

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Natalie Katz
Name of Contact person Date

in the Region III ORC Office at 215-874-2615
Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
ARCADIS, U.S., Inc.

The Total Dollar Amount of Receivable 3325,000
(if in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA - 03 - 2010 - 0321
The Site-Specific Superfund Acct. Number _____
The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____
If you have any questions call: _____
Name of Contact Date
in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- | | |
|---|---|
| 1. U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268

Attn: Lori Weidner | 2. Originating Office (ORC)
3. Designated Program Office |
|---|---|

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- | | |
|--|---|
| 1. Originating Office
3. Regional Hearing Clerk | 2. Designated Program Office
3. Regional Counsel |
|--|---|

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

In the Matter of: :
: :
ARCADIS U.S., Inc. : Docket No. RCRA-03-2010-0321
630 Plaza Drive, Suite 200 :
Highlands Ranch, CO 80129 :
: CERTIFICATE OF SERVICE
Respondent :
: :
Sharon Steel - Fairmont Coke Works Site :
Fairmoney, Marion County, WV : Proceeding Under Section
EPA Facility I.D. #WVD000800441 : 3008(a) and (g) of the
: Resource Conservation and
: Recovery Act, as amended,
Facility : 42 U.S.C. § 6928(a) and (g)

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: ARCADIS U.S., Inc., U.S. EPA Docket Number RCRA-03-2010-0321**, to the persons and addresses listed below.

Steve Niparko
Senior Vice President & General Counsel
ARCADIS U.S. Inc..
630 Plaza Drive, Suite 200
Highlands Ranch, CO 80129

Carolyn L. McIntosh
Patton Boggs
1801 California Street
Suite 4900
Denver, CO 80202

The original Consent Agreement and Final Order, plus one copy, were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

8/19/10
DATE

Dina A. Kasper

Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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

In Re:)	
)	
ARCADIS U.S., Inc.)	Docket No. RCRA-03-2010-0321
630 Plaza Drive, Suite 200)	
Highlands Ranch, CO 80129)	
)	
RESPONDENT.)	Proceeding Under Section
)	3008(a) and (g) of the
Sharon Steel - Fairmont Coke Works Site)	Resource Conservation and
Fairmont, Marion County, West Virginia)	Recovery Act, as amended,
EPA Facility I.D. #WVD000800441,)	42 U.S.C. § 6928(a) 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 ARCADIS U.S., Inc. ("Respondent" or "ARCADIS"), 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 Respondent.
3. The State of West Virginia ("West Virginia" or "State") has received federal authorization to administer a Hazardous Waste Management Program in lieu of the

federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The West Virginia Hazardous Waste Management Regulations (hereinafter, "WVHWMR"), promulgated by the State pursuant to West Virginia Code Chapter 22, Article 18 (Hazardous Waste Management Act), originally were authorized by EPA on March 28, 1984, effective May 29, 1986 (51 Fed. Reg. 17739), pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the WVHWMR were authorized by EPA on May 10, 2000, effective July 10, 2000 (65 Fed. Reg. 29973) and October 16, 2003, effective December 15, 2003 (68 Fed. Reg. 59542). The provisions of West Virginia's current, authorized revised WVHWMR are set forth in Title 33, Leg. Rule, Division of Environmental Protection, Office of Waste Management, Series 20, Parts 33-20-1 through 33-20-15 (33 Code of State Regulations 20, abbreviated as 33CSR20, and hereinafter cited as WVHWMR § 33-20-1, et seq.). The provisions of the WVHWMR incorporate by reference the federal hazardous waste management regulations published in the Federal Register through March 8, 2000 (*See*, 68 Fed. Reg. 59543, October 16, 2003), except as specifically excepted from incorporation by reference therein. The provisions of the WVHWMR have become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

4. The factual allegations and legal conclusions in this CA are based on the federally-authorized WVHWMR in effect at the time of the violations alleged herein. Except as otherwise provided, all references and citations herein to the federal hazardous waste management regulations set forth at 40 C.F.R. Parts 260-279 are to the July 1, 1999 edition of the Code of Federal Regulations.
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. Respondent is hereby notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized WVHWMR requirements at the Sharon Steel - Fairmont Coke Works Site, located in Fairmont, Marion County, West Virginia (hereinafter, the "Facility"). The Facility is listed on the National Priorities List as a "Superfund Site" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA").
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated June 4, 2010, EPA notified the State, through the Hazardous Waste and UST Program Manager of the WVDEP, of EPA's intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in the paragraph immediately above.
9. Respondent agrees 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, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
12. Respondent shall bear its own costs and attorney's fees.
13. The provisions of this CAFO shall be binding upon Complainant and upon Respondent, its officers, directors, employees, successors and assigns.
14. 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 RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. 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:
16. Respondent is a Delaware corporation with headquarters located at 630 Plaza Drive, Suite 200 Highlands Ranch, CO 80129, and is registered to do business in the State of West Virginia.
17. ExxonMobil Corporation hired Respondent as a contractor to supervise and direct the implementation of a portion of the remediation work being performed at the Facility

under CERCLA, including supervising work to excavate and remove soil containing hazardous substances at the Facility.

