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

In the matter of:	:	
	:	
Edgewell Personal Care Company	:	**U.S. EPA Docket RCRA–03-2018-0045**
185 Saulsbury Road	:	
Dover, DE 19904	:	
	:	**Proceeding under Section 3008(a) and (g)**
Respondent,	:	**of the Resource Conservation and**
	:	**Recovery Act, as amended,**
Edgewell Personal Care Company	:	**42 U.S.C. § 6928(a) and (g)**
185 Saulsbury Road	:	
Dover, DE 19904	:	
	:	
Facility.	:	
	:	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division ("Complainant"), U.S. Environmental Protection Agency, Region III ("EPA" or the "Agency"), and Edgewell Personal Care Company ("Respondent"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) 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 of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order simultaneously commence and conclude this administrative proceeding against the Respondent.

3. The Delaware Regulations Governing Hazardous Waste ("DRGHW") were authorized pursuant to RCRA Section 3006(b), 42 U.S.C. § 6926(b), (see 53 Fed. Reg. 23837 (June 8, 1984), 61 Fed. Reg. 41345 (August 8, 1996), 62 Fed. Reg. 44152 (August 18, 1998), 65 Fed. Reg. 42871 (July 12, 2000), 67 Fed. Reg. 51478 (August 8, 2002), 69 Fed. Reg. 10171 (March 4, 2004), 69 fed. Reg. 60091 (October 7, 2004)), and 82 Fed. Reg. 37319 (Aug. 10, 2017) (effective on Oct. 10, 2017). As such, certain provisions of Delaware's hazardous waste management program, through these authorizations, have become requirements of Subtitle C of RCRA and are, accordingly, enforceable by EPA pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g). It is the DRGHW authorized in 2004 that are cited in this Consent Agreement. Future hazardous waste management at the Facility will need to be in compliance with the DRGHW that became effective on Oct. 10, 2017.

4. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to initiate an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle C, EPA's regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.

5. This Consent Agreement ("CA") and the accompanying Final Order ("FO") (collectively, the "CAFO") address alleged violations by Respondent of the State of Delaware's federally-authorized DRGHW, Parts 260 – 279, and Parts 122 and 124, in connection with Respondent's facility.

6. Respondent's facility is located at 185 Saulsbury Road Dover, DE 19904 ("Facility") and is further described below.

7. Factual allegations or legal conclusions in this CA that are based on provisions of federally-authorized DRGHW cite those respective provisions as the authority for such allegations or conclusions.

8. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated May 11, 2017, EPA notified the Delaware Department of Natural Resources and Environmental Conservation ("DNREC") of EPA's intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

9. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.

10. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in the CAFO, except as provided in Paragraph 9, above.

11. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

12. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.

13. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

14. Respondent shall bear its own costs and attorney's fees.

15. This CAFO shall not relieve Respondent of its obligations 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 RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

16. 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 following findings of fact and conclusions of law:

17. EPA has jurisdiction over this matter pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).

18. Respondent is a corporation organized under the laws of the State of Missouri. Respondent is now, and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10 and DRGHW § 260.10.

19. Respondent is a global corporation that manufactures a variety of personal care products. The Facility, known within the organization as "Plant 4," is the sole manufacturer for Respondent's Feminine Care division, and it manufactures tampons and sanitary pads. The Facility is located on approximately 34.5 acres of land, in a building of approximately 540,000 square feet. Manufacturing began at this location in 1995, under the ownership of International Latex Corp. Respondent's corporate predecessor, Energizer Holdings, Inc., purchased the Facility in approximately 2008, and either Energizer or Respondent have been in operation at the Facility since that time.

20. On November 16, 1989, Respondent submitted a Notification of Hazardous Waste Activity ("Notification") for the Facility to DNREC and to EPA, Region III, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying the Facility as a generator of

hazardous waste. Subsequently, the Facility was assigned EPA I.D. Number DED982705212. The Facility is currently reporting as a RCRA Large Quantity Generator ("LQG") of hazardous waste. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.

