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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
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In Re:)
)
Central Precision, Inc.)
20823 San Mar Road)
Boonsboro, Maryland 21713)
)
and)
)
LAMM Holdings, Inc)
20823 San Mar Road)
Boonsboro, Maryland 21713,)
)
RESPONDENTS.)
)
Central Precision, Inc.)
20823 San Mar Road)
Boonsboro, Maryland 21713)
EPA Facility I.D. # MDD042700831,)
)
FACILITY.)

Docket No. RCRA-03-2015-0128

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

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Central Precision, Inc. and LAMM Holdings, Inc. (collectively, "Respondents"), 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/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

Pursuant thereto, this Consent Agreement (“CA”) and the accompanying Final Order (“FO”, collectively referred to herein as the “CAFO”) simultaneously commences and concludes this administrative proceeding against Respondents.

3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Maryland has been granted final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 *et seq.*, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The State of Maryland Hazardous Waste Management Regulations (“MdHWMR”) originally were authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. The factual allegations and legal conclusions in this CA are based on provisions of the federally-authorized MdHWMR in effect at the time of the violations alleged herein.
5. 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. Respondents are hereby notified of EPA’s determination that Respondents have violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally-authorized MdHWMR requirements, at their facility located at 20823 San Mar Road, Boonsboro, Maryland 21713, EPA Facility I.D. # MDD042700831.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letters dated February 11, 2014 and January 22, 2015, EPA notified the State of Maryland (hereinafter, the “State”), through the Solid Waste Program Administrator of the Maryland Department of the Environment (“MDE”), of EPA’s intent to commence this administrative action against Respondents in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. Respondents admit the jurisdictional allegations set forth in this CAFO.
8. Respondents neither admit nor deny the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, immediately above, of this CA.
9. Respondents agree not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.
10. For the purposes of this proceeding only, Respondents hereby expressly waive their right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.

11. Respondents consent to the issuance of this CAFO and agree to comply with its terms and conditions.
12. Respondents shall bear their own costs and attorneys' fees.
13. The provisions of this CAFO shall be binding upon Complainant and upon Respondents, their officers, directors, employees, successors and assigns.
14. This CAFO shall not relieve Respondents of their 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. §§ 6921-6939g, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

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:

15. Central Precision, Inc. (hereinafter "CPI" or "Respondent CPI") is a corporation organized under the laws of the State of Maryland which does business in the State of Maryland, is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. Section 6903(15) and COMAR 26.13.01.03B(61) and has a principal office located at 20823 San Mar Road, Boonsboro, Maryland 21713.
16. LAMM Holdings, Inc. (hereinafter "LAMM" or "Respondent LAMM") is a corporation, organized under the laws of the State of Maryland, is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. Section 6903(15) and COMAR 26.13.01.03B(61) and has a principal office located at 20823 San Mar Road, Boonsboro, Maryland 21713.
17. Respondent CPI is, and has been, the "operator" of a precision sheet metal and machine shop facility located at 20823 San Mar Road, Boonsboro, Maryland 21713, EPA Facility I.D. # MDD042700831 (the "Facility"), as the term operator is defined by COMAR 26.13.01.03.B (58), at all times during the period of the violations alleged in this CA.
18. Respondent LAMM is, and has been, the "owner" of the Facility located at 20823 San Mar Road, Boonsboro, Maryland 21713, EPA Facility I.D. # MDD042700831, as the term owner is defined by COMAR 26.13.01.03.B (59), at all times during the period of the violations alleged in this CA.
19. At the Facility, the Respondents engage in precision sheet metal and machine shop operations and activities, fabricating custom hardware for use in electronic equipment.

