

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

REGIONAL HEARING CLERK
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In Re: :
: :
Dura Bond Pipe, LLC : Docket No. RCRA-03-2014-0253
2716 South Front Street :
Steelton, PA 17113 :
: :
RESPONDENT : CONSENT AGREEMENT
: :
2716 South Front Street : Proceeding under 3008(a) and (g) of the
Steelton, PA 17113 : Resource Conservation and Recovery
: Act, *as amended*, 42 U.S.C. § 6928(a) and (g)
: :
FACILITY :

I. PRELIMINARY STATEMENT

1. This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant” or “EPA”), and Dura Bond Pipe, LLC (“Dura Bond” or “Respondent”), pursuant to 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. Pursuant to § 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, this CA and the attached Final Order (“FO,” hereinafter jointly referred to as the “CA/FO”) both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent’s facility at 2716 South Front Street, Steelton, PA 17113 (the “Facility”).
2. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the “Pennsylvania Hazardous Waste Management Program”) in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Regulations (“PaHWR”) were authorized by the U.S. Environmental Protection Agency (“EPA” or the “Agency”) pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWR subsequently were revised, and thereafter re-authorized by EPA, on three separate occasions (September 26, 2000, January 20, 2004 and April 29, 2009). Such authorized revised PaHWR requirements and provisions became effective on November 27, 2000, March 22, 2004 and June 29, 2009, respectively. The provisions of Pennsylvania’s current authorized revised PaHWR, codified at 25 Pa. Code Chapters

260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporates by reference certain federal hazardous waste management regulations that were in effect as of May 1, 1999 for the November 27, 2000 PaHWR authorization, and in effect on September 25, 2003 for the March 22, 2004 PaHWR authorization. Neither the 2004 nor the 2009 authorization make any changes to the November 27, 2000 PaHWR that are relevant to the violations set forth herein.
4. This CA is entered into by Complainant and Respondent to address the violations alleged in the Findings of Fact, as set forth below.
5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA, as set forth in this CA/FO.
6. For the purposes of this proceeding only, Respondent neither admits nor denies the Findings of Fact contained in this CA, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 5, above.
8. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
9. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
10. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
11. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the Commonwealth of Pennsylvania

12. On November 4, 2013, EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PaDEP"), giving Pennsylvania 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

13. This section represents the Findings of Fact and Conclusions of Law made by Complainant in this matter in accordance with § 22.13(b) and 22.18(b)(2) and (3). As set forth in Paragraphs 6 and 7, above, Respondent neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 9, above.
14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10.
15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 2716 South Front Street, Steelton, PA 17113 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and, with respect to the term “facility”, as defined in 25 Pa. Code § 260a.10.
16. On June 12, 2013, representatives from EPA conducted a Compliance Evaluation Inspection (the “Inspection”) of the Facility. At the time of the Inspection, and at all times relevant to the violations alleged in this CAFO, Respondent generated at least 1000 kg of hazardous waste per month and was a large quantity “generator” of “hazardous waste” at the Facility as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 and 40 C.F.R. § 262.34(d) as incorporated by reference into 25 Pa. Code § 262a.10, and a small quantity “handler” of universal hazardous waste as defined by 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9. The Facility’s RCRA ID No. is PAR000002105.
17. At the time of the Inspection, Respondent was engaged in the “storage” of “hazardous waste” in “containers” at the Facility as described herein, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1, and, with respect to the term “storage” as defined in 25 Pa. Code § 260a.10.

COUNT I

(Operating a Treatment, Storage, or Disposal Facility Without a Permit or Interim Status)

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.

