



Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 (*See* 66 FR 29712), and September 24, 2004 (*See* 69 FR 44463). The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CAFO simultaneously commences and concludes an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's facility.

Respondent was previously notified regarding the RCRA Subtitle C allegations recited herein in a letter dated April 24, 2014. In accordance with Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), EPA has notified the State of Maryland of EPA's intent to enter into a CAFO with Respondent resolving the RCRA Subtitle C violations set forth herein.

### **General Provisions**

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to a hearing and to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. Respondent, upon investigation, certifies to EPA by its signature herein that, to the best of its knowledge and belief, it is presently in compliance with the provisions of the RCRA referenced herein.
8. The provisions of this CAFO shall be binding upon Complainant and Respondent and any successors and assigns.

9. This CAFO shall not relieve Respondent of its 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 the RCRA or any regulations promulgated thereunder.

**EPA's Findings of Fact and Conclusions of Law**

10. In accordance with the Consolidated Rules at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.

11. Respondent is a corporation duly incorporated under the laws of Maryland.

12. Respondent is, and has been at all times relevant to this CAFO, the owner and operator of the facility located at 344 Granary Road, Forest Hill, Maryland (the "Facility").

13. EPA conducted an inspection of the Facility on September 15, 2015 ("EPA Inspection").

**COUNT I – RCRA SUBTITLE C – OPERATING WITHOUT A PERMIT**

14. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

15. Respondent is and has been at all times relevant to this CAFO the "owner" and "operator" of a "facility," as those terms are defined by COMAR 26.13.01.03.

16. Respondent is a corporation and is therefore a "person" as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03.

17. Respondent is and, at all times relevant to this CAFO, has been a "generator" of, and has engaged in the "storage" in "containers" of materials that are "solid wastes" and "hazardous waste" at the Facility, as those terms are defined in COMAR 26.13.01.03, including the hazardous waste referred to herein.

18. Respondent is, and at all times relevant to this CAFO, has been a Large-Quantity Generator that generates hazardous waste in an amount greater than 1,000 kilograms per month at the Facility, and uses EPA ID MDR000518423.

19. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, in pertinent part, that a person may not operate a hazardous waste

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

20. COMAR 26.13.03.05E(1) provides, in pertinent part, that a generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less, if, *inter alia*:

(a) The waste is shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility;

(b) The generator accumulates the waste in containers, tanks, on certain drip pads, or in a containment building;

(c) Containers used to accumulate the waste meet the standards of COMAR 26.13.03.05A (Packaging);

(d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;

(e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(f) Each container is (i) properly labeled and marked according to COMAR 26.13.03.05.B and C (“Labeling and Marking”); and (ii) labeled or marked clearly with the words “Hazardous Waste” while being accumulated on-site; and

(g) The generator complies with the requirements for owners and operators in COMAR 26.13.05.02G, 26.13.05.03, and 26.13.05.04 (“Personnel Training,” “Preparedness and Prevention,” and “Contingency Plan and Emergency Procedures,” respectively).

**Storage Greater Than 90 Days**

21. COMAR 26.13.03.05E(1)(a) requires that accumulated waste must be shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility.

22. Respondent stored at the Facility three (3) containers of hazardous waste F006 (filter cake sludge) for a period of time greater than 90-days, specifically:

- (a) Respondent stored one (1) container of F006 hazardous waste onsite for greater than 90-days from July 22, 2013, to November 4, 2013 (totaling 105 days); and
- (b) Two (2) containers of F006 hazardous waste from July 29, 2013, to November 4, 2013 (totaling 98 days).

23. Respondent violated COMAR 26.13.03.05E(1)(a) from October 20, 2013 to November 4, 2013, and from October 27, 2013 to November 4, 2013, respectively, by storing accumulated hazardous waste onsite for greater than 90 days.

### **Container Labeling**

24. COMAR 26.13.03.05E(1)(e) and (f), respectively, require that each container used to store hazardous waste have upon it the date upon which each period of accumulation begins and be labeled or marked clearly with the words, "Hazardous Waste" while being accumulated on-site.

25. On September 15, 2015, Respondent failed to mark with an accumulation start date one (1) open plastic bag partially filled with filter cake (F006) generated from the filter press. The bag was located near the inoperable sludge dryer but was not connected to the sludge dryer.

