

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

This form was originated by: Cheryl Jamison May 23-2011  
Name of Contact person Date

in the Office Reg Counsel, Reg 3, Philadelphia at 215 814 2375  
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 Company making payment: JP Cerini Technologies, Inc.

The Total Dollar Amount of Receivable: \$ 30,000.00 - 2 YR Payment Schedule  
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number TSCA-03-2001-0178

The Site-Specific Superfund Acct. Number \_\_\_\_\_

The Designated Regional/HQ Program Office Lands Chemicals Division

**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
- 2. Designated Program Office
- 3. Regional Hearing Clerk

*Attach SCAFO w/ payment schedule for two years  
See pp. 9-14.  
cj*

Received  
2011 June 29 PM 12:17  
Regional Hearing (Next)  
EPA Region Hearing - Philadelphia

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

**In Re:** :  
  
**JP Cerini Technologies, Inc.** : **Docket No. RCRA-03-2011-0178**  
**4600 N. Fairhill St.** :  
**Philadelphia, PA 19140** :  
: **CONSENT AGREEMENT**  
**RESPONDENT** :  
  
**4600 N. Fairhill St.** :  
**Philadelphia, PA 19140** :  
  
**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 JP Cerini Technologies, Inc. ("Cerini" 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 Section 22.13(b) 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 4600 N. Fairhill St., Philadelphia, PA 19140 (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. §§ 6921-6939e. 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 June 8, 2009, 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. 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 4600 N. Fairhill St., Philadelphia, PA 19140 (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 August 20, 2009 and September 1, 2009, representatives from EPA and the Pennsylvania Department of Environmental Protection ("PADEP") conducted a Compliance Evaluation Inspection (August) and a Case Development Inspection (September) of the Facility. At the time of the August 20, 2009 inspection, and at all times relevant to the violations alleged in this CA/FO, Respondent was a "generator" of greater than 100kg and less than 1000kg of "hazardous waste" at the Facility described herein as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1.
17. At the time of the August 20, 2009 inspection, and at all times relevant to this CA/FO, 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/or as defined in 25 Pa. Code § 260a.10.
18. On February 18, 2010, EPA issued a formal information request letter ("IRL") to Respondent pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a). Respondent responded to the IRL on April 13, 2010, May 18, 2010, and November 5, 2010 respectively.

### **COUNT I**

**(Operating a treatment, storage, or disposal facility without a permit or interim status)**

19. The allegations of Paragraphs 1 through 18 of this Consent Agreement are incorporated

herein by reference.

20. 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.
21. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d), generators of hazardous waste who accumulate hazardous waste in containers, tanks, drip pads, or containment buildings on-site for less than one hundred and eighty (180) 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.
22. From August 20, 2007 until September 23, 2009, Respondent was storing three fifty-five gallon containers of waste paint, EPA Hazardous Waste No. D001, at the Facility, for a time period greater than one hundred eighty (180) days. From August 20, 2009 until August 10, 2010, Respondent was storing three fifty-five gallon containers of spent methyl ethyl ketone (MEK), EPA Hazardous Waste No. F005, at the Facility, for a time period greater than one hundred and eighty (180) days.
- | <u>Dates in Storage</u>    | <u>No. of Days in Storage</u> | <u>Storage ≥ 180 Days</u> |
|----------------------------|-------------------------------|---------------------------|
| D001:                      |                               |                           |
| From 8/20/07 until 9/23/09 | 766                           | 586                       |
| F005:                      |                               |                           |
| From 8/20/09 until 8/10/10 | 322                           | 142                       |
23. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(2) (which in turn incorporates 40 C.F.R. § 265.173(a)), provides that a container holding hazardous waste must always be closed during storage, except when necessary to add or remove waste.
24. 25 PA Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(iii), provides that a generator must ensure that all employees are thoroughly familiar with proper waste handling procedures, relevant to their responsibilities during normal facility operations and emergencies.
25. 25 PA Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(4), requires that generators who generate greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month must comply with the requirements of 40 C.F.R. § 262.34(a)(2) and (3), which provide that the date upon which each accumulation period begins is clearly marked on each container and that each container is labeled or marked with the words "hazardous waste".

26. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (d)(2), which in turn incorporates 40 C.F.R. § 265.174, the owner or operator of a facility generating hazardous waste must inspect, at least weekly, the areas where containers are stored.
27. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (d)(5)(ii)(A), the hazardous waste generator must post the name and telephone number of the emergency coordinator next to the telephone.
28. On August 20, 2009, Respondent was storing two fifty-five gallon containers of spent MEK, EPA Hazardous Waste No. F005, and one five-gallon bucket of spent lacquer thinner, EPA Hazardous Waste No. D001, at the Facility which were open even though it was not necessary to add or remove waste.
29. From at least August 2007 until July 2010, Respondent failed to ensure that employees who handle hazardous waste are thoroughly familiar with proper waste handling procedures.
30. On August 20, 2009, Respondent was storing two fifty-five gallon containers of alkaline cleaner, EPA Hazardous Waste Code No. D002, three fifty-five gallon containers of spent MEK, EPA Hazardous Waste No. F005, one five-gallon container of spent lacquer thinner, EPA Hazardous Waste No. D001, and three fifty-five gallon containers of waste paint, EPA Hazardous Waste No. D001, at the Facility, which were not marked with the accumulation start dates and not marked with the words "hazardous waste".
31. From January through November, 2009, Respondent failed to conduct weekly inspections of areas at the Facility where hazardous waste containers were being stored.
32. On August 20, 2009, Respondent failed to post next to the telephone, the name of an emergency coordinator, at the Facility.
33. From at least August 20, 2007 through August 10, 2010, "hazardous wastes" referred to in Paragraphs 22 - 30, above, generated by Respondent were in "storage" in "containers" at the Facility as those terms are defined by 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10 and, with respect to the term "storage," as defined in 25 Pa Code § 260a.10.
34. Respondent failed to qualify for the "less than 180 day" generator accumulation exemption of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d), for the activities described in Paragraphs 22 through 32, above, by failing to

satisfy the conditions for such exemption as set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d).

35. 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 Paragraphs 22 through 32, above.
36. 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.
37. 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 the activities described in Paragraphs 22 through 32, above.
38. From at least August 20, 2007 to August 10, 2010, 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 storing hazardous waste at the Facility without a permit, interim status or valid exemption.

#### COUNT II

##### (Failure to perform hazardous waste determinations)

39. The allegations of Paragraphs 1 through 38 of this CA/FO are incorporated herein by reference as though fully set forth at length.
40. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, shall determine if that waste is a hazardous waste using the following method:
  - (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4 .
  - (b) He must then determine if the waste is listed as a hazardous waste in Subpart D of 40 C.F.R. Part 261.
  - (c) If the waste is not listed in Subpart D of 40 C.F.R. Part 261, the generator must then determine whether the waste is identified in Subpart C of 40 C.F.R. Part 261 by either:
    - (A) testing the waste, or
    - (B) applying knowledge of the hazardous characteristic of the waste in light of the material or processes used.

41. Respondent generates spent MEK, EPA Hazardous Waste No. F005, from cutting paint and solid film materials, and from cleaning parts.
42. Respondent generates alkaline cleaner from the cleaning of aluminum and steel parts. Alkaline Cleaner is assigned EPA Hazardous Waste No. D002.
43. Respondent generates drums of waste paint, EPA Hazardous Waste No. D001, as a result of a spray painting booth process.
44. Respondent generates buckets of lacquer thinner, EPA Hazardous Waste No. D001, as a result of cleaning paint guns that are used to apply paint.
45. The wastes referred to in Paragraphs 41 - 44 above, are and were at the time of the violations alleged herein, "solid wastes" as this term is defined in 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.2, with exceptions not relevant hereto.
46. As of August 20, 2009, Respondent failed to determine whether its "solid wastes" described in Paragraphs 41 - 44 above, were hazardous wastes by applying knowledge of the hazardous characteristics of the waste or by testing the waste as provided in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11.
47. Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, by failing to perform hazardous waste determinations for the solid wastes generated at the Facility referred to in paragraphs 41 - 44 above.