20. At all times relevant to this CA, Respondent was the “generator” of “hazardous waste,” as these terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 25 Pa. Code § 260a.1.
21. At all times relevant to this CA, Respondent engaged in the “storage,” as that term is defined in 25 Pa. Code § 260a.10, of “hazardous waste” in “container[s]” as those terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 25 Pa. Code § 260a.1, at the Facility. At the time of the Inspection, EPA inspectors observed the following containers of hazardous waste at the Facility:
 - a. Two (2) boxes of “universal waste lamps” as defined in 40 C.F.R. § 273.9, as incorporated by reference by 25 Pa Code § 266b.1, in the Shape Area;
 - b. Approximately 12 loose “universal waste lamps” placed on a rack in the Shape Area;
 - c. One (1) 55-gallon drum filled with used gloves and rags, located in the Reclamation Building; and
 - d. Two (2) 55-gallon drums of hazardous waste in the Hazardous Waste Storage Area.
22. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), large quantity generators of hazardous waste who accumulate hazardous waste in containers, tanks, drip pads, or containment buildings on-site for less than ninety (90) days are exempt from the requirement to obtain a permit for such accumulation, as long as the hazardous waste is stored in accordance with a number of conditions set forth in that section including, specifically, the requirement that the generator comply with the applicable requirements of Subparts I, BB, and CC of 40 C.F.R. Part 265.
23. To qualify for the 90-day storage exemption from permit requirements, the generator of hazardous waste must also comply with a series of requirements specified in 25 Pa. Code § 262a.10, which incorporates by reference by 40 C.F.R. § 262.34(a). The following acts or omissions, further described in the Counts below, prevent Respondent from qualifying for the exemption from permit requirements on June 12, 2013:
 - a. Respondent failed to conduct weekly inspections of hazardous waste container storage areas of the Facility as required by 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.174;
 - b. Respondent failed to update its Facility’s contingency plan as required by 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.54; and

- c. Respondent failed to mark several containers of hazardous waste 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).
24. Respondent's Facility is a hazardous waste treatment, storage or disposal "facility", as that term is defined by 25 Pa. Code § 260a.10, with respect to the activities described in Paragraph 21, above.
25. Respondent has 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 of RCRA, 42 U.S.C. § 6925, for the storage of hazardous waste at the Facility.
26. Respondent was required by 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), to obtain a permit for the activities described in Paragraphs 21 through 23, above.
27. On June 12, 2013, Respondent violated 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), by storing hazardous waste in containers at the Facility without a permit, interim status or valid exemption.

COUNT II
(Failure to Make a Hazardous Waste Determination)

28. The allegations of Paragraphs 1 through 27 of this CA/FO are incorporated herein by reference as though fully set forth at length.
29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, provides that a person who generates a solid waste must determine whether that waste is a hazardous waste using the method set forth in 40 C.F.R. § 262.11.
30. On June 12, 2013, Respondent failed to make hazardous waste determinations for the following solid wastes that were generated at the Facility:
 - a. Aerosol cans, paint thinner, and a container of old paint accumulated pending disposal in the Shape Area (EPA Hazardous Waste Code D001 (Ignitable));
 - b. Aerosol cans and paint cans placed in trash receptacles in the Hazardous Waste Storage Area (EPA Hazardous Waste No. D001(Ignitable));
 - c. Several 5-gallon cans of paint, open and waiting for disposal in the Paint Spray Area (EPA Hazardous Waste No. D001(Ignitable)); and

- d. Several 5-gallon cans of paint, as well as containers of flammable liquid, open and waiting for disposal in the Reclamation Building Area (EPA Hazardous Waste No. D001(Ignitable)).
- 31. On June 12, 2013, Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, by failing to make hazardous waste determinations for the solid wastes identified in Paragraph 30.a.-d., above, at the Facility.

COUNT III
(Failure to Conduct Weekly Inspections)

- 32. The allegations of Paragraphs 1 through 31 of this CA/FO are incorporated herein by reference.
- 33. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, provides that at least weekly, the owner or operator of a hazardous waste treatment, storage or disposal facility shall inspect areas where hazardous waste containers are stored looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.
- 34. For the time period commencing on or about September 14, 2012 and continuing through on or about May 22, 2013, Respondent failed to inspect, at least weekly, areas at the Facility where hazardous waste containers were being stored, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors. Specifically, Respondent failed to inspect the Facility's Hazardous Waste Storage Area, the Reclamation Area, and the Outdoor Paint Shed.
- 35. For the time period commencing on or about September 14, 2012 and continuing through on or about May 22, 2013, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, by failing to inspect, at least weekly, areas at the Facility identified in Paragraph 34, above, where hazardous waste containers were being stored by looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

COUNT IV
(Failure to Update Contingency Plan)

- 36. The allegations of Paragraphs 1 through 35, above, are incorporated herein by reference as though fully set forth at length.
- 37. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.54(d), provides that the Facility's contingency plan must be reviewed and immediately updated when the list of emergency coordinators changes.

38. During the June 12, 2013 Inspection, EPA inspectors observed that the Facility's Contingency Plan, dated January 12, 2012, failed to include the current names, addresses and phone numbers (office and home) for those individuals qualified to act as emergency coordinator; an evacuation plan and exit route.
39. On June 12, 2013, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.54(d), by failing to update the Facility's Contingency Plan with all of the required current information.

