using any method, or combination of methods, provided on the website <http://www2.epa.gov/financialadditional-instructions-makingpayments-epa>, and identifying each and every payment with "Docket No. CAA-02-2015-1215." Within 24 hours of payment of the civil penalty, Respondent shall send proof of payment to the following:

Nancy Rodríguez, Chief  
Multi-Media Permit and Compliance Branch  
U.S. Environmental Protection Agency - Region 2  
City View Plaza II - Suite 7000  
# 48 Rd. 165 Km. 1.2  
Guaynabo, PR 00968-8069

and

Carolina Jordán-García  
Office of Regional Counsel-CT  
U.S. Environmental Protection Agency - Region 2  
City View Plaza II - Suite 7000  
# 48 Rd. 165 Km. 1.2  
Guaynabo, PR 00968-8069

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer in the amount due, and identified with "Docket No. CAA-02-2015-1215," and any other information required to demonstrate that payment has been made according to the applicable payment method.

77. Respondent shall pay the total amount of two hundred seventy-three thousand seven hundred ninety-one dollars (\$273,791) plus accrued interest (\$3,802.65), according to the following schedule:

- a payment of \$45,631.85 (\$45,631.85 principal plus \$0 accrued interest) shall be made within 30 days of the effective date;
- a payment of \$47,152.89 (\$45,631.83 principal plus \$1,521.06) accrued interest) shall be made within 270 days of the effective date;
- a payment of \$46,544.47 (\$45,631.83 principal plus \$912.64 accrued interest) shall be made within 450 days of the effective date;
- a payment of \$46,316.31 (\$45,631.83 principal plus \$684.48 accrued interest) shall be made within 630 days of the effective date;
- a payment of \$46,088.15 (\$45,631.83 principal plus \$456.32 accrued interest) shall be made within 810 days of the effective date;
- a payment of \$45,859.99 (\$45,631.83 principal plus \$228.16) shall be made within 990 days of the effective date.

78. If Respondent fails to make full, complete and timely payment of the penalty that is required by this CAFO, this case may be referred by EPA to the United States Department of Justice and/or the United States Department of the Treasury for collection. In such an action, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5) and 31 U.S.C. § 3717, Respondent shall pay the following amounts:

- a. Interest. If Respondent fails to make payment, or make partial payment, any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 31 U.S.C. § 3717 and 26 U.S.C. § 6621 from the payment Due Date.
- b. Handling Charges. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of fifteen dollars (\$15.00) shall be paid if any portion of the assessed penalty is more than thirty (30) days past the payment Due Date.
- c. Attorney Fees, Collection Costs, Nonpayment of Penalty. If Respondent fails to pay the amount of an assessed penalty on time, pursuant to 42 U.S.C. § 413(d)(5), in addition to such assessed penalty and interest and handling assessments, Respondent shall also pay the United States' enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such a failure to pay

persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

Next Generation Project

79. The settlement requires the defendant to install a video-graphic recorder.

The video-graphic recorder will continuously capture and record all Thermal Oxidation System operating parameters and will alert operators of any deviations. Stored data will also be available for statistical analysis.

80. The additional information provided by the video-graphic recorder will facilitate EPA and/or State oversight of Respondent's compliance status by providing ready-access to parameter data in digital form, enabling better management of recorded data and enhancing the role of EPA and/or State officials in monitoring the applicable operating parameters of Safetech's Thermal Oxidation System.

81. Respondent shall complete installation of the video-graphic recorder by no later than two hundred and seventy (270) days of the effective date of the Final Order.

82. Respondent shall submit a Report to EPA by no later three hundred sixty-five (365) days, containing the following information: a detailed description of the video-graphic recording system as implemented; a description of any operating problems encountered and the solutions thereto; certification that the project has been fully implemented consistent with this Consent Agreement.

83. Respondent shall maintain the video-graphic recorder in operation, as described in Paragraph 79, above, for no less than five years.

84. EPA, in its sole discretion, shall determine whether the project has been satisfactorily completed in a manner consistent with this Consent Agreement.



