



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

Via UPS

APR 17 2018

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Suite 601
Uniondale, NY 11553

U.S. EPA-REGION 3-RHC
FILED-17APR2018PM3:50

Re: IMO Berryville Graphics,
Docket No. RCRA-03-2018-0078

Dear Ms. Villani:

Enclosed please find a filed Consent Agreement and Final Order. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Jamieson".

Cheryl Jamieson, Chief,
Waste and Chemical Law Branch
Office of Regional Counsel

Enclosure

cc: Andrew Ma (3LC32)

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:	:	
	:	
Berryville Graphics, Inc.	:	U.S. EPA-REGION 3-RHC FILED-17APR2018PM3:49
	:	
Respondent.	:	
	:	EPA Docket No. RCRA-03-2018-0078
Berryville Graphics, Inc.	:	
25 Jack Enders Boulevard	:	
Berryville, Virginia 22611,	:	
	:	
Facility.	:	Proceeding under Section 3008(a) U.S. EPA-REGION 3-RHC of the Resource Conservation and FILED-17APR2018PM3:49 Recovery Act, as amended, 42 U.S.C. Section 6928(a)
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I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA,” “Agency” or “Complainant”) and Berryville Graphics Inc. (“Respondent”) pursuant to Sections 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. This Consent Agreement (“CA”) and the accompanying Final Order (“FO”) (hereinafter jointly referred to as this “CAFO”) address alleged violations by Respondent of RCRA and the federally authorized Virginia Hazardous Waste Management Regulations (“VHWMR”), codified at 9 VAC 20-60-12 *et. seq.*

3. The Commonwealth of 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 authorized under RCRA Subtitle C, 42 U.S.C. §§6921 – 6939(g). Effective December 18, 1984, the VHWMR was authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). *See 65 Fed. Reg.* 46606 (July 31, 2000)), June 20, 2003 (*see 68 Fed. Reg.* 36925 (June 20, 2003)), July 10, 2006 (*see 71 Fed. Reg.* 27216 (May 10, 2006)) July 30, 2008 (*see 73 Fed. Reg.* 44168 (July 30, 2008)) and in part on November 4, 2013 with revisions not applicable here, (*see 78 Fed. Reg.* 54178). The VHWMR incorporate, with certain exceptions, specific provisions of Title 40 of the 2010 Code of Federal Regulations by reference.
4. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), this CAFO simultaneously commences and concludes an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), to resolve alleged violations of RCRA at Respondent’s facility located at 25 Jack Enders Boulevard, Berryville, Virginia, 22611.
5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA.
6. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent agrees not to contest EPA’s jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
8. For purposes of this proceeding only, and without either admitting or denying the specific factual allegations and conclusions of law set forth in this CAFO, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
9. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

Notice of Action to the Commonwealth of Virginia

11. EPA has given the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

12. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C, and upon satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. Section 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. Section 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

13. Respondent is, and was at the time of the violations alleged herein, a corporation of the Commonwealth of Virginia.
14. Respondent is, and at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903, 9 VAC 20-60-260.A.
15. Respondent is, and at all times relevant to this Consent Agreement was, the “owner” and “operator” of a “facility,” described in paragraph 16, below, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
16. The facility referred to in Paragraph 15, above, including all of its associated equipment and structures (hereinafter the “Facility”), is a printing facility located at 25 Jack Enders Boulevard, Berryville, Virginia, 22611.
17. Respondent is assigned EPA ID No. VAD003064672.
18. Respondent is and, at all times relevant to this CAFO 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 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
19. On January 31 and February 7, 2017, representatives of EPA and the VADEQ conducted an EPA Compliance Evaluation Inspection at Respondent’s Facility.
20. Respondent generates waste solvent wipes at the Facility which is a hazardous waste (EPA Hazardous Waste Nos. D001, and F003) within the meaning of 9 VAC 20-60-261.A, which incorporates by reference 40 C.F.R. § 261.21, because it exhibits the characteristic of ignitability.
21. Respondent generates waste auto blanket wash solvent at the Facility which is a hazardous waste (EPA Hazardous Waste Nos. D001, F003 and F005) within the meaning of 9 VAC 20-60-261.A, which incorporates by reference 40 C.F.R. § 261.21, because it exhibits the characteristic of ignitability.