COUNT V
(Failure to Close Containers of Universal Waste Lamps)

40. The allegations of Paragraphs 1 through 39, above, are incorporated herein by reference as though fully set forth at length.
41. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal hazardous waste, specifically, universal waste "lamps," as defined in 40 C.F.R. §§ 273.5 and 273.9, contain such lamps in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
42. On June 12, 2013, Respondent was storing (2) boxes of universal waste lamps in the Facility's Shape Area that were not closed.
43. On June 12, 2013, Respondent stored approximately 12 loose universal waste lamps on a rack, not contained in a container, in the Facility's Shape Area.
44. On June 12, 2013, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to store universal waste lamps in closed containers.

COUNT VI
(Failure to Label Containers of Universal Waste Lamps)

45. The allegations of Paragraphs 1 through 44, above, are incorporated herein by reference as though fully set forth at length.
46. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), requires of small quantity handlers of universal waste that each lamp, or container or package containing such lamps, be clearly marked or labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

47. On June 12, 2013, Respondent was storing two (2) boxes of universal waste lamps in the Facility's Shape Area and the boxes (i.e. containers) were not labeled with one of the phrases set forth in Paragraph 46, above.
48. On June 12, 2013, Respondent was storing approximately 12 loose universal waste lamps, placed on a rack in the Facility's Shape Area none of which had been labeled with one of the phrases set forth in Paragraph 46, above.
49. On June 12, 2013, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. §§ 273.14(e), by storing at the Facility two containers of used universal waste lamps and approximately 12 loose universal waste lamps without labels containing one of the phrases set forth in Paragraph 46, above.

COUNT VII

(Failure to Demonstrate Duration of Universal Waste Accumulation)

50. The allegations of Paragraphs 1 through 49, above, are incorporated herein by reference as though fully set forth at length.
51. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated. This demonstration may be performed by marking or labeling the waste or the container with the earliest date that the universal waste became a waste or was received; maintaining an inventory system on-site that identifies the earliest date that any universal waste became a waste or was received; placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or by any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
52. On June 12, 2013, Respondent was storing two (2) boxes of universal waste lamps in the Facility's Shape Area that were not labeled with accumulation start dates nor in accordance with one of the other methods as set forth in Paragraph 51, above.
53. On June 12, 2013, Respondent was storing approximately 12 loose universal waste lamps, placed on a rack in the Facility's Shape Area that were not labeled with accumulation start dates nor in accordance with one of the other methods as set forth in Paragraph 51, above.
54. On June 12, 2013, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference the requirements of 40 C.F.R. § 273.15(c), by failing to mark or label containers of universal waste lamps at the facility with the earliest date that the universal

waste became a waste or was received; maintaining an inventory system on-site that identifies the earliest date that any universal waste became a waste or was received; placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or by any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

III. CIVIL PENALTIES

55. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA/FO, Respondent consents to the assessment of a civil penalty in the amount of **FORTY-FIVE THOUSAND AND FORTY DOLLARS (\$45,040.00)**, 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 signed copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the initial installment payment of the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
56. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has also considered the Adjustment of Civil Penalties for Inflation, 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* ("Kelley Memorandum").
57. The civil penalty of \$45,040.00 set forth in Paragraph 55, above, shall be paid in three (3) quarterly installments with interest at the rate of 1 percent per annum on the outstanding principal balance in accordance with the following schedule:
- a. The first payment in the amount of Fifteen-Thousand, One-Hundred Thirteen Dollars and Thirty-Four Cents (\$15,013.34), consisting of a principal payment of \$15,013.34 and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.

- b. The second payment in the amount of Fifteen-Thousand, One-Hundred Twelve Dollars and Forty-Two Cents (\$15,112.42), consisting of a principal payment of \$15,013.33 and an interest payment of \$99.09, shall be paid within one-hundred and fifty (150) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
 - c. The third payment in the amount of Fifteen-Thousand, Fifty Dollars and Eighty-Six Cents (\$15,050.86), consisting of \$15,013.33 and an interest payment of \$37.53, shall be paid within two-hundred and ten (210) days of the date on which this CA/FO is mailed or hand-delivered to Respondent.
- 58. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 57, 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 64, 65, 66, below, in the event of any such failure or default.
- 59. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 57, above, Respondent may pay the entire civil penalty of \$45,040.00 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 Paragraph 63, 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.
- 60. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 57, above, and/or the full penalty, pursuant to Paragraphs 58 and 59, above, plus any interest, administrative fees, and late payment penalties, in accordance with Paragraphs 64, 65 and 66, below, by either certified check or cashier's check, or by electronic funds transfer, in the following manner:
 - a. All payments by Respondents shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2014-0253;
 - 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
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Customer service contact: 513-487-2091

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

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

Contact: 314-418-1818

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

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 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

US Treasury Contact Information
Joseph Schmid: 202-874-7026
Remittance Express (REX): 866-234-5681

- h. On-Line Payment Option: WWW.PAY.GOV

Enter **sfo 1.1** in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

Or by contacting Craig Steffen at 513-487-2091

61. At the time of payment, Respondent 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

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

62. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CA/FO.