18. Respondent is a "person" as that term is defined in WVHWMR § 33-20-2.1.a, which incorporates by reference 40 C.F.R. § 260.10.
19. The Facility is a hazardous waste storage "facility" as that term is defined in WVHWMR § 33-20-2.1.a, which incorporates by reference 40 C.F.R. § 260.10.
20. At all times relevant to this CAFO, Respondent was an "operator" of the Facility, as that term is defined in WVHWMR § 33-20-2.1.a, which incorporates by reference 40 C.F.R. § 260.10.
21. As described below, Respondent was and, at all times relevant to this CAFO has been, a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in WVHWMR § 33-20-2.1.a, which incorporates by reference 40 C.F.R. § 260.10.
22. At all times relevant to this CAFO, and as described below, Respondent has engaged in the "storage" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in WVHWMR § 33-20-2.1.a, which incorporates by reference 40 C.F.R. § 260.10.
23. At all times relevant to this CAFO, Respondent has been a large quantity generator of hazardous waste at the Facility.
24. EPA has determined that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and WVHWMR requirements promulgated thereunder.

COUNT I

***Failure to Comply with WVHWMR
Manifest Requirement for Generators***

Offered hazardous waste for transportation without preparing hazardous waste manifests

25. The allegations of paragraphs 1 through 24 of this CA are incorporated herein by reference as though fully set forth at length.
26. WVHWMR § 33-20-5.1 incorporates by reference 40 C.F.R. § 262.20(a)(1), which provides that a generator must not offer for transportation, for off-site treatment, storage

or disposal, hazardous waste without preparing a hazardous waste manifest in accordance with the instructions in 40 C.F.R. Part 262, Appendix.

27. From June 27, 2008 to July 2, 2008, Respondent offered for transportation, for off-site treatment, storage or disposal, 104 truckloads of hazardous waste from the Facility, without preparing hazardous waste manifests for this waste.
28. Respondent violated of WVHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.20(a)(1).

COUNT II

***Failure to Comply with WVHWMR
EPA ID Requirement for Transporters***

Offered hazardous waste for transportation to transporters without EPA ID numbers

29. The allegations of paragraphs 1 through 28 of this CA are incorporated herein by reference as though fully set forth at length.
30. WVHWMR § 33-20-5.1 incorporates by reference 40 C.F.R. § 262.12(c), which provides that a generator must not offer his hazardous waste to transporters that have not received an EPA identification number.
31. From June 27, 2008 to July 2, 2008, Respondent offered for transportation 104 truckloads of hazardous waste from the Facility to transporters that did not have EPA ID numbers.
32. Respondent violated WVHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.12(c).

COUNT III

***Failure to Comply with WVHWMR
EPA ID Requirement for Disposal Facilities***

Offered hazardous waste for transportation to disposal facilities without EPA ID numbers

33. The allegations of paragraphs 1 through 32 of this CA are incorporated herein by reference as though fully set forth at length.
34. WVHWMR § 33-20-5.1 incorporates by reference 40 C.F.R. § 262.12(c), which provides that a generator must not offer his hazardous waste to treatment, storage or disposal facilities that have not received an EPA identification ("ID") number.

35. From June 27, 2008 to July 2, 2008, Respondent offered for transportation 104 truckloads of hazardous waste from the Facility to two treatment, storage or disposal facilities which did not have EPA ID numbers.
36. Subsequent to the dates of the violations alleged herein, Respondent remediated and disposed of the hazardous waste that was transported and delivered to the two treatment, storage or disposal facilities referred to above, and arranged for the shipment of such wastes to a RCRA-permitted treatment, storage or disposal facility with an EPA ID number.
37. Respondent offered hazardous waste for transportation to two treatment, storage or disposal facilities that had not received EPA ID numbers, in violation of WVHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.12(c).

COUNT IV

***Failure to Comply with WVHWMR
Placarding Requirements***

Offered hazardous waste for transportation without appropriate placards

38. The allegations of paragraphs 1 through 37 of this CA are incorporated herein by reference as though fully set forth at length.
39. WVHWMR § 33-20-5.1 incorporates by reference 40 C.F.R. § 262.33, which provides that, before offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation ("DOT") regulations for hazardous materials.
40. From June 27, 2008 to July 2, 2008, Respondent offered for transportation 104 truckloads of hazardous waste from the Facility without placarding or providing the initial transporters with the appropriate placards.
41. Respondent failed to placard or offer transporters the appropriate placards for shipping hazardous waste, in violation of WVHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.33.

