

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4) and RCRA Sections 3008(a) and (g), 42 U.S.C. §§ 6928(a) and (g).
5. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program in lieu of the federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939(g). Effective January 30, 1986, the PaHWR were authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). *See 51 Fed.Reg.* 1791 (January 15, 1986), *65 Fed. Reg.* 57734 (September 26, 2000), *69 Fed. Reg.* 2674 (January 20, 2004) and *74 Fed. Reg.* 19453 (April 29, 2009). EPA authorized the PaHWR that incorporate, with certain exceptions, provisions of Title 40 of Code of Federal Regulations by reference that were in effect as of October 12, 2005.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter dated March 13, 2020, EPA notified the Pennsylvania Department of Environmental Protection (PADEP) of EPA's intent to commence this administrative action against Respondent in response to violations of RCRA Subtitle C that are alleged herein.

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
11. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

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12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Respondent is a corporation organized under the laws of the state of Delaware.
15. Respondent is a 'person' as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10, and is subject to the assessment of civil penalties for the violations alleged herein.
16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 2731 Bartram Road, Bristol, Pennsylvania 19007 (hereinafter "the Facility"), as those terms are defined in 25 Pa. Code § 260a.10, which incorporate by reference those terms as set forth in 40 C.F.R. § 260.10.
17. On or before October 11, 1993, the Respondent submitted a Notice of Hazardous Waste Activity ("Notification") for the Facility to the Pennsylvania Department of Environmental Protection ("PADEP") and to the EPA, Region III, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying the Facility as a generator of hazardous waste. Subsequently, the Facility was assigned RCRA ID Number PA0000064626.
18. At all times relevant to the violations alleged herein, Respondent is, and has been, a "generator" of "solid waste" and "hazardous waste" and has engaged in the temporary "storage" in "containers" at the Facility of D001, D002, D003, D0022, F003, and F005 hazardous wastes.
19. On September 4, 2019, an inspector from EPA Region III conducted a Compliance Evaluation Inspection ("CEI") or ("Inspection") at the Facility, to examine the Respondent's compliance with the federally-authorized PaHWR and any applicable federal hazardous waste regulations.
20. On January 15, 2020 EPA Region III sent a Request for Information Letter to UCT. On February 26, 2020, UCT, responded to the January 15, 2020 EPA Region III Request for Information Letter.
21. On June 9, 2020, EPA Region III sent an Opportunity to Show Cause and Enter into a Consent Agreement Letter ("Show Cause Letter") to UCT.
22. As a result of the consideration of all information from the Inspection, UCT's Request for Information Letter response, and UCT's submittal of documentation subsequent to the July 24, 2020 Settlement Conference, EPA concludes that Respondent has violated

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certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized PaHWR requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

Count I

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

23. The allegations of Paragraphs 1 through 22 of this Consent Agreement are incorporated herein by reference.
24. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), 40 C.F.R. §§ 262 & 270 require, with certain exceptions not relevant herein, that no person who owns or operates a facility for the treatment, storage or disposal of hazardous waste may do so without first obtaining a permit or interim status for the facility. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b) also requires a permit or interim status for the treatment, storage or disposal of hazardous waste.
25. At the time of the September 4, 2019 Inspection, Respondent did not possess, nor did Respondent ever possess, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), a permit or interim status for the storage of hazardous waste at the Facility.
26. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(b),¹ pertaining to “Accumulation Time,” with exceptions not relevant herein, provides:

A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264, 265 and the permit requirements of 40 CFR part 270 unless he has been granted an extension to the 90-day period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.
27. UCT has not been granted an extension to the 90-day period by EPA.
28. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34, provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status if the generator meets all of the conditions specified in the regulation.

¹ As stated above, EPA has authorized the PaHWR that incorporated the federal hazardous waste regulations as of October 2005. Thus 25 Pa. Code § 262a.10 as authorized incorporated by reference 40 C.F.R. § 262.34 (2005). On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17.

