UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

4/18/22

Time

IN THE MATTER OF: EaglePicher Technologies, LLC 2000 South County Trail East Greenwich, Rhode Island 02818 Proceeding under Section 3008(a) of Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)	**Docket No. RCRA-01-2022-0018** **CONSENT AGREEMENT AND FINAL ORDER**

Received by EPA Region 1 Hearing Clerk

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1, alleges that EaglePicher Technologies, LLC ("EaglePicher" or "Respondent"), has violated the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at EaglePicher's battery manufacturing facility in East Greenwich, Rhode Island. EPA Region I ("Complainant") and EaglePicher (together, the "Parties") have agreed to settle this matter through this Consent Agreement and Final Order ("CAFO"). EPA's procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice ("Consolidated Rules") at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Rhode Island pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. EaglePicher is a Delaware company that owns and operates a specialty battery manufacturing plant at 2000 South County Trail in East Greenwich, Rhode Island (the "Facility").

5. On August 26, 2020, inspectors from the Bureau of Environmental Protection in the Rhode Island Department of Environmental Management ("RI DEM") conducted a hazardous waste compliance program inspection ("RI DEM Inspection") at the Facility.

6. On September 9, 2020, EaglePicher provided follow-up compliance information to RI DEM.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

9. On January 30, 1986, EPA granted Rhode Island final authorization to administer its base hazardous waste program. *See* 51 Fed. Reg. 3780 (January 30, 1986). Updates to the Rhode Island hazardous waste management program were authorized by EPA on March 12, 1990, effective March 26, 1990 (55 Fed. Reg. 9128); March 6, 1992, effective May 5, 1992 (57 Fed. Reg. 8089); October 2, 1992, effective December 1, 1992 (57 Fed. Reg. 45,574); August 9, 2002, effective October 8, 2002 (67 Fed. Reg. 51,765); December 11, 2007, effective February 11, 2008 (72 Fed. Reg. 70,229); and July 26, 2010 (75 Fed. Reg. 43409) and September 20, 2010 (75 Fed. Reg. 57,188), effective September 24, 2010. Accordingly, Rhode Island's federally-authorized hazardous waste regulations are RI DEM's Rules and Regulations for Hazardous Waste Management as amended through 2010 ("2010 RI HW Rules"). The 2010 RI HW Rules are cited herein, with cross-references to Rhode Island's current hazardous waste regulations at Title 250 of the Rhode Island Code of Regulations, Chapter 140, Subchapter 10, Part 1 ("250-RICR-140-10-1").

10. The 2010 RI HW Rules incorporate by reference federal hazardous waste regulations at 40 C.F.R. Parts 260-265, 266, 270, 273 and 124 in their entirety (except as otherwise noted in the 2010 RI HW Rules) as these federal regulations existed on July 1, 2008. Accordingly, all citations to the Code of Federal Regulations ("C.F.R." or "CFR") in Sections III.C and V of this CAFO will be to the July 2008 edition of the regulations. *See* Rule 2.2 (incorporating federal regulations by reference) and Rule 3 of the 2010 RI HW Rules (for definition of "40 CFR"); *see also* 250-RICR-140-10-1.4.

11. Pursuant to Sections 3006(g) and 3008(a) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

12. Pursuant to the Civil Penalties Inflation Adjustment Act of 1990 ("CPIAA"), as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the CPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occurred from January 13, 2009 through November 2, 2015, are subject to penalties of up to $37,500 per day for each violation, while violations that occur after November 2, 2015, are currently subject to penalties of up to $81,540 per day for each violation. *See* 87 Fed. Reg. 1676, 1679 (Jan. 12, 2022).

B. General Allegations

13. Respondent is a corporation and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and Rule 3 of the 2010 RI HW Rules. At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined by Rule 3 of the 2010 RI HW Rules (currently, defined in 250-RICR-140-10-1.5).

14. At all times relevant to the allegations set forth in this CAFO, the Facility has generated "hazardous waste" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and Rule 3 of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.5).

15. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent has been a "generator" of hazardous wastes at the Facility as defined in Rule 3 of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.5).

16. Respondent has never applied for or obtained a permit for the treatment, storage, or disposal of hazardous wastes ("TSD permit") at the Facility.

