

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven Schlang 4/21/16
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number 1202A-01-2015-0084

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Waters Technologies Corporation
177 Robert Treat Paine Drive
Taunton, MA 02780

Total Dollar Amount of Receivable \$ 199,500 Due Date: 5/19/16

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1ST \$ _____ on _____
2ND \$ _____ on _____
3RD \$ _____ on _____
4TH \$ _____ on _____
5TH \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

April 19, 2016

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: In the Matter of Waters Technologies Corporation
Docket No. RCRA-01-2015-0084

Dear Ms. Santiago:

Enclosed are the original and one copy of a Consent Agreement and Final Order for filing in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Schlang", written over a horizontal line.

Steven Schlang
Senior Enforcement Counsel

Enclosures

cc: Attorney Bonni F. Kaufman

RECEIVED

APR 19 2016

EPA ORC
Office of Regional Hearing Clerk

**In the Matter of: Waters Technologies Corporation
Docket Number RCRA-01-2015-0084**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy
hand delivered:

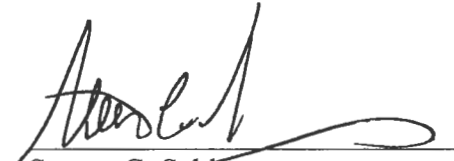
Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy by Certified Mail-
Return Receipt Requested

Bonni F. Kaufman
Holland & Knight
800 17th Street, NW
Suite 1100
Washington, DC 20006

Date:

4/19/16



Steven C. Schlang
Office of Environmental Stewardship U.S.
Environmental Protection Agency
Region I
Five Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3219
tel: (617) 918-1773
fax: (617) 918-0773

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

_____)	
In the Matter of:)	
)	
Waters Technologies Corporation)	Docket No. RCRA-01-2015-0084
177 Robert Treat Paine Drive)	
Taunton, Massachusetts 02780)	
)	
Proceeding under Section 3008(a))	CONSENT AGREEMENT AND
of the Resource Conservation and)	FINAL ORDER
Recovery Act, 42 U.S.C. § 6928(a))	
_____)	

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, has alleged that Waters Technologies Corporation (“Waters” or “Respondent”) has violated Subtitle C of the Resource Conservation and Recovery Act (“RCRA”), Section 3002, 42 U.S.C. § 6922, Chapter 21C of the Massachusetts General Laws and regulations promulgated thereunder at Title 310, Chapter 30 of the Code of Massachusetts Regulations set forth at 310 C.M.R. § 30.100 *et seq.* EPA Region I (“Complainant”) and Waters (together, the “Parties”) have agreed to settle this matter through this administrative Consent Agreement and Final Order (“CAFO”). EPA’s regulations governing RCRA administrative penalty actions and settlements are set out in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.



I. PRELIMINARY STATEMENT

2. On October 28, 2015, EPA Region 1 issued a complaint, compliance order, and notice of opportunity for hearing (“Complaint”) in this action to Waters.

3. Waters filed several Requests for Extension of Time to File the Answer. The Answer is now due on April 25, 2016.

4. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. GENERAL TERMS

5. The terms of this CAFO shall apply to and be binding on Respondent, its successors and assigns.

6. Respondent admits the jurisdictional allegations contained in the Complaint. For purposes of entering into this CAFO only, Respondent neither admits nor denies the factual allegations contained in the Complaint. Further, Respondent waives any right to a judicial or administrative hearing or appeal on any allegation of law or fact set forth in the Complaint and waives its right to appeal the Final Order accompanying this CAFO.

7. Respondent consents to the assessment of the civil penalty set out in Section IV below. Respondent also consents to any conditions specified in this CAFO.

III. COMPLIANCE CERTIFICATION

8. Respondent certifies that it is in compliance with the regulations cited in Counts 1 through 8 of the Complaint. Respondent further certifies that it is taking all appropriate steps to correct the violations alleged in Count 9 of the Complaint. These steps include, but are not limited

to: (1) re-piping of sinks and drains that fed the trench; (2) installation of berms around tanks holding hazardous waste; (3) evaluation and installation of dry-lock valves; (4) installation of ball valves to rinse out large filter housing and re-piping all rinse solutions to waste tanks; (5) design of small filter wash stations to capture rinse water and pump it directly to waste tanks; and (6) evaluation of methods for capturing rinse water from large filter housing the rinse water.