22. Respondent generates waste off-spec material which is a hazardous waste (EPA Hazardous Waste Nos. D001, D002, D035, F003, and F005) within the meaning of 9 VAC 20-60-261.A, which incorporates by reference 40 C.F.R. §§ 261.21, 261.22, 261.24 because it exhibits the characteristics of ignitability, corrosivity and toxicity.
23. In calendar years 2014 to 2017, Respondent generated greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and was a small quantity generator as that term is used in 9 VAC 20-60-260.A, which incorporates by reference 40 C.F.R. § 260.10 with exceptions not relevant herein.
24. In calendar year 2013, Respondent generated greater than 1000 kilograms of hazardous waste in a calendar month
25. From at least February 7, 2012 through February 7, 2017, the hazardous waste described in Paragraphs 21 - 23, above, was in "storage" in containers at the Facility.

COUNT I
(Waste Determination)

26. The preceding paragraphs are incorporated by reference.
27. 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.11 with exceptions not relevant herein, provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the following methods:
 - (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4.
 - (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 C.F.R. Part 261.
 - (c) For purposes of compliance with 40 C.F.R. Part 268, or if the waste is not listed in subpart D of 40 C.F.R. Part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. Part 261 by either:
 - (1) Testing the waste according to the methods set forth in subpart C of 40 C.F.R. Part 261, or according to an equivalent method approved by the Administrator under 40 C.F.R. § 260.21; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
28. At the time of the 2017 CEI, Respondent had failed to conduct hazardous waste determinations on aerosol cans disposed of in the regular trash at the Facility.

29. The waste referred to in Paragraph 28 above, is and was at the time of the alleged violations “solid wastes” as this term is defined in 9 VAC 20-60-261.A, which incorporates by reference 40 C.F.R. § 261.2, with exceptions not relevant here.
30. On February 7, 2017, Respondent violated 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.11, by failing to conduct hazardous waste determinations on solid waste generated at the Facility.

COUNT II

(Operating Without Qualifying for a Permit Exemption or Obtaining Interim Status or a Permit)

31. The preceding paragraphs are incorporated by reference.
32. 9 VAC 20-60-270.A, 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) and (e), provide, in pertinent part, that a person may not own or 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.
33. Respondent does not have, and never had, a hazardous waste treatment or storage permit or interim status pursuant to 9 VAC 20-60-270.A, 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 treatment or storage of hazardous waste at the Facility.
34. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(4) with exceptions not relevant herein, a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the generator complies with 40 C.F.R. § 262.34(a)(2), which requires that each hazardous waste storage container be marked with the date upon which each period of accumulation begins and such accumulation date is clearly marked and visible for inspection on each container.
35. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(4) with exceptions not relevant herein, a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the generator complies with 40 C.F.R. § 262.34(a)(3) which requires that while being accumulated on-site, each container of hazardous waste is labeled or marked clearly with the words, “Hazardous Waste.”

36. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(2) with exceptions not relevant herein, a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that, among other things, the generator complies with 40 C.F.R. § 265.173(a) which requires that containers of hazardous waste be kept closed except when adding or removing waste.
37. 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(ii), provides that a generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near the point of generation provided that, *inter alia*, the satellite containers are marked with the words “Hazardous Waste” or with other words to identify the contents of the containers.
38. 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(i), provides that a generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near the point of generation provided that, *inter alia*, the satellite containers are always kept closed except when it is necessary to add or remove waste.
39. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4) with exceptions not relevant herein, a generator who generates greater than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator complies with the personnel training requirements of 40 C.F.R. § 265.16(c), which requires Facility personnel to take part in an annual review of the initial training required in 40 C.F.R. § 265.16(a).
40. Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4) with exceptions not relevant herein, a generator who generates greater than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator complies with the personnel training requirements of 40 C.F.R. § 265.16 (d)(1 – 4) which requires the generator to maintain documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position listed under 40 C.F.R. § 265.16(d)(1); (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under 40 C.F.R. § 265.16(d)(1); and, (4) Records that document that the training or job experience required under 40 C.F.R. § 265.16 (a) – (c) has been given to, and completed by, facility personnel. 40 C.F.R. § 265.16(e) requires that records on former employees must be kept for at least three years from the date the employee last worked at the facility.