85. Respondent shall submit all notices and reports required by this Consent Agreement, by first class mail to:

Nancy Rodríguez, Chief  
Multi-Media Permit and Compliance Branch  
U.S. Environmental Protection Agency - Region 2  
City View Plaza II - Suite 7000  
# 48 Rd. 165 Km. 1.2  
Guaynabo, PR 00968-8069  
rodriguez.nancy@epa.gov

and

Carolina Jordán-García  
Office of Regional Counsel-CT  
U.S. Environmental Protection Agency - Region 2  
City View Plaza II - Suite 7000  
# 48 Rd. 165 Km. 1.2  
Guaynabo, PR 00968-8069  
[jordan-garcia.carolina@epa.gov](mailto:jordan-garcia.carolina@epa.gov)

*Stipulated Penalties for Failure to Complete the Project*

86. In the event that Respondent fails to complete the project by the stipulated date, Respondent shall pay a stipulated penalty to the United States in the amount of \$250 per day the project is late.

87. Stipulated penalties under this Consent Agreement shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

88. Respondent shall pay stipulated penalties not more than fifteen days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 76, above. Interest and late charges shall be paid as stated in Paragraph 78, above.

89. The Director of CEPD, Region 2 may, in her sole discretion, reduce or eliminate any stipulated penalty due if Respondent has, in writing, demonstrated to EPA's satisfaction good cause for such action by EPA. If, after review of Respondent's submission, Complainant determines that Respondent has failed to comply with the provisions of this Consent Agreement, and Complainant does not, in its sole discretion, eliminate the stipulated penalties demanded by EPA, Complainant will notify Respondent, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by Respondent. Respondent shall pay the stipulated penalty amount indicated in EPA's notice within twenty (20) calendar days of their receipt of such written notice from EPA.

90. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney's fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid in accordance with 4 C.F.R. §§ 102.13(d) and (e).

91. Nothing in this Consent Agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation(s) of this Consent Agreement, the statutes and regulations upon which this Consent Agreement is based, or for Respondent's violation(s) of any applicable provision of law.

92. This Consent Agreement is being entered into voluntarily and knowingly by the parties in full settlement of Respondent's alleged violations of the Act set forth herein.

93. Nothing in this Consent Agreement and attached Final Order shall relieve Respondent of the duty to comply with all applicable provisions of the Clean Air Act and other environmental laws and it is the responsibility of the Respondent to comply with such laws and regulations.

94. Full payment of the penalty described in Paragraph 77, above, shall only resolve Respondent's liability for federal civil penalties for the violation(s) and facts alleged in the complaint issued in this matter. This Consent Agreement and attached Final Order shall not affect the right of the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

95. This Consent Agreement, attached Final Order, and any provision herein is not intended to be an admission of liability in any adjudicatory or administrative proceeding, except in an action, suit, or proceeding to enforce this CAFO or any if its terms and conditions.

96. Respondent explicitly waives its right to request a hearing and/or contest allegations in this Consent Agreement and explicitly waives its right to appeal the attached Final Order.

97. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with, or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator where the purpose of such discussion, memorandum, or communication is to recommend that such official accept this Consent Agreement and issue the attached Final Order.

98. Each party to this Consent Agreement shall bear its own costs and attorneys' fees in this action resolved by this Consent Agreement and attached Final Order.

99. The Consent Agreement and attached Final Order shall be binding on Respondent and its successors and assignees.

100. Each of the undersigned representative(s) to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and conditions of this Consent Agreement and bind that party to it.

*In the Matter of Safetech, Corp.*  
CAA-02-2015-1215

Signatures

For Complainant:

Date:



FEBRUARY 27, 2017

Carmen Guerrero Pérez  
Director, Caribbean Environmental Protection Division

*In the Matter of Safetech Corp.*  
CAA-02-2015-1215

For Respondent:

Date:

  
\_\_\_\_\_  
José M. Rivera Robledo,  
President

2/24/17

*In the Matter of Safetech Corp.*  
CAA-02-2015-1215

**FINAL ORDER**

The Regional Administrator of EPA, Region 2, concurs in the foregoing Consent Agreement, in the matter of Safetech Corp., CAA-02-2015-1215. The Consent Agreement, entered into by the parties, is hereby approved and issued, as a Final Order. Pursuant to EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, this Final Order becomes effective at the time it is filed by Complainant's representatives with the Region 2 Regional Hearing Clerk.

DATE: \_\_\_\_\_

2/28/17



Catherine McCabe  
Acting Regional Administrator  
United States Environmental  
Protection Agency, Region 2

bcc: ORC-AB/Chron File  
DECA-ACB File