

I. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 1 above.
3. 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 this CAFO.
4. 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.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
6. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the State of Maryland

7. By letter to Brian Coblenz, Chief, Solid Waste Program, Maryland Department of the Environment ("MDE"), dated February 17, 2016, EPA has given the State of Maryland, through MDE, prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
8. 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. § 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. § 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.
9. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as this "CAFO"), issued pursuant to 40 C.F.R. § 22.18(b)(2) and (3), simultaneously commence and conclude 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.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. 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:
11. Respondent, Hi-Tech Color, Inc., is a Delaware corporation and is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).
12. Respondent is and has been, through the period of the violations alleged herein, the "owner" and "operator" of a "facility" located at 1721 Midway Road, Odenton, Maryland as these terms are defined by COMAR 26.13.01.03B(59), (58) and (23). Such facility is hereinafter referred to as the "Facility".
13. Respondent is and has been, through the period of the violations alleged herein, a "generator" of, and has engaged in the "storage" of, materials that are "solid wastes" and "hazardous waste" at the Facility as those terms are defined by COMAR 26.13.01.03B(29), (76), (73), and (31) as described below.
14. Respondent is and, at all times relevant to the violations in this CAFO has been, a large quantity generator who generates hazardous waste in an amount equal to or greater than 1,000 kilograms per month. Respondent is assigned EPA ID No. MDD03075595.
15. On January 12, 2016, EPA representatives conducted a Compliance Evaluation Inspection (inspection") of the Facility.
16. At the time of the inspection, and, at all times relevant to the violations in this CAFO, Respondent generated waste solvents at the Facility. Waste solvents are hazardous waste within the meaning of COMAR 26.13.02.11 because waste solvents exhibit the characteristic of ignitability.

COUNT I

(Operating a hazardous waste storage facility without a permit or interim status)

17. The preceding paragraphs are incorporated by reference.
18. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, with certain exceptions not relevant here, that a person may not

operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.

19. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (*i.e.*, “interim status”) until such time as final administrative disposition of such application is made.
20. Respondent has never had “interim status” pursuant to RCRA Section 3005(e) or a permit issued pursuant to RCRA Section 3005(a) for the treatment, storage, or disposal of hazardous waste at the Facility.
21. Pursuant to COMAR 26.13.03.05E, generators of hazardous waste who accumulate hazardous waste on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section, including, *inter alia*:
 - a. Pursuant to COMAR 26.13.03.05E(1)(d), the generator must comply with the requirements of COMAR 26.13.05.09, including:
 - (i) The requirement to keep containers holding hazardous waste always closed during storage, except when necessary to add or remove waste, in accordance with COMAR 26.13.05.09D; and,
 - (ii) The requirement to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion and other factors, in accordance with COMAR 26.13.05.09E.
 - b. Pursuant to COMAR 26.13.03.05E(1)(e) the generator must clearly mark each container with the date upon which each period of accumulation begins so that the mark is visible for inspection on each container; and,
 - c. Pursuant to COMAR 26.13.03.05E(1)(f), while being accumulated in containers on site, the generator must label or mark each container with the words “Hazardous Waste,” and,
 - d. Pursuant to COMAR 26.13.03.05E(1)(g) the generator must comply with the requirements of COMAR 26.13.05.02G, .03, and .04, including the requirements that:

- (i) Facility personnel take part in an annual review of the initial hazardous waste management training required by COMAR 26.13.05.02G(1)(a) in accordance with COMAR 26.13.05.02G(3); and
- (ii) The owner or operator maintain at the facility a written job description for each position related to hazardous waste management in accordance with COMAR 26.13.05.02G(4)(b); and
- (iii) The owner or operator maintain at the facility records that document the training or job experience required under COMAR 26.13.05.02G(1), (2) and (3) has been given to, and completed by, facility personnel in accordance with COMAR 26.13.05.02G(4)(d) and
- (iv) Each owner or operator have a contingency plan for his facility, in accordance with COMAR 26.13.05.04.

22. Pursuant to COMAR 26.13.03.05E(3)(b), the generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste listed in COMAR 26.13.02.19E in containers in a satellite accumulation area 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 and without complying with COMAR 26.13.03.05E(1), provided,

- (i) The satellite hazardous waste containers are located at or near the point of generation in accordance with COMAR 26.13.03.05E(3); and,
- (ii) The satellite containers are marked with the words “Hazardous Waste” or other words to identify the contents of the containers in accordance with COMAR 26.13.03.05E(3)(b).