26. On September 15, 2015, Respondent failed to label or mark with the words "Hazardous Waste," one (1) open plastic bag partially filled with filter cake (F006) generated from the filter press. The bag was located near the inoperable sludge dryer but was not connected to the sludge dryer.

27. The contents of the containers described in Paragraphs 25 and 26, above, are and were, at all times relevant to the violations alleged herein, "solid wastes," and "hazardous wastes," as defined in COMAR 26.13.03.05.

28. On September 15, 2015, Respondent violated COMAR 26.13.03.05E(1)(e) and (f) respectively, by failing to label or mark clearly each container used to store hazardous waste with the date upon which each period of accumulation begins, and with the words, "Hazardous Waste."

### **Job Descriptions**

29. COMAR 26.13.03.05E(1)(g) requires that a generator accumulating hazardous waste onsite for 90 days or less must comply with, *inter alia*, COMAR 26.13.05.02G.

30. The provisions of COMAR 26.13.03.02G(4)(b), entitled “Personnel Training,” provide, in relevant and applicable part, as follows:

The owner or operator must 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 . . . .

31. At the time of the Inspection, On September 15, 2015, Respondent did not maintain at the Facility documents or records that provided job descriptions for the facility personnel who handle hazardous waste or hazardous waste management in contravention of COMAR 26.13.05.02G(4)(b) and the permit exemption requirements of COMAR 26.13.03.05E(1)(g).

32. On September 15, 2015, Respondent violated COMAR 26.13.05.02G(4)(b), and the permit exemption requirements of COMAR 26.13.03.05E(1)(g), by failing to maintain at the Facility documents or records that provided job descriptions for the facility personnel who handle hazardous waste or hazardous waste management.

#### **Contingency Plan**

33. COMAR 26.13.03.05E(1)(g) requires that a generator accumulating hazardous waste onsite for 90 days or less must comply with, *inter alia*, COMAR 26.13.05.04.

34. COMAR 26.13.05.04C(1) requires each owner or operator to have a contingency plan for its facility to minimize hazards to human health or 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.

35. COMAR 26.13.05.04C(4) provides that the contingency plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

36. COMAR 26.13.05.04F provides that at all times, the employee designated as the emergency coordinator must be either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

37. At the time of the Inspection, Respondent’s contingency plan failed to list as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures in contravention of COMAR 26.13.05.04C(4).

38. On September 15, 2015, Respondent violated the requirements of COMAR 26.13.05.04C(4) by failing to list in its contingency plan as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

### **Open Container**

39. COMAR 26.13.03.05E(1)(d) requires that a generator accumulating waste on site for 90 days or less comply with COMAR 23.13.05.09.

40. The provisions of COMAR 26.13.05.09D, 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.”

41. On September 15, 2015, Respondent was storing hazardous waste in a container that was open when no waste was being added or removed, insofar as one (1) open container labeled with the words “Hazardous Waste” partially filled with filter cake (F006) from the filter press, and adjacent, but not connected, to the inoperable sludge dryer.

42. The contents of the container described in Paragraph 41, above, are and were, at all times relevant to the violations alleged herein, “solid wastes,” and “hazardous wastes,” as defined in COMAR 26.13.02.

43. On September 15, 2015, Respondent violated COMAR 26.13.05.09D, and, in turn, COMAR 26.13.03.05E(1), by failing to ensure that a container holding hazardous waste remain closed except when it is necessary to add or remove waste.

44. For the reasons and during each of the dates and time periods identified in Paragraphs 21 through 43, above, Respondent failed to comply with the permit exemption conditions, identified in Paragraph 20, above, for temporary (i.e., 90 days or less) accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.

45. For each of the reasons and for each of the time periods set forth in Paragraphs 21 through 43, above, Respondent did not meet the requirements for a permit exemption under COMAR 26.13.03.05E and therefore violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (i.e., the Facility) without a permit or interim status.

**COUNT II – RCRA SUBTITLE C – FAILURE TO PROVIDE JOB DESCRIPTIONS  
RELATING TO HANDLING HAZARDOUS WASTE**

46. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

47. The provisions of COMAR 26.13.05.02G(4)(b), entitled “Personnel Training,” provide, in relevant and applicable part, as follows:

The owner or operator must maintain at 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 . . . .