20. As described below and at all times relevant to the allegations set forth in this CAFO, each of the Respondents has been a “generator” of “solid waste” and “hazardous waste” at the Facility, as these terms are defined in COMAR 26.13.01.03.B(29), (73) and (31), and has engaged in the “storage” of “solid waste” and “hazardous waste” at the Facility, as those terms are defined in COMAR 26.13.01.03.B(76), (73) and (31).
21. The Facility is, and at all times herein relevant has been, a hazardous waste storage “facility” as that term is defined in COMAR 26.13.01.03B(23).
22. As described below, each Respondent is and, at all times relevant to the allegations in this CAFO has been, a “generator” of “solid waste” and “hazardous waste” at the Facility, as these terms are defined in COMAR 26.13.01.03B(29), (73) and (31).
23. At all times relevant to the allegations in this CAFO, and as described below, Respondents have engaged in the “storage” of “solid waste” and “hazardous waste” in “container[s]” at the Facility, as the terms “storage” and “container” are defined in COMAR 26.13.01.03B(76) and (9) and as the terms “solid waste” and “hazardous waste” are defined at COMAR 26.13.01.03B(73) and (31).
24. Respondent CPI submitted to EPA a Notification of Hazardous Waste Activity (“Notification”), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, for its operations at the Facility, which includes operation as a large quantity generator of hazardous waste.
25. Duly authorized representatives of EPA (the “EPA Inspectors”) performed a compliance evaluation inspection (“CEI”) at the Facility and conducted file reviews of certain Facility records on January 29, 2013 in order to assess the Respondents’ compliance with federally-authorized MdHWMR requirements at the Facility.
26. On October 30, 2013, EPA issued an information request letter (“IRL”) to Respondent CPI pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a).
27. Respondent CPI provided written responses to EPA’s IRL in January, 2014 (collectively, the “IRL Response”).
28. On April 23, 2014, EPA sent a Notice of Noncompliance and Request to Show Cause letter (“NON”) to the Facility advising Respondent CPI of EPA’s preliminary findings of MdHWMR violations at the Facility and offering Respondents an opportunity to provide such additional information as they believed the Agency should review and consider before reaching any final conclusions as to the Respondents’ MdHWMR compliance at the Facility.
29. In response to the NON, Respondents provided EPA with supplemental information by correspondence dated August, 2014. Respondents subsequently provided EPA with additional financial information pertaining to their claimed inability to pay the full penalty proposed by EPA.

30. On the basis of the Facility CEI and file review, Respondent CPI's response to EPA's IRL and the supplemental information provided by the Respondents in response to EPA's NON, EPA concludes that Respondents have violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally-authorized MdHWMR requirements promulgated thereunder.

Permit/Interim Status Requirements

31. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01, with exceptions not relevant to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
32. At no time did either of the Respondents have a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or COMAR 26.13.07.01, for the storage of hazardous waste at the Facility.
33. At no time did either of the Respondents have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or COMAR 26.13.07.23.

Permit Exemption Conditions - Accumulation Time Requirements

34. COMAR 26.13.03.05E(1) provides, in relevant part, that a generator may accumulate hazardous waste on-site in containers or in tanks without a permit or without having interim status, for 90 days or less, so long as the hazardous waste is accumulated in accordance with a number of conditions set forth in that section, including, *inter alia*:
- a. the condition set forth at COMAR 26.13.03.05E(1)(a), which requires that "[t]he waste [be] shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility";
 - b. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires that waste in containers must be accumulated in accordance with COMAR 26.13.05.09, which includes provisions pertaining to the "Management of Containers" and "Inspections", which are set forth at COMAR 26.13.05.09D and E, and which further require that:
 - i. "A container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in any manner which may rupture the container or cause it to leak" [COMAR 26.13.05.09D]; and
 - ii. The owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors." [COMAR 26.13.05.09E];

- c. the condition set forth at COMAR 26.13.03.05E(1)(e), which requires that “[t]he date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container”;
- d. the condition set forth at COMAR 26.13.03.05E(1)(f)(ii), which requires that each container be “[l]abeled or marked clearly with the words ‘Hazardous Waste’, while being accumulated on site”;
- e. the condition set forth at COMAR 26.13.03.05E(1)(g), which requires, in relevant and applicable part, that “[t]he generator complies with the requirements for owners and operators in COMAR 26.13.05.02G . . .”, pertaining to “Personnel Training,” including, but not limited to, the annual review requirements of COMAR 26.13.05.02G(3) and the document and record maintenance requirements of COMAR 26.13.05.02G(4)(a) – (c) and (5), and the “Contingency and Emergency Procedures” of COMAR 26.13.05.04.
- f. the condition set forth at COMAR 26.13.03.05E(3), which provides that “[a] 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 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 §E(1) provided the generator: (a) Complies with COMAR 26.13.05.09B — D [pertaining to container condition, waste compatibility and management]; and (b) Marks his containers either with the words ‘Hazardous Waste’ or with other words that identify the contents of the containers.”