23. Respondent did not qualify for the permit exemptions specified under COMAR 26.13.03.05E(1) and (3) with respect to the on-site storage of the hazardous waste at the Facility because it failed to meet applicable permit exemption conditions for each of the following reasons:

- a. On January 12, 2016, Respondent stored the hazardous waste in containers that were open when not adding or removing waste, in contravention of COMAR 26.13.03.05E(1)(d), specifically;
 - (i) Eight (8) open drips pans in the Production Room at the Facility;
 - (ii) One 55-gallon drum in the Production Room at the Facility with an open funnel and bung hole;

- (iii) One 55-gallon drum in the Production Room at the Facility with an open bung hole;
 - (iv) One 55-gallon drum in the Filling Room at the Facility with an open bung hole;
 - (v) A cardboard box of small open sample containers located in the Laboratory Room at the Facility.
- b. From March 28, 2013 through April 12, 2016, Respondent did not inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion and other factors, in contravention of COMAR 26.13.05.09E and the permit exemption requirements of COMAR 26.13.03.05E(1)(d).
- c. On January 12, 2016, Respondent did not clearly mark each container with the date upon which each period of accumulation begins so that the mark is visible for inspection on each container in contravention of the permit condition exemption conditions of COMAR 26.13.03.05E(1)(e), specifically:
- (i) One 55-gallon drum in the Canopy Area at the Facility had two accumulation start dates;
 - (ii) Eleven 55-gallon drums in the Canopy Area at the Facility;
 - (iii) Eight 55-gallon drums in the “Work-Off” area at the Facility.
- d. On January 12, 2016, Respondent did not label or mark each container of hazardous waste with the words “Hazardous Waste,” in contravention of the permit condition exemption conditions of COMAR 26.13.03.05E(1)(f), specifically:
- (i) Eight 55-gallon drums in the Canopy Area at the Facility;
 - (ii) Eight 55-gallon drums in the “Work-Off” area at the Facility.
- e. From December 13, 2012 through December 31, 2015, Facility personnel did not take part in an annual review of the initial hazardous waste management training in contravention of COMAR 26.13.05.02G(1)(a) which references COMAR 26.13.05.02G(3) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).
- f. From January 12, 2016 through March 1, 2016, Respondent did not maintain at the facility a written job description for each position related to hazardous waste

management in contravention of COMAR 26.13.05.02G(4)(b) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).

g. From January 12, 2016 through March 1, 2016, Respondent did not maintain at the facility records that document the training or job experience required under COMAR 26.13.05.02G(1), (2) and (3) has been given to, and completed by, Facility personnel in contravention of COMAR 26.13.05.02G(4)(d) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).

h. From January 12, 2016 through April 29, 2016, Respondent did not have a Facility contingency plan which listed the correct contact information for the emergency coordinator and that included an evacuation plan in contravention of COMAR 26.13.05.04C(4) and (6) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).

24. On January 12, 2016, Respondent did not accumulate hazardous waste in containers located at or near the point of generation in contravention of COMAR 26.13.03.05E(3), specifically, Respondent accumulated hazardous waste in a 5 gallon pail in the Facility laboratory which was emptied into a 55 gallon satellite accumulation drum when the pail was full, and used a five gallon pail to accumulate hazardous waste from the Facility sample cabinet which pail was emptied into a 55-gallon satellite drum.

25. On January 12, 2016, Respondent accumulated hazardous waste in satellite accumulation areas without marking containers used for satellite accumulation with the words: "Hazardous Waste" or with other words that identified the contents of that container as required by COMAR 26.13.03.05E(3)(b) or as otherwise required by COMAR 26.13.03.05E(1)(f)(ii); specifically:

(i) Eight (8) open drip pans in the Production Room at the Facility;

(ii) One 55-gallon drum in the Production Room at the Facility;

(iii) A cardboard box of small open sample containers located in the Laboratory Room at the Facility.

26. For each of the reasons and on each of the dates set forth in Paragraphs 23(a) – (h), 24 and 25, above, Respondent did not meet the requirements for a permit exemption under COMAR 26.13.03.05E and therefore violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (i.e., the Facility) without a permit or interim status.

