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BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

2013 SEP 26 PM 3: 17

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

In the Matter of:	:	
	:	
	:	Docket No. RCRA-03-2013-0183
	:	
Phoenix Color Corp.	:	
18249 Phoenix Drive	:	
Hagerstown, MD 21742	:	
	:	
Respondent	:	
	:	
	:	Proceeding under Section 3008(a) and
Phoenix Color Corp.	:	(g) of the Resource Conservation and
18249 Phoenix Drive	:	Recovery Act, as amended, 42 U.S.C.
Hagerstown, MD 21742	:	Section 6928(a) and (g)
	:	
	:	
Facility	:	
	:	

**CONSENT AGREEMENT**

This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA”, “Agency” or “Complainant”) and Phoenix Color Corp. (“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 (“HSWA”) 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).

This CA and the accompanying Final Order (“FO,” hereinafter jointly referred to as the “CAFO”) address alleged violations by Respondent of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the State of Maryland Hazardous Waste Management Regulations (“MdhWMR”), set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 *et seq.*, in connection with Respondent’s facility located at 18249 Phoenix Drive, Hagerstown, MD 21742 (the “Facility”). The MdhWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdhWMR set forth at COMAR, Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised authorized program are enforceable by EPA

pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

### **I. GENERAL PROVISIONS**

1. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CAFO simultaneously commences and concludes 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.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
3. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA, except as provided in Paragraph 2, above.
4. 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.
5. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
6. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
7. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

### **II. NOTICE OF ACTION TO THE STATE OF MARYLAND**

8. On March 22, 2013, EPA sent a letter to the State of Maryland, through the Maryland Department of the Environment ("MDE"), providing prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

### **III. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW**

9. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the findings of fact and conclusions of law as set forth below.
10. The EPA's Office of Administrative Law Judges has jurisdiction over this matter pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), and 40 C.F.R. §§ 22.1(a)(4) and .4(c).
11. Respondent is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61).

12. Respondent is and has been, at all times relevant to the allegations set forth in this CAFO, the “owner” and/or “operator” of a hazardous waste storage “facility” located at 18249 Phoenix Drive, Hagerstown, MD 21742, as these terms are defined by COMAR 26.13.01.03B.
13. Respondent is and has been, at all times relevant to the allegations set forth in this CAFO, a “generator” of, and has engaged in the “storage” of, materials that are “solid wastes” and “hazardous wastes” at the Facility as those terms are defined by COMAR 26.13.01.03B, as described below.
14. On November 14, 2012, EPA representatives conducted a Compliance Evaluation Inspection (“CEI”) of the Facility to assess compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921- 6939g, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the federally authorized MdHWMR requirements set forth at COMAR, Title 26, Subtitle 13, *et seq.*
15. On April 24, 2013, EPA sent Respondent a “Request to Show Cause” letter providing Respondent with an opportunity to discuss alleged violations of Subtitle C of RCRA, the federal hazardous waste management regulations, and the federally authorized MdHWMR requirements at the Facility as set forth in the letter. On May 29, 2013, Respondent and EPA engaged in settlement discussions regarding the alleged violations.

### COUNT I

#### *(Operating a Hazardous Waste Storage Facility Without a Permit or Interim Status)*

16. The allegations of Paragraphs 1 through 15 of this CAFO are incorporated herein by reference as though fully set forth at length.
17. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01 and 26.13.06, with certain exceptions not relevant to the violations alleged herein, no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste without first obtaining a permit for such facility, or obtaining interim status for such facility.
18. Respondent failed to obtain a permit for the Facility pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or COMAR 26.13.07.01. Additionally, Respondent failed to obtain interim status for the Facility pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or COMAR 26.13.06.
19. Pursuant to COMAR 26.13.03.05E(1), generators of hazardous waste who accumulate hazardous waste on-site for 90 days or less are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with

a number of conditions set forth in that section, including, *inter alia*:

- a. Pursuant to COMAR 26.13.03.05E(1)(d), the generator must accumulate the hazardous waste in containers in accordance with COMAR 26.13.05.09, which requires, *inter alia*, that the containers be closed during storage of hazardous waste except when necessary to add or remove waste (COMAR 26.13.05.09D), and that the generator perform at least weekly inspections of areas where containers of hazardous waste are stored (COMAR 26.13.05.09E);
- b. Pursuant to COMAR 26.13.03.05E(1)(e), the date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container of hazardous waste;
- c. Pursuant to COMAR 26.13.03.05E(1)(f), each container must be, *inter alia*, labeled or marked clearly with the words "Hazardous Waste," while being accumulated on site;
- d. Pursuant to COMAR 26.13.03.05E(1)(g), the generator must comply with the requirements for owners and operators in COMAR 26.13.05.02G, .03, and .04. COMAR 26.13.05.04(C)(4) requires owners or operators to, *inter alia*, maintain a contingency plan that includes the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator;
- e. Pursuant to COMAR 26.13.03.05E(1)(g), the generator must comply with the requirements for owners or operators in COMAR 26.13.05.02G, .03, and .04. COMAR 26.13.05.02G requires owners or operators to, *inter alia*:
  - i. Provide employees with annual review of initial hazardous waste training; and
  - ii. Prepare and maintain written job descriptions for each position at the facility related to hazardous waste management.