COUNT I
(Operating Without a Permit or Interim Status)

- 35. The allegations of Paragraphs 1 through 34 of this CA are incorporated herein by reference.
- 36. Respondents stored each of the following types of hazardous waste on-site at the Facility for time periods in excess of the ninety day storage limitation set forth at COMAR 26.13.03.05E(1):
 - a. Respondents stored D007 hazardous waste Conversion Coat Rinse Water Filtration Sludge in 55-gallon containers at the less-than-90-day hazardous waste generator accumulation area of the Facility for the 220 day period from March 4, 2013 through October 11, 2013; and
 - b. Respondents stored D001, F003, F005 hazardous waste Spent Paint and Thinner in two (2) 55-gallon containers at the less-than-90-day hazardous waste generator accumulation area of the Facility for a period of 123 days between March 4, 2013 and October 11, 2013; and

37. On January 29, 2013, at the time of the CEI, Respondents were storing the following two (2) containers of hazardous waste in a satellite accumulation area (“SAA”) of the Facility and failed to keep each of them closed, at a time when it was not necessary to add or remove waste from either container, in contravention of the satellite accumulation provision set forth at COMAR 26.13.03.05E(3) and the permit exemption condition set forth at COMAR 26.13.03.05E(1)(d):
- a. Respondents stored a 55-gallon drum container of D001, F003, F005 hazardous waste paint and thinner generated from HVLP Paint Process operations at the Facility in a SAA located near the Facility Paint Booths and left the front bung open with an open funnel protruding from it; and
 - b. Respondents stored another 55-gallon drum container of D001, F003, F005 hazardous waste paint and thinner generated from HVLP Paint Process operations at the Facility in a SAA located near the Facility Paint Booths and left both the front and the rear bungs open with an open funnel protruding from the front bung.
38. Respondents failed to conduct required weekly inspections of the Facility’s less than 90-day hazardous waste container storage area, where hazardous wastes regularly and routinely were stored, to look for leaks and for deterioration of containers, at any time during the period beginning on or before May 31, 2010 through March 3, 2013, in contravention of the weekly inspection requirements of COMAR § 26.13.03.05.E(1)(d).
39. On January 29, 2013, at the time of the CEI, Respondents were storing each of the following containers of hazardous waste at the Facility without marking those containers with the date upon which each period of hazardous waste accumulation began, in contravention of the requirements of COMAR 26.13.03.05.E(1)(e):
- a. each of the two (2) open containers of D001, F003, F005 hazardous waste, previously identified in paragraphs 37.a and 37.b, above, being stored near the Facility Paint Booths;
 - b. each of seventeen (17) blue and black 55-gallon drum containers of D001, F003, F005, D007 hazardous waste generated from the Facility’s Conversion Coat Process that were being stored in the less-than-90-day hazardous waste storage area at the Facility; and
 - c. each of nine (9) black 55-gallon drum containers of D001, F003, F005 hazardous waste generated from the Facility’s painting process that were being stored on a concrete pad, outside and immediately behind the Paint Booth area of the Facility.
40. On January 30, 2013, at the time of the CEI, Respondents failed to label each of the following containers of hazardous waste with the words “Hazardous Waste,” in contravention of the requirements of COMAR 26.13.03.05E(1)(f)(ii):

- a. each of the two (2) containers of D001, F003, F005 hazardous waste, previously identified and referenced in paragraphs 37.a, 37.b, and 39.a, above, being stored near the Facility Paint Booths;
 - b. each of the seventeen (17) blue and black 55-gallon drum containers of D001, F003, F005, D007 hazardous waste, previously identified in paragraph 39.b, above, generated from the Facility's Conversion Coat Process that were being stored in the less-than-90-day hazardous waste storage area at the Facility; and
 - c. each of the nine (9) black 55-gallon drum containers of D001, F003, F005 hazardous waste, previously identified in paragraph 39.c, above, generated from the Facility's painting process that were being stored on a concrete pad, outside and immediately behind the Paint Booth area of the Facility.
41. The permit exemption conditions of COMAR 26.13.03.05E(1)(g) incorporate owner and operator compliance requirements which are set forth in COMAR 26.13.05.02G, entitled "Personnel Training," and which provide, in relevant and applicable part, as follows:
- (1) Program of Instruction or Training.
 - (a) Facility personnel shall 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 this chapter [and that] [t]he owner or operator shall ensure that this program includes all the elements described in the document required under [COMAR 26.13.05.02] § G(4)(c)
 - (b) This program shall . . . include instruction which teaches facility personnel hazardous waste management procedures . . . relevant to the positions in which they are employed.
 - (c) At a minimum the training shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems
 - (2) Facility personnel shall successfully complete the program required in [COMAR 26.13.05.02] § G(1), above, within 6 months after the effective date of these regulations or 6 months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later
 - (3) Facility personnel shall take part in an annual review of the initial training required in [COMAR 26.13.05.02] § G(1), above.
 - (4) The owner or operator shall 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 each employee filling each job.

(b) A written job description for each position listed under [COMAR 26.13.05.02] § G(4)(a), above

(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 under [COMAR 26.13.05.02] § G(4)(a), above.

(d) Records that document that the training or job experience required under [COMAR 26.13.05.02] § G(1), (2), and (3) has been given to, and completed by, facility personnel.