41. On January 31, 2017, Respondent accumulated seven containers of spent rags (D001, F003 and F005), and 42 containers of hazardous waste chemicals that included two 55-gallon containers of hazardous waste (D002), 15 various sized containers of hazardous waste (D002), two drums of hazardous waste (D001) and 23 containers of hazardous waste (D001) that were not labeled with the accumulation start date as required by 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(2) with exceptions not relevant herein.
42. On January 31, 2017, Respondent accumulated seven containers of spent rags (D001, F003 and F005), and 42 containers of hazardous waste chemicals that included two 55-gallon containers of hazardous waste (D002), 15 various sized containers of hazardous waste (D002), two drums of hazardous waste (D001) and 23 containers of hazardous waste (D001) that were not labeled with the words "Hazardous Waste" as required by 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(4).
43. On January 31, 2017, Respondent failed to mark the following satellite containers with the words "Hazardous Waste" or with other words to identify the contents of the containers: (1) a satellite accumulation container of hazardous waste solvent located on line #83-13 in the Coral Sheet-Fed Room; (2) a satellite accumulation container of hazardous waste solvent wipes located on line #83-12 in the Coral Sheet-Fed Room; (3) a satellite accumulation container of hazardous waste solvent wipes located on line #83-11 in the Coral Sheet-Fed Room; (4) a satellite accumulation container of hazardous Isopropyl Alcohol (IPA) wipes located near the UV gloss screen coating line #84-20; and (5) a satellite accumulation container of hazardous waste solvent wipes located near #22-40 web press, as required by 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(ii).
44. On January 31, 2017, the following satellite accumulation containers being used to store hazardous waste at the Facility were open when hazardous waste was not being added or removed: (1) a satellite accumulation container of hazardous waste solvent located on line #83-13 in the Coral Sheet-Fed Room, and (2) a satellite accumulation container being used to store hazardous waste blanket wash solvent in the Berryville Web Press Room at the Facility these containers were not closed, and waste was not being added or removed, in contravention of 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(i).
45. On January 31, 2017, the following accumulation containers being used to store hazardous waste at the Facility were open when hazardous waste was not being added or removed: (1) sixteen containers of waste lamps in the lamp accumulation area and (2) six containers of waste wipes in a closet in the Coral Sheet Fed Room in contravention of 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d)(2), which references 40 C.F.R. § 265.173(a).

46. From January 1, 2013 to December 31, 2013, Respondent generated greater than 1000 kilograms of hazardous waste in a calendar month and did not provide an annual review of the initial training required by 40 C.F.R. § 265.16(a) to Facility personnel responsible for managing the Facility's hazardous waste as required by 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4), which references 40 C.F.R. § 265.16(c).
47. From January 1, 2013 to December 31, 2013, Respondent generated greater than 1000 kilograms of hazardous waste in a calendar month and did not maintain the following documents for the Facility personnel Respondent identified as having hazardous waste management responsibilities in calendar year 2013: (1) the job title for each position at the Facility related to hazardous waste management, and the name of the employee filling each such job; (2) a written job description for each such position; and, (3) a written description of the type and amount of training required, in contravention of Pursuant to 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a)(4), which references 40 C.F.R. § 265.16(d)(1-3).
48. On January 31, 2017, Respondent failed to qualify for the "less than 180-day" generator accumulation exemption of 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(d) with exceptions not relevant herein, by failing to satisfy the conditions for such exemptions referred to in Paragraphs 34 - 38, above, and as described in Paragraphs 41 - 45, above.
49. In calendar year 2013, Respondent failed to qualify for the "less than 90-day" generator accumulation exemption of 9 VAC 20-60-262.A which incorporates by reference 40 C.F.R. § 262.34(a), with exceptions not relevant herein, by failing to satisfy the conditions for such exemptions referred to in Paragraph 39 - 40, above, and as described in Paragraphs 46- 47, above.
50. Respondent's Facility is a hazardous waste treatment, storage or disposal "facility" as that term is defined in 9 VAC 20-60-260.A which incorporates by reference 40 C.F.R. § 260.10 with respect to the storage of hazardous waste as described above.
51. Respondent was required by 9 VAC 20-60-270.A, 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 hazardous waste storage activities described in this count.
52. From at least January 1, 2013 until January 31, 2017, Respondent violated 9 VAC 20-60-270.A, 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, interim status or a valid exemption to the permit requirement.

