

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

In the Matter of:	:	
	:	
ANRO, Inc.	:	U.S. EPA Docket No. RCRA-03-2022-0006
931 South Matlock Street	:	
West Chester, PA 19382	:	Proceeding under Section 3008(a) of the
	:	Resource Conservation and Recovery Act, as
Respondent.	:	amended, 42 U.S.C. Section 6928(a)
	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (Complainant) and ANRO, Inc. (Respondent) (collectively the Parties), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as RCRA or the Act), 42 U.S.C. §§ 6928(a) and (g), 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. RCRA Section 3008(a)(1), 42 U.S.C. Section 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant’s civil penalty claims against Respondent under RCRA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (EPA) 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).

5. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the Pennsylvania Hazardous Waste Management Program) (PAHWMR) 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, EPA authorized the PAHWMR pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A and thereby the PAHWMR 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 PAHWMR that incorporate, with certain exceptions, specific provisions of Title 40 of Code of Federal Regulations by reference that were in effect as of October 12, 2005.
7. This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of RCRA and the federally authorized Pennsylvania Hazardous Waste Management Regulations (PAHWMR), codified at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a.

GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
10. 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 the Consent Agreement and Final Order.
11. 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.
12. 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.
13. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. 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.

15. Respondent is, and was at the time of the violations alleged herein, a corporation of the Commonwealth of Pennsylvania.
16. Respondent is, and at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903, 25 Pa. Code § 260a.10.
17. Respondent is, and at all times relevant to this Consent Agreement was, the “owner” and “operator” of a facility, described in paragraph 18, below, as the terms “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
18. The facility referred to in Paragraph 17, above, including all of its associated equipment and structures, is a facility that provides commercial printing and direct mail services to clients and is located at 931 South Matlock Street, West Chester, Pennsylvania 19382 (the Facility).
19. PADEP assigned the Respondent RCRA Generator ID No. PAD002331072.
20. Respondent was at all times relevant to this Consent Agreement and the attached Final Order, a “generator” of, and has engaged in the “storage” in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes”, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1, with the exception of the term “storage”, which is defined in 25 Pa. Code § 260a.10.
21. On December 5, 2019, a representative of EPA conducted a Compliance Evaluation Inspection (the Inspection) at the Facility.
22. At all times relevant to this Consent Agreement and the attached Final Order, Respondent generated, among other hazardous wastes: a) petroleum distillate-based “press wash” and a hydrocarbon-based solvent known by the trade name MRC-K waste paint mixed with solvent, each of which is hazardous because each exhibits characteristics of ignitability and meets the criteria for EPA Hazardous Waste No. D001, as set forth at 40 C.F.R. § 261.21, which is incorporated by reference into the PAHWMR at 25 Pa. Code § 261a.1; and b) parts washer fluid which exhibits the characteristic of toxicity and meets the criteria for EPA Hazardous Waste No. D039, as set forth at 40 C.F.R. § 261.24, which is incorporated by reference into the PAHWMR at 25 Pa. Code § 261a.1.
23. During January 2017 through December 2019, Respondent generated and shipped more than 1,000 kilograms of hazardous waste and, therefore, during such period of time, Respondent was a large quantity generator of hazardous waste.
24. During calendar years 2017 through 2019, the material described in Paragraph 22, above, was in “storage” in containers at the Facility.

Count I

Operating a Treatment, Storage, and Disposal Facility without a Permit or Interim Status

25. The preceding paragraphs are incorporated by reference.

- 26. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), provide, in pertinent part, that a person may not own or operate a facility for the treatment, storage or disposal of hazardous waste unless such person has first obtained a permit for such facility or has qualified for interim status for the facility.
- 27. Respondent does not have a hazardous waste treatment or storage permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), for the treatment or storage of hazardous waste at the Facility.
- 28. 25 Pa. Code § 262a.10 (Incorporation by reference, scope and reference) incorporates by reference 40 C.F.R. § 262.34(a) (Accumulation Time) (2005), which provides in applicable and relevant part: “Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:...