(5) Training records on current personnel shall be kept until closure of the facility....

42. Respondents were in contravention of the permit exemption conditions set forth at COMAR 26.13.03.05E(1)(g) as a result of their failure to comply with applicable personnel training requirements of COMAR 26.13.05.02G through their failure to:

- a. provide initial training, or an annual review of the hazardous waste training required pursuant to COMAR 26.13.05.02G(1), to: at least three (3) employees who managed hazardous waste at the Facility during the 2010 calendar year; at least two (2) employees who managed hazardous waste at the Facility during the 2011 calendar year; at least three (3) employees who managed hazardous waste at the Facility during the 2012 calendar year; and to four (4) employees who managed hazardous waste at the Facility during the 2013 calendar year, as required pursuant to COMAR 26.13.05.02G(1)(a) – (c), (2) and (3);
- b. maintain the following documents and records at the Facility at the time of the January 29, 2013 CEI, as required pursuant to COMAR 26.13.05.02G(4):
 - i. the job title for each position at the Facility related to hazardous waste management, and the name of each employee filling each job;
 - ii. a written job description for each position at the Facility related to hazardous waste management;
 - iii. a written description of the type and amount of introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management;
 - iv. records documenting that the training or job experience required under COMAR 26.13.05.02 G(1), (2), and (3) had been given to, and completed by, Facility personnel; and

- c. keep training records on current Facility personnel, as required pursuant to COMAR 26.13.05.02G(5).
43. The permit exemption conditions of COMAR 26.13.03.05E(1)(g) require, in relevant and applicable part, that a generator of hazardous waste must comply with “the requirements for owners and operators” in COMAR 26.13.05.04 pertaining to the “Contingency and Emergency Procedures,” as follows:
- A. Applicability. This regulation applies to owners and operators of all hazardous waste facilities [with an exception not herein applicable].
 - B. Purpose and Implementation of Contingency Plan.
 - (1) Every owner or operator shall have a contingency plan for his facility . . . designed to minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. . . .
 - C. Content of Contingency Plan.
 - (1) The contingency plan shall describe the actions facility personnel shall take . . . in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility[;]
 - * * *
 - (3) The plan shall describe the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services . . . [;]
 - (4) The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator . . . and this list shall be kept up to date[;]
 - (5) The plan shall include a list of emergency equipment at the facility [; and]
 - (6) The plan shall include an evacuation plan for facility personnel . . .” .
 - D. Copies of Contingency Plan. A copy of the contingency plan and all revisions to the plan shall be:
 - (1) Maintained at the facility

44. During the January 29, 2013 CEI, the Facility Production Manager stated to the EPA Inspectors that Respondents did not have a contingency plan for hazardous waste management at the Facility and, in its IRL Response, Respondent CPI stated that it “had no Contingency Plan in effect prior to the EPA Inspection” and that the Contingency Plan is “currently being documented at [CPI].”
45. Respondents were in contravention of the permit exemption conditions set forth at COMAR 26.13.03.05E(1)(g) as a result of their failure to prepare or maintain the Contingency Plan required by, and in the manner set forth in, COMAR 26.13.05.04 during calendar years 2010 through 2013.
46. For the reasons and during each of the dates and time periods identified in Paragraphs 36 through 45, above, Respondents failed to comply with the permit exemption conditions set forth in COMAR 26.13.03.05E, E(1)(a), E(1)(d), E(1)(e), E(1)(f)(ii) and E(1)(g), as identified in Paragraph 34, above, for temporary (*i.e.*, 90 days or less) or satellite accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E(1) and (3), and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
47. For each of the reasons and during each of the dates and time periods identified in Paragraphs 36 through 45, above, Respondents engaged in the operation of a hazardous waste storage facility (*i.e.*, the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, or COMAR 26.13.07.
48. Respondents 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, interim status or valid exemption to the permitting/interim status requirements.

COUNT II

(Failure to Make Required Hazardous Waste Determinations)

49. The allegations of Paragraphs 1 through 48 of this CA are incorporated herein by reference.
50. COMAR 26.13.03.02A provides that “[a] person who generates a solid waste, as defined in COMAR 26.13.02.02, shall determine if that waste is a hazardous waste using the following method: (1) The person should first determine if the waste is excluded from regulation under COMAR 26.13.02.04 – .04.5; (2) The person shall then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15 – .19; (3) If the waste is not listed as a hazardous waste in COMAR 26.13.02.15 – .19, the person shall determine whether the waste is identified by either: (a) Testing the waste according to the methods set forth in COMAR 26.13.02.10 – .14, or, according to an equivalent method approved by the Secretary [of MDE] under COMAR 26.13.01.04B; or (b) Applying knowledge of the hazardous characteristic of the waste in light of the materials or processes used.”