COUNT II

(Failure to Make Hazardous Waste Determinations)

27. The preceding paragraphs are incorporated by reference.
28. COMAR 26.13.03.02 requires that a person who generates a solid waste shall determine if that waste is a hazardous waste using the method set forth in COMAR 26.13.02.02A(1) – (3).
29. From at least January 12, 2016 until May 4, 2016, Respondent did not perform hazardous waste determinations on three containers for which the “use by” date had passed which therefore became solid waste within the meaning and definition of COMAR 26.13.01.03B(73) and COMAR 26.13.02.02, without first determining if these material was, hazardous waste, as required by COMAR 26.13.03.02.
30. Respondent's acts and/or omissions as alleged in Paragraph 29, above, constitute violations of COMAR 26.13.03.02.

COUNT III

(Biennial Reports)

31. The preceding paragraphs are incorporated by reference.
32. COMAR 26.13.03.06B(1)(b)(ii) and (c)(ii) requires a person who generates hazardous waste and ships it off-site to a facility within the United States to submit a report by March 1 of each even numbered year for the preceding calendar year to the Secretary of the MDE biennially beginning January 1, 1997.
33. Respondent did not submit a biennial report to the Secretary of MDE by March 1, 2012 for calendar year 2011.
34. Respondent's acts and/or omissions as alleged in Paragraph 33, above, constitute violations of COMAR 26.13.03.06B(1)(b)(ii) and (c)(ii).

COUNT IV

(Annual Training)

35. The preceding paragraphs are incorporated by reference.
36. COMAR 26.13.05.02G(3) requires facility personnel to take part in an annual review of the training required by COMAR 26.13.05.02G(1), which teaches facility personnel to perform their duties in a way that ensures the facility’s compliance with the MdHWMR.

37. From December 12, 2012 through December 31, 2015, the plant manager of the Facility did not receive annual hazardous waste training as required by COMAR 26.13.05.02G(3).
38. Respondent's acts and/or omissions, as alleged in Paragraph 37 above, constitute violations of COMAR 26.13.05.02G(3).

COUNT V
(Job Descriptions)

39. The preceding paragraphs are incorporated by reference.
40. COMAR 26.13.05.02G(4)(a) – (c) requires the owner or operator to maintain the following documents and records at the facility:
- a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - b. A written job description for each position listed under COMAR 26.13.05.02G(4)(a).
 - c. 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 in COMAR 26.13.05.02G(4)(a).
41. From at least January 12, 2016 until March 1, 2016, Facility documents and records did not (a) list the job title for each position related to hazardous waste management and the name of the employee filling each such job for nine Facility employees as required by COMAR 26.13.05.02G(4)(a); (b) did not include a written job description for nine employees involved in the management of hazardous waste as required by COMAR 26.13.05.02G(4)(b); and, (c) did not describe the type of hazardous waste training provided to the nine employees filling the positions listed under COMAR 26.13.05.02G(4)(a).
42. Respondent's acts and/or omissions, as alleged in Paragraph 41 above, constitute violations of COMAR 26.13.05.02G(4)(a) – (c).

COUNT V
(Contingency Plan)

43. The preceding paragraphs are incorporated by reference.

44. COMAR 26.13.05.04C requires owners and operators to maintain a contingency plan for their facility that includes, among other things, (a) the names and addresses of the facility emergency coordinators as required by COMAR 26.13.05.04C(4); and, (b) an evacuation plan for facility personnel, as required by COMAR 26.13.05.04C(6).
45. From January 12, 2016 until April 29, 2016, the Facility Contingency Plan listed incorrect contact information for the emergency coordinator and did not include an evacuation plan.
46. Respondent's acts and/or omissions, as alleged in Paragraph 45 above, constitute violations of COMAR 26.13.05.04C(4) and (6).

COUNT VI

(Failure to keep containers closed during storage)

47. The preceding paragraphs are incorporated by reference.
48. COMAR 26.13.05.09D provides that a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.
49. On or about January 12, 2016, Respondent was storing containers of hazardous waste at the Facility that were not closed at a time when necessary to add or remove waste, as required by COMAR 26.13.05.09D, specifically:
 - (i) Eight (8) open drips pans in the Production Room at the Facility;
 - (ii) One 55-gallon drum in the Production Room at the Facility with an open funnel and bung hole;
 - (iii) One 55-gallon drum in the Production Room at the Facility with an open bung hole;
 - (iv) One 55-gallon drum in the Filling Room at the Facility with an open bung hole;
 - (v) A cardboard box of small open sample containers located in the Laboratory Room at the Facility.

