

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

In the Matter of:	:	
	:	
IPSCO Koppel Tubulars, LLC 6403 Sixth Avenue Koppel, PA 16136	:	U.S. EPA Docket No. RCRA-03-2017-0052
	:	
Respondent	:	
	:	
IPSCO Koppel Tubulars, LLC 6403 Sixth Avenue Koppel, PA 16136	:	Proceeding under RCRA Section 3008(a)(1) and (g), 42 U.S.C. § 6928(a)(1) and (g)
	:	
Facility	:	
	:	

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 IPSCO Koppel Tubulars, LLC (“Respondent”), pursuant to Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(1) 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.
2. The Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), provide in pertinent part that, where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order (collectively referred to herein as the “CAFO”), simultaneously commences and concludes this administrative proceeding against Respondent.
3. This CAFO addresses Respondent’s alleged violations of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, various regulations promulgated thereunder as set forth at 40 C.F.R. Parts 260-266, 268, and 270-73, and the authorized Pennsylvania Hazardous Waste Management Regulations, 25 Pa. Code Sections 260a - 266a, 266b, and 268a – 273a (“PaHWMR”) that occurred at the Respondent’s facility located at 6403 Sixth Avenue, Koppel, PA 16136 (“Facility”).

4. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the "Pennsylvania Hazardous Waste Management Program") in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PaHWMR") were authorized by the U.S. Environmental Protection Agency ("EPA") pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWMR subsequently were revised, and thereafter re-authorized by EPA, on September 26, 2000, January 20, 2004, and April 29, 2009. Such authorized revised PaHWMR requirements and provisions became effective on November 27, 2000, March 22, 2004, and June 29, 2009, respectively. The PaHWMR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWMR authorization, June 28, 2001 for the March 22, 2004 PaHWMR authorization, and October 12, 2005 for the April 29, 2009 PaHWMR authorization. The provisions of Pennsylvania's current authorized PaHWMR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
5. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C and satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), Section 3008(a)(1) of RCRA, 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.
6. Respondent is, hereby, notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268, and 270-73, and the PaHWMR.
7. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), prior notice of the commencement of this civil proceeding in accordance with RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).

II. GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this CAFO.
10. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

11. For purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact in this matter, consents to the issuance of this CAFO without adjudication, and waives its right to appeal the accompanying Final Order.
12. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
13. Respondent and Complainant shall bear their own costs and attorney's fees in connection with this proceeding.

III. EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges the following findings of fact and conclusions of law.
15. IPSCO Koppel Tubulars, LLC is a limited liability corporation doing business in, and with offices and an operating facility located within, the Commonwealth of Pennsylvania, and is a "person" within the meaning of RCRA Section 1004(15), 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 25 Pa. Code Section 260a.10.
16. IPSCO Koppel Tubulars, LLC, is and has been, at all times relevant to this CAFO, the owner and operator of a manufacturing plant located at 6403 Sixth Avenue, Koppel, PA 16136 (hereinafter, "Facility").
17. On or about August 19, 2015, during normal business hours, a duly authorized representative of EPA conducted a compliance evaluation inspection ("Inspection") of the Facility to assess the Respondent's compliance with the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, the federal regulations promulgated thereunder, and the PaHWMR requirements at the Facility.
18. On the basis of the Facility Inspection and additional information collected subsequent thereto, Complainant has determined that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally authorized PaHWR requirements promulgated thereunder at the Facility.

COUNT I

(Operating a Hazardous Waste Storage Facility Without a Permit)

19. The allegations of Paragraphs I through 18 of this Consent Agreement are incorporated herein by reference as though fully set forth at length.
20. RCRA Section 3005(a) and (e), 42 U.S.C. Section 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, provide, in pertinent part, that a person owning and/or operating a facility used for the treatment, storage or disposal of hazardous waste is required to comply with the permitting requirements established by EPA or by a

state with an authorized hazardous waste management program, or have interim status for such facility.

21. At all times relevant to this Consent Agreement, Respondent generated at the Facility “hazardous waste”, as that term is defined by RCRA Section 1004(5), 42 U.S.C. § 6903(5), and 40 C.F.R. §§ 260.10 and 261.3, as incorporated by reference by 25 Pa. Code Sections 260a.1 and 261a.1. See also 25 Pa Code Section 261a.3.
22. The Facility was assigned the EPA Identification Number PAD000651752.
23. At all times relevant to this Consent Agreement, Respondent was a large quantity “generator” of “solid waste” and “hazardous waste” at the Facility as those terms are defined by 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1.
24. At all times relevant to this Consent Agreement, hazardous waste was in “storage” in “containers,” “tanks” and a “new tank system” at Respondent’s “facility” as those terms are defined by RCRA Section 1004(33), 42 U.S.C. § 6903(33), and 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1, and 25 Pa. Code Section 260a.10.
25. At all times relevant to this Consent Agreement, Respondent was the “owner” and “operator” of a hazardous waste storage facility as those terms are defined by 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1.
26. At all times relevant to this Consent Agreement, Respondent never possessed a permit or interim status authorizing the treatment, storage or disposal of hazardous waste at the Facility.
27. 40 C.F.R. § 262.34(a), which is incorporated by reference by 25 Pa. Code § 262a.10, provides, in pertinent part, that a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided the generator among other things, complies with the requirements of 40 C.F.R. Part 265, Subpart I, including the 40 C.F.R. § 265.173(a), requirement that each container holding hazardous waste must always be kept closed during storage, except when necessary to add or remove waste.
28. At the time of the August 19, 2015 Inspection, Respondent did not keep a container holding EPA Hazardous Waste No. D001 hazardous waste acetone closed during storage when it was not necessary to add or remove waste, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and the container use and management requirements of 40 C.F.R. § 265.173(a).
29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, a generator who is the owner or operator of a new tank system used for the accumulation of hazardous waste complies with the requirements of 40 C.F.R Part 265

