

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	
)	
ADHESIVES RESEARCH INC.)	Docket Number: RCRA-03-2017-0073
)	
RESPONDENT,)	
)	
Adhesives Research Inc.)	CONSENT AGREEMENT
400 Seaks Run Road)	
Glen Rock, PA 17327)	
)	
FACILITY.)	Proceeding Under Section 3008(a) and
)	(g) of the Resource Conservation and
)	Recovery Act, as amended, 42 U.S.C. §
)	6928(a) and (g).

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”), and Adhesives Research Inc. (“Respondent”), pursuant to Section 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”), 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, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order, collectively referred to herein as the “CAFO,” simultaneously commences and concludes this administrative proceeding against Respondent.

3. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the “Pennsylvania Hazardous Waste Management Program”) *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. Effective January 30, 1986, the Commonwealth of

Pennsylvania Hazardous Waste Regulations (“PaHWR”) were authorized by the U.S. Environmental Protection Agency (“EPA” or “Agency”) pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWR subsequently were revised, and thereafter re-authorized by EPA, on September 26, 2000, January 20, 2004, and April 29, 2009. Such authorized revised PaHWR requirements and provisions became effective on November 27, 2000, March 22, 2004, and June 29, 2009 respectively. The PaHWR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the June 29, 2009 PaHWR authorization. The provisions of Pennsylvania’s current authorized revised PaHWR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

4. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to initiate an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle C, EPA’s regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.
5. This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939g, and the authorized Pennsylvania Hazardous Waste Regulations, set forth at 25 Pa. Code §§ 260a-270a, *et seq.*, which incorporate by reference the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260–266, 268 and 270-273, in connection with Respondent’s facility. Factual allegations or legal conclusions in this Consent Agreement that are based on provisions of federally-authorized PaHWR requirements cite those respective provisions as the authority for such allegations or conclusions.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated May 8, 2015, EPA notified the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, above.
9. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of the CAFO.

10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
12. Respondent shall bear its own costs and attorney's fees.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:
14. EPA has jurisdiction over this matter pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).
15. Respondent is a Pennsylvania corporation.
16. Respondent is, and was at the time of the violations alleged herein, 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 25 Pa. Code § 260a.10.
17. Respondent is and was, at all times relevant to the allegations set forth in this CAFO, the “owner” and “operator” of the “facility” located at 400 Seaks Run Road, Glen Rock, Pennsylvania 17327 (hereinafter, “the Facility”), as these terms are defined in 40 C.F.R. § 260.10, and incorporated by reference in 25 Pa. Code § 260a.1, and as defined in 25 Pa. Code § 260a.10.
18. Respondent produces pressure sensitive adhesives, tapes, coatings, films and laminates.
19. As described below, Respondent was, at all times relevant to this CAFO, a large quantity “generator” of “solid waste” and “hazardous waste” at the Facility, as these terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
20. At all times relevant to this CAFO, and as described below, Respondent was engaged in the “storage” of “solid waste” and “hazardous waste” in “container[s]” and “tanks” at the Facility, as the term “storage” is defined in 25 Pa. Code § 260a.10, and as the remaining terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
21. At all times relevant to this CAFO, and as described below, Respondent has engaged in the “disposal” of “solid waste” and “hazardous waste” as the term “disposal” is defined in 25 Pa. Code Section 260a.10, and as the remaining terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
22. Respondent’s facility was at all times relevant to the allegations set forth in this CAFO, a

hazardous waste storage “facility” as that term is defined in 40 C.F.R. § 260.10 and 25 Pa. Code § 260a.10.

23. A representative of EPA conducted a Compliance Evaluation Inspection from April 23 through April 24, 2014 (“the Inspection”) at the Facility, to determine Respondent’s compliance with the federally-authorized PaHWR requirements.
24. On December 5, 2014, EPA issued a formal information request letter (“IRL”) to Respondent, pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a). Respondent provided information to EPA in response to the IRL on January 23, 2015.
25. On July 20, 2016, EPA sent a Request to Show Cause and Request for Information (“Show Cause letter”) to Respondent advising it of EPA’s preliminary findings of PaHWR violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent’s PaHWR compliance at the Facility. On September 12, 2016, Respondent provided additional information to EPA in response to the Show Cause letter.
26. On the basis of the Inspection and a review of the information provided to EPA by Respondent in response to EPA’s IRL, Show Cause letter, and other correspondence, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally authorized PaHWR requirements promulgated thereunder at the Facility.