20. At the time of the violations alleged in this CA, Respondent was not eligible for an exemption under COMAR 26.13.03.05E(1) with respect to the on-site storage of the hazardous waste described below because it did not meet the following conditions:

Failure to Keep Containers of Hazardous Waste Closed

- a. At the time of the November 14, 2012 CEI, Respondent failed to keep closed five (5) containers of hazardous waste, EPA Hazardous Waste Code Nos. D001 (ignitability) and F003 (spent non-halogenated solvent), located in the 90-day storage area, as required by COMAR 26.13.03.05E(1)(d), which in turn references COMAR 26.13.05.09D;

- b. At the time of the November 14, 2012 CEI, Respondent failed to keep closed one (1) container of hazardous waste, EPA Hazardous Waste Code No. D002 (corrosivity), located in the plate etching room, as required by COMAR 26.13.03.05E(1)(d), which in turn references COMAR 26.13.05.09D;
- c. At the time of the November 14, 2012 CEI, Respondent failed to keep closed three (3) containers of florescent bulbs, EPA Hazardous Waste Code No. D009 (mercury), located in a second floor store room, as required by COMAR 26.13.03.05E(1)(d), which in turn references COMAR 26.13.05.09D.

Failure to Inspect Containers in 90-Day Storage Area

- d. For the calendar week that includes November 14, 2012, Respondent failed to inspect areas where containers were stored, at least weekly, looking for leaks and deterioration of containers and the containment system caused by corrosion or other factors, as required by COMAR 26.13.03.05E(1)(d), which in turn references COMAR 26.13.05.09E.

Failure to Label and Date Hazardous Waste Containers

- e. At the time of the November 14, 2012 CEI, Respondent failed to label approximately ten (10) containers of hazardous waste located in the 90-day storage area and two (2) containers of florescent bulbs located on a shelving unit in a second floor storeroom, with accumulation dates, as required by COMAR 26.13.03.05E(1)(e);
- f. At the time of the November 14, 2012 CEI, Respondent failed to label one (1) container of hazardous waste (EPA Hazardous Waste Code Nos. D001 (ignitability) and F003 (spent non-halogenated solvent)), located in the 90-day storage area, and two (2) containers of florescent bulbs (EPA Hazardous Waste Code No. D009 (mercury)), located in a second floor store room, with the words "Hazardous Waste," as required by COMAR 26.13.03.05E(1)(f).

Failure to Complete Contingency Plan

- g. At the time of the November 14, 2012 CEI, Respondent failed to have a completed contingency plan that lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, as required by COMAR 26.13.03.05E(1)(g), which in turn references COMAR 26.13.05.04C(4).

Failure to Provide Annual Hazardous Waste Training Refresher

- h. Based on the results of the November 14, 2012 CEI, Respondent failed to have the emergency coordinator take part in an annual review of the initial training during calendar year 2011, as required by COMAR 26.13.03.05E(1)(g), which in turn references COMAR 26.13.05.02G(3).

Job Descriptions

- i. At the time of the November 14, 2012 CEI, Respondent failed to maintain at the facility hazardous waste management job descriptions, as required by COMAR 26.13.03.05E(1)(g), which in turn references COMAR 26.13.05.02G(4)(b).
21. As set forth above, Respondent was storing hazardous waste at the Facility without a permit, interim status, or valid exemption, and therefore, violated COMAR 26.13.07.01 and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility without a permit, interim status, or valid exemption.

COUNT II

*(Failure to Make a Hazardous Waste Determination)*

22. The allegations of Paragraphs 1 through 21 of this CAFO are incorporated herein by reference as though fully set forth at length.
23. Pursuant to COMAR 26.13.03.02A, a person who generates a solid waste, as defined in COMAR 26.13.02.02, shall determine if that waste is a hazardous waste using the following method:
- a. The person should first determine if the waste is excluded from regulation under COMAR 26.13.02.04—.04-5;
  - b. The person shall then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15—.19;
  - c. If the waste is not listed as a hazardous waste in COMAR 26.13.02.15—.19, the person shall determine whether the waste is identified by either:
    - i. Testing the waste according to the methods set forth in COMAR 26.13.02.10—.14, or according to an equivalent method approved by the Secretary under COMAR 26.13.01.04B; or
    - ii. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
24. Respondent generates used aerosol cans that previously contained materials used for operations at the Facility. The contents of the used aerosol cans are hazardous wastes assigned EPA Hazardous Waste Code Nos. D001 (ignitability) and D003 (reactivity).