50. Respondent's acts and/or omissions as alleged in Paragraph 49, above, constitute violations of COMAR 26.13.05.09D.

COUNT VII

(Failure to conduct weekly inspections of Hazardous Waste Storage Area)

51. The preceding paragraphs are incorporated by reference.
52. COMAR 26.13.05.09(E) requires the owner or operator of a hazardous waste facility to inspect areas where hazardous waste containers are stored, at least weekly, to look for leaks and for deterioration of the containers and the containment system caused by corrosion or other factors.
53. The Facility failed to perform an inspection of the Facility hazardous waste storage area, as required by COMAR 26.13.05.09(E), from March 28, 2013 through March 3, 2016, 2016.
54. Respondent's acts and/or omissions, as alleged in Paragraph 53 above, constitute violations of COMAR 26.13.05.09(E).

III. CIVIL PENALTIES

55. Respondent agrees to pay a civil penalty in the amount of **\$ 56,933.00** in settlement of the alleged violations set forth in this CAFO, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable thirty days after Respondent's receipt of a true and correct copy of the fully executed and filed CAFO.

56. 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 December 6, 2013)*.

57. Respondent shall remit the full penalty pursuant to paragraph 55, above, and/or any administrative fees and late payment penalties, by 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 Docket Number of this action, *i.e.*, RCRA-03-2016-0190;
- 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
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 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>.

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

Lydia Guy
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

59. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CAFO.
60. 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.
61. 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 timely, in accordance with the installment payment provisions of Paragraph 57, above. 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).
62. 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. 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. EFFECT OF SETTLEMENT

63. Payment of the penalty specified in Paragraph 55 above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA, including but not limited to Sections 3008(a) and (g), for the violations alleged in this CAFO or that could have been alleged as of the date of this CAFO as a result of Complainant's CEI or IRL. 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. RESERVATION OF RIGHTS

64. This CAFO resolves only EPA's claims for civil penalties for the violations alleged in the CAFO. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake 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.

VI. OTHER APPLICABLE LAWS

65. 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. CERTIFICATION OF COMPLIANCE

66. Respondent certifies to Complainant by its representative's signature hereto, to the best of its knowledge and belief, that Respondent and the Facility are in compliance with all relevant provisions of the federally authorized MdHWMR, and of the RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939g, for which violations are alleged in this Consent Agreement.

VIII. PARTIES BOUND

67. 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 Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

IX. EFFECTIVE DATE

68. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

X. ENTIRE AGREEMENT

69. 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:

Hi-Tech Color, Inc.

8/30/16
Date


by: Terry Weaver
Plant Manager

For Complainant:

9/7/2014
Date

Joyce A. Howell
by: Joyce A. Howell
Sr. Assistant Regional Counsel

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

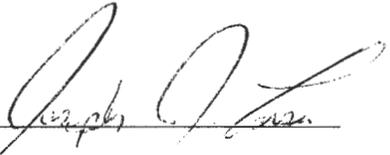
9.8.16
Date

John Armstead
John Armstead, Director,
Land and Chemicals Division
EPA Region III

in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **\$56,933.00**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

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

Sept. 14, 2016
Date:



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

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

In the Matter of:

**Hi-Tech Color, Inc.
1721 Midway Road
Odenton, Maryland 21113**

Respondent,

**Hi-Tech Color, Inc.
1721 Midway Road
Odenton, Maryland 21113**

Facility.

U.S. EPA Docket RCRA-03-216-190

**Proceeding under Section 3008(a) and
(g) of the Resource Conservation and
Recovery Act, as amended, 42 U.S.C.
Section 6928(a) and (g)**

REGIONAL HEARING CLERK
EPA REGION III, PHILADELPHIA

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RECEIVED

CERTIFICATE OF SERVICE

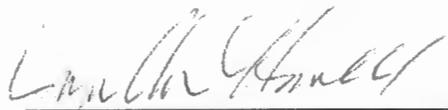
I certify that I sent a copy of the Consent Agreement and Final Order in the above-captioned matter to the addressees and in the manner listed below. The original and one copy of the Complaint were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Via UPS, next day delivery to:

Michael Boucher
Dentons US LLP
1900 K Street NW
Washington DC 20006-1102

Peter Gray
Dentons US LLP
1900 K Street NW
Washington DC 20006-1102

Dated: 9/14/2016



Joyce A. Howell
Senior Assistant Regional Counsel
U.S. EPA - Region III