63. Pursuant to 31 U.S.C. Section 3717 and 40 C.F.R. Section 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 or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
64. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this CA/FO 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. Section 13.11(a).
65. 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. Section 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 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. Section 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).

IV. CERTIFICATION OF COMPLIANCE

67. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of its execution of this CA/FO, is in compliance with the provisions of RCRA, Subtitle C, 42 U.S.C. §§ 6901 – 6939f, and the Commonwealth of Pennsylvania's federally authorized hazardous waste program set forth at 25 Pa. Code §§ 260a.1 *et seq.*, at the Facility referenced herein. This certification is based on the personal knowledge of the signer or an inquiry of the person or persons responsible for the Facility's compliance with Subtitle C of RCRA.

V. OTHER APPLICABLE LAWS

68. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

69. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, 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 there under, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

70. The settlement set forth in this CA/FO shall constitute full and final satisfaction of Complainant's claims for civil penalties which Complainant has under Section 3008(a) and (g) of RCRA 42 U.S.C. § 6928(a) and (g), for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

71. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

72. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

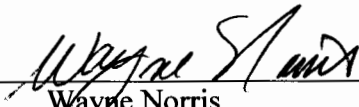
X. ENTIRE AGREEMENT

73. This CA/FO 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 CA/FO.

For the Respondent:

Dura-Bond Pipe, LLC

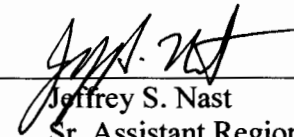
Date: 9-22-2014

By: 
Wayne Norris
President, Dura Bond Pipe LLC

For the Complainant:


U.S. Environmental Protection Agency, Region III

Date: 9/25/14

By: 
Jeffrey S. Nast
Sr. Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee, the Regional Judicial Officer, issue the accompanying Final Order.

Date: 9.26.14

By: 
John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029**

In Re:	:	
	:	
Dura Bond Pipe, LLC	:	Docket No. RCRA-03-2014-0253
2716 South Front Street	:	
Steelton, PA 17113	:	
	:	
RESPONDENT	:	FINAL ORDER
	:	
2716 South Front Street	:	Proceeding under 3008(a) and (g) of the
Steelton, PA 17113	:	Resource Conservation and Recovery
	:	Act, <i>as amended</i> , 42 U.S.C. § 6928(a) and (g)
FACILITY	:	

FINAL ORDER


Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, **Dura Bond Pipe, LLC**, have executed a document entitled "Consent Agreement" which I 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 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 22.18(b)(3) of the Consolidated Rules of Practice and 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 FORTY-FIVE THOUSAND AND FORTY DOLLARS (\$45,040.00) 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: 9-29-14

BY: 
Heather Gray
Regional Judicial Officer
United States Environmental Protection Agency
Region III

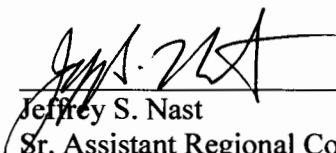
**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029**

In Re:	:	
	:	
	:	
	:	
Dura Bond Pipe, LLC	:	Docket No. RCRA-03-2014-0253
2716 South Front Street	:	
Steelton, PA 17113	:	
	:	
	:	
RESPONDENT	:	CERTIFICATE OF SERVICE
	:	
2716 South Front Street	:	
Steelton, PA 17113	:	
	:	
	:	
FACILITY	:	

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, In Re: Dura Bond Pipe, Docket No. RCRA-03-2014-0253, to the persons and addresses listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

**Wayne Norris, President
Dura Bond Pipe, LLC
2716 South Front Street
Steelton, PA 17113**

Dated: 9/29/2014



 Jeffrey S. Nast
 Sr. Assistant Regional Counsel
 Office of Regional Counsel
 EPA, Region III
 1650 Arch Street
 Philadelphia, PA 19103-2029