### COUNT III

**(Failure to keep containers closed except when adding or removing hazardous waste)**

48. The allegations of Paragraphs 1 through 47 of this CA/FO are incorporated herein by reference.
49. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
50. At the time of the August 20, 2009 inspection, inspectors observed two open 55-gallon containers in the area of a solvent distillation unit. The drums contained spent MEK which is EPA Hazardous Waste No. F005.
51. At the time of the August 20, 2009 inspection, inspectors observed one open five-gallon bucket of spent lacquer thinner, EPA Hazardous Waste No. D001, produced by Respondent as a result of cleaning painting tools.



52. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep the two drums of spent MEK and one bucket of spent lacquer thinner, EPA Hazardous Waste Nos. F005 and D001 hazardous waste, closed except when necessary to add or remove waste.

**COUNT IV**

**(Failure to conduct weekly inspections of storage areas)**

53. The allegations of Paragraphs 1 through 52 of this Consent Agreement are incorporated herein by reference.
54. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (d)(2), which in turn incorporates 40 C.F.R. § 265.174, provides that the owner or operator of a facility generating hazardous waste must inspect, at least weekly, the areas where containers are stored.
55. From at least January through November, 2009, Respondent failed to inspect, at least weekly, the areas where containers of hazardous waste were stored.
56. Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(2), which in turn incorporates 40 C.F.R. § 265.174, by not inspecting, at least weekly, the areas where hazardous waste containers were stored.

**COUNT V**

**(Failure to post the name and telephone number of the emergency coordinator)**

57. The allegations of Paragraphs 1 through 56 of this Consent Agreement are incorporated herein by reference.
58. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34 (d)(5)(ii)(A), the hazardous waste generator must post the name and telephone number of the emergency coordinator next to the telephone at the Facility.
59. On August 20, 2009, Respondent failed to post the name and telephone number of the emergency coordinator next to the telephone at the Facility.
60. Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A), by failing to post the name and telephone number of the emergency coordinator next to the telephone.

## COUNT VI

### **(Failure to ensure employees are familiar with proper waste handling and emergency procedures)**

61. The allegations of Paragraphs 1 through 60 of this Consent Agreement are incorporated herein by reference.
62. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(iii), provides that a generator must ensure that all employees are thoroughly familiar with proper waste handling procedures, relevant to their responsibilities during normal facility operations and emergencies.
63. During the time period of the alleged violations at issue, Respondent failed to ensure that all employees were familiar with proper waste handling procedures relevant to their responsibilities during normal facility operations and emergencies.
64. Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(iii), by failing ensure that employees were familiar with proper hazardous waste handling and emergency procedures.

### III. CIVIL PENALTIES

65. 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 \$30,000.00, 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 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.
66. 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. Section 6928(a)(3).
67. The civil penalty of Thirty Thousand Dollars (\$30,000.00) set forth in Paragraph 65, above, may be paid in twenty-four (24) installments with interest at the rate of 1 percent per annum on the outstanding principal balance in accordance with the following schedule:

- a. 1<sup>st</sup> Payment      The first payment in the amount of One Thousand Two Hundred and Fifty Dollars (\$1,250.00), consisting of a principal payment of \$1,250.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- b. 2<sup>nd</sup> Payment      The second payment in the amount of One Thousand, Two Hundred and Seventy-Three Dollars and Sixty-Three Cents (\$1,273.63), consisting of a principal payment of \$1,250.00, and an interest payment of \$23.63, shall be paid within sixty (60) days of the date on which this CAFO is mailed or hand-delivered to Respondent.
- c. 3<sup>rd</sup> Payment      The third payment in the amount of One Thousand, Two Hundred and Seventy-Two Dollars and Sixty Cents (\$1,272.60), consisting of a principal payment of \$1,250.00, and an interest payment of \$22.60, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondent.
- d. 4<sup>th</sup> Payment      The fourth payment in the amount of One Thousand, Two Hundred and Seventy-One Dollars and Fifty-Eight Cents (\$1,271.58), consisting of a principal payment of \$1,250.00, and an interest payment of \$21.58, 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. 5<sup>th</sup> Payment      The fifth payment in the amount of One Thousand, Two Hundred and Seventy Dollars and Fifty-Five Cents (\$1,270.55), consisting of a principal payment of \$1,250.00, and an interest payment of \$20.55, 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. 6<sup>th</sup> Payment      The sixth payment in the amount of One Thousand, Two Hundred and Sixty-Nine Dollars and Fifty-Two Cents (\$1,269.52), consisting of a principal payment of \$1,250.00, and an interest payment of \$19.52, 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. 7<sup>th</sup> Payment** The seventh payment in the amount of One Thousand, Two Hundred and Sixty-Eight Dollars and Forty-Nine Cents (\$1,268.49), consisting of a principal payment of \$1,250.00, and an interest payment of \$18.49, 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. 8<sup>th</sup> Payment** The eighth payment in the amount of One Thousand, Two Hundred and Sixty-Seven Dollars and Forty-Seven Cents (\$1,267.47), consisting of a principal payment of \$1,250.00, and an interest payment of \$17.47, shall be paid within one two hundred and forty (240) days of the date on which this CAFO is mailed or hand-delivered to Respondent,
- i. 9<sup>th</sup> Payment** The ninth payment in the amount of One Thousand, Two Hundred and Sixty-Six Dollars and Forty-Four Cents (\$1,266.44), consisting of a principal payment of \$1,250.00, and an interest payment of \$16.44, 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. 10<sup>th</sup> Payment** The tenth payment in the amount of One Thousand, Two Hundred and Sixty-Five Dollars and Forty-One Cents (\$1,265.41), consisting of a principal payment of \$1,250.00, and an interest payment of \$15.41, shall be paid within three hundred (300) days of the date on which this CAFO is mailed or hand-delivered to Respondent,
- k. 11<sup>th</sup> Payment** The eleventh payment in the amount of One Thousand, Two Hundred and Sixty-Four Dollars and Thirty-Eight Cents (\$1,264.38), consisting of a principal payment of \$1,250.00, and an interest payment of \$14.38, 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. 12<sup>th</sup> Payment** The twelfth payment in the amount of One Thousand, Two Hundred and Sixty-Three Dollars and Thirty-Six Cents (\$1,263.36), consisting of a principal payment of \$1,250.00, and an interest payment of \$13.36, shall be paid within three hundred and sixty (360) days of the date on

which this CAFO is mailed or hand-delivered to Respondent,

m. 13<sup>th</sup> Payment

The thirteenth payment in the amount of One Thousand, Two Hundred and Sixty-Two Dollars and Thirty-Three Cents (\$1,262.33), consisting of a principal payment of \$1,250.00, and an interest payment of \$12.33, shall be paid within three hundred and ninety (390) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

n. 14<sup>th</sup> Payment

The fourteenth payment in the amount of One Thousand, Two Hundred and Sixty-One Dollars and Thirty Cents (\$1,261.30), consisting of a principal payment of \$1,250.00, and an interest payment of \$11.30, shall be paid within four hundred and twenty (420) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

o. 15<sup>th</sup> Payment

The fifteenth payment in the amount of One Thousand, Two Hundred and Sixty Dollars and Twenty-Seven Cents (\$1,260.27), consisting of a principal payment of \$1,250.00, and an interest payment of \$10.27, shall be paid within four hundred and fifty (450) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

p. 16<sup>th</sup> Payment

The sixteenth payment in the amount of One Thousand, Two Hundred and Fifty-Nine Dollars and Twenty-Five Cents (\$1,259.25), consisting of a principal payment of \$1,250.00, and an interest payment of \$9.25, shall be paid within four hundred and eighty (480) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

q. 17<sup>th</sup> Payment

The seventeenth payment in the amount of One Thousand, Two Hundred and Fifty-Eight Dollars and Twenty-Two Cents (\$1,258.22), consisting of a principal payment of \$1,250.00, and an interest payment of \$8.22, shall be paid within five hundred and ten (510) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

r. 18<sup>th</sup> Payment

The eighteenth payment in the amount of One Thousand,

Two Hundred and Fifty-Seven Dollars and Nineteen Cents (\$1,257.19), consisting of a principal payment of \$1,250.00, and an interest payment of \$7.19, shall be paid within five hundred and forty (540) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

s. 19<sup>th</sup> Payment

The nineteenth payment in the amount of One Thousand, Two Hundred and Fifty-Six Dollars and Sixteen Cents (\$1,256.16), consisting of a principal payment of \$1,250.00, and an interest payment of \$6.16, shall be paid within five hundred and seventy (570) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

