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

In Re:	)	
	)	
Colonial Circuits, Inc.	)	**Docket No. RCRA-03-2008-0122**
1026 Warrenton Road	)	
Fredericksburg, VA 22406-6200	)	**Proceeding Under Section**
	)	**3008(a) and (g) of the**
RESPONDENT	)	**Resource Conservation and**
	)	**Recovery Act, as amended,**
EPA Facility I.D. #VAD981738479	)	**42 U.S.C. § 6928(a) and (g)**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

This Consent Agreement is entered into by the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and Colonial Circuits, Inc. ("Colonial Circuits" or "Respondent"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as 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 or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

The Commonwealth of Virginia ("Virginia") has received federal authorization to administer a Hazardous Waste Management Program (the "Virginia Hazardous Waste Management Program") in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The Virginia Hazardous Waste Management Regulations (or "VaHWMR"), as codified at VaHWMR §§ 1.0 *et seq.* (1984), were federally authorized, effective December 18, 1984 (49 *Fed. Reg.* 47391 (December 4, 1984)), by EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, and subsequently were re-authorized effective: September 29, 2000 (65 *Fed. Reg.* 46607 (July 31, 2000)); June 20, 2003 (68 *Fed. Reg.* 36925 (June 20, 2003)); and July 10, 2006 (71 *Fed. Reg.* 27204 (July 10, 2006)). The VaHWMR incorporate definitions and adopt specific provisions of Title 40 of the Code of Federal Regulations (in effect on July 1, 2001) by reference, with certain exceptions. *See* 9 VAC 20-60-14, -18 and -260 through - 279. This Consent Agreement and the accompanying Final Order (collectively "CAFO") address violations by Respondent of RCRA and of the federally authorized Virginia Hazardous Waste Management Program.

The federally authorized provisions of the Virginia Hazardous Waste Management Program are requirements of RCRA Subtitle C and, accordingly, are enforceable by EPA pursuant to Section 3008(a) of RCRA. 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. Respondent is hereby notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally authorized VaHWMR requirements promulgated thereunder, at its printed circuit board manufacturing facility located at 1026 Warrenton Road, Fredericksburg, Virginia (the "Facility").

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 Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and resolves alleged violations of RCRA, and of the federally authorized VaHWMR requirements promulgated thereunder, at the Respondent's Facility.

In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified the Commonwealth of Virginia, through the Virginia Department of Environmental Quality ("VaDEQ"), of EPA's intent to commence this administrative action in response to the violations set forth herein.

II. 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, immediately above.

3. 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 the CAFO.

4. For the 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.

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 certifies to EPA by its signature herein that it is presently in compliance, at the Facility, with all applicable provisions of the VaHWMR and of the federally authorized Virginia Hazardous Waste Management Program requirements that are referenced herein.

8. The provisions of this CAFO shall be binding upon Complainant and Respondent, its officers, directors, employees, 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 RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, or any regulations promulgated and/or authorized thereunder.

III. 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 following findings of fact and conclusions of law:

a. Respondent is a Virginia corporation and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and as defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260.

b. Respondent is, and has been at all times relevant to this Consent Agreement, the "owner" and "operator" of the Facility identified above, and further described below, as those terms are defined in 40 C.F.R. § 260.10 and in 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10.

c. The Respondent's Facility, located at 1026 Warrenton Road, Fredericksburg, Virginia, is a printed circuit board manufacturing facility.

d. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" at the Facility, in "containers" and in "tanks," of materials that are "solid wastes" and "hazardous waste", as those terms are defined in 40 C.F.R. § 260.10. and in 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10, and as described more fully below.

e. On March 21, 2007, a duly authorized representative of EPA conducted a compliance evaluation inspection (the "Inspection") at the Facility to assess the Respondent's compliance with federally authorized VaHWMR requirements.

f. On June 21, 2007, pursuant to the authority of RCRA § 3007, 42 U.S.C. § 6927(a), EPA sent an information request letter ("IRL") to the Respondent seeking additional information relating to Company waste determinations, actions, processes and procedures and requesting the production of specified documents and information.

g. Respondent replied to EPA's IRL by correspondence dated July 19, 2007 and July 31, 2007, respectively.

h. On the basis of the Facility Inspection and of information provided by Respondent in response to the IRL, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally authorized VaHWMR requirements promulgated thereunder.