COUNT III
(Container Management)

53. The preceding paragraphs are incorporated by reference.
54. Pursuant to 9 VAC 20-60-264.A which incorporates by reference 40 C.F.R. § 264.173(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
55. On January 31, 2017, six containers of hazardous waste spent wipes were located in a closet in the Coral Sheet Fed Room, at the Facility which were not closed, and hazardous waste was not being added or removed from such containers.
56. On January 31, 2017, sixteen containers of waste lamps in the lamp accumulation area at the Facility were not closed when hazardous waste was not being added or removed from these containers.
57. On January 31, 2017, Respondent violated 9 VAC 20-60-264.A which incorporates by reference 40 C.F.R. § 264.173(a) by failing to keep containers of hazardous waste closed when waste was not being added or removed from such containers.

COUNT III
(Biennial Report)

58. The preceding paragraphs are incorporated by reference.
59. Pursuant to 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.41(a), a generator who ships any hazardous waste offsite to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a biennial report to the Director of the Virginia Department of Environmental Quality (VADEQ) by March 1 of each even numbered year. The Biennial Report shall cover generator activities during the previous year and shall include the information described in 40 C.F.R. § 262.41.
60. On January 31, 2017, Respondent failed to prepare and submit a copy of a Biennial Report to the Director of VADEQ for reporting year 2013 by March 1, 2014.
61. From March 1, 2014 to January 31, 2017, Respondent violated 9 VAC 20-60-262.A, which incorporates by reference 40 C.F.R. § 262.41(a), by failing to prepare and submit a copy of a Biennial Report to the Director of VADEQ for reporting year 2013 by March 1, 2014.

COUNT IV
(Universal Waste Batteries)

62. The preceding paragraphs are incorporated by reference.
63. Respondent is a small quantity handler of universal waste as that term is defined at 9 VAC 20-60-273.A, which incorporates by reference 40 C.F.R. § 273.9, with exceptions not relevant herein.
64. 40 C.F.R. § 273.14(a) requires each universal waste battery, or each container in which batteries are contained, to be labeled or marked clearly with any of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies) or "Used Battery(ies)."
65. On January 31, 2017, 28 universal waste batteries were observed in the Dock Area at the Facility that were not labeled with one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)".
66. On January 31, 2017, Respondent violated 9 VAC 20-60-273.A, which incorporates by reference 40 C.F.R. § 273.14(a), by failing to label or mark clearly 28 universal waste batteries with any of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies) or "Used Battery(ies)."

III. CIVIL PENALTIES

67. Respondent agrees to pay a civil penalty in the amount of TWENTY-EIGHT THOUSAND ONE HUNDRED AND EIGHTY-SEVEN DOLLARS (\$28,187.00) in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of the executed and filed CAFO is mailed or hand-delivered to Respondent.
68. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including the penalty criteria 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 reflects 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). Complainant also has considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the December 6, 2013 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)*.

69. Payment of the civil penalty as required by Paragraph 67, above, and/or any accrued interest, administrative fees and/or late payment penalties, by cashier's check, certified check or electronic wire transfer, shall be made in the following manner:

A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2018-0078.