COUNT I
(Operating Without a Permit)

27. The allegation contained in paragraphs 1 through 26 above are incorporated herein by reference.
28. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), no person may own or operate a facility for the treatment, storage or disposal of hazardous waste (“TSDF”) without first obtaining a permit or interim status for such facility.
29. Respondent has never had “interim status” pursuant to RCRA Section 3005(e), 42 U.S.C. § 6925(e), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.70, or a permit issued pursuant to RCRA Section 3005(a), 42 U.S.C. § 6925(a) or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, for the treatment, storage, or disposal of hazardous waste at the Facility
30. Pursuant to 25 Pa. Code § 262a.10 which incorporates by reference 40 C.F.R. § 262.34(a), large quantity generators of hazardous waste who accumulate hazardous waste in containers for less than 90 days are exempt from the requirements to obtain a permit for such accumulation, as long as the hazardous waste is stored in accordance with a number of conditions set forth in that section.

31. Respondent failed to qualify for the 90-day storage exemption from permit requirements, specified in 25 Pa. Code Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), for the reasons specified below:
- a. At the time of April 23-24, 2014 Inspection, the inspector observed a black drum with a start accumulation date of October 9, 2013, for a period longer than 90 days.
 - b. At the time of the April 23-24, 2014 Inspection, Respondent failed to label three containers, of various sizes, which were used to collect and store EPA Hazardous Waste Nos. D001 or F003 with the words, "Hazardous Waste."
 - c. Respondent violated 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.174 by failing to conduct weekly inspections.
 - d. Respondent violated 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. §265.173(a), by failing to keep containers of hazardous waste closed during storage except when adding or removing waste.
 - e. Respondent violated 25 Pa. Code § 265a.1 by failing to maintain required written job descriptions for each position at the facility related to hazardous waste management and the name of the employee filling each job in accordance with 40 C.F.R. § 265.16(d)(2).
 - f. Respondent violated 25 Pa. Code § 265a.1 by failing to ensure employees completed annual training review in accordance with applicable 40 C.F.R. § 265.16(c) requirements.
32. For each of the reasons set forth in Paragraph 31 above, Respondent failed to satisfy and comply with the conditions set forth in 40 C.F.R. § 262.34(a)(1) and (c)(1)(ii) applicable to generator accumulation of hazardous waste in containers and, therefore, failed to qualify for the "less than 90-day" hazardous waste generator accumulation exemption of 25 PA Code Section 262a.10. The Facility, therefore, is a hazardous waste treatment, storage or disposal "[f]acility," as that term is defined by 25 PA Code Section 260a.10, that was required to have a permit or interim status for its storage activities.
33. On April 23, 2014, Respondent violated 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), by operating a hazardous waste storage facility, without a permit, interim status or valid exemption to the applicable permitting/interim status requirements.

COUNT II
(Failure to Tag or Mark Equipment - Subpart BB)

34. The allegations of Paragraphs 1 through 33 of this CAFO are incorporated herein by reference as though fully set forth at length.
35. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d), Respondent was required to mark equipment that contains or contacts hazardous wastes with

organic concentrations of at least ten percent by weight in such a manner that that it can be distinguished readily from other pieces of equipment.

36. At the time of the Inspection, Respondent failed to tag or mark equipment (such as pumps, valves and connectors) associated with the reactor at the facility to which 40 C.F.R. Part 264, Subpart BB applies, in such a manner that it could have been distinguished readily from other pieces of equipment.
37. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d), by failing to mark the ancillary equipment at the Facility associated with hazardous waste with organic concentrations of at least ten percent by weight in such a manner that that it could be distinguished readily from other pieces of equipment.