COUNT I
(*Operating Without a Permit*)

11. The allegations of Paragraphs 1 through 10, above, are incorporated herein by reference as though fully set forth at length.

12. 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a), provide, in pertinent part, that a person may not operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.

13. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), provides, in pertinent part and with exceptions not herein applicable, that:

(a) a generator may accumulate hazardous waste on-site for 90 days or less without having interim status, provided that:

(1) the waste is placed: (i) in containers and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subpart I (relating to the use and management of containers), and/or; (ii) the waste is placed in tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subpart J (relating to tank systems);

(2) the date on 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"; and

(4) the generator complies with the requirements for owners and operators in 40 C.F.R. Part 265, Subparts C (relating to preparedness and prevention) and D (relating to contingency plan and emergency procedures) and with 40 C.F.R. § 265.16 (relating to personnel training).

14. 9 VAC 20-60-262, which further incorporates by reference 40 C.F.R. § 262.34(b), additionally provides, in pertinent part and with an exception not herein applicable, that 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 9 VAC 20-60-264 and 9 VAC 20-60-265 and the permit requirements of 9 VAC 20-60-270.

15. At the time of the March 21, 2007 Facility Inspection, the Respondent failed to clearly mark and make visible for inspection on each of the following hazardous waste containers the date upon which each period of hazardous waste accumulation had begun: four 200-gallon containers of D008 hazardous waste located in the Chemical Stock Room of the Facility; ten 55-gallon containers of D008 hazardous waste in the Outdoor Storage Area of the Facility; one 55-gallon container of D008 hazardous waste located in an outside area of the Facility; one cut open 55-gallon container of D008 hazardous waste located in the Pretreatment Area of the Facility; and two 55-gallon containers (one containing solder mask stripper "corrosive" and the other F006 waste treat pit sludge) located next to the Pretreatment Area of the Facility.

16. At the time of the March 21, 2007 Facility Inspection, the Respondent failed to label or otherwise mark clearly with the words "Hazardous Waste" the following hazardous waste containers: the four 200-gallon containers of D008 hazardous waste located in the Chemical Stock Room and previously identified in Paragraph 15, above; three additional 55-gallon containers of D008 hazardous waste located in the Chemical Stock Room; the ten 55-gallon containers of D008 hazardous waste located in the Outdoor Storage Area of the Facility and previously identified in Paragraph 15, above; eight 55-gallon containers of hazardous waste located in the Outside Storage Area of the Facility, identified in Colonial Circuit's July 19, 2007 IRL response letter as containing spent copper microtech (2 containers), spent electroless nickel bath (1 container), spent acid cleaner (2 containers) and F006 pretreatment system filter bags (3 containers); three 55-gallon containers of D008 hazardous waste located in the Pretreatment Area of the Facility; one cut open 55-gallon container of D008 hazardous waste located in the Pretreatment Area of the Facility and previously identified in Paragraph 15, above; and one 5-gallon container of hazardous waste (containing plastic gloves used in the circuit board manufacturing process) located in the Main Plating Area of the Facility.

17. At the time of the March 21, 2007 Facility Inspection, Respondent failed to manage the following containers of hazardous waste in accordance with 9 VAC 20-60-265, which incorporates by reference the 40 C.F.R. Part 265, Subpart I (i.e., 40 C.F.R. § 265.173(a)) requirement that a container of hazardous waste must always be kept closed during storage, except when it is necessary to add or remove waste: one 55-gallon container of D008 hazardous waste located in the Pretreatment Area and previously identified in Paragraph 15, above; one cut open 55-gallon container of D008 hazardous waste located in the Pretreatment Area of the Facility and previously identified in Paragraphs 15 and 16, above; and one 5-gallon container of hazardous waste located in the Main Plating Area of the Facility and previously identified in Paragraph 16, above.