51. COMAR 26.13.03.02B additionally requires that “[i]f the person determines that the waste is a hazardous waste, the person shall refer to COMAR 26.13.02, 20.13.05, 26.13.06, and 26.13.10 for possible exclusions or restrictions pertaining to management of the specific waste.”
52. Based upon information gathered and observations made by the EPA Inspectors during the course of the January 29, 2013 CEI conducted at the Facility, and upon additional information submitted to EPA by Respondent CPI in its IRL Response, Respondents generated a Spent Universal Waste Lamp Waste Stream at the Facility having the potential to exhibit the characteristic of toxicity for lead and/or mercury (D008 and/or D009).
53. Respondents failed to make required hazardous waste determinations for the Spent Universal Waste Lamp Waste Stream generated at the Facility, pursuant to COMAR 26.13.02.14 requirements, during each of calendar years 2010 through 2013.
54. Respondents violated the requirements of COMAR 26.13.03.02A by failing to make required hazardous waste determinations for the Spent Universal Waste Lamp Waste Stream generated at the Facility during the time period identified and described in paragraph 53, immediately above.

COUNT III
(Improper Container Management)

55. The allegations of Paragraphs 1 through 54 of this CA are incorporated herein by reference.
56. The provisions of COMAR 26.13.05.09.D, pertaining to the “Management of Containers” require that “[a] container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in any manner which may rupture the container or cause it to leak.”
57. At the time of the January 29, 2013 CEI, each of the two (2) open 55-gallon drum containers of D001, F003, F005 hazardous waste paint and thinner, previously identified and described in paragraph 36.b, above, were being stored on-site at the Facility and were not kept closed during storage at a time when it was not necessary to add or remove waste.
58. Respondents violated the requirements of COMAR 26.13.05.09.D by failing to keep two (2) containers of hazardous waste closed during storage at times when it was not necessary to add or remove waste.

COUNT IV
(Failure to Conduct Weekly Hazardous Waste Container Storage Area Inspections)

59. The allegations of Paragraphs 1 through 58 of this CA are incorporated herein by reference.

60. The provisions of COMAR 26.13.05.09E pertaining to “Inspections” require that: “[t]he owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.”
61. Respondents failed to conduct required weekly inspections of its less than 90-day hazardous waste container storage area, where hazardous wastes regularly and routinely have been stored, to look for leaks and for deterioration of containers, at any time during the period beginning on or before May 31, 2010 through March 3, 2013.
62. Respondents violated the requirements of COMAR 26.13.05.09E by failing to conduct required weekly inspections of its less than 90-day hazardous waste container storage area, where hazardous wastes regularly and routinely have been stored, to look for leaks and for deterioration of containers, during the time period identified in paragraph 61, immediately above.

COUNT V

(Failure to Comply with Personnel Training Requirements)

63. The allegations of Paragraphs 1 through 62 of this CA are incorporated herein by reference.
64. The requirements and provisions of COMAR 26.13.05.02.G(1) through (3), pertaining to the “Personnel Training” requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, are set forth, in relevant and applicable part, in paragraph 41, above.
65. Respondents violated the requirements of COMAR 26.13.05.02G(1) through (3) by failing to provide initial training, or an annual review of the hazardous waste training required pursuant to COMAR 26.13.05.02G(1), to Facility employees, as identified and described with particularity in paragraph 42.a, above.

COUNT VI

(Failure to Comply with Personnel Training Recordkeeping Requirements)

66. The allegations of Paragraphs 1 through 65 of this CA are incorporated herein by reference.
67. The personnel training recordkeeping requirements and provisions of COMAR 26.13.05.02.G(4) and (5), applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, are set forth, in relevant and applicable part, in paragraph 41, above.
68. Respondents violated the personnel training recordkeeping requirements of COMAR 26.13.05.02G(4) and (5) by:

- a. failing to maintain required job title, written job description, written training description and training or job description records, as identified and described with particularity in paragraph 42.b, above; and
- b. failing to keep required training records on current Facility personnel, as identified and described with particularity in paragraph 42.c, above.

COUNT VII

(Failure to Comply with Contingency Plan Preparation and Maintenance Requirements)

69. The allegations of Paragraphs 1 through 68 of this CA are incorporated herein by reference.
70. The requirements and provisions of COMAR 26.13.05.04, pertaining to “Contingency and Emergency Procedures” requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, are set forth, in relevant and applicable part, in paragraph 43, above.
71. Respondents violated the Contingency and Emergency Procedures requirements of COMAR 26.13.05.04 during each of calendar years 2010 through 2013, as previously described in paragraphs 44 and 45, above, by failing to prepare or to maintain the required Contingency Plan at the Facility during such time period.