Subpart J, including the 40 C.F.R. § 265.192(a) requirement to obtain a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11.

30. At the time of the August 19, 2015 Inspection, Respondent accumulated D002 hazardous waste acid in a new tank system which had been installed without first obtaining a written assessment attesting that the system has sufficient structural integrity and is acceptable for the storage of hazardous waste.
31. By virtue of these actions or failures to act, Respondent failed to satisfy the exemption conditions set forth in 25 Pa. Code § 262a.10, incorporating 40 C.F.R. § 262.34(a). Therefore, Respondent owned and/or operated a hazardous waste storage facility without a permit or interim status in violation of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1.
32. On August 19, 2015, Respondent violated RCRA Section 3005(a) and (e), 42 U.S.C. Section 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by owning and operating a hazardous waste storage facility without a permit or interim status.

COUNT II
(Open Container)

33. The allegations of Paragraphs 1 through 32 of this Consent Agreement are incorporated by reference as though fully set forth at length.
34. 40 C.F.R. § 264.173, as incorporated by reference by 25 Pa. Code Section 264a.1, provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
35. At the time of the August 19, 2015 Inspection, Respondent stored D001 hazardous waste acetone in a 55-gallon container with a large open funnel placed in the container's open top bung when it was not necessary to add or remove waste from the container.
36. At the time of the August 19, 2015 Inspection, Respondent violated 25 Pa. Code Section 264a.1, which incorporates by reference 40 C.F.R. § 264.173, by maintaining an open container holding hazardous waste at the Facility at a time when it was not necessary to add or remove waste from the container.

COUNT III
(Tank Assessment)

37. The allegations of Paragraphs 1 through 36 of this Consent Agreement are incorporated by reference as though fully set forth at length.
38. 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. 264.192, requires that an owner or operator of a new tank system used to store hazardous waste obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11, which must show the new tank system has sufficient structural integrity and is acceptable for the storing of hazardous waste.
39. Respondent used a new tank system to store EPA Hazardous Waste No. D002 hazardous waste acid from August 2013 until July 21, 2015 before obtaining a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11, which met the requirements of 40 C.F.R. § 264.192(a).
40. Respondent violated 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. 264.192, by failing to obtain a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11 which met the requirements of 40 C.F.R. § 264.192(a) for the new tank system used to store D002 hazardous waste acid at the Facility from August 2013 until July 21, 2015.

COUNT IV
(Failure to Store Universal Waste Lamps in Closed Containers)

41. The allegations of Paragraphs 1 through 40 of this Consent Agreement are incorporated by reference as though fully set forth at length.
42. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal waste, specifically, universal waste “lamps”, as defined by 40 C.F.R. § 273.9 which is incorporated by reference by 25 Pa. Code § 266b.1, contain such lamps in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
43. At the time of the August 19, 2015 Inspection, Respondent was a “small quantity handler of universal waste” as that term is defined at 40 C.F.R. § 273.9, which is incorporated by reference by 25 Pa. Code § 266b.1.
44. At the time of the August 19, 2015 Inspection, Respondent had a box containing 8 universal waste lamps with a hole on its side.
45. At the time of the August 19, 2015 Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), for failing to store universal waste lamps at the Facility in closed and structurally-sound containers.

