

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

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: Joyce Harwell Aug 3, 2010
Name of Contact person Date

in the Office of Regional C. at x2644
office 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
Electronic Service and Design Corporation

The Total Dollar Amount of Receivable \$ 12,000.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-03-2010-0311

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office Land and Chemicals
Div. Office of Land Enforcement

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. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005

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, Pennsylvania 19103

In the Matter of:

Electronic Service and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

Docket No. RCRA-03-2010-0311

RESPONDENT,

Electronic Service and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

CONSENT AGREEMENT

FACILITY.

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA", "Agency" or "Complainant") and Electronic Service and Design Corporation ("Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") 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 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. This Consent Agreement ("CA") and the accompanying Final Order ("FO")(collectively "CAFO") address alleged violations by Respondent of RCRA and the Pennsylvania Hazardous Waste Management Regulations ("PaHWMR"), 25 Pa. Code, Chapters 260a - 270a, which were authorized by EPA on January 30, 1986 and reauthorized by EPA, effective November 27, 2000 (65 Fed. Reg. 57734 (September 26, 2000)), effective March 22, 2004 (69 Fed. Reg. 2674 (January 20, 2004)) and effective June 29, 2009 (74 Fed. Reg. 19453 (April 29, 2009)). The PaHWMR incorporate, with certain exceptions,

specific provisions of Title 40 of the 1999 Code of Federal Regulations by reference. *See* 25 Pa. Code § 260a. 3(e).

3. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached FO (hereinafter jointly referred to as this "CAFO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g) to resolve alleged violations of RCRA at Respondent's facility at 5885 Grayson Road, Harrisburg, Pennsylvania, 17111 (the "Facility").
4. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
5. For purposes of this proceeding, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA, except as provided in Paragraph 4, above.
6. For the purposes of this proceeding only, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
7. For 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.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
9. Each party shall bear its own costs and attorneys fees in connection with this proceeding.

Notice of Action to the Commonwealth of Pennsylvania

10. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

11. Respondent is, and was at the time of the violations alleged herein, a corporation of the Commonwealth of Pennsylvania, and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903 (15), and as defined in 25 Pa. Code § 260a.10.
12. Respondent is, and has been at all times relevant to this Consent Agreement, the "owner"

- and “operator” of a “facility”, described below, as those terms are defined in 25 Pa. Code § 260a.1, which, with the exception, among others, of the term “facility,” incorporates by reference 40 C.F.R. § 260.10, and with respect to the term “facility”, as defined in 25 Pa. Code § 260a.10.
13. The facility referred to in Paragraph 12, above, including all of its associated equipment and structures (hereinafter a “Facility”), is a manufacturing facility located at 5885 Grayson Road Harrisburg, Pennsylvania, 17111.
 14. Respondent manufactures printed circuit boards at the Facility.
 15. Respondent is and was at the time of the violations alleged herein, a large quantity generator of hazardous waste, i.e. a person who generates 1000 kg. or more of hazardous waste per calendar month. Respondent is assigned EPA ID No. PAD987332715.
 16. Respondent is a “small quantity handler of universal waste,” as that term is defined in 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9, with exceptions not relevant herein.
 17. Respondent is and, at all times relevant to this CAFO, has been a “generator” of, and has engaged in the “storage” in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes”, as those terms are defined in 25 Pa. Code § 260a.1, which, with the exception, among others, of “storage,” incorporates by reference 40 C.F.R. § 260.10, and, with respect to the term “storage,” as defined in 25 Pa. Code § 260a.10.
 18. On May 28, 2009, representatives of EPA conducted a RCRA Compliance Evaluation Inspection (“RCRA CEI”) at the Facility.
 19. Material identified by Respondent as “used towels” is a waste stream generated at the Facility that contains lacquer and/or acetone.
 20. The used towels containing laquer and/or acetone generated at the Facility are “hazardous waste” within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.21, because the used towels exhibit the characteristic for ignitability within the meaning of 25 Pa. Code § 261a.1.
 21. Respondent generates sludge at the Facility’s onsite wastewater treatment plant. This sludge is F006 listed hazardous waste within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.30.
 22. Respondent generates used bag filters and wound filters at the Facility’s onsite wastewater treatment plant. The used bag filters and wound filters are F006 listed hazardous waste within the meaning of 25 Pa. Code § 261a.1, which incorporates by

reference 40 C.F.R. § 261.30.