25. The wastes referred to in Paragraph 24 are, and were at the time of the violations alleged herein, "solid wastes," as this term is defined in COMAR 26.13.02.02.
26. At the time of the November 14, 2012 CEI, Respondent was disposing of aerosol cans in the Facility's trash, without first making a waste determination.
27. Respondent violated COMAR 26.13.03.02A by failing to perform hazardous waste determinations for the aerosol cans, EPA Hazardous Waste Code Nos. D001 (ignitability) and D003 (reactivity), generated at the Facility.

### **COUNT III**

#### *(Failure to Keep Hazardous Waste Containers Closed)*

28. The allegations of Paragraphs 1 through 27 of this CAFO are incorporated herein by reference as though fully set forth at length.
29. Pursuant to COMAR 26.13.05.09D, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
30. At the time of the November 14, 2012 CEI, five (5) containers of hazardous waste, EPA Hazardous Waste Code Nos. D001 (ignitability) and F003 (spent non-halogenated solvent), were located in the 90-day storage area. These containers were not closed during storage of such waste. No waste was being added to or removed from these containers at the time of the inspection.
31. At the time of the November 14, 2012 CEI, one (1) container of hazardous waste, EPA Hazardous Waste Code No. D002 (corrosivity), was located in the plate etching room. This container was not closed during storage of such waste. No waste was being added to or removed from this container at the time of the inspection.
32. At the time of the November 14, 2012 CEI, three (3) containers of florescent bulbs, EPA Hazardous Waste Code No. D009 (mercury), were located in a second floor store room. These containers were not closed during storage of such waste. No bulbs were being added to or removed from these containers at the time of the inspection.
33. Respondent violated COMAR 26.13.05.09D by failing to keep containers, EPA Hazardous Waste Code Nos. D001, F003, D002, and D009, closed except when necessary to add or remove waste.

### **COUNT IV**

#### *(Failure to Inspect Containers in 90-Day Storage Area)*

34. The allegations of Paragraphs 1 through 33 of this CAFO are incorporated herein by

reference as though fully set forth at length.

35. Pursuant to COMAR 26.13.05.09E, the owner or operator of the facility shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.
36. For the calendar week that includes November 14, 2012, Respondent failed to inspect areas where containers were stored, at least weekly, looking for leaks and deterioration of containers and the containment system caused by corrosion or other factors.
37. Respondent violated COMAR 26.13.05.09E by failing to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

#### **COUNT V**

##### *(Failure to Provide Annual Hazardous Waste Management Training)*

38. The allegations of Paragraphs 1 through 37 of this CAFO are incorporated herein by reference as though fully set forth at length.
39. Pursuant to COMAR 26.13.05.02G(1), facility personnel shall successfully complete a program of classroom instruction 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 COMAR 26.13.05.
40. Pursuant to COMAR 26.13.05.02G(3), facility personnel shall take part in an annual review of the initial training referred to in Paragraph 39.
41. Respondent failed to have the emergency coordinator take part in an annual review of the initial training during calendar year 2011.
42. Respondent violated COMAR 26.13.05.02G(3) by failing to have the emergency coordinator take part in an annual review of the initial training during calendar year 2011.

#### **COUNT VI**

##### *(Failure to Maintain at the Facility Hazardous Waste Management Job Descriptions)*

43. The allegations of Paragraphs 1 through 42 of this CAFO are incorporated herein by reference as though fully set forth at length.
44. Pursuant to COMAR 26.13.05.02G(4)(b), the owner or operator of a facility shall maintain written job descriptions for each position related to hazardous waste management at the facility.



45. At the time of the November 14, 2012 CEI, Respondent failed to maintain written job descriptions for all positions related to hazardous waste management at the Facility.
46. Respondent violated COMAR 26.13.05.02G(4)(b) by failing to maintain written job descriptions for all positions related to hazardous waste management at the Facility.

#### **COUNT VII**

##### *(Failure to Prepare and Implement a Complete Contingency Plan)*

47. The allegations of Paragraphs 1 through 46 of this CAFO are incorporated herein by reference as though fully set forth at length.
48. Pursuant to COMAR 26.13.05.04C(4), the owner or operator of a facility shall have a contingency plan for his facility, which must include a list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.
49. At the time of the November 14, 2012 CEI, Respondent did not have a completed contingency plan that lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.
50. Respondent violated COMAR 26.13.05.04C(4) by failing to have a contingency plan that lists names, address, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

#### **IV. CIVIL PENALTY**

51. In settlement of EPA's claims for civil monetary penalties assessable for the violations and facts alleged in this CAFO, Respondent consents to the assessment of a civil penalty in the amount of **Forty-Five Thousand Dollars (\$45,000.00)**, 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 CAFO, 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 CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
52. The civil penalty settlement amount set forth in Paragraph 51, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. 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) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g). 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”).

