

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Amanda J. Helwig 7/16/10
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number RCRA-01-2009-0081

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Lin-Cox Environmental, Inc.
276 Dow Highway
Eliot, Maine 03903

Total Dollar Amount of Receivable \$ 1,000 Due Date: 8/13/10

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1ST \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number



RECEIVED
JUL 16 1:31
EPA-ORC
OFFICE OF
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
FIVE POST OFFICE SQUARE - SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

VIA UPS

July 15, 2010

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, Massachusetts 02109-3912

Re: Consent Agreement and Final Order
In the Matter of Lin-Cor Environmental, LLC
Docket No. RCRA- 01-2009-0081

Dear Ms. Santiago,

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Consent Agreement and Final Order, signed by both parties and approved by the Regional Judicial Officer, as well as the Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Amanda J. Helwig".

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency

cc: E. Chris L'Hommedieu, Esq.

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

2010 JUL 16 A 1:31

In the Matter of:)

Lin-Cor Environmental, LLC)

276 Dow Highway)
Eliot, Maine 03903)

RESPONDENT)

EPA Docket No. RCRA-01-2009-0081

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"),
having filed the Complaint herein against Respondent, Lin-Cor Environmental, LLC; and
Complainant and Respondent (together, "the Parties") having agreed that settlement of
this matter is in the public interest and that entry of this Consent Agreement and Final
Order ("CAFO") without further litigation is the most appropriate means of resolving this
matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings,
without adjudication of any issue of fact or law and without the admission or denial of
liability, and upon consent and agreement of the Parties, it is hereby ordered and
adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to
Section 3008(a) of the Resource Conservation and Recovery Act (RCRA).

2. The Complaint alleges that Respondent violated Section 3002 of RCRA, 42 U.S.C. § 6922; Title 38, Chapter 13 of the Maine Revised Statutes Annotated, 38 M.R.S.A. § 1301 et seq.; and the State of Maine Hazardous Waste Management Rules promulgated thereunder, codified at 06-096 Code of Maine Rules (“C.M.R”) Chapters 850 et seq.

3. The Complainant and Respondent subsequently entered into negotiations to settle the allegations contained in the Complaint. This CAFO is the result of such negotiations and resolves the liability of the Respondent for matters alleged in the Complaint.

4. This CAFO shall apply to and be binding upon Respondent, its successors and assigns.

5. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this Final Order.

6. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

7. Respondent states that it is no longer operating a RCRA facility at 276 Dow Highway in Eliot, Maine.

III. PENALTY

8. Based on the findings and allegations in the Complaint and other relevant factors, including Respondent's demonstrated financial inability to pay more than certain penalty amounts, EPA has determined that it is fair and proper that Respondent pay a civil penalty in the amount of \$1,000.

9. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty as set out in the foregoing paragraph.

10. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit a bank, cashier's, or certified check in the amount of \$1,000 payable to the order of the "Treasurer, United States of America," and referencing the EPA Docket Number of this action (RCRA- 01-2008-0081). The check should be forwarded to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda Santiago
Regional Hearing Clerk
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109

and

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code: 2243-A
Washington, DC 20460.

Interest and late charges, if applicable, shall be paid as specified in Paragraph 11 below.

11. Failure by Respondent to pay the total penalty in full by the due date may subject the Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date of the Final Order. 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 costs 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 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys 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 31 C.F.R. § 901.9(d).

12. The penalty specified in Paragraph 8 above shall represent a civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

IV. GENERAL PROVISIONS

13. This CAFO constitutes a settlement by EPA of all claims for civil penalties

pursuant to Section 3008(a) of RCRA for the violations alleged in the Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA. It is the responsibility of the Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the EPA to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment. Nothing in this CAFO 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 of this CAFO or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

14. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

15. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

16. This CAFO does not constitute a waiver, suspension or modification of the requirements of RCRA, 42 U.S.C. § 6901 et seq., or any regulations promulgated thereunder.

FOR RESPONDENT:

Linda Corbin
Linda Corbin, ~~President~~ *Member*
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, Maine 03903

6-29-10
Date

FOR COMPLAINANT:



Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

7/13/10

Date

VI. FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and in accordance with 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective upon filing with the Regional Hearing Clerk.

Date:

July 14, 2010

Jill T. Metcalf
Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I