* * *

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste”; and

(4) The generator complies with the requirements for owners or operators in subparts C and D in 40 C.F.R. part 265, with § 265.16, and with all applicable requirements under 40 C.F.R. part 268.7(a)(5).

- 29. 40 C.F.R. § 265.16 (Personnel Training) provides in relevant part:

* * *

(c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

(d) The owner or operator must maintain the following documents and records at the facility:

(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section;

(4) Records that document that the training or job experience required under paragraphs (a), (b), and (c) of this section has been given to, and completed by, facility personnel.

(e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

30. 25 Pa. Code § 262a.10 (Incorporation by reference, scope, and reference) incorporates by reference the requirements for owners or operators in subparts C and D in 40 C.F.R. part 265, which includes 40 C.F.R. §§ 265.51 (Purpose and implementation of contingency plan) and 265.52 (Content of contingency plan) and such requirements provide in relevant part:

40 C.F.R. §§ 265.51 (Purpose and implementation of contingency plan)

(a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

40 C.F.R. § 265.52 (Content of contingency plan):

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § 264.55), 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).

31. 25 Pa. Code § 262a.10 (Incorporation by reference, purpose, scope and applicability) incorporates by reference 40 C.F.R. § 262.34(c) (Accumulation Time) (2005), which provides in applicable and relevant part:

(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:

- (i) Complies with §§ 265.171, 265.172, and 265.173(a) of this chapter; and
- (ii) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.

32. 40 C.F.R. § 265.173(a) (Management of containers) provides: “(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
33. At the time of the Inspection, Respondent failed to mark two 55-gallon containers containing a mixture of spent press wash solvent and MRC-K solvent, located in the Offset Lithography Printing Area, with the words “Hazardous Waste.”
34. At the time of the Inspection, Respondent failed to ensure that each container of hazardous waste accumulated on-site is labeled or marked clearly with the words, “Hazardous Waste”, as required pursuant to 40 C.F.R. § 262.34(a) (Accumulation Time) (2005), which is incorporated by reference at 25 Pa. Code § 262a.10 (Incorporation by reference, purpose, scope and applicability).
35. Respondent failed to maintain any records of any annual review of the required initial hazardous waste training during calendar years 2017 through 2019.
36. At the time of the Inspection, as part of the Respondent’s personnel training documents, Respondent did not have any records documenting the following: a) the job title for each position at the Facility related to hazardous waste management, b) an adequate written job description for each such position or c) the name of each employee filling each such position.
37. At the time of the Inspection, Respondent’s Preparedness, Prevention and Contingency Plan did not include the following information: a) the addresses, office phone number and home phone number of all persons qualified to act as emergency coordinator at the Facility; b) a list of all emergency equipment at the Facility or c) an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary, including a description of the signal(s) to be used to begin evacuation and the evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).
38. At the time of the Inspection, Respondent was accumulating hazardous waste in the following three containers at or near the relevant point of generation where wastes initially accumulate (also known as Satellite Accumulation Areas):
 - a. 55-gallon container, located in the Facility’s Indigo Room Satellite Accumulation Area, which was approximately 2/3 filled with hazardous waste petroleum distillates and benzene, was outfitted with an open funnel device and, at the time of the Inspection, Respondent’s employees were not adding or removing waste from such container.
 - b. two 10-gallon containers containing solvent-contaminated wipes were not marked with the words “Hazardous Waste” or with other words that identify the contents

of such containers. One such container was located in the Press Room Satellite Accumulation Area and the second container was located in the Chemical Room Satellite Accumulation Area.