21. At all times relevant to the allegations set forth in this CA, Respondent's Facility is, and has been, a hazardous waste storage "facility" as that term is defined in DRGHW § 260.10.

22. At all times relevant to the allegations set forth in this CA, Respondent is, and has been, the "operator" and the "owner" of a facility, described in paragraph 19, as those terms are defined in DRGHW § 260.10.

23. At all times relevant to the allegations set forth in this CA, Respondent is, and has been, a "generator" of, and has engaged in the "storage" in "containers" at the Facility of materials described below that are "solid wastes" and "hazardous wastes," as those terms are defined in DRGHW § 260.10.

24. On March 9, 2017, three inspectors from EPA and an inspector from DNREC conducted a Compliance Evaluation Inspection (the "CEI" or "Inspection") at the Facility, to examine the Respondent's compliance with the federally-authorized DRGHW and any applicable federal hazardous waste regulations.

25. On March 9, 2017, the following "hazardous wastes" generated by Respondent, were in "storage" in containers at the Facility:

    a. Waste ink with waste solvent flushed from printing machines, which met the hazardous waste criteria for the characteristic of ignitability (EPA Hazardous Waste No. D001);

    b. Wipes contaminated with waste ink with waste solvent, which met the hazardous waste criteria for the characteristic of ignitability (EPA Hazardous Waste No. D001);

    c. Liquid drained from aerosol cans (EPA Hazardous Waste No. D001).

26. On October 18, 2017, EPA sent a Request to Show Cause ("Show Cause letter") to Respondent advising it of EPA's preliminary findings of violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent's compliance with the DRGHW at the Facility.

27. On the basis of EPA's findings during the Inspection and additional information provided by Respondent to EPA, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and certain federally-authorized DRGHW requirements promulgated thereunder.

COUNT I
(Operating a Treatment, Storage, and Disposal Facility without a Permit or Interim Status)

28. The information in the preceding Paragraphs is incorporated herein by reference, as though fully set forth at length.

29. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and DRGHW § 122.1(c), provide, in pertinent part, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.

30. Respondent has never had a permit or interim status, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or DRGHW § 122.1(c), for the storage of hazardous waste at the Facility.

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

31. DRGHW § 262.34(a), with exceptions not relevant here, provides:

> [A] generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: (1) The waste is placed: (i) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR part 265; and/or
>
> * * *
>
> (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
>
> (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste" . . .

32. DRGHW § 262.34(b), with exceptions not relevant herein, provides:

> A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of [40 CFR] Part 264 and 265 and the permit requirements of Part 122 unless he has been granted an extension to the 90-day period. Such extension may be granted by DNREC if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Secretary on a case-by-case basis.

33. Respondent has not been granted such an extension of time for storing hazardous waste at the Facility.

34. The following acts or omissions, further described below, prevented Respondent from meeting the regulatory permit exemption conditions in DRGHW § 262.34(a).

Generator Permit Exemption: Labelling Satellite Containers Storing Hazardous Waste

35. DRGHW § 262.34(c)(1) provides 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 paragraph (a) of this section provided he . . . (ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers."

36. At the time of the Inspection, in Building 402, in the ESP MRO area, there was a 30-gallon container of drained aerosol can contents containing hazardous waste (EPA Hazardous Waste No. D001), which was part of the aerosol can puncturing unit. This container was not labeled or marked clearly with the words, "Hazardous Waste" or with other words that identified the contents of the container.

37. At the time of the Inspection, there were 24 printing stations used for bar coding and lot numbering on the manufacturing lines at the Facility. At the end of each printing station, there was a 1-liter plastic reservoir bottle full of black liquid, attached to the bottom of a stainless steel trough. These bottles contained waste ink and waste solvent (EPA Hazardous Waste Code D001). These reservoirs were not marked with the words "Hazardous Waste," or with other words that identified the contents of the container, with their status as a waste, as required by the applicable permit exemption condition set forth at DRGHW § 262.34(c)(1)(ii).

38. At the time of the Inspection on March 9, 2017, Respondent failed to mark 24 hazardous waste containers with the words "Hazardous Waste," other words that identified the contents of the containers, as required by the applicable permit exemption condition set forth at DRGHW § 262.34(c)(1)(ii).