18. 9 VAC 20-60-262 incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(4) and, by further reference, the training and recordkeeping requirements of 40 C.F.R. § 265.16 which provide, in relevant part, that: (a) facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 9 VAC 20-60-265 and 40 C.F.R. Part 265; (b) facility personnel must complete such program within six months after the date of employment or assignment to a facility; and (c) facility personnel must take part in an annual review of such initial training; (d) the facility owner or operator must maintain at the facility records that document that the training or job experience required under 40 C.F.R. § 265.16(a) through (c) has been given to, and completed by, facility personnel; and (e) training records on current personnel must be kept until closure of the facility and training records on former employees must be kept for at least three years from the date the employee worked at the facility.

19. At the time of the March 21, 2007 EPA inspection, Colonial Circuits failed to maintain at the Facility records documenting that the training or job experience required pursuant to 40 C.F.R. §§ 265.16(a), (b), and (c) had been given to, and completed by, Facility personnel, for each of the years 2002, 2003, 2004 and 2005, in accordance with the requirements of 40 C.F.R. §§ 265.16(d), and (e).

20. Respondent failed to qualify for the "less than 90 - day" generator accumulation exemption of 9 VAC 20-60-262, which incorporates by reference each of the requirements of 40 C.F.R.§ 262.34(a)(1), (2), (3) and (4), for the activities and/or units described in Paragraphs 15 through 19, above, by failing to satisfy the conditions for such exemptions as set forth in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a).

21. The Facility is a hazardous waste treatment, storage or disposal "facility", as that term is defined by 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10, with respect to the activities and units described in Paragraphs 15 through 19, above.

22. Respondent does not have, and did not have at the time of the violations alleged herein, a permit or interim status pursuant to 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage of hazardous waste at the Facility as described in Paragraphs 15 through 19, above.

23. Respondent was required by 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the activities and/or units described in Paragraphs 15 through 19, above.

24. Respondent violated 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) by operating a hazardous waste storage facility without a permit or interim status.

COUNT II
(*Failure to Keep Containers of Hazardous Waste Closed During Storage*)

25. The allegations of Paragraphs 1 through 24, above, are incorporated herein by reference as though fully set forth at length.

26. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart I, including the requirements of 40 C.F.R. § 264.173(a), requires, in relevant part, that "[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

27. At the time of the March 21, 2007 Facility Inspection, Respondent failed to manage the containers of hazardous waste at the Facility previously identified in Paragraph 17, above, in accord with the requirement that a container of hazardous waste must always be kept closed during storage, except when it is necessary to add or remove waste.

28. Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.173(a), by failing to keep containers of hazardous waste closed during storage, except when it is necessary to add or remove waste.

COUNT III
(*Failure to Maintain Required Personnel Training Records*)

29. The allegations of Paragraphs 1 through 28, above, are incorporated herein by reference as though fully set forth at length.

30. 9 VAC 20-60-264, which incorporates by reference the requirements set forth at 40 C.F.R. § 264.16(a) through - (e), requires, in relevant part, that: (a) facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 40 C.F.R. Part 264; (b) facility personnel must complete such program within six months after the date of employment or assignment to a facility; (c) facility personnel must take part in an annual review of such initial training; (d) the facility owner or operator must maintain at the facility records that document that the training or job experience required under 40 C.F.R. § 264.16(a) through (c) has been given to, and completed by, facility personnel; and (e) training records on current personnel must be kept until closure of the facility and training records on former employees must be kept for at least three years from the date the employee worked at the facility.

31. At the time of the March 21, 2007 Facility Inspection, Respondent failed to maintain at the Facility records documenting that the training or job experience required pursuant to 40 C.F.R. §§ 264.16(a), (b), and (c) had been given to, and completed by, Facility personnel, for each of the years 2002, 2003, 2004 and 2005.

32. Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.16(d) and (e), by failing to maintain at the Facility records documenting that the training or job experience required pursuant to 40 C.F.R. § 264.16(a), (b), and (c) had been given to, and completed by, Facility personnel, for each of the years 2002, 2003, 2004 and 2005, in accordance with the requirements of 40 C.F.R. § 264.16(d), and (e).