V. CIVIL PENALTY

72. In settlement of EPA’s claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondents consent to the assessment of a civil penalty of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), which Respondents agree to pay in accordance with the payment terms set forth in Paragraph 76, below. Such civil penalty amount shall become due and payable immediately upon Respondents’ receipt of a true and correct signed copy of this CAFO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CAFO, Respondents must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondents.
73. The Parties find and represent that the aforesaid settlement amount is reasonable and is based upon Complainant’s consideration of a number of factors, including the penalty criteria 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 November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted*

Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule. The Parties further acknowledge and represent that the aforesaid settlement is based, in part, upon an analysis of Respondents' ability to pay a civil penalty. This analysis was based upon the following information submitted to Complainant by Respondents, including but not necessarily limited to:

- a. the completed "Financial Statement for Corporations, Business or Other Organizations, Ability to Pay Claim," signed by Dennis E. Weaver.
 - b. U.S. Income Tax Return for an S Corporation, Forms 1120S, for CPI for the five (5) years ending December 31, 2009 through December 31, 2013;
 - c. the unaudited and unreviewed two-year reports entitled "Report on Compilation of Financial Statement" for CPI, compiled by Flurie, Slick & Kinnett, CPAs, P.A. covering the years ending December 31, 2009 through December 31, 2013;
 - d. one-page printout of CPI's "A/R Aging Summary as of August 31, 2014";
 - e. three-page printout of CPI's "Tax Asset Detail 1/01/14 – 12/31/14," dated September 5, 2014;
 - f. the unaudited and unreviewed two-page "Statement of Assets, Liabilities, and Stockholders' Equity – Income Tax Basis, September 30, 2014 and 2013" for CPI;
 - g. the unaudited and unreviewed one-page "Statement of Revenues, Expenses and Retained Earnings – Income Tax Basis, Nine Months Ended September 30, 2014 and 2013" for CPI;
 - h. one-page printout of CPI's "Transaction List by Vendor" for LAMM check postings from 01/02/2013 through 6/12/2014;
 - i. U.S. Income Tax Return for an S Corporation, Forms 1120S, for LAMM for the five (5) years ending December 31, 2009 through December 31, 2013;
 - j. "Article of Incorporation" for LAMM; and
 - k. a six (6) page Memorandum, dated December 3, 2014 from Ann Czerwonka, Industrial Economics, Inc. to A'J. D'Angelo, Esq. and Andrew Ma, EPA, Region III, regarding "Central Precision, Inc. (CPI) Ability to Pay."
74. Complainant has relied upon the financial information provided by Respondents and identified in Paragraph 73, immediately above. Based upon an analysis of the same, and in consideration and application of a number of factors to the particular facts and circumstances of this case, including: 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), with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"); the appropriate Adjustment of Civil Monetary Penalties for Inflation pursuant to 40 C.F.R. Part 19; and associated EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division implementation guidance, it is Complainant's conclusion that the Respondents have established that they are unable to pay a civil penalty in excess of the amount set forth in Paragraph 72, above, in settlement of the above-captioned action.

75. By their signatures below, Respondents' respective representatives each certify that the information submitted to EPA regarding Respondents' ability to pay and regarding any other matter at issue in this proceeding, is accurate and not misleading. Respondents and their officers, directors and principals are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondents to Complainant regarding Respondents' claim of inability to pay, or regarding any of other matter herein at issue, are false or, in any material respect, inaccurate.
76. The civil penalty of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), set forth in Paragraph 72, above, may be paid in thirty-six (36) installments, with applicable interest at the rate of one per cent (1%) per annum on the outstanding principal balance, in accordance with the payment schedule, instructions and illustrative chart set forth immediately below:
- a. **1st Payment:** The first payment, in the amount of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), consisting of a principal payment of \$12,500.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondents but, *in no event later than June 15, 2015*;
 - b. **Second Payment:** The second payment, in the amount of TWO THOUSAND SIX HUNDRED SEVEN DOLLARS AND EIGHTY-EIGHT CENTS (\$2,607.88), consisting of a principal payment of \$2,463.65 and an interest payment of \$144.23, shall be paid *on or before July 15, 2015*; and
 - c. **Payments 3 – 36:** Each of the following thirty-four payments (*i.e.*, each of payments 3 through 36) shall be in the total amount of TWO THOUSAND FIVE HUNDRED AND THIRTY EIGHT DOLLARS AND THIRTY-TWO CENTS (\$2,538.32) and shall be paid *on or before the 15th day of each successive month, from August 15, 2015 through May 15, 2018*.