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29. Two of the conditions of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2) and (a)(3), are to mark the accumulation date and to label containers of hazardous waste respectively:
 - a. 40 C.F.R. § 262.34(a)(2) requires: “the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;” and
 - b. 40 C.F.R. § 262.34(a)(3) requires: “each container and tank [of hazardous waste] is labeled or marked clearly with the words, ‘Hazardous Waste’ . . .”

30. 25 Pa. Code § 262a.10 incorporates by reference the generator permit exemption conditions of 40 C.F.R. § 262.34(a)(1)(i) and, by further reference, the Container Management requirements of 40 C.F.R. § 265.173(a), which requires that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

31. 25 Pa. Code § 262a.10 incorporates by reference the generator permit exemption conditions of 40 C.F.R. § 262.34(a)(4) and, by further reference, the personnel training requirements of 40 C.F.R. § 265.16(a), which requires facility personnel to 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 40 C.F.R. Part 265. In addition, Facility personnel are required to take part in an annual review of the initial training as provided by 40 C.F.R. § 265.16(c).

32. 25 Pa. Code § 262a.10 incorporates by reference the generator permit exemption conditions of 40 C.F.R. § 262.34(a)(4) and, by further reference, 40 C.F.R. § 265.16(d), which requires that the owner or operator maintain records of the job description of the positions at the facility related to hazardous waste management and of the personnel training required under 40 C.F.R. § 265.16.

33. 25 Pa. Code § 262a.10 incorporates by reference the generator permit exemption conditions of 40 C.F.R. § 262.34(a)(4) and, by further reference, the Contingency Plan requirements of 40 C.F.R. §§ 265.51(a) and 265.53(a) which require each Facility to have a Contingency Plan and that a copy of the Contingency Plan be maintained at the Facility.

34. For the Contingency Plan required by 40 C.F.R. § 265.51, 40 C.F.R. §265.52 specifies the content that is required in the Contingency Plan:
 - (a) The contingency plan must describe the actions facility personnel must take to comply with §§265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

* * *

- (c) The plan must describe arrangements agreed to by local police departments,

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fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §265.37.

- (d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
- (e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- (f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

35. At the time of the September 4, 2019 Inspection, UCT had placed a 5-gallon container marked as hazardous waste (D001) on an outside Waste Pad. The hazardous waste container was dated 3/24/17.

36. In UCT's February 26, 2020 response to EPA-Region III's January 15, 2020 Request for Information Letter, UCT indicated that the 5-gallon container referenced in Paragraph 35 was in fact placed in the Waste Pad on 7/10/19 and shipped offsite on 10/25/19, a total of 107 days later, whereas the permissible limit under the generator permit exemption is 90 days for temporary storage of hazardous waste.

37. At the time of the September 4, 2019 Inspection, UCT had the following instances in which it failed to mark the accumulation date or to label containers of hazardous waste, which is in violation of 40 CFR § 262.34(a)(2) & (a)(3):

- a. UCT had placed a 1-gallon container of D001 Hazardous Waste in the Chemical Storage Room without a Hazardous Waste label or start date.
- b. UCT had placed four 5-gallon buckets of D002 Hazardous Waste on the outside Waste Pad without a Hazardous Waste label and without dates.
- c. UCT had placed one 5-gallon container of D001 Hazardous Waste with incorrect date of 3/24/17. The container should have been dated 7/10/19.
- d. UCT had placed two 2-gallon containers of D001 Hazardous Waste in Lab 5A without a Hazardous Waste label and without a list of contents.