COUNT III
(Failure to Conduct Weekly Inspections)

38. The allegations contained in Paragraphs 1 through 37 of this CAFO are incorporated herein by reference as though fully set forth at length.
39. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) which in turn incorporates 40 C.F.R. § 265.174, the owner or operator of a hazardous waste storage facility is required to, at a minimum, inspect areas where containers of hazardous waste are stored weekly.
40. During calendar years 2009, 2010, 2011, 2012 and 2013, Respondent did not conduct a weekly inspection of the areas where containers of hazardous waste were stored, as required by 40 C.F.R. § 265.174.
41. For calendar years 2009, 2010, 2011, 2012 and 2013, Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) which in turn incorporates 40 C.F.R. § 265.174 by failing to conduct weekly inspections of the areas where containers of hazardous waste were stored.

COUNT IV
(Failure to Keep Closed Containers of Hazardous Waste)

42. The allegations contained in Paragraphs 1 through 41 of this CAFO are incorporated herein by reference as though fully set forth at length.
43. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), Respondent was required to keep containers of hazardous waste closed during storage except when it is necessary to add or remove waste.
44. At the time of the Inspection, Respondent failed to keep the following containers of hazardous waste closed: (i) an open hazardous waste drum of EPA Hazardous Waste No. D001; (ii) an open 55-gallon hazardous waste drum of liquid EPA Hazardous Waste No. D001; and (iii) an open 55-

gallon hazardous waste drum of EPA Hazardous Waste No. D001 at the Facility at a time when it was not necessary to add or remove waste from any of those containers

- 45. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §264.173(a), by failing to keep containers of hazardous waste described in Paragraph 44 above, closed during storage except when adding or removing waste.

**COUNT V
(Failure to Maintain Job Descriptions)**

- 46. The allegations contained in Paragraphs 1 through 45 of this CAFO are incorporated herein by reference as though fully set forth at length.
- 47. 25 Pa. Code § 264a.1 incorporates by reference the personnel training requirements of 40 C.F.R. § 264.16(d), including the requirements and provisions of 40 C.F.R. § 264.16(d)(2), which provide that “[t]he owner or operator must maintain the following documents and records at the facility: 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.”
- 48. On the date of the Inspection, Respondent failed to maintain at the Facility copies of the written job descriptions that is required for those employees responsible for the management of hazardous waste at the Facility, pursuant to the requirements of 40 C.F.R. § 264.16(d)(2).
- 49. On the date of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1(d) by failing to maintain required written job descriptions for each position at the facility related to hazardous waste management and the name of the employee filling each position.

**COUNT VI
(Failure to Provide Annual Training Review)**

- 50. The allegations contained in Paragraphs 1 through 49 of this CAFO are incorporated herein by reference as though fully set forth at length.
- 51. 25 Pa. Code § 264a.1, which incorporates by reference the personnel training requirements of 40 C.F.R. § 264.16(a)(1), requires that Facility personnel successfully complete a program of classroom training 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 264.
- 52. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), requires that Facility personnel take part in an annual review of the initial training referred to Paragraph 51, above.
- 53. During calendar years 2009, 2010, 2011, 2012 and 2013, Respondent did not provide its

employees with an annual review of the initial training referred to in Paragraph 51, above.

54. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), by failing to provide its employees with an annual review of their initial training.

**COUNT VII
(Failure to Date Containers of Universal Waste)**

55. The allegations contained in Paragraphs 1 through 54 of this CAFO are incorporated herein by reference as though fully set forth at length.
56. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires that a small quantify handler or universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by employing a method specified in 40 C.F.R. § 273.15(c)(1) through (6), or any other method which clearly demonstrates the length of time that the universal waste has been accumulated.
57. At the time of the Inspection, Respondent failed to demonstrate the length of time that universal waste lamps had been accumulated from the date it became a waste or was received by employing any of the methods specified in 40 C.F.R. § 273.15(c)(1) through (6).
58. At the time of the Inspection, Respondent failed to demonstrate the length of time that universal waste batteries had been accumulated from the date it became a waste or was received by employing any of the methods specified in 40 C.F.R. § 273.15(c)(1) through (6).
59. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), by failing to demonstrate the length of time that universal waste lamps and batteries had been accumulated from the date each became a waste or was received by employing any of the methods specified in 40 C.F.R. § 273.15(c)(1) through (6).

IV. OPERATIONAL CHANGES

60. Respondent agrees to add to its operating procedures a leak detection and repair process for monitoring equipment such as pumps, valves and connectors related to its reactors which are not currently being monitored under its air permit. Such enhanced monitoring shall include:
- a. the test methods and procedures outlined in 40 C.F.R. § 265.1063 and
 - b. the recordkeeping requirements outlined in 40 C.F.R. § 265.1064.