Pursuant to the above schedule, and as illustrated in the chart below, Respondents will remit total civil penalty principal payments in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) and total interest payments in the amount of ONE THOUSAND FOUR HUNDRED TEN DOLLARS AND SEVENTY-SIX CENTS (\$1,410.76).

Payment No.	Principal Amount	Interest	Due Date --	Payment Due
1	\$12,500.00	\$0.00	06/15/2015 --	\$12,500.00
2	\$2,463.65	\$144.23	07/15/2015 --	\$2,607.88
3	\$2,465.10	\$73.22	08/15/2015 --	\$2,538.32
4	\$2,467.22	\$71.10	09/15/2015 --	\$2,538.32
5	\$2,471.57	\$66.75	10/15/2015 --	\$2,538.32
6	\$2,471.82	\$66.50	11/15/2015 --	\$2,538.32
7	\$2,475.69	\$62.63	12/15/2015 --	\$2,538.32
8	\$2,475.73	\$62.59	01/15/2016 --	\$2,538.32
9	\$2,477.86	\$60.46	02/15/2016 --	\$2,538.32
10	\$2,483.76	\$54.56	03/15/2016 --	\$2,538.32
11	\$2,485.14	\$53.18	04/15/2016 --	\$2,538.32
12	\$2,486.02	\$52.30	05/15/2015 --	\$2,538.32
13	\$2,486.41	\$51.91	06/15/2016 --	\$2,538.32
14	\$2,490.16	\$48.16	07/15/2016 --	\$2,538.32
15	\$2,490.70	\$47.62	08/15/2016 --	\$2,538.32
16	\$2,492.84	\$45.48	09/15/2016 --	\$2,538.32
17	\$2,496.39	\$41.93	10/15/2016 --	\$2,538.32
18	\$2,497.14	\$41.18	11/15/2016 --	\$2,538.32
19	\$2,500.55	\$37.77	12/16/2016 --	\$2,538.32
20	\$2,501.44	\$36.88	01/15/2017 --	\$2,538.32
21	\$2,503.60	\$34.72	02/15/2017 --	\$2,538.32
22	\$2,507.31	\$31.01	03/15/2017 --	\$2,538.32
23	\$2,507.91	\$30.41	04/15/2017 --	\$2,538.32
24	\$2,510.99	\$27.33	05/15/2017 --	\$2,538.32
25	\$2,512.24	\$26.08	06/15/2017 --	\$2,538.32
26	\$2,515.17	\$23.15	07/15/2017 --	\$2,538.32
27	\$2,516.57	\$21.75	08/15/2017 --	\$2,538.32
28	\$2,518.73	\$19.59	09/15/2017 --	\$2,538.32
29	\$2,521.46	\$16.86	10/15/2017 --	\$2,538.32
30	\$2,523.07	\$15.25	11/15/2017 --	\$2,538.32
31	\$2,525.67	\$12.65	12/15/2017 --	\$2,538.32
32	\$2,527.42	\$10.90	01/15/2018 --	\$2,538.32
33	\$2,529.60	\$8.72	02/15/2018 --	\$2,538.32
34	\$2,532.41	\$5.91	03/15/2018 --	\$2,538.32
35	\$2,533.96	\$4.36	04/15/2018 --	\$2,538.32
36	\$2,534.70	\$3.62	05/14/2018 --	\$2,538.32
Total:	\$100,000.00	\$1,410.76		\$101,410.76

77. If Respondents fail to make timely payment of any one of the required installment payments in accordance with the schedule set forth in Paragraph 76, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon

such failure, and Respondents shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondents shall be liable for, and shall pay, administrative handling charges and late payment penalty charges as described in Paragraphs 81, 82, 83 and 84 below, in the event of any such failure or default.

78. Respondents may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
79. Respondents shall remit payment for the civil penalty set forth in Paragraph 72, above, and/or any administrative fees and late payment penalties due in accordance with Paragraphs 81, 82, 83 and 84, below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:
- a. All payments by Respondents shall reference Respondents' names, addresses and the Docket Number of this action (*Docket No. RCRA-03-2015-0128*).
 - b. All checks shall be made payable to "**United States Treasury**".
 - c. All payments made by check and sent by Regular U.S. Postal Service 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 63197-9000Customer service contact: 513-487-2091
 - d. All payments made by check and sent by Private Commercial Overnight Delivery service shall be addressed and mailed to:
 - U.S. Environmental Protection Agency
 - Cincinnati Finance Center
 - Government Lockbox 979077
 - 1005 Convention Plaza
 - Mail Station SL-MO-C2-GL
 - St. Louis, MO 63101Contact: 314-418-1818
 - e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

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

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account 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"

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- h. On-Line Payment Option

WWW.PAY.GOV/paygov/
Enter **sfo 1.1** in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

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

80. At the time of payment, Respondent simultaneously shall send a notice of *each* payment, including a copy of the check or electronic wire transfer, 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
Acting Chief, Waste and Chemical Law Branch (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

81. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondents' failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
82. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondents. 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).
83. 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.
84. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

85. Respondents agree not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

86. Respondents each certify to Complainant by their respective representatives' signatures hereto, to the best of their knowledge and belief, that Respondents and the Facility currently are in compliance with all relevant provisions of the federally-authorized MdHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this CA.