38. At the time of the September 4, 2019 Inspection, UCT failed to keep containers closed in

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the required manner as follows:

- a. In Lab 5B, on a work bench under a fume hood, one 1-gallon container of D001 hazardous waste, “Amine Waste” was stored with an open funnel.
 - b. In Lab 5B, on a work bench under a fume hood, one 1-gallon container of D001, D002 & F003 hazardous waste - “Chloride Waste” was stored with an open funnel.
 - c. In Lab 5B, within a second fume hood, in a plastic tray, one 1-gallon container of D001, F003 & F005 hazardous waste - “Solvent Waste” was stored with an open funnel.
39. At the time of the September 4, 2019 Inspection, eight UTC employees had missed RCRA training for up to 4 years (4 employees for 4 years, 2 employees for 3 years, 1 employee for 2 years, and 1 employee for 1 year).
40. At the time of the September 4, 2019 Inspection, there was no specific list of employees needing RCRA training and no job descriptions for such employees. UCT provided the list of employees in its February 26, 2020 response to EPA’s January 15, 2020 Request for Information Letter.
41. At the time of the September 4, 2019 Inspection, the UCT Contingency Plan did not include, among other items, as required by 40 C.F.R. §265.52:
- procedures to prevent or respond to explosions or releases of hazardous waste
 - contact info for Emergency Coordinators
 - arrangements with local authorities
 - a list of emergency equipment
42. In failing to comply with the permit exemption requirements incorporated by reference within 25 Pa. Code § 262a.10, the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent is in violation of 25 Pa. Code § 270a.1, is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count II

Failure to Keep Hazardous Waste Containers Closed

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated herein by reference.
44. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), (pertaining to “Management of Containers”), provides: “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove

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waste.”

45. At the time of the September 4, 2019 inspection, UCT failed to keep containers closed in the required manner as follows:
 - a. In Lab 5B, one 1-gallon container of a D001 hazardous waste, “Amine Waste,” was kept on a work bench under a fume hood. The container was stored with an open funnel.
 - b. In Lab 5B, one 1-gallon container of D001, D002 and F003 hazardous waste – “Chloride Waste” - was kept on a work bench under a fume hood. The container was stored with an open funnel.
 - c. In Lab 5B, within a second fume hood, in a plastic tray, one 1-gallon container of D001, F003 & F005 hazardous waste - “Solvent Waste” was stored with an open funnel.
46. At the time of the inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep the above-mentioned hazardous waste containers closed, except when it is necessary to add or remove waste.
47. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count III
Failure to Provide RCRA Hazardous Waste Training

48. The allegations of Paragraphs 1 through 47 of this Consent Agreement are incorporated herein by reference.
49. At the time of the September 4, 2019 inspection, the records available to the inspectors indicated that eight (8) UTC employees missed RCRA training for up to four (4) years (4 employees for 4 years, 2 employees for 3 years, 1 employee for 2 years, and 1 employee for 1 year).
50. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1) and (c), (pertaining to “Personnel Training”), requires the owner or operator of a hazardous waste facility to provide initial hazardous waste training and annual refresher training to each person employed in a position related to hazardous waste management.
51. At the time of the inspection, Respondent had violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1) and (c), by failing to provide annual hazardous waste training for several of its employees.
52. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1) and (c), Respondent is subject to the assessment of penalties under

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Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count IV

Failure to Maintain RCRA Hazardous Waste Training Documents

53. The allegations of Paragraphs 1 through 52 of this Consent Agreement are incorporated herein by reference.
54. At the time of the September 4, 2019 inspection, UCT was not maintaining the following:
- a. A specific list of employees needing RCRA hazardous waste training (this list was subsequently provided in UCT's February 26, 2020 response to EPA's January 15, 2020 Request for Information letter.); and
 - b. Job descriptions for such employees at UCT.
55. 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d), requires that the owner or operator maintain a list of employees that need hazardous waste training, along with job descriptions of such employees.
56. At the time of the inspection, Respondent had violated 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d), by failing to maintain the list of employees needing hazardous waste training and job descriptions for such employees.
57. In failing to comply with 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count V