V. CIVIL PENALTIES

61. Respondent agrees to pay a civil penalty in the amount of **ONE HUNDRED SIXTEEN THOUSAND THREE HUNDRED SIXTY DOLLARS (\$116,360.00)** in full and final settlement and satisfaction of all civil claims for penalties which Complainant may have

concerning the violations and facts alleged and set forth in Section III (“EPA Findings of Fact and Conclusions of Law”) of this Consent Agreement. Such civil penalty shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.

62. The civil penalty settlement amount set forth in Paragraph 61, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 w U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 (“RCRA Penalty Policy”), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g). Complainant has also considered the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, and the December 6, 2013 Memorandum by EPA Assistant Administrator, Cynthia Giles, entitled, Amendments to the U.S. Environmental Protection Agency’s Civil Penalty Policies to Account for Inflation, (Effective December 6, 2013). The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.

63. Payment of the civil penalty set forth in Paragraph 61, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 65 through 68, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent’s name and address, and the EPA Docket Number of this Consent Agreement, **RCRA-03-2017-0073**;
- b. All checks shall be made payable to “**United States Treasury**”;
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

Customer service contact: 513-487-2091

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency

Cincinnati Finance Center
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

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

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

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

Contact: 866-234-5681

- h. On-Line Payment Option: WWW.PAY.GOV/paygov/

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

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

or by contacting Craig Steffen at 513-487-2091

64. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

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

and

Donzetta W. Thomas
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

65. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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 or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
66. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty 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 States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
67. The costs of the Agency'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 - Cash 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.
68. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R.

§ 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

69. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

VI. CERTIFICATIONS

70. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent is in compliance with all relevant provisions of the current, authorized revised PaHWR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this Consent Agreement.

VII. OTHER APPLICABLE LAWS

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

VIII. RESERVATION OF RIGHTS

72. This CAFO resolves only EPA's claims for civil penalties for the specific violations and facts which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

IX. FULL AND FINAL SATISFACTION

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

X. PARTIES BOUND

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


XI. EFFECTIVE DATE

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

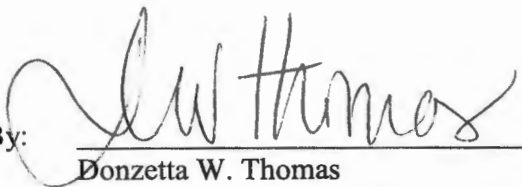
XII. ENTIRE AGREEMENT

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

For Respondent:

Date: 12-8-16 By: 
John Lind
President

For the Complainant:

Date: 12-12-16 By: 
Donzetta W. Thomas
Sr. Assistant Regional Counsel

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

Date: 12.12.16 By: 
John A. Armstead, Director
Land and Chemicals Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
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)	6928(a) and (g).

FINAL ORDER

Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency, Region III, and Adhesives Research 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. § 22.18(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.

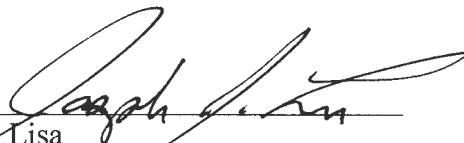
Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), and the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondents pay a civil penalty payment of **ONE HUNDRED SIXTEEN THOUSAND THREE HUNDRED SIXTY DOLLARS (\$116,360.00)**, in accordance with the payment provisions set forth in of the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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.

Dec. 21, 2016

Date:



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

CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

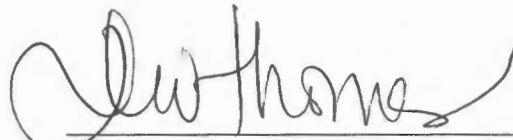
Original and One Copy by Hand-Delivery:

Lydia Guy,
Regional Hearing Clerk

Copy by UPS Overnight Delivery:

Michael W. Davis, Esquire
126 East King Street
Lancaster, PA 17602
T: 717-399-1534

12/21/16
Date



Donzetta Thomas (3RC50)
Senior Assistant Regional Counsel
U.S. EPA, Region III