COUNT IV
(Failure to Comply with Exception Reporting Requirements)

33. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.42(a), as modified by 9 VAC 20-60-14.B and 17.A, provides that:

> (2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the Director of the Virginia Department of Environmental Quality if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:
>
> (i) A legible copy of the manifest for which the generator does not have confirmation of delivery:

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

34. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.40, including the requirements of 40 C.F.R. § 262.40(b), further provides and requires, in relevant part, that: "[a] generator must keep a copy of each . . . . Exception Report, for a period of at least three years from the due date of the report."

35. At the time of the March 21, 2007 EPA inspection and all times relevant to the allegations set forth herein, Respondent was a generator of greater than 1000 kilograms of hazardous waste in a calendar month.

36. At the time of the March 21, 2007 EPA inspection, Respondent had not received copies of *each* of the following Hazardous Waste Manifests (identified below by Manifest Document Number, Waste Transportation Date and Hazardous Waste Code(s)), with the handwritten signature of the owner or operator of the designated facility, within 45 days of the date the waste was accepted by the initial transporter:

Manifest Document Number	Waste Transportation Date	Hazardous Waste Code(s)
#05004	April 25, 2005	D008
#05005	June 13, 2005	D008
#06001	January 31, 2006	F006 / D008

37. At the time of the March 21, 2007 EPA inspection, Respondent had not filed an Exception Report that included the information required pursuant to 40 C.F.R. § 262.42(a)(2)(i) and (ii) for any of the three hazardous waste shipments identified in Paragraph 36, immediately above.

38. Respondent violated 9 VAC 20-60-262, which incorporates by reference the requirements of 40 C.F.R. § 262.42(a), by failing to file a required Exception Report for each of the three hazardous waste shipments identified in Paragraph 36, above, in accordance with the requirements of 40 C.F.R. § 262.42(a)(2)(i) and (ii).

COUNT V
(Failure to Document Daily Tank System Inspections)

39. 9 VAC 20-60-264 incorporates by reference the 40 C.F.R. Part 264, Subpart J ("Tank Systems") requirements, including the requirements set forth at 40 C.F.R. § 264.195(c)(1) and (2), which provide, in relevant part and with exceptions not herein applicable, that the owner or operator of a hazardous waste tank system "must inspect at least once each operating day the above ground portions of the tank system, if any, to detect corrosion or releases of waste" and "[t]he construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (*e.g.*, dikes) to detect corrosion or signs of releases of hazardous waste (*e.g.*, wet spots, dead vegetation)."

40. 9 VAC 20-60-264 further incorporates by reference the 40 C.F.R. Part 264, Subpart J ("Tank Systems") requirements of 40 C.F.R. § 264.195(h), which provide that the owner or operator of a hazardous waste tank system "must document in the operating record of the facility an inspection of those items in paragraphs (a) through (c) of [40 C.F.R.§ 264.195]".

41. At the time of the March 21, 2007 EPA inspection and all times relevant to the allegations set forth herein, Respondent was the owner and operator of hazardous waste tanks systems located in the Chemical Stock Room area of the Facility.

42. At the time of the March 21, 2007 EPA inspection, Respondent failed to maintain in the operating record of the Facility documentation of any daily Chemical Stock Room tank system inspections performed prior to April, 2006.

43. Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.195(h), by failing to maintain in the operating record of the Facility at the time of the March 21, 2007 EPA inspection and in accordance with the requirements of 40 C.F.R. § 264.195(h), documentation of daily Chemical Stock Room tank system inspections performed prior to April, 2006 and required pursuant to 40 C.F.R. § 264.195(c)(1) and (2).

IV. CIVIL PENALTIES

44. Respondent agrees to pay a civil penalty in the amount of **Thirty Five Thousand Dollars ($35,000.00)**, in settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations alleged and set forth in Section III ("EPA's 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 the 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 this CAFO is mailed or hand-delivered to Respondent.

45. The civil penalty settlement amount set forth in Paragraph 44, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation,* pursuant to 40 C.F.R. Part 19 and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner entitled, *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* (" Skinner Memorandum"). Pursuant to 40 C.F.R. Part 19, and as provided in the Skinner Memorandum and in the RCRA Penalty Policy, penalties for RCRA violations occurring after January 30, 1997 were increased by 10% to account for inflation, not to exceed a $27,500.00 per violation statutory maximum penalty. Pursuant to 40 C.F.R. Part 19, and as provided in the Skinner Memorandum, penalties for RCRA violations occurring after March 15, 2004 have been increased by an additional 17.23% to account for subsequent inflation, not to exceed a current $32,500.00 per violation statutory maximum penalty.