Generator Permit Exemption: Closed Containers

39. As a condition of meeting the 90-day accumulation permit exemption, DRGHW § 264.173(a) requires that "[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

40. At the time of the Inspection on March 9, 2017, Respondent failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste, as required by DRGHW § 264.173(a), as set forth in further detail in Count II, below.

Generator Permit Exemption: Weekly Inspections

41. As a condition of meeting the 90-day accumulation permit exemption, DRGHW § 264.174 requires that, "[a]t least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of container and the containment system caused by corrosion or other factors."

42. During the weeks of June 10, 2016 and July 7, 2016, Respondent failed to inspect areas where containers are stored, looking for leaking containers and for deterioration of container and the containment system caused by corrosion other factors, as set forth in further detail in Count III, below.

Generator Permit Exemption: Contingency Plan

43. As a condition of meeting the 90-day accumulation permit exemption, DRGHW § 264.54 required that "[t]he contingency plan [for a facility] must be reviewed, and immediately amended, if necessary, whenever: . . . (d) the list of emergency coordinators changes."

44. At the time of the Inspection, Respondent failed to amend the Contingency Plan for the Facility to include the name of the then current alternate Emergency Coordinator, as set forth in further detail in Count IV, below.

45. For each of the reasons and during each of the dates and time periods identified, above, Respondent failed to comply with the permit exemption conditions set forth in DRGHW § 262.34(a), as identified in Paragraphs 35 through 44, 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.

46. At the time of the Inspection on March 9, 2017, for each of the reasons identified in Paragraphs 35 through 44, 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 DRGHW Part 122.

COUNT II
(Failure to Keep Hazardous Waste Containers Closed)

47. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.

48. DRGHW § 264.173(a) provides that "[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

49. At the time of the Inspection, Respondent had at least 24 reservoir containers of hazardous waste ink and hazardous waste solvent which were open when it was not necessary to add or remove waste. These 1-liter containers were connected to the Pack printers, and were designed for receiving waste ink and waste solvent when the printing lines were flushed. As each line was flushed, waste ink and waste solvent flowed from the printer, into an open funnel, through an open drain line, and into a reservoir bottle. At the time of the Inspection, these containers were not receiving waste. Cleanout of the ink lines is an operator-initiated function that was not occurring during the Inspection.

50. At the time of the Inspection on March 9, 2017, Respondent was in violation of DRGHW § 264.173(a), by failing to keep approximately 24 containers of hazardous waste, in the form of waste ink and solvent (EPA Hazardous Waste No. D001), closed during storage, except when it was necessary to add or remove waste.

COUNT III
(Failure to Conduct Weekly Inspections Hazardous Waste Accumulation Areas)

51. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.

52. DRGHW § 264.174 provides that "[a]t least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors."

53. A review of Facility records indicated that during the weeks of June 10, 2016 and July 7, 2016, Respondent failed to inspect its hazardous waste accumulation area, looking for leaking containers and for deterioration of container and the containment system caused by corrosion other factors.

54. During the weeks of June 10, 2016 and July 7, 2016, Respondent was in violation of DRGHW § 264.174, by failing to inspect the area at the Facility where hazardous waste containers were stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

COUNT IV
(Failure to Amend Contingency Plan)

55. The allegations in the preceding Paragraphs are incorporated herein by reference, as though fully set forth at length.

56. The provisions of DRGHW § 264.51(a) requires the owner and operator of a hazardous waste facility to maintain a contingency plan designed 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.

57. DRGHW § 264.52(a) - (e) requires that the contingency plan describe the actions that facility personnel will take in response to fires, explosions, or any unplanned sudden or non-sudden releases of hazardous waste at the facility; describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services; list the contact information of all emergency coordinators for the facility; list all emergency equipment; and include an evacuation plan.

58. DRGHW § 264.54 provides that "[t]he contingency plan must be reviewed, and immediately amended, if necessary, whenever: . . . (d) the list of emergency coordinators changes."