COUNT I

(Operating Without Qualifying for a Permit Exemption or Obtaining a Permit)

23. The preceding Paragraphs are re-alleged and incorporated by reference.
24. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e) provide, in pertinent part, that a person may not operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
25. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste in containers on-site for 90 days or less without a permit or having interim status provided that, among other things, while being stored on-site, each container holding hazardous waste must be kept closed during storage, except when it is necessary to add or remove waste, as provided in 40 C.F.R. Part 265, Subpart I (including 40 C.F.R. § 265.173(a)).
26. At the time of the May 28, 2009 RCRA CEI, Respondent failed to keep containers used for storage of hazardous waste described in Paragraphs 19 – 22 above, closed at all times except when adding or removing waste as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (a)(1)(i), which in turn references 40 C.F.R. Part 265, Subpart I (including 40 C.F.R. § 265.173(a)).
27. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, while being accumulated on site, each container is labeled with the words “Hazardous Waste.
28. At the time of the May 28, 2009 RCRA CEI, Respondent did not label containers used for storage of hazardous waste described in Paragraphs 19 – 22 above with the words “Hazardous Waste” as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (a)(3).
29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1), provides, in pertinent part, that a generator who generates 1,000 kg or more of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status provided that, among other things, the waste is placed in containers, tanks, on drip pads, or in containment buildings.

30. At the time of the May 28, 2009 RCRA CEI, Respondent failed to place certain hazardous waste described in Paragraphs 19 – 22 above in containers, tanks, on drip pads, or in containment buildings, as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1).
31. Respondent failed to qualify for the “less than 90-day” generator accumulation exemption of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), by failing to satisfy the conditions for such exemptions as set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), as described in referred to in Paragraphs 26, 28 and 30, above.
32. By failing to meet the criteria for exemption, the Facility became a hazardous waste treatment, storage or disposal “facility”, as that term is defined by 25 Pa. Code § 260a.10, with respect to such activities.
33. At the time of the May 28, 2009 RCRA CEI, Respondent engaged in the thermal “treatment” of used towels containing lacquer and/or acetone at the Facility as that term is defined at 25 Pa. Code § 261a.1.
34. Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for its hazardous waste storage and treatment activities described in this count.
35. Respondent does not have, and never had, a permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the storage or treatment of hazardous waste at the Facility.
36. Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage and treatment facility without a permit or interim status.

COUNT II
(Container Management)

37. The preceding Paragraphs are re-alleged and incorporated by reference.
38. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173 (a), Respondent is required to keep containers of hazardous waste closed during storage except when it is necessary to add or remove waste.
39. At the time of the May 28, 2009 RCRA CEI, Respondent failed to keep containers used for the storage of hazardous waste closed at all times except when adding or removing waste as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R.

§ 264. 173(a).

40. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264. 173(a), by failing to keep containers of hazardous waste closed during storage except when adding or removing waste.

COUNT III
(Universal Waste Storage)

41. The preceding Paragraphs are re-alleged and incorporated by reference.
42. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), Respondent is required to keep universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps.
43. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), Respondent is required to keep containers or packages of universal waste lamps closed.
44. At the time of the May 28, 2009 RCRA CEI, EPA inspectors observed eight universal waste lamps without containers and fifteen universal waste lamps in an open container in storage at the Facility.
45. Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to keep universal waste lamps in containers, and by failing to keep a container of universal waste lamps closed.

COUNT IV
(Universal Waste Labeling)

46. The preceding Paragraphs are re-alleged and incorporated by reference.
47. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e)(1), Respondent is required to label containers or packages of universal waste lamps with the words "Universal Waste-Lamps," or "Waste Lamp(s)," or "Used Lamp(s)."
48. At the time of the May 28, 2009 RCRA CEI, EPA inspectors observed a container of universal waste lamps at the Facility that was not labeled with the words "Universal Waste-Lamps," or "Waste Lamp(s)," or "Used Lamp(s)."
49. Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), by failing to label a universal waste lamps container.

COUNT V
(Annual Refresher Training)

50. The preceding Paragraphs are re-alleged and incorporated by reference.
51. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1), requires that Facility personnel successfully complete a program of classroom training or on-the-job training that teaches them to perform their duties in a way that ensures the Facility's compliance with the requirements of 40 C.F.R. Part 264, Subpart B.
52. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), requires that Facility personnel take part in an annual review of the initial training referred to Paragraph 51, above.
53. Two of Respondent's employees responsible for hazardous waste management at the Facility did not receive an annual review of the initial training referred to Paragraph 52 in 2007.
54. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), by failing to provide two of its employees with an annual review of the initial training.