39. At the time of the Inspection, Respondent failed to qualify for the “less than 90-day” generator accumulation exemption of 25 Pa. Code § 262a.10 which incorporates by reference 40 C.F.R. § 262.34(a) with exceptions not relevant herein, by failing to satisfy the conditions for such exemption referred to above.
40. At the time of the Inspection, ANRO did not qualify for the applicable Satellite Accumulation Area exemption from the Statutory RCRA Permit Requirement, set forth at 40 C.F.R. § 262.34(c) (Accumulation Time) and incorporated by reference into the PAHWMR at 25 Pa. Code § 262a.10, because of ANRO’s failure to comply with each of the conditions for such exemption.
41. During 2017 through 2019, Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the hazardous waste storage activities described in this count and failed to obtain such permit.
42. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), 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 II

Failure to Keep Container of Hazardous Waste Closed

43. The preceding paragraphs are incorporated by reference.
44. PAHWMR at 25 Pa. Code § 264a.1 incorporates by reference 40 C.F.R. § 264.173(a), provides in relevant part: “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
45. At the time of the Inspection, Respondent was accumulating hazardous waste in a 55-gallon container, located in the Facility’s Indigo Room Satellite Accumulation Area, which was approximately 2/3 filled with hazardous waste petroleum distillates and benzene, was outfitted with an open funnel device and, at the time of the Inspection, Respondent’s employees were not adding or removing waste from such container.
46. On at least December 5, 2019, Respondent failed to ensure that each container holding hazardous waste was always closed during storage, except when it was necessary to add or remove waste,
47. On at least December 5, 2019, Respondent failed to comply with PAHWMR, 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a) (Management of Containers).

Count III

Failure to Provide Annual Review of Initial Hazardous Waste Training or Maintain Training Documentation

48. The preceding paragraphs are incorporated by reference.
49. PAHWMR at 25 Pa. Code § 264a.1 incorporates by reference 40 C.F.R. § 264.16(a)-(c), which provides in relevant part:
- (a) (1) Facility personnel must 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 this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section.
 - (2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
- ...
- (c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.
50. During calendar years 2017 through 2019, Respondent failed to provide any annual review of initial hazardous waste training as required pursuant to 40 C.F.R. § 264.16(c) and incorporated by reference in the PAHWMR at 25 Pa. Code § 264a.1.
51. In failing to comply with the requirements set forth in the PAHWMR at 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(c), 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 IV

Failure to Maintain Documentation Related to Training

52. The preceding paragraphs are incorporated by reference.
53. PAHWMR at 25 Pa. Code § 264a.1 incorporates by reference 40 C.F.R. § 264.16(d), which provides in relevant part:
- (d) The owner or operator must maintain the following documents and records at the facility:
 - (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - (2) A written job description for each position listed under paragraph (d)(1) of this section. This description may be consistent in its degree of specificity with

descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section.

- 54. During calendar years 2017 through 2019, Respondent failed to maintain the following documents: a) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job, b) a written job description for each position related to hazardous waste management and c) a written description of the type and amount of both introductory and continuing training that will be given to each person filling each position at the facility related to hazardous waste management.
- 55. During calendar years 2017 through 2019, Respondent failed to comply with the requirements set forth in the PAHWMR at 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d).
- 56. In failing to comply with the requirements set forth in the PAHWMR at 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 IV
Failure to Maintain a Complete Contingency Plan

- 57. The preceding paragraphs are incorporated by reference.
- 58. PAHWMR at 25 Pa. Code § 264a.1 incorporates by reference 40 C.F.R. §§ 264.51(a) and 264.52(d)-(f), which provide in relevant part:

§ 264.51 Purpose and implementation of contingency plan.

(a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

§ 264.52 Content of contingency plan

* * * *

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § 264.55), 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).