VII. OTHER APPLICABLE LAWS

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

VIII. RESERVATION OF RIGHTS

88. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person(s), including the Respondents, 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.

IX. FULL AND FINAL SATISFACTION

89. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this CA. Compliance with the requirements and provisions of this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and/or regulations administered by EPA.

X. PARTIES BOUND

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

XI. EFFECTIVE DATE

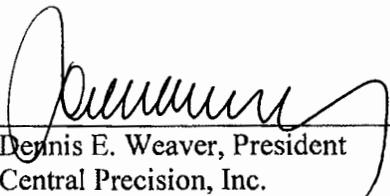
91. The effective date of this CAFO is the date on which the FO is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XII. ENTIRE AGREEMENT

92. 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.

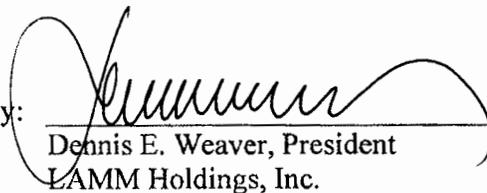
For Respondent CPI:

Date: 5/12/15

By: 
Dennis E. Weaver, President
Central Precision, Inc.

For Respondent LAMM:

Date: 5/12/15

By: 
Dennis E. Weaver, President
LAMM Holdings, Inc.

For the Complainant:

Date: 5/18/2015

By: 
A.J. D'Angelo
Acting Chief, Waste and Chemical Law Branch
U.S. Environmental Protection Agency, Region III

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

Date: 5.20.15

By: 
John A. Armstead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

RECEIVED

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

MAY 26 PM 3: 24

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In Re:)	
)	
Central Precision, Inc.)	
20823 San Mar Road	)	Docket No. RCRA-03-2015-0128
Boonsboro, Maryland 21713)	
)	
and)	
)	
LAMM Holdings, Inc)	
20823 San Mar Road)	
Boonsboro, Maryland 21713,)	
)	
RESPONDENTS.	)	Proceeding Under Section
	)	3008(a) and (g) of the
Central Precision, Inc.	)	Resource Conservation and
20823 San Mar Road	)	Recovery Act, as amended,
Boonsboro, Maryland 21713	)	42 U.S.C. § 6928(a) and (g)
EPA Facility I.D. # MDD042700831,)	
)	
FACILITY.)	

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondents, Central Precision, Inc. and LAMM Holdings, 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)(1) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended, *inter alia*, by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a)(1) 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 One Hundred Thousand Dollars (\$100,000.00) agreed to therein was based upon a consideration of, *inter alia*, the U.S. Environmental Protection Agency's current *RCRA Civil Penalty Policy* and the statutory penalty factors set forth at RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), **IT IS HEREBY ORDERED** that Respondent pay a civil monetary penalty of One Hundred Thousand Dollars (\$100,000.00), 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, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region III, or his designee, the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: May 26, 2015



Joseph J. Lisa
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:)	
)	
Central Precision, Inc.)	
20823 San Mar Road	)	Docket No. RCRA-03-2015-0128
Boonsboro, Maryland 21713)	
)	
and)	
)	
LAMM Holdings, Inc)	
20823 San Mar Road)	
Boonsboro, Maryland 21713,)	
)	
RESPONDENTS.	)	Proceeding Under Section
	)	3008(a) and (g) of the
Central Precision, Inc.	)	Resource Conservation and
20823 San Mar Road	)	Recovery Act, as amended,
Boonsboro, Maryland 21713	)	42 U.S.C. § 6928(a) and (g)
EPA Facility I.D. # MDD042700831,)	
)	
FACILITY.)	

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, to the following person at the following address:

Mr. Anthony G. Gorski, Esq.
Rich and Henderson, P.C.
51 Franklin Street, Suite 300
Annapolis, MD 21401
(Article No. 7004 2890 0000 5076 5748)

MAY 26 2015

Date


A.J. D'Angelo, Acting Chief
Waste and Chemical Law Branch (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480