COUNT VI
(Job Descriptions)

55. The preceding Paragraphs are re-alleged and incorporated by reference.
56. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d), Respondent was required to maintain at the Facility documents and records which indicated: 1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; 2) A written job description for each position at the facility related to hazardous waste management; and 3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management.
57. At the time of the May 28, 2009 RCRA CEI, Respondent did not maintain documents meeting the requirements described in Paragraph 56, above, in violation of 25 PA Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d).
58. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d), by failing to maintain documents and records at the Facility as required by

25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d).

III. COMPLIANCE ORDER

Respondent shall perform the following Compliance Tasks set forth in this Section within the time specified. Respondent shall certify completion of such Compliance Tasks in accordance with paragraph 62 no later than one hundred (100) days after Respondent's receipt of the fully executed CAFO. "Days" as used herein shall mean calendar days unless specified otherwise.

59. Immediately cease the treatment and/or storage of hazardous wastes at the Facility except in accordance with a permit issued by, or an exemption or exclusion allowed by, the federally authorized Pennsylvania Hazardous Waste Management Regulations ("PaHWMR"), 25 Pa. Code, Chapters 260a-270a, and/or EPA's hazardous waste management regulations, 40 C.F.R. Parts 260 -271, as applicable.
60. Within 30 days after Respondent's receipt of the fully executed CAFO, ensure that all employees whose duties require them to manage hazardous waste have been trained to perform their duties in a way that ensures the Facility's compliance with RCRA requirements as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d).
61. Within 30 days after Respondent's receipt of the fully executed CAFO, ensure that documents and records which indicate: 1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; 2) A written job description for each position at the facility related to hazardous waste management; and 3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management are maintained at the Facility.
62. Submissions to EPA: Any notice, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of the Respondent:

I certify under penalty of law that this document and all attachments are true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Except as otherwise provided herein, notifications or submissions to EPA required by this Compliance Order shall be sent to the attention of:

Martin Matlin (3LC70)
RCRA Enforcement and Compliance Officer
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029; and

Joyce A. Howell (3RC30)
Sr. Asst. Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

IV. CIVIL PENALTIES

- 63. Respondent agrees to pay a civil penalty in the amount of \$12,000 in settlement of the alleged violations, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the executed and filed CAFO subject to Paragraph 65, below.
- 64. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount 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

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, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) of RCRA for the violations alleged in this CAFO.

65. The civil penalty of **\$12,000.00** in Paragraph 63, above, may be paid in twelve (12) installments with interest at the rate of three percent (3%) per annum on the outstanding principal balance in accordance with the following schedule:

- a. 1st Payment: The first payment in the amount of \$1,000.00, consisting of a principal payment of \$1,000.00 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- b. 2nd Payment: The second payment in the amount of \$1,009.04, consisting of a principal payment of \$1,000.00 and an interest payment of \$9.04, shall be paid within sixty (60) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- c. 3rd Payment: The third payment in the amount of \$1,008.22, consisting of a principal payment of \$1,000.00 and an interest payment of \$8.22, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- d. 4th Payment: The fourth payment in the amount of \$1,007.40, consisting of a principal payment of \$1,000.00 and an interest payment of \$7.40, shall be paid within one hundred and twenty (120) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- e. 5th Payment: The fifth payment in the amount of \$1,006.58, consisting of a principal payment of \$1,000.00 and an interest payment of \$6.58, shall be paid within one hundred and fifty (150) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- f. 6th Payment: The sixth payment in the amount of \$1,005.75, consisting of a principal payment of \$1,000.00 and an interest payment of \$5.75, shall be paid within one hundred and eighty (180) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- g. 7th Payment: The seventh payment in the amount of \$1,004.93, consisting of a principal payment of \$1,000.00 and an interest payment of \$4.93, shall be paid within two hundred and ten (210) days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- h. 8th Payment: The eighth payment in the amount of \$1,004.11, consisting of a principal payment of \$1,000.00 and an interest payment of \$4.11, shall be paid within two hundred and forty (240) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- i. 9th Payment: The ninth payment in the amount of \$1,003.29, consisting of a principal payment of \$1,000.00 and an interest payment of \$3.29, shall be paid within two hundred and seventy (270) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- j. 10th Payment: The tenth payment in the amount of \$1002.47, consisting of a principal payment of \$1,000.00 and an interest payment of \$2.47, shall be paid within three hundred (300) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- k. 11th Payment: The eleventh payment in the amount of \$1001.64, consisting of a principal payment of \$1,000.00 and an interest payment of \$1.64, shall be paid within three hundred and thirty (330) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- l. 12th Payment: The twelfth payment in the amount of \$1000.82, consisting of a principal payment of \$1,000.00 and an interest payment of \$0.82, shall be paid within three hundred and sixty (360) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

66. Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of \$12,000.00 and total interest payments in the amount of \$54.25.

67. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 65, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 72 - 74, below, in the event of any such failure or default.

68. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 65, above, Respondent may pay the entire civil penalty of **\$12,000.00** within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as described in Paragraphs 65 and 73, below. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire

principal balance, together with accrued interest to the date of such full payment.

69. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 65, above, and/or the full penalty, pursuant to Paragraphs 68, above, and/or any administrative fees and late payment penalties, in accordance with Paragraphs 72 - 74, below, by either cashier's check, certified check, or electronic wire transfer, as set forth in Paragraph 70.
70. Payment of the civil penalty amount assessed above in Paragraph 63 and any applicable interest charges shall be made either by 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, RCRA-03-2010-0311;
 - 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 to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
 - D. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028
 - E. 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.I. King Drive
Cincinnati, OH 45268-001

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 Clearing House (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 form and complete the required fields

I. Additional payment guidance is available at:

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

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)

1650 Arch Street
Philadelphia, PA 19103-2029

and

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

71. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
72. 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 in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
73. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the executed and filed 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).
74. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the 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. A penalty charge of six percent per year will be assessed monthly on any portion of the 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 the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

V. EFFECT OF SETTLEMENT

75. The settlement agreed to herein shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Sections 3008(a) and (g), for

the specific violations alleged in Counts I through VI, 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.

VI. RESERVATION OF RIGHTS

76. This CAFO resolves only EPA's claims for civil 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 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.

VII. OTHER APPLICABLE LAWS

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

VIII. PARTIES BOUND

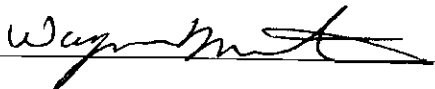
78. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on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

IX. EFFECTIVE DATE

79. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent, Electronic Service and Design Corporation

Date: 8/9/10

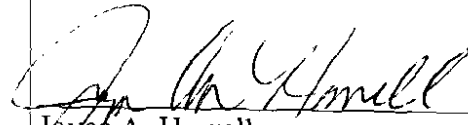
By: 

Name Wayne Martin

Title Sales Manager
Electronic Service and Design Corporation

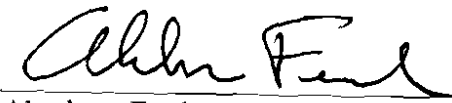
For Complainant, United States Environmental Protection Agency, Region III:

Date: 8/31/2010

By: 
Joyce A. Howell
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 9/7/10

By: 
Abraham Ferdas
Director
Land and Chemicals Division

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

In the Matter of:

Electronic Services and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

Docket No. RCRA-03-2010-0311

RESPONDENT,

Electronic Services and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

FACILITY.

FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Electronic Services and Design Corporation, have executed a document entitled "Consent Agreement," which I hereby ratify 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 40 C.F.R. §§ 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.

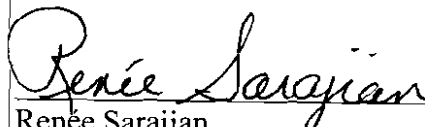
NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act of 1976, as amended by, inter alia, the Hazardous and Solid Waste

PHILADELPHIA
REGION III
EPA

Amendments of 1984 (RCRA), 42 U.S.C. Section 6928(a), and the Consolidated Rules of Practice, and having determined, on the basis of the parties' representations in the Consent Agreement, that the penalty agreed to therein by the parties is based on a consideration of the factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), it is hereby ordered that Respondent pay \$12,000 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

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

9/9/10
Date


Renée Sarajian
Regional Judicial Officer

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

In the Matter of:

Electronic Service and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

Docket No. RCRA-03-2010-0311

RESPONDENT,

Electronic Service and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111


FACILITY.

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by UPS next day delivery, a copy of the CONSENT AGREEMENT AND FINAL ORDER to the addressee listed below. The original and two copies of the same were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Mr. Wayne Martin
Electronic Service and Design Corporation
5885 Grayson Road
Harrisburg, PA 17111

Dated September 9, 2010


Joyce A. Howell