Failure to Maintain an Adequate Contingency Plan

58. The allegations of Paragraphs 1 through 57 of this Consent Agreement are incorporated herein by reference.
59. At the time of the September 4, 2019 CEI, UCT was missing the following information in its Contingency Plan:
- a. Procedures to prevent or respond to explosions or releases of hazardous waste, as required by 40 CFR § 264.52(a);
 - b. Arrangements w/local authorities, as required by 40 CFR § 264.52(c);
 - c. Contact information for Emergency Coordinators, as required by 40 CFR § 264.52(d); and
 - d. A list of emergency equipment, as required by 40 CFR § 264.52(e).
60. 25 Pa. Code § 264a.1(a), which incorporates 40 CFR § 264.51(a) by reference, requires

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that hazardous waste facilities maintain a Contingency Plan. 40 CFR § 264.52 specifies the information that must be provided in the Contingency Plan. The information required includes, but is not limited to, items a to d listed immediately above.

61. At the time of the inspection, Respondent had violated 25 Pa. Code § 264a.1(a), which incorporates 40 CFR § 264.51(a) by reference, by failing to include the information in items a to d listed immediately above.
62. In failing to comply with 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. §264.51(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count VI

Failure to Maintain Land Disposal Notifications (LDRs)

63. The allegations of Paragraphs 1 through 62 of this Consent Agreement are incorporated herein by reference.
64. 25 Pa. Code § 268(a)(1), which incorporates 40 CFR § 268.7(a)(2) by reference, requires that, if a generator ships waste that does not meet the treatment standards, or if the generator chooses not to make the determination of whether the waste meets the treatment standard:

With the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and place a copy in the file. The notice must include the information in column “268.7(a)(2)” of the Generator Paperwork Requirements Table in § 268.7(a)(4).
65. Prior to shipping waste to two TSD facilities, Respondent either tested and determined that various wastes did not meet the treatment standard, or, Respondent chose to not determine whether the various wastes met the treatment standards for D001, D002, D003, D022, F003 and F005 hazardous waste types, thus requiring the submittal of Land Disposal Restriction (LDR) forms in accordance with 40 CFR § 268.7(a)(2), which also requires that a copy of the notice be placed in Respondent’s file.
66. At the time of the September 4, 2019 inspection, UCT documented hazardous waste shipments to two TSD facilities: Cycle Chem and GRR.
67. At the time of the September 4, 2019 inspection, there were no records of the required LDR forms in Respondent’s files onsite for shipments of hazardous waste to the TSD facilities, as required by 25 Pa. Code § 268(a)(1), which incorporates 40 C.F.R. § 268.7(a)(2) by reference.
68. In failing to comply with 25 Pa. Code § 268(a)(1), which incorporates 40 C.F.R. § 268.7(a)(2) by reference, Respondent is subject to the assessment of penalties under

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Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count VII
Failure to Make a Waste Determination

69. The allegations of Paragraphs 1 through 68 of this Consent Agreement are incorporated herein by reference.
70. Pa. Code § 262a.10, which incorporates 40 CFR §§ 262.11 by reference, requires that a person who generates solid waste “make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.”
71. At the time of the September 4, 2019 inspection, the inspectors observed that UCT had certain solid wastes for which UCT did not have a waste determination:
- a. One 55-gallon drum containing chloroform/toluene trifluoromethane sulfonic acid waste was present on the Waste Pad. The drum had been speculatively accumulated for up to 2 years without a waste determination;

and

 - b. One 55-gallon drum containing acidic acetone/methanol waste was present on the Waste Pad. The drum had been speculatively accumulated for up to 2 years without a waste determination.
72. At the time of the September 4, 2019 inspection, Respondent had violated Pa. Code § 262a.10, which incorporates 40 CFR § 262.11 by reference, by failing to make waste determinations for the two 55-gallon drums listed immediately above.
73. In failing to comply with Pa. Code § 262a.10, which incorporates 40 CFR § 262.11 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

74. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FORTY-FOUR THOUSAND EIGHT-HUNDRED EIGHTY dollars (\$44,880.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
75. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith

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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), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

INABILITY TO PAY THE FULL CIVIL PENALTY WITHIN THIRTY (30) DAYS:

76. The payment schedule for civil penalty as described below is based upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to EPA by Respondent including a certified statement, basic financial summary and a profit and loss statement.
77. Complainant has relied upon the financial information provided by Respondent and identified in the preceding Paragraph and, based upon that information, it is Complainant's conclusion that the Respondent has established that it is unable to pay the full amount of the civil penalty identified and set forth in Paragraph 74, above, within thirty (30) days of the effective date of this Consent Agreement and that a payment plan of the nature and duration set forth below is necessary and appropriate.
78. Pursuant to the provisions of this Consent Agreement, Respondent will remit a total civil penalty (principal) of **FORTY-FOUR THOUSAND EIGHT-HUNDRED EIGHTY Dollars (\$44,880.00)** and interest (calculated at the rate of 2% per annum on the outstanding principal balance) in the amount of **SIX-HUNDRED TWENTY-THREE Dollars and THIRTY-THREE Cents (\$623.33)**, in accordance with the installment payment schedule set forth in the chart, immediately below:

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Payment No.	Principal Amount	Interest	Date Payment Due (From Effective Date of Consent Agreement and Final Order)	Payment Amount Due
1	\$7,480.00	\$ -	<i>Within 30 Days</i>	\$7,480.00
2	\$7,480.00	\$124.667	<i>Within 60 Days</i>	\$7,604.67
3	\$7,480.00	\$ 49.867	<i>Within 90 Days</i>	\$7,529.87
4	\$7,480.00	\$ 37.400	<i>Within 120 Days</i>	\$7,517.40
5	\$7,480.00	\$ 24.933	<i>Within 150 Days</i>	\$7,504.93
6	\$7,480.00	\$ 12.467	<i>Within 180 Days</i>	\$7,492.46* *rounded down one cent
Total:	\$44,880.00	\$249.334		\$45,129.33

79. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 78, immediately 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, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraphs 84 through 86, below, in the event of any such failure or default.
80. Respondent may, at any time after commencement of payments under the installment payment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
81. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **EPA DOCKET No. RCRA-03-2021-0033**;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and

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mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously via email to:

Daniel T. Gallo, Jr.
Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
1650 Arch Street
Philadelphia, PA 19103-2029
gallo.dan@epa.gov

82. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
83. **Payment of the civil penalty shall be made in accordance with the schedule set forth in Paragraph 78 and the terms and provisions set forth in Paragraphs 76-87. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order.** Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
84. INTEREST: In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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

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States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).

85. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.
86. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 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).
87. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

88. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
89. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

90. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement and Final Order.

OTHER APPLICABLE LAWS

91. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of Subtitle C of RCRA, as amended, 42 U.S.C. §§ 6901 *et seq.*, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270, and the Commonwealth of Pennsylvania's federally authorized Hazardous Waste Management Program set forth in the Pennsylvania Hazardous Waste Regulations (PaHWR") at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a, for the violations alleged herein.

RESERVATION OF RIGHTS

92. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including 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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under Subtitle C of RCRA, as amended, 42 U.S.C. §§ 6901 *et seq.*, and the federal hazardous waste regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

93. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

94. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

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ENTIRE AGREEMENT

95. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

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For Respondent: UCT

Date: Feb 3, 2021

By: Michael J. Telepchak
Mr. Michael Telepchak
President and CEO

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For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: _____

By: _____

Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: _____

By: _____

Daniel T. Gallo, Jr.
Assistant Regional Counsel
U.S. EPA – Region III

In Re: UCT
EPA Docket No. RCRA-03-2021-0033

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**UCT
2731 Bartram Road
Bristol, PA 19007-6893**

EPA Docket No. RCRA-03-2021-0033

Respondent.

FINAL ORDER

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

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, UTC, 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, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 (“RCRA Penalty Policy”), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

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NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6928(a) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***FORTY-FOUR THOUSAND EIGHT-HUNDRED EIGHTY DOLLARS (\$44,880.00)***, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of RCRA Subtitle C and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III