53. Payment of the civil penalty set forth in Paragraph 51, above, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2013-0183;
- 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

Customer service 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  
U.S. EPA, Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: 314-418-1028

- e. 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**"

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

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

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: 866-234-5681

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

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

- h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. RCRA-03-2013-0183) in the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.

- i. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

54. 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:

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

and

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

**V. CERTIFICATION**

55. The person signing this CA on behalf of Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of the execution of this CA, is in compliance with the provisions of RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939g, federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the MdHWMR, COMAR Title 26, Subtitle 13 *et seq.*, at the Facility. 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.

**VI. OTHER APPLICABLE LAWS**

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

**VII. RESERVATION OF RIGHTS**

57. This CAFO resolves only EPA's claims for civil penalties for the specific violations and facts which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have, consistent with the terms of this CAFO, to defend themselves in any such action.
58. This CAFO and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, except in an action of proceeding to enforce or seek compliance with this CA and accompanying FO.

**VIII. FULL AND FINAL SATISFACTION**

59. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations and facts alleged in this CA.

**IX. PARTIES BOUND**

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

**X. EFFECTIVE DATE**

61. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.


**XI. ENTIRE AGREEMENT**

62. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

**For Respondent:**

**Phoenix Color Corp.:**

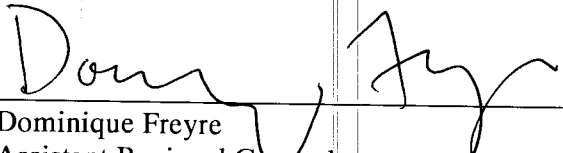
Date: 9/19/2013

By:   
Brian Keck  
Senior Vice President, Operations

**For the Complainant:**

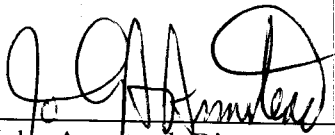
**U.S. Environmental Protection Agency, Region III:**

Date: 9/24/2013

By:   
Dominique Freyre  
Assistant Regional Counsel

After reviewing the EPA Allegations of Fact, Conclusions of Law, and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 9.25.13

By:   
John Armstead, Director  
Land and Chemicals Division

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BEFORE THE UNITED STATES REGIONAL HEARING CLERK  
ENVIRONMENTAL PROTECTION AGENCY EPA REGION III, PHILA. PA  
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In the Matter of:

Docket No. RCRA-03-2013-0183

Phoenix Color Corp.  
18249 Phoenix Drive  
Hagerstown, MD 21742

Respondent

Phoenix Color Corp.  
18249 Phoenix Drive  
Hagerstown, MD 21742

Facility

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

**FINAL ORDER**

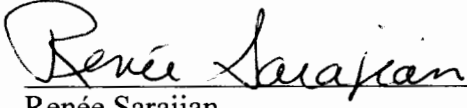
Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency - Region III, and Respondent, Phoenix Color Corp., have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **Forty-Five Thousand Dollars (\$45,000.00)** as set forth in Section IV of the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

In the Matter of: Phoenix Color Corp., Docket No. RCRA-03-2013-0183

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

9/26/13  
Date:

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



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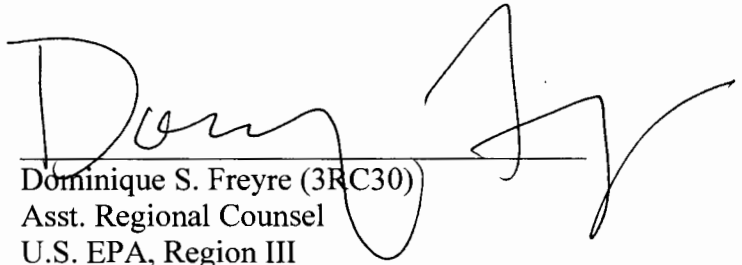
CERTIFICATE OF SERVICE 2013 SEP 26 PM 3: 18

REGIONAL HEARING CLERK  
EPA REGION III PHILA PA

I hereby certify that the original and one copy of the Consent Agreement and Final Order, Docket No. RCRA-03-2013-0183, have been hand delivered and filed with the EPA Region III Regional Hearing Clerk on the date below, and that a copy of the same was sent via UPS expedited delivery to the following:

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9-26-13  
Date

  
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