



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II  
2013 AUG 19 P 3:22  
REGIONAL HEARING CLERK

AUG 16 2013

United States First Class Mail

Alberto Ramos, Esq.  
Alberto Ramos Law Offices  
PO Box 750  
Mercedita, Puerto Rico 00715-9750

Re: In the Matter of Sartorius Stedim Filters, Inc.  
Docket No.: RCRA-02-2013-7102

Dear Mr. Ramos:

Enclosed is a fully executed Consent Agreement and Final Order (CA/FO) under Section 3008 of the Resource Conservation and Recovery Act as amended, 42 U.S.C. § 6928, resolving the above referenced action.

Please do not hesitate to contact me if you have any questions. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy R. Chester".

Amy R. Chester  
Assistant Regional Counsel  
212 637-3213

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

In The Matter of:  Sartorius Stedim Filters, Inc.  Respondent  Proceeding Under Section 3008 of the Solid Waste Disposal Act, as amended.	<b>CONSENT AGREEMENT AND FINAL ORDER</b>  Docket No.: <b>RCRA-02-2013-7102</b>  <b>U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. 11 2013 AUG 19 P 3:22 REGIONAL HEARINGS CLERK</b>
----------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**PRELIMINARY STATEMENT**

This civil administrative proceeding was instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by various laws including the Resource Conservation and Recovery Act, and the Hazardous and Solid Waste Amendments of 1984, 42 United States Code (U.S.C.) §§ 6901-6991 (together hereafter the “Act” or “RCRA”).

The Complainant in this proceeding, Dore LaPosta, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, has been duly delegated the authority to institute and carry forward this proceeding.

The Respondent is Sartorius Stedim Filters, Inc. ("Respondent"). Respondent owns and operates a manufacturing plant located in Yauco, Puerto Rico.

Under Section 3006(b) of the Act, 42 U.S.C. § 6926(b), the Administrator of EPA may, if certain criteria are met, authorize a state to operate a “hazardous waste program” (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the federal hazardous waste program. The Commonwealth of Puerto Rico (“Puerto Rico” or “the Commonwealth”) is a “State” within the meaning of this provision. Puerto Rico has not received authorization to operate a hazardous waste program pursuant to this provision. As a result, federal hazardous waste regulations remain in effect.

The Complainant issued a Complaint, Compliance Order and Notice of Opportunity for Hearing (the “Complaint”) to Respondent on or about March 29, 2013. The Complaint alleged that Respondent failed to comply with RCRA and hazardous waste regulations at its facility in Puerto Rico. Complainant and Respondent conducted settlement negotiations which led to this agreement. During these negotiations, Respondent also provided evidence which persuaded Complainant not to further prosecute Count 4 of the Complaint.

Complainant and Respondent agree, by entering into this Consent Agreement and Final Order (“CA/FO”), that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving this case without further litigation.



## EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

### RESPONDENT

1. The Respondent is Sartorius Stedim Filters, Inc.
2. Respondent owns and operates a manufacturing plant located in Yauco, Puerto Rico. The plant produces cellulose acetate filters.
3. Respondent is a "person" as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.
4. The Yauco, Puerto Rico location where Respondent conducts its manufacturing business constitutes a "facility" as that term is defined in 40 C.F.R. § 260.10 (hereinafter "facility").
5. Respondent is and has been the "owner" and "operator" of the facility as those terms are defined in 40 C.F.R. § 260.10.
6. On or about April 21, 1986, Respondent submitted a Section 3010 Notification of Regulated Waste Activity to EPA informing EPA of its hazardous waste activities at its facility. In response, EPA assigned Respondent with EPA Identification Number PRD049532807.
7. Respondent never submitted a Part A or a Part B Permit Application to EPA for its facility and never received "interim status" or a hazardous waste permit to treat, store or dispose of hazardous waste at its facility.
8. Respondent is and has been a "generator" of "hazardous waste" at its facility as those terms are defined in 40 C.F.R. § 260.10. The requirements for generators are set forth in 40 C.F.R. Part 262.
9. Respondent has generated, and continues to generate, at least 1000 kilograms ("kg") of hazardous waste in a calendar month at its facility. (Generators that generate 1000 kg or more in a month are commonly referred to as large quantity generators ("LQGs")).
10. Respondent has been holding, and continues to hold, hazardous waste generated at its facility in a hazardous waste container storage area and/or hazardous waste tank(s) for a temporary period of time, constituting "storage" as that term is defined in 40 C.F.R. 260.10. Respondent stores hazardous waste on site for a period of 90 days or less.
11. Pursuant to 40 C.F.R. § 262.34, LQGs may accumulate hazardous waste on site without interim status or a permit for 90 days or less provided that they comply with, among other things, the applicable requirements set forth in 40 C.F.R Part 265, Subparts BB and CC. Having failed to comply with certain requirements set forth in Subparts BB and CC as