48. At the time of the Inspection, on September 15, 2015, Respondent did not maintain at the Facility documents or records that provided job descriptions for the facility personnel who handle hazardous waste or hazardous waste management in contravention of COMAR 26.13.05.02G(4)(b).

49. Respondent violated the requirements of COMAR 26.13.05.02G(4)(b) by failing to maintain at the Facility documents or records that provided job descriptions for the facility personnel who handle hazardous waste or hazardous waste management.

**COUNT III – RCRA SUBTITLE C – FAILURE TO PROVIDE AN ADEQUATE  
CONTINGENCY PLAN**

50. Each of the preceding paragraphs is incorporated by reference as though fully set forth herein.

51. COMAR 26.13.05.04B requires the owner and operator of a hazardous waste facility to develop a contingency plan, which is designed to minimize hazards to human health or 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.

52. COMAR 26.13.05.04C(4) provides that the contingency plan shall list names, addresses, and phone numbers (office and home) or all persons qualified to act as emergency coordinator.



53. COMAR 26.13.05.04F provides that at all times, the employee designated as the emergency coordinator must be either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

54. At the time of the Inspection, Respondent's contingency plan failed to list as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures in contravention of COMAR 26.13.05.04C(4).

55. On September 15, 2015, Respondent violated the requirements of COMAR 26.13.05.04C(4) by failing to list in its contingency plan as the emergency coordinator at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

**COUNT IV – RCRA SUBTITLE C – FAILURE TO KEEP HAZARDOUS WASTE  
CONTAINER CLOSED**

56. Each of the preceding paragraphs is incorporated by reference herein as though fully set forth herein.

57. The provisions of COMAR 26.13.05.09D, 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."

58. At the time of the Inspection, on September 15, 2015, one (1) container of F006 filter cake sludge located at the inoperable sludge dryer was not closed and at the time, waste was neither being added or removed from the container.

59. On September 15, 2015, Respondent violated the requirements of COMAR 26.13.05.09D by failing to keep a container holding hazardous waste closed except when it is necessary to add or remove waste.

**CIVIL PENALTY**

60. Respondent consents to the assessment of a civil penalty of twenty-nine thousand four hundred ninety-three dollars (\$29,493.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above four counts of this CAFO. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed

or hand-delivered to Respondent.

61. For the violations alleged in Counts I - IV, EPA considered a number of factors including, but not limited to, the statutory factors set forth in Section 3008(a)(3) of the RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondent's violations and the good faith efforts by Respondent to comply with the applicable requirements of the RCRA, and the *RCRA Civil Penalty Policy* (2003). EPA has also considered the *Adjustments of Civil Penalties for Inflation and Implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the December 2013 memorandum by EPA Assistant Administrator Cynthia Giles entitled, *Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation (Effective December 6, 2013)* ("2013 Giles Memorandum").

62. Payment of the civil penalty amount required under the terms of Paragraph 60, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference its name and address and the Docket Number of this action (Docket No. RCRA-03-2017-0010);
- b. All checks shall be made payable to "**United States Treasury**;"
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000  
The Customer Service contact for the above method of payment is Eric Volck at 513-487-2105.

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

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The Customer Service number for the above method of payment is 314-418-1028.

- e. All electronic wire transfer payments shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

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

US Treasury REX/Cashlink ACH Receiver  
ABA = 051036706  
Transaction Code 22 - checking  
Account 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:

5700 Rivertech Court  
Riverdale, MD 20737

The Customer Service contact for the above method of payment is John Schmid at 202-874-7026, or REX at 1-866-234-5681.

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: [WWW.PAY.GOV](http://WWW.PAY.GOV). Enter sfo 1.1 in the search field and complete all required fields in the form.
- h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. RCRA-03-2017-0010] in the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.
- i. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire

transfer, to:

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

and to

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

63. 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.

64. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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).

65. 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.

66. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

67. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

### **EFFECT OF SETTLEMENT**

68. Payment of the penalty specified in Paragraph 60, above, in the manner set forth in Paragraph 62, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under the RCRA for the specific violations alleged in Counts I – IV, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

### **RESERVATION OF RIGHTS**

69. This CAFO resolves only the civil claims for monetary penalties for the specific violations alleged in the CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the 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. Respondent reserves all available rights and defenses it may have to defend itself in any such action.