59. At the time of the Inspection on March 9, 2017, Respondent had a Contingency Plan for the Facility that listed a person as the alternate Emergency Coordinator who had left the employment of the Respondent in June 2016. Respondent had hired a new alternate Emergency Coordinator in August 2016, but his name was not listed in the Facility Contingency Plan.

60. From August 2016 through March 10, 2017 (the date that the company revised its Contingency Plan), Respondent was in violation of DRGHW § 264.54, by failing to amend the Contingency Plan for the Facility to reflect the name of the current alternate Emergency Coordinator.

IV. CIVIL PENALTIES

61. Respondent agrees to pay a civil penalty in the amount of **$18,000.00 (EIGTHEEN THOUSAND DOLLARS)** in full and final settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations and facts alleged and set forth in Section III ("EPA Findings of Fact and Conclusions of Law") of this Consent Agreement. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.

62. The civil penalty settlement amount set forth in Paragraph 61, 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 July 27, 2016 Memorandum by EPA Assistant Administrator, Cynthia Giles, entitled, "Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation," (effective August 1, 2016). The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.

63. Payment of the civil penalty set forth in Paragraph 61, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 65 through 68, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

a. All payments by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, i.e., RCRA03-2018-0045;

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

Customer service contact: 513-487-2091

d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

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

Contact: 314-418-1818

e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

f. All payments made by electronic wire transfer 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"

g. 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: 866-234-5681

h. On-Line Payment Option: WWW.PAY.GOV/paygov/

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

i. Additional payment guidance is available at:

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

or by contacting Craig Steffen at 513-487-2091

64. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

Natalie Katz
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

65. 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. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

66. 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).

67. 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.

68. 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).

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

V. CERTIFICATIONS

70. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent is in compliance with all relevant provisions of the current, authorized revised DRGHW and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this Consent Agreement.

VI. OTHER APPLICABLE LAWS

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

VII. RESERVATION OF RIGHTS

72. This CAFO resolves only EPA's claims for civil penalties for the specific violations and facts which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

73. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this Consent Agreement.

IX. PARTIES BOUND

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

X. EFFECTIVE DATE

75. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. ENTIRE AGREEMENT

76. This CAFO 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 CAFO.

For Respondent:

Edgewell Personal Care Company

Date: 16 FEBRUARY 2018

By: _____
William H Bunn
Plant Director

For the Complainant:

U.S. Environmental Protection Agency, Region III

Date: 2/20/2018

By: _____
Natalie L. Katz
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact and Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 2.22.18

By: _____
John A. Armstead, Director
Land and Chemicals Division

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

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FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Edgewell Personal Care Company ("Respondent"), have executed a document entitled "Consent Agreement," which I hereby 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. § 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), and the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty payment **$18,000.00 (EIGHTEEN THOUSAND DOLLARS)**, in accordance with the payment provisions set forth in of 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 the Final Order is filed with the Regional Hearing Clerk.

Feb. 28, 2018
Date:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

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	:	
Edgewell Personal Care Company	:	**U.S. EPA Docket RCRA–03-2018-0045**
185 Saulsbury Road	:	
Dover, DE 19904	:	
	:	**Proceeding under Section 3008(a) and (g)**
Respondent,	:	**of the Resource Conservation and**
	:	**Recovery Act, as amended,**
Edgewell Personal Care Company	:	**42 U.S.C. § 6928(a) and (g)**
185 Saulsbury Road	:	
Dover, DE 19904	:	
	:	
Facility.	:	
	:	

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by UPS Next Day Delivery, a copy of the Consent Agreement and Final Order to the addressee(s) listed below:

William Bunn, Plant Director, Dover Ops
Edgewell Personal Care Company
185 Saulsbury Road
Dover, DE 19904

Kyle E. Foote, Esq.
Stinson Leonard Street LLP
1201 Walnut Street, Suite 2900
Kansas City, MO 64106-2150

The original and one copy of were hand-delivered to, and filed with, the Regional Hearing Clerk, U.S. EPA Region III.

Dated: 2/28/2018

Natalie Katz (3RC30)
Senior Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103