t. 20<sup>th</sup> Payment

The twentieth payment in the amount of One Thousand, Two Hundred and Fifty-Five Dollars and Fourteen Cents (\$1,255.14), consisting of a principal payment of \$1,250.00, and an interest payment of \$5.14, shall be paid within six hundred (600) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

u. 21<sup>st</sup> Payment

The twenty-first payment in the amount of One Thousand, Two Hundred and Fifty-Four Dollars and Eleven Cents (\$1,254.11), consisting of a principal payment of \$1,250.00, and an interest payment of \$4.11, shall be paid within six hundred and thirty (630) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

v. 22<sup>nd</sup> Payment

The twenty-second payment in the amount of One Thousand, Two Hundred and Fifty-Three Dollars and Eight Cents, (\$1,253.08), consisting of a principal payment of \$1,250.00, and an interest payment of \$3.08, shall be paid within six hundred and sixty (660) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

w. 23<sup>rd</sup> Payment

The twenty-third payment in the amount of One Thousand, Two Hundred and Fifty-Two Dollars and Five Cents (\$1,252.05), consisting of a principal payment of \$1,250.00, and an interest payment of \$2.05, shall be paid within six hundred and ninety (690) days of the date on

which this CAFO is mailed or hand-delivered to Respondent,

x. 24<sup>th</sup> Payment

The twenty-fourth payment of One Thousand, Two Hundred and Fifty-One Dollars and Three Cents (\$1,251.03), consisting of a principal payment of \$1,250.00, and an interest payment of \$1.03, shall be paid within seven hundred and twenty (720) days of the date on which this CAFO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of Thirty Thousand Dollars (\$30,000.00), and total interest payments in the amount of Two Hundred and Eighty-Three Dollars and Fifty-Six Cents (\$283.56).

68. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 67, 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 73, 74, and 75, below, in the event of any such failure or default.
69. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 67, above, Respondent may pay the entire civil penalty of Thirty Thousand Dollars (\$30,000.00) 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 Paragraph 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.
70. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 67, above, and/or the full penalty, pursuant to Paragraphs 68 or 69, above, plus any interest, administrative fees and late payment penalties, in accordance with Paragraphs 73, 74 and 75, below, 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, *i.e.*, RCRA-03-2011-0178;

**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: 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  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: 314-418-1028

**E.** All payments made by check in any currency drawn with no USA branches shall be addressed to:

Cincinnati Finance  
U.S. EPA, MS-NWD  
26 W.M.L. King Drive  
Cincinnati, OH 45268-0000

**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:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA=051036706  
Account No.: 310006, U.S. Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical Location of U.S. Treasury Facility  
5700 Rivertech Court  
Rivertech, Maryland 20737

Contact: 301-887-6540  
or 1-866-234-5681

**H** On-Line Payment Option:

WWW.PAY.GOV

Enter sfo I.1 in the search field. Open and complete the form.

**I.** Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CA/FO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

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

and

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

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

72. 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.
73. 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).
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. 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.
75. 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**

76. 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 *et seq.*, 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**

77. 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**

78. 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 thereunder, 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**

79. The settlement set forth in this CA/FO shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

## **VIII. PARTIES BOUND**

80. 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**

81. 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**

82. 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:**

**JP Cerini Technologies, Inc.**

Date: June 20, 2011

By: Mary Cerini  
Mary Cerini, President  
JP Cerini Technologies, Inc.

**For the Complainant:**

**U.S. Environmental Protection Agency, Region III**

Date: June 22, 2011

By: Cheryl L. Jamieson  
Cheryl L. Jamieson  
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 issue the accompanying Final Order.

Date: 6/24/11

By: Abraham Ferdas  
Abraham Ferdas, Director  
for Land and Chemicals Division

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

**In Re:** :

**JP Cerini Technologies, Inc.** : **Docket No. RCRA-03-2011-0178**  
**4600 N. Fairhill St.** :  
**Philadelphia, PA 19140** :

**RESPONDENT** : **FINAL ORDER**

**4600 N. Fairhill St.** :  
**Philadelphia, PA 19140** :

**FACILITY** :

**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, **JP Cerini Technologies, Inc.**, 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 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 Thirty Thousand Dollars (\$30,000.00) 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: 6/29/11

BY: *Renée Sarajian*  
Renée Sarajian  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region III