46. Payment of the civil penalty as required by Paragraph 44, above, shall be made via one of the following methods:

a. All checks shall be made payable to "**United States Treasury**";

b. 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

Contact: Natalie Pearson, 314-418-4087

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

and mailed to:

U.S. Environmental Protection Agency – Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

d. 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"

e. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

f. On-Line Payment Option: WWW.PAY.GOV

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

g. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

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

47. All payments by the Respondent shall include the Respondent's full name and address and the EPA Docket number of this Consent Agreement (RCRA-03-2008-0122).

48. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or EFT authorization, as applicable, to:

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

and

A.J. D'Angelo
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

49. 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.

50. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order 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).

51. 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.

52. 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).

53. 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

54. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the authorized Virginia Hazardous Waste Management Program and RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this Consent Agreement.

VI. OTHER APPLICABLE LAWS

55. 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

56. This CAFO resolves only EPA's claims for civil penalties for the specific violations 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

57. Payment of the civil penalty as specified in Section lV ("Civil Penalties"), above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under RCRA Section 3008(a), 42 U.S.C. § 6928(a), for the violations alleged in this Consent Agreement.

IX. PARTIES BOUND

58. This Consent Agreement and the accompanying Final Order 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 Consent Agreement and the accompanying Final Order.

X. EFFECTIVE DATE

59. 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

60. 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 Colonial Circuits, Inc.:

Date: 3-4-08 By: _____

Mark Osborn, President
Colonial Circuits, Inc.

For Complainant United States Environmental Protection Agency, Region III:

Date: 3/6/2008 By: _____
A.J. D'Angelo
Sr. Assistant Regional Counsel

After reviewing the Findings of Fact, Conclusions of Law and other pertinent matters, the Waste and Chemicals Management 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: 3/13/08 By: _____
Abraham Ferdas, Director
Waste and Chemicals Management Division

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

In Re:	)	
	)	
Colonial Circuits, Inc.	)	**Docket No. RCRA-03-2008-0122**
1026 Warrenton Road	)	
Fredericksburg, VA 22406-6200	)	**Proceeding Under Section**
	)	**3008(a) and (g) of the**
RESPONDENT	)	**Resource Conservation and**
	)	**Recovery Act, as amended,**
EPA Facility I.D. #VAD981738479	)	**42 U.S.C. § 6928(a) and (g)**

FINAL ORDER

Complainant, the Director of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, and Respondent, Colonial Circuits, Inc., 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. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, by 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*, after having determined, based on the representations of the Parties set forth in the Consent

Agreement, that the civil penalty of Thirty Five Thousand Dollars ($35,000.00) agreed to therein was based upon a consideration of the factors set forth in RCRA Section 3008(a), 42 U.S.C. § 6928(a), **IT IS HEREBY ORDERED** that Respondent pay a civil monetary penalty of Thirty Five Thousand Dollars ($35,000.00) in accordance with the provisions of the foregoing Consent Agreement and comply timely with each of the additional terms and conditions thereof.

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

3/19/08
Date

Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

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

In Re:	)	
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Colonial Circuits, Inc.	)	**Docket No. RCRA-03-2008-0122**
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RESPONDENT	)	**Resource Conservation and**
	)	**Recovery Act, as amended,**
EPA Facility I.D. #VAD981738479	)	**42 U.S.C. § 6928(a) and (g)**

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, 5th Floor, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Consent Agreement and of the accompanying Final Order. I further certify that on the date set forth below, I caused true and correct copies of the same to be mailed via Certified Mail, Return Receipt Requested, Postage Prepaid (Article No. 7002 0510 0003 9095 4265), to the following person at the following address:

Mr. Mark W. Osborn
President
Colonial Circuits, Inc.
1026 Warrenton Road
Fredericksburg, VA 22406-6200

MAR 2 0 2008
Date

A.J. D'Angelo (3RC30)
Sr. Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480