### **FULL AND FINAL SATISFACTION**

70. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 3008(a)(1) and (g) of the RCRA, 42 U.S.C. § 6928(a)(1) and (g), for the specific violations alleged in this CAFO. This CAFO constitutes the entire agreement and understanding of the parties regarding settlement of all claims pertaining to 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.

### **AUTHORITY TO BIND THE PARTIES**

71. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this CA and to bind the Respondent to it.

In re: ACM Technologies, Inc.

EPA Docket No. RCRA-03-2017-0010

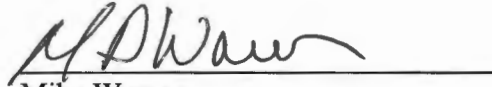
**EFFECTIVE DATE**

72. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**For Respondent:**

12-13-16

Date

A handwritten signature in black ink, appearing to read "M. Warner", is written over a horizontal line.

Mike Warner  
President  
ACM Technologies


In re: ACM Technologies, Inc.

EPA Docket No. RCRA-03-2017-0010

**For Complainant:**

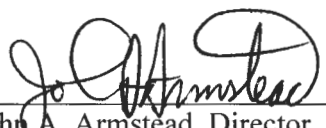
U.S. Environmental Protection Agency,  
Region III

12/14/16  
Date

 12/14/16  
Jeffrey S. Nast  
Senior Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator or his designee, the Regional Judicial Officer, issue the Final Order attached hereto pertaining to Docket No. RCRA-03-2016-0010.

12.20.16  
Date

  
John A. Armstead, Director  
Land and Chemicals Division  
U.S. EPA - Region III

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

|                         |   |
|-------------------------|---|
| <b>IN RE:</b>           | :   |
|                         | :   |
|                         | :   |
| ACM Technologies, Inc., | :   |
| 344 Granary Road        | :   |
| Forest Hill, MD 21050   | :   |
|                         | :   |
| Respondent,             | :   |
|                         | : <b>Docket No. RCRA-03-2017-0010</b>           |
| ACM Technologies, Inc.  | :   |
| 344 Granary Road        | :   |
| Forest Hill, MD 21050   | : <b>Proceeding under Sections 3008(a)(1)</b>   |
|                         | : <b>and (g), 6001(b) of RCRA and 40 C.F.R.</b> |
|                         | : <b>Part 22</b>                                |
|                         | :   |
| Facility.               | :   |

**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, ACM Technologies, 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.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *RCRA Civil Penalty Policy* (2003); the *Adjustments of Civil Penalties for Inflation and Implementing the Debt Collection Improvement Act of 1996*, 40 C.F.R. Part 19; the December 2013 memorandum by EPA Assistant Administrator Cynthia Giles entitled, *Amendments to the U.S. Environmental Protection Agency’s Civil Penalty Policies to Account for Inflation (Effective December 6, 2013)*; and the statutory factors set forth in Section 3008(a)(3) of Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(3).

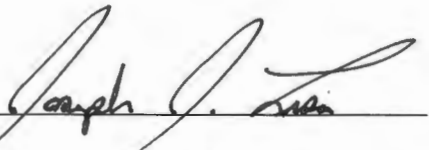
**NOW, THEREFORE, PURSUANT TO** Sections 3008(a)(1) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(1) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY-**



**NINE THOUSAND FOUR HUNDRED NINETY-THREE DOLLARS (\$29,493.00)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

Jan. 5, 2017  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

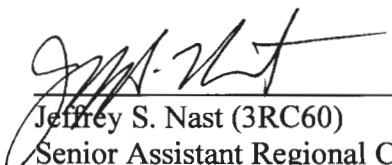
**CERTIFICATE OF SERVICE**

In the matter of: ACM Technologies, Inc. (RCRA-03-2017-0010), I certify that on the date noted below, I sent via UPS Next Day Delivery, a copy of the Consent Agreement and Final Order to the addressee listed below:

Mike Warner, President  
ACM Technologies, Inc.  
344 Granary Rd.  
Forest Hill, MD 21050

The original and one copy of were hand-delivered to, and filed with, the Regional Hearing Clerk, U.S. EPA Region III.

Dated: 1/5/17

  
\_\_\_\_\_  
Jeffrey S. Nast (3RC60)  
Senior Assistant Regional Counsel  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103