IV. SETTLEMENT

46. In view of EPA's Findings of Fact and Conclusions of Law, set forth above, Complainant concludes that the Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, the federal regulations promulgated thereunder, and the authorized PaHWMR.
47. In view of EPA's Findings of Fact and Conclusions of Law, set forth above, Complainant further concludes that the Respondent is liable to the United States for a civil penalty pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).
48. Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), authorize, for violations of any requirement of RCRA Subtitle C, EPA's regulations promulgated thereunder, or any regulation of a state hazardous waste program authorized by EPA, the assessment of a civil penalty of up to \$25,000 per violation, with each day of violation constituting a separate violation. Pursuant to the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, as revised (73 Fed. Reg. 75340-46 (December 11, 2008)), violations of RCRA Subtitle C, EPA's regulations promulgated thereunder, or any regulation of a state hazardous waste program authorized by EPA are subject to an increased statutory maximum penalty of \$37,500 per violation, with each day of violation constituting a separate violation.
49. In settlement of the violations alleged against Respondent in EPA's Findings of Fact and Conclusions of Law Section of this Consent Agreement, and in consideration of each provision of this CAFO, Respondent consents to the assessment of a civil penalty in the amount of **TWENTY EIGHT THOUSAND AND FIFTY THREE DOLLARS (\$28,053.00)**. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO, fully executed by all parties, signed by the Regional Administrator or the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this fully executed CAFO is mailed or hand-delivered to Respondent.
50. The aforesaid settlement amount, set forth above, is appropriate for the violations identified in this CAFO and is based on consideration of a number of factors, including, but not limited to: the statutory factors (i.e., seriousness of the violations and any good faith efforts to comply with applicable requirements) set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3); and the application of these criteria to the particular facts and circumstances of this case with specific reference to EPA's *RCRA Civil Penalty Policy* (October 1990 and June 2003). Complainant also has considered the appropriate Adjustment of Civil Penalties for Inflation, 40 C.F.R. Part 19, and the December 6, 2013 memorandum by EPA Administrator Cynthia Giles, entitled *Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation (Effective December 6, 2013)*.
51. Payment of the civil penalty amount set forth in Paragraph 49, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 52 through 55, below, by either cashier's check, certified check, or electronic wire transfer, in

the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2017-0052;
- b. All checks shall be made payable to the "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

Customer 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 63101

Contact: (513) 487-2091

- 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 Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

- 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 Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - checking

Physical location of US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: (866)-234-5681

h. On-Line Payment Option:

<https://www.pay.gov/public/home>

Enter **SFO 1.1** in the search field, open and complete the form.

i. Additional payment guidance is available at:

<https://www.epa.gov/financial/makepayment>

j. At the time of payment, Respondent shall simultaneously send a notice of payment, *including a copy of the check or electronic wire transfer, as applicable*, to:

T. Chris Minshall, Esq.
Sr. Assistant Regional Counsel
Waste and Chemical Law Branch (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

52. 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 herein shall result in

the assessment of late payment charges including, interest, penalties and/or administrative costs of handling delinquent debts.

53. 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 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).
54. 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 – Case 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 additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
55. A late payment penalty of six percent 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). 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).
56. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty assessed in this CAFO.

V. CERTIFICATION

57. The individual who signs this Consent Agreement on behalf of Respondent certifies that the Respondent's Facility referred to in this Consent Agreement is currently in compliance to the best of his or her knowledge with the requirements of RCRA Subtitle C and the authorized PaHWMR, alleged by EPA to have been violated as described in this CAFO.

VI. OTHER APPLICABLE LAWS

58. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

VII. RESERVATION OF RIGHTS

59. This Consent Agreement and the accompanying Final Order resolve only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C and the authorized PaHWMR alleged herein. 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, federal regulations or authorized state regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

60. This Settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the specific violations alleged in this Consent Agreement. Compliance with the 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.

IX. PARTIES BOUND

61. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

X. EFFECTIVE DATE

62. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

XI. ENTIRE AGREEMENT

63. This Consent agreement and the accompanying Final Order constitute the entire agreement and understanding between the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

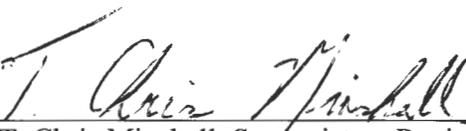
For Respondent:

Date: 1/5/2017

By: 
Piotr Galitzine, CEO
IPSCO Koppel Tubulars, LLC

For Complainant:

Date: 1/18/2017

By: 
T. Chris Minshall, Sr. Assistant Regional Counsel
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 Final Order.

Date: 2-15-17

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

FEB 16 PM 2:11

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

In the Matter of:	:	
	:	
IPSCO Koppel Tubulars, LLC	:	U.S. EPA Docket No. RCRA-03-2017-0052
6403 Sixth Avenue	:	
Koppel, PA 16136	:	
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Respondent	:	
	:	
IPSCO Koppel Tubulars, LLC	:	Proceeding under RCRA Section
6403 Sixth Avenue	:	3008(a)(1) and (g), 42 U.S.C.
Koppel, PA 16136	:	§ 6928(a)(1) and (g)
	:	
Facility	:	
	:	

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, IPSCO Koppel Tubulars, LLC, 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.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of the statutory factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3) and EPA's RCRA Civil Penalty Policy (October 1990 and June 2003).

NOW, THEREFORE, PURSUANT TO Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(1) and (g), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWENTY EIGHT THOUSAND AND FIFTY THREE DOLLARS (\$28,053.00)**, plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

In the Matter of: IPSCO Koppel Tubulars, LLC

Docket No. RCRA-03-2017-0052

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

Date: Feb. 16, 2017



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