59. At the time of the Inspection, Respondent's Preparedness, Prevention and Contingency Plan failed to include: a) the addresses, office phone number and home phone number of all persons qualified to act as an emergency coordinator at the Facility or b) a list of emergency equipment or c) specific evacuation routes.
60. On and prior to at least December 5, 2019, Respondent failed to maintain documentation required pursuant to PAHWMR, 25 Pa. Code § 264.1, which incorporates by reference 40 C.F.R. § 264.52(d)-(f).
61. In failing to comply with the requirements set forth in the PAHWMR at 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(d)-(f), 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 Submit a Biennial Report for 2017 by March 1, 2018

62. The preceding paragraphs are incorporated by reference.
63. 25 Pa. Code § 262a.10 incorporates by reference the Biennial report requirement of 40 C.F.R. § 262.41(a) (Biennial report). 25 Pa. Code § 262a.41 provides in relevant part:

A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of a Biennial Report to [PADEP] by March 1 of each even numbered year...
64. Respondent failed to submit a Biennial Report, as required pursuant to 25 Pa. Code §§ 262a.10 and 262a.41, and 40 C.F.R. § 262.41(a), for calendar year 2017 on or before the deadline of March 1, 2018.
65. In failing to comply with the requirements set forth in the PAHWMR at 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.41(a), and 25 Pa. Code § 264a.41, 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

66. 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 THIRTY THOUSAND EIGHTY DOLLARS (\$30,080), which Respondent shall be liable to pay in accordance with the terms set forth below.
67. 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), 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 reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(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.
68. 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.*, RCRA-03-2022-0006;
 - 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 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:

Kathleen Root, Esq. Sr. Assistant Regional Counsel Office of Regional Counsel U.S. EPA, Region III root.kathleen@epa.gov	and	U.S. EPA Region III Regional Hearing Clerk R3_Hearing_Clerk@epa.gov
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69. 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.

70. 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).
71. 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 Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within sixty (60) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
72. 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.
73. 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).
74. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
75. The parties consent to service of the Final Order by e-mail at the following valid e-mail addresses: root.kathleen@epa.gov (for Complainant), and alevine@stradley.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

76. 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.

77. 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

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

OTHER APPLICABLE LAWS

79. 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 the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

80. 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 RCRA, the 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

81. 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

82. 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.

ENTIRE AGREEMENT

83. 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.

For Respondent ANRO, Inc.:

Date: _____

By: _____ (Signature)

(Title)
ANRO, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & 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.

By: _____
[*Digital Signature and Date*]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Kathleen J. Root
Sr. Assistant Regional Counsel
U.S. EPA – Region III

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

In the Matter of:	:	
	:	
ANRO, Inc.	:	U.S. EPA Docket No. RCRA-03-2022-0006
931 South Matlock Street	:	
West Chester, PA 19382	:	Proceeding under Section 3008(a) of the
	:	Resource Conservation and Recovery Act, as
Respondent.	:	amended, 42 U.S.C. Section 6928(a)
	:	

FINAL ORDER

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and ANRO, Inc. (Respondent), 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. §§ 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if 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), and the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

NOW, THEREFORE, PURSUANT TO Sections 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), 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 payment of THIRTY THOUSAND EIGHTY DOLLARS (\$30,080), in accordance with the payment provisions set forth in of the Consent Agreement and in 40 C.F.R. § 22.31(c), 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 and the regulations promulgated thereunder.

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

[Digital Signature and Date]

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

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

In the Matter of: :
 :
ANRO, Inc. : U.S. EPA Docket No. RCRA-03-2022-0006
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West Chester, PA 19382 : Proceeding under Section 3008(a) of the
 : Resource Conservation and Recovery Act, as
Respondent. : amended, 42 U.S.C. Section 6928(a)
 :
_____ :

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Andrew S. Levine, Esq
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
alevine@stradley.com

and

John P. Rose
HR Manager, ANRO, Inc.
931 South Matlock Street
West Chester, PA 19382
john.rose@anro.com

Martin Matlin
Life Scientist
U.S. EPA, Region III
matlin.martin@epa.gov

and

Kathleen J. Root, Esq.
Sr. Assistant Regional Counsel
U.S. EPA, Region III
root.kathleen@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III