17. In order to store hazardous waste for 90 days or less without obtaining a TSD permit or having interim status, Respondent's Facility must comply with the conditions found in

the applicable provisions of Rule 5 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7). *See* Rules 5.0 and 5.2.A of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.7.12.B.1).

C. Alleged RCRA Violations

Count 1: Accumulation of Hazardous Waste in Tanks for Greater Than 90 Days Without a Permit

18. Pursuant to the 2010 RI HW Rules, a generator can store hazardous waste on site for a period of up to 90 days without complying with TSD permit requirements only if the generator complies with provisions of the 2010 RI HW Rules, which incorporate by reference 40 C.F.R. § 262.34.[1] *See* Rule 5.2.A of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.B.1), and 40 C.F.R. § 262.34(a) (generator may accumulate hazardous waste on site for no more than 90 days without a permit or interim status, and only if specified container and tank storage conditions are met). *See also* 250-RICR-140-10-1.7.12.D.3.g(1) (90 day limit for hazardous waste accumulation in tanks).

19. On seven separate occasions between 2017 and 2022, Respondent stored hazardous waste in the Facility's KOH waste storage tank for time periods longer than 90 days. The seven occasions were as follows: June 1, 2017 to September 13, 2017 (103 days); November 7, 2017 to February 12, 2018 (96 days); June 8, 2018 to September 10, 2018 (93 days); September 14, 2018 to January 7, 2019 (114 days); March 18, 2020 to July 27, 2020 (131 days); September 28, 2020 to December 29, 2020 (92 days); and October 11, 2021 to January 15, 2022 (96 days).

20. As alleged in Paragraph 16 above, Respondent has never applied for or obtained a TSD permit for the Facility, and has not complied with TSD permit requirements for the Facility.

[1] As stated above in Paragraph 10, all cites to the C.F.R. in this Section (III.C) of the CAFO are to the July 2008 edition.

21. Accordingly, Respondent failed to comply with the 90-day storage requirements of Rule 5.2(A) of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.B.1) and 40 C.F.R. § 262.34(a). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 2: Failure to Segregate Containers of Incompatible Hazardous Wastes

22. Pursuant to Rule 5.2.(A) of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34, including 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates by reference 40 C.F.R. Part 265, Subpart I ("Use and Management of Containers"), including 40 C.F.R. § 265.177(c), a storage container holding a hazardous waste that is incompatible with wastes or other materials stored in other containers must either be separated from the other wastes or materials or be protected from them by a dike, berm or other barrier. *See also* 250-RICR-140-10-1.7.8.A.6 and 250-RICR-140-10-1.7.12.C.1.j (containers of hazardous waste must be stored separately from incompatible wastes or materials).

23. At the time of the RI DEM Inspection, there was a 55-gallon container of hazardous waste nitric acid in the Facility's "H-4 Room" that was stored within several feet of six 55-gallon drums of potassium hydroxide products. The nitric acid hazardous waste was incompatible with the potassium hydroxide products because the comingling of nitric acid and potassium hydroxide could product heat or pressure, violent reactions, and toxic gasses or fumes.

See Rule 3.0 of the 2010 RI HW Rules (for definition of "incompatible wastes") (currently, 250-RICR-140-10-1.5.A.51).

24. The 55-gallon container of hazardous waste nitric acid and the six 55-gallon drums of potassium hydroxide product in the Facility's H-4 Room were stored within several feet of each other and were not separated by a dike, berm, or other barrier.

25. Accordingly, Respondent failed to comply with the requirement to segregate incompatible hazardous wastes set out in Rule 5.2(A) of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.177(a) (currently, 250-RICR-140-10-1.7.12.C.1.j). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 3: Failure to Properly Label Containers of Hazardous Waste

26. Pursuant to Rule 5.4(A) of the 2010 RI HW Rules, a generator must label the side of all hazardous waste containers, excluding satellite accumulation, with the words "Hazardous Waste"; the generator's name and the address of generating facility; the USDOT shipping name and the generic names of the principal hazardous waste components (if the proper USDOT shipping name does not conclusively identify the hazardous waste); the EPA or Rhode Island waste code; the date of containerization (that is, the date that hazardous waste first begins accumulating in the container or tank), and the hazardous waste manifest number (prior to being shipped off-site). *See also* 250-RICR-140-10-1.7.12.G.1.