COUNTS V and VI
Failure to Comply with WVHWMR
LDR Notice Requirements
Failed to send one-time notifications to two landfills

42. The allegations of paragraphs 1 through 41 of this CA are incorporated herein by reference as though fully set forth at length.
43. WVHWMR § 33-20-10.1, which incorporates by reference 40 C.F.R. § 268.7(a)(2), provides that, if a generator chooses not to make a determination of whether his waste must be treated before it is land disposed, the generator must send a one-time written notice, which includes information specified in the regulation, to each treatment or storage facility receiving the waste, along the initial shipment of each waste.
44. During June and July 2008, the Respondent shipped 104 truckloads of hazardous waste to two treatment, storage or disposal facilities, without determining whether these wastes needed to be treated before land disposal, and without sending the required one-time written land disposal notification form to the facilities receiving the waste.
45. Respondent failed to send a one-time written land disposal notification form that met the requirements of 40 C.F.R. § 268.7(a)(2) for the initial shipments (or any subsequent shipments) of hazardous waste to two treatment, storage or disposal facilities, in violation of WVHWMR § 33-20-10.1, which incorporates by reference 40 C.F.R. § 268.7(a)(2).

IV. CIVIL PENALTIES

46. Respondent agrees to pay a civil penalty in the amount of **Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)**, in settlement and satisfaction of all civil claims for penalties which Complainant may have for the violations alleged in Section III ("EPA Findings of Fact and Conclusions of Law") of this CA. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the CAFO. 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 CAFO is mailed or hand-delivered to Respondent.
47. The civil penalty settlement amount set forth in the paragraph immediately above was determined after consideration of the statutory factors 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. Specifically, EPA has taken into

account the actions undertaken by the Respondent to respond to the violations alleged in this CA. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's June, 2003 "RCRA Penalty Policy," which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19 and the September 21, 2004 memorandum by Acting EPA Assistant Administrator Thomas V. Skinner, entitled *Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Adjustment Rule* ("Skinner Memorandum"). Pursuant to 40 C.F.R. Part 19, and as provided in the Skinner Memorandum, penalties for RCRA violations occurring after January 30, 1997 through March 15, 2004 are subject to a 10% increase (not to exceed a \$27,500.00 per violation statutory maximum penalty) above the penalty guideline amounts set forth in the RCRA Penalty Policy to account for inflation. Penalties for RCRA violations occurring after March 15, 2004 and before January 13, 2009 are subject to an additional 17.23% increase (not to exceed a \$32,500.00 per violation statutory maximum penalty) above the penalty guideline amounts set forth in the RCRA Penalty Policy to account for subsequent inflation. The violations herein alleged occurred after March 15, 2004 and before January 13, 2009, and the civil penalty settlement amount set forth in the paragraph immediately above was further determined in consideration of the applicable penalty inflation adjustments, pursuant to 40 C.F.R. Part 19 and as provided in the Skinner Memorandum.

48. Payment of the civil penalty as required by paragraph 46, 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 Respondent's name and address, and the Docket Number of this action (*Docket No. RCRA-03-2010-0321*);
 - 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

Contact: Eric Volck 513-487-2105

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

Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
U.S. 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 = 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: Jesse White 301-887-6548 or REX, 1-866-234-5681

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://www.epa.gov/ocfo/finservices/make_a_payment.htm

49. At the time of payment, Respondent simultaneously shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

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

and

Natalie L. Katz
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

50. 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, Respondent's 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.
51. 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).

52. 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.
53. 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).
54. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

55. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent is, as of the date of its signature, in compliance with all relevant provisions of the authorized WWHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this CA.

VI. OTHER APPLICABLE LAWS

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

VII. RESERVATION OF RIGHTS

57. 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, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In

addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

- 58. 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.

IX. PARTIES BOUND

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

X. EFFECTIVE DATE

- 60. 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.

XI. ENTIRE AGREEMENT

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 ARCADIS U.S., Inc.:

Date: AUGUST 6, 2010

By:



Steve Niparko
Senior Vice President & General Counsel
ARCADIS U.S., Inc.

For the Complainant:

U.S. Environmental Protection Agency, Region III

Date: 8/9/10

By: 
Natalie L. Katz
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Director of 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: 8/9/10

By: 
Abraham Ferdas, Director
Land and Chemicals Division

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

In Re:

ARCADIS U.S., Inc.
630 Plaza Drive, Suite 200
Highlands Ranch, CO 80129

RESPONDENT.

Sharon Steel - Fairmont Coke Works Site
Fairmont, Marion County, West Virginia
EPA Facility I.D. #WVD000800441,

FACILITY.

Docket No. RCRA-03-2010-0321

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

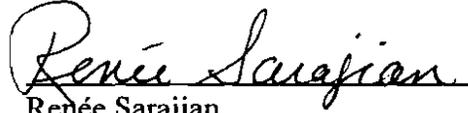
FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, ARCADIS U.S., 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) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA, Region III.

Date: 8/18/10



Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III