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 to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Craig Steffen 513-487-2091

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

U.S. Environmental Protection Agency
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 electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No.: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

F. All 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: John Schmid 202-874-7026 or REX, 1-866-234-5681

- G. On-Line Payment Option: WWW.PAY.GOV/PAYGOV

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

- H. Point Of Contact regarding payment questions (i.e. how to make payment via wire, ACH, check, pay.gov):

Craig Steffen, 513-487-2091, steffen.craig@epa.gov

Additional payment guidance is available at:

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

70. At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

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

and

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

71. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
72. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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 as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

73. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the executed and filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the 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).
74. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the 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.
75. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly. A penalty charge of six percent per year will be assessed monthly on any portion of the 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 the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. RESERVATION OF RIGHTS

76. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged in the CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under 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. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

V. OTHER APPLICABLE LAWS

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

VI. PARTIES BOUND

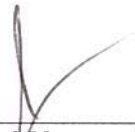
78. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on 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.

VII. EFFECTIVE DATE

79. The effective date of this Consent Agreement and Final Order is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent, Berryville Graphics, Inc.

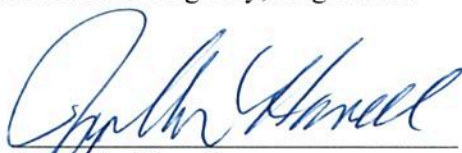
Date: 3/29/18

By: 

Jared Verano, VP – Finance and CFO

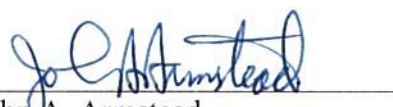
For Complainant, United States Environmental Protection Agency, Region III:

Date: 4/6/2018

By: 
Joyce A. Howell
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

4.11.18
Date

By: 
John A. Armstead
Director
Land and Chemicals Division

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

U.S. EPA-REGION 3-RHC
FILED-17APR2018PM3:50

In Re: :

Berryville Graphics, Inc., : Docket No. RCRA-03-2018-0078
RESPONDENT :

Berryville Graphics, Inc. : FINAL ORDER
25 Jack Enders Road :
Berryville, Virginia 22611 :

FACILITY :

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Berryville Graphics, Inc., have executed a document entitled "Consent Agreement" which I 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 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

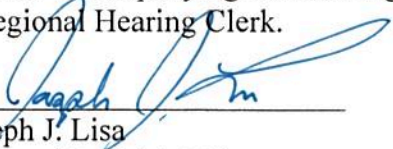
Based upon the representations of the parties set forth in the attached Consent Agreement, the civil penalty amount agreed to by the parties is based upon a consideration of EPA's October 1990 RCRA Civil Penalty Policy, as revised in June, 2003, and the statutory factors set forth in Section 3008(a)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

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of Twenty-Eight Thousand One Hundred and Eighty-Seven Dollars (\$28,187.00) in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

Date: April 17, 2018

BY:



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

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:	:	
	:	
Berryville Graphics, Inc.	:	
	:	
Respondent.	:	
	:	EPA Docket No. RCRA-03-2018-0078
Berryville Graphics, Inc.	:	
25 Jack Enders Boulevard	:	
Berryville, Virginia 22611,	:	
	:	
Facility.	:	Proceeding under Section 3008(a)
	:	of the Resource Conservation and
	:	Recovery Act, as amended, 42 U.S.C.
	:	Section 6928(a)
	:	
	:	

U.S. EPA-REGION 3-RHC
FILED-17APR2018PM3:50

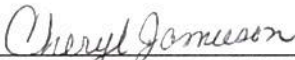
CERTIFICATE OF SERVICE

I certify that I sent a copy of the Consent Agreement and Final Order to the addressee listed below. The original and one copy of the Complaint were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Via certified mail to:

Miriam E. Villani, Esq.
Sahn, Ward Coschignano, PLLC
333 Earle Ovington BLVD.
Suite 601
Uniondale, NY 11553

Dated: 4-17-18



Cheryl Jamieson, Chief,
Waste and Chemical Law Branch
Office of Regional Counsel