27. Pursuant to Rule 5.4(C) of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.8.A.1.a-b), the generator must also label each container in satellite accumulation with the words "Hazardous Waste" and other words identifying the container's contents.

28. At the time of the RI DEM Inspection, there was a one-cubic yard container of zinc paste waste, lead debris, and other hazardous wastes in the Facility's Zinc Paste Room that was not labeled with the words "Hazardous Waste." In addition, in the Facility's Central Accumulation Area, there was a cabinet containing lab pack hazardous wastes (in three five-gallon containers and two less-than-one-gallon containers) that was not labeled with the words "Hazardous Waste."

29. Accordingly, Respondent did not comply with the hazardous waste container labeling requirements of Rules 5.4(A) and 5.4(C) of the 2010 RI HW Rules. By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 4: Failure to Date Excess Waste Containers at Satellite Accumulation Location

30. Pursuant to Rule 3 (for definition of "satellite accumulation") and Rule 5 of the 2010 RI HW Rules, a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where the waste initially accumulates provided that the generator complies with 40 C.F.R. § 262.34(c)(1)(i) and labels the containers as required by Rule 5.4.C. *See also* 250-RICR-140-10-1.5.A.83 (for definition of "satellite accumulation") and

250-RICR-140-10-1.7.8. For waste accumulation in excess of 55 gallons, the generator must comply with 40 C.F.R. § 262.34(c)(2) and Rule 5.4.A of the 2010 RI HW Rules, which both require that the generator mark the excess waste accumulation container with the date that the excess waste began accumulating.

31. At the time of the RI DEM Inspection, there was a 55-gallon satellite accumulation container of hazardous waste at a point of generation in the Facility's Chemistry Laboratory. At the same point of generation, there were at least three additional five-gallon containers of hazardous waste that were accumulating in excess of the 55-gallon container's hazardous wastes. None of the five-gallon containers holding the excess hazardous waste were marked with an accumulation start date.

32. Respondent accumulated hazardous waste in excess of 55 gallons at the same point of generation in the Facility's Chemistry Laboratory but did not label the containers holding the excess hazardous waste with accumulation start dates.

33. Accordingly, Respondent failed to label containers of satellite accumulation hazardous waste in excess of 55 gallons at one point of generation with waste accumulation start dates, as required by Rules 3 and 5.4.A of the 2010 RI HW Rules and 40 C.F.R. § 262.34(c)(2). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a TSD permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 5: Failure to Label Universal Waste Containers and Track Waste Accumulation Times

34. Pursuant to Rule 13 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.14), which incorporates by reference 40 C.F.R. Part 273, including 40 C.F.R. § 273.14(a) and 40 C.F.R. § 273.34(a), a small or large quantity handler of universal waste is required to clearly label or mark each universal waste battery, or the container in which the batteries are held, with one of three phrases: "Universal Waste—Battery(ies)," "Waste Battery(ries)," or "Used Battery(ies)." Pursuant to 40 C.F.R. § 273.15(c) and 40 C.F.R. § 273.35(c), the universal waste handler is also required to track the accumulation time of the universal waste from the date it became a waste or was received.

35. Respondent is a small or large quantity handler of universal waste as those terms are defined in Rule 3 of the 2010 RI HW Rules.

36. At the time of the RI DEM Inspection, there were four universal waste lead-acid batteries accumulated in the Facility's Central Accumulation Area that were not labeled with one of the three phrases quoted in Paragraph 34 above. The accumulation times for these universal waste batteries were not being tracked. Further, in the Facility's Lithium Battery Assembly location there was a 55-gallon container of universal waste lithium-ion batteries for which accumulation times were not being tracked.

37. Accordingly, Respondent violated the universal waste labeling requirements and accumulation time tracking requirements of Rule 13 of the 2010 RI HW Rules, which incorporate by reference 40 C.F.R. Part 273, including 40 C.F.R. §§ 273.14(a), 273.15(c), 273.34(a), and 273.35(c).

IV. GENERAL TERMS

38. The terms of this CAFO shall apply to and be binding on Complainant and on Respondent, its successors, and its assigns.

39. For the purposes of this proceeding, Respondent admits that Complainant has jurisdiction over the subject matter described in this CAFO and that the CAFO states claims upon which relief can be granted against Respondent. Respondent neither admits nor denies the factual allegations contained in Section III.C of this CAFO. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO or to appeal the CAFO's Final Order.

40. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any conditions specified in this CAFO.

41. All notices and submissions required by this CAFO shall be sent to:

For Complainant:

Steven J. Viggiani
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-3
Boston, Massachusetts 02109-3912
viggiani.steven@epa.gov

For Respondent:

Allen A. Kacenjar
Counsel for EaglePicher
Squire Patton Boggs (US) LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114
allen.kacenjar@squirepb.com

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

42. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the RI HW Rules cited in Section III.C above.

43. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it has applied for a permit for the Facility pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules:

a. Respondent has ensured that the Facility is storing hazardous waste in tanks for periods no longer than 90 days, in accordance with Rule 5.2(A) of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.B.1) and 40 C.F.R. § 262.34(a);[2]

b. Respondent has segregated all incompatible hazardous wastes at the Facility by separating storage containers holding incompatible hazardous wastes from each other, or by protecting the incompatible containers by a dike, berm or other barrier, in accordance with Rule 5.2(A) of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.177(c) (currently, 250-RICR-140-10-1.7.12.C.1.j);

c. Respondent has properly labeled all hazardous waste containers at the Facility in accordance with the labeling requirements of Rules 5.4(A) and 5.4(C) of the 2010 RI HW Rules; and

d. Respondent has properly labeled any containers of satellite accumulation hazardous waste in excess of 55 gallons at any one point of generation with waste

[2] As stated above in Paragraph 10, all cites to the C.F.R. in this Section (V) of the CAFO are to the July 2008 edition.

accumulation start dates in accordance with 40 C.F.R. § 262.34(c)(2) and Rule 5.4.A of the 2010 RI HW Rules.

44. Respondent further certifies that it has properly labeled, and tracked the accumulation time of, all universal waste at the Facility in accordance with Rule 13 of the 2010 RI HW Rules, which incorporate by reference 40 C.F.R. Part 273, including 40 C.F.R. §§ 273.14(a), 273.15(c), 273.34(a), and 273.35(c).

VI. CIVIL PENALTY

45. Respondent shall pay a civil penalty of $108,810. EPA Region 1 has determined, consistent with statutory penalty criteria and applicable policies, that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors.

46. To pay the penalty, Respondent shall submit the full amount of $108,810 by no later than 30 days after the effective date of this CAFO via a bank, cashier's or certified check payable to the order of the "Treasurer, United States of America." Respondent shall send the check via express or certified mail to the address below for signed receipt confirmation:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Craig Steffen
(513) 487-2091, steffen.craig@epa.gov

In the alternative, Respondent may pay the full amount of the penalty via electronic payment (automated clearing house or wire transfer) in accordance with directions on the following EPA websites: https://www.epa.gov/financial/makepayment and https://www.epa.gov/financial/additional-instructions-making-payments-epa. Respondent shall include the case name and docket number ("In the Matter of EaglePicher Technologies, LLC,

Docket No. RCRA-01-2022-0018") on the face of the check or electronic transfer confirmation.

In addition, at the time of payment, Respondent shall send a notice of the penalty payment and a copy of the check or electronic transfer confirmation to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-6
Boston, Massachusetts 02109-3912
santiago.wanda@epa.gov

and

Steven J. Viggiani
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-3
Boston, Massachusetts 02109-3912
viggiani.steven@epa.gov

47. If Respondent fails to pay the full amount of the civil penalty by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

48. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and 26 C.F.R. § 1.162-21, and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

49. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), the provisions in Paragraphs 43-44 in Section V above are required to come into compliance with the law.

VII. EFFECT OF SETTLEMENT

50. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

51. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

52. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 50 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

53. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

54. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

55. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the address set out for Respondent in Paragraph 41 above. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

56. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

57. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR RESPONDENT:

Date: 4/13/22

Kurt Bruenning
President & Chief Financial Officer

FOR COMPLAINANT:

KAREN MCGUIRE

Digitally signed by KAREN MCGUIRE
Date: 2022.04.14 07:36:48 -04'00'

Date: _____

Karen McGuire, Director
Enforcement and Compliance Assurance Division
EPA Region 1

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent EaglePicher Technologies, LLC, is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

LEANN JENSEN Digitally signed by LEANN JENSEN Date: 2022.04.18 11:47:10 -04'00'

LeAnn Jensen
Regional Judicial Officer
EPA Region 1

Date