9. Respondent further certifies that its remaining tasks for compliance are:

(1) product-testing to ensure that the changes listed in paragraph 8 above do not adversely affect the quality of Respondent's manufactured product; and (2) installation of a waste station to capture wastes rather than utilizing the open trench.

10. As soon as possible, but no later than September 30, 2016, Respondent shall: (1) complete product-testing; (2) install and operate a waste station in its hazardous waste storage area; and (3) otherwise ensure compliance with 310 C.M.R § 30.524(1), as referenced by 310 C.M.R § 30.341(1)(e)(1).

11. No later than October 10, 2016, Respondent shall submit notice of completion of the tasks set-forth in paragraph 10 above, and provide supporting documentation to:

Richard Piligian
Environmental Scientist, OES05-4
U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

With a copy to:

Steven Schlang
Senior Enforcement Counsel, OES04-04
U.S. EPA, Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912.

IV. CIVIL PENALTY

12. Respondent shall pay a civil penalty in the amount of \$199,500. EPA Region 1 has determined, consistent with statutory penalty criteria and applicable policies, that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors. Respondent agrees to pay a civil penalty in the manner described below:

a. Payment shall be in a single payment of \$199,500, due no later than 30 calendar days from the date of the Final Order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

b. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case, be in the amount stated in part "a," above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

U.S. Environmental Protection Agency / Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

If remitted on-line with a debit card, credit card, or bank account

transfer: No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen to access the EPA's Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting "submit data," entering the relevant debit card, credit card, or bank account information.

- c. At the time of payment, a copy of the check (or notification of other type of payment), with the name and docket number of this case, shall also be sent to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Mail Code ORA18-1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

and to:

Steven Schlang, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Mail Code OES04-4
5 Post Office Square, Suite 100
Boston, MA 02109-3912

14. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will be assessed on the penalty if it is not paid by the due dates established herein. In that event, interest will accrue from the effective date of the CAFO, at the “underpayment rate” established pursuant to 26 U.S.C § 6621(a)(2). In the event that the penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorneys’ fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent’s outstanding penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

17. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

V. EFFECT OF SETTLEMENT

18. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for the violations set out in the Complaint.

19. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state or local law or regulation.

20. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and shall not be construed to be a ruling or determination regarding any issue related to any federal, state or local permit. Compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA, other than EPA's civil enforcement of those violations alleged in the Complaint.

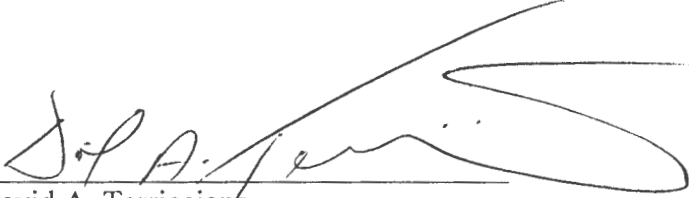
21. Each Party shall bear its own costs, disbursements and attorney's fees in connection with this enforcement action, and specifically waives any right to recover such costs, disbursements or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

22. Respondent's undersigned representative certifies that s/he is fully authorized by Respondent to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

SO SIGNED AND AGREED:

2

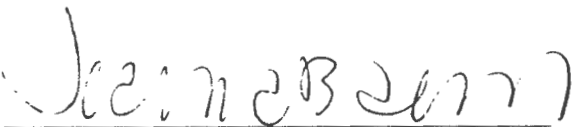
For Respondent:



David A. Terricciano
Senior Vice President, Global Operations
Waters Technologies Corporation

Date: 11-APRIL 2016

For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
EPA Region I

Date: April 18, 2016

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of this CAFO, which shall be effective on the date that it is filed with the Regional Hearing Clerk.

SIGNED:



Sharon T. Wells
Regional Judicial Officer
EPA Region 1

Date: 4/18/16