

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 authorized under RCRA Subtitle C, 42 U.S.C. §§6921 – 6939 (g). Effective January 30, 1986, the PaHWMR was 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). The PaHWMR incorporate, with certain exceptions, specific provisions of Title 40 of the 1999 Code of Federal Regulations by reference. *See 25 Pa. Code § 260a.3(e)*.
4. Pursuant to Sections 22.13(b) and 22.18(b)(2) - (3) of the Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), 22.18(b)(2) – (3), this CAFO simultaneously commences and concludes an administrative proceeding against Respondent by the issuance of a Consent Agreement and Final Order, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a), to resolve alleged violations of RCRA at Respondent’s facility located at 1660 Loretta Avenue, Feasterville-Trevoise, Pennsylvania, 19053.
5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. For purposes of this proceeding only, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent agrees not to contest EPA’s jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
8. For 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.
9. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

Notice of Action to the Commonwealth of Pennsylvania

11. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated April 12, 2016, 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.

12. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C, and upon satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

13. Respondent is, and was at the time of the violations alleged herein, a corporation of the Commonwealth of Pennsylvania.
14. 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.
15. Respondent is, and at all times relevant to this Consent Agreement, was the “owner” and “operator” of a “facility”, described in Paragraph 16, below, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
16. The facility referred to in Paragraph 15, above, including all of its associated equipment and structures (hereinafter the “Facility”), is a manufacturing facility located at 1660 Loretta Avenue, Feasterville-Trevoze, Pennsylvania, 19053.
17. Respondent is a large quantity generator of hazardous waste who generates more than 1,000 kilograms of hazardous waste per month at its Facility. Respondent is assigned EPA ID No. PAD114336431.
18. Respondent is and, at all times relevant to this CAFO, has been a “generator” of, and has engaged in the “storage” in “containers,” “tanks” and a “new tank system” and an “existing tank system” 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, which with the exception of the term

“storage” and the January 16, 1993 date denoted with a “new tank system” and “existing tank system” which are defined and identified in 25 Pa. Code § 260a.10.

19. On February 24, 2016, representatives of EPA and the PaDEP conducted a RCRA Compliance Evaluation Inspection (“RCRA CEI”) at the Facility.
20. On February 24, 2016, “hazardous wastes” generated by Respondent, identified below in Paragraphs 21 – 22 were in “storage” in tanks at the Facility.
21. Respondent generates plating line waste at the Facility which is hazardous waste (EPA Hazardous Waste No. D002) within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. §§ 261.22, because it exhibits the characteristic of corrosivity.
22. Respondent generates plating line waste at the Facility which is hazardous waste (EPA Hazardous Waste No. D008) within the meaning of 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. §§ 261.24, because it exhibits the characteristic of toxicity for lead.

COUNT I
(Notification)

23. The preceding paragraphs are incorporated by reference.
24. 25 Pa. Code § 262a.12(b)(1)(v) requires a generator of hazardous waste to submit a subsequent RCRA Subtitle C Site Identification Form to PaDEP if, *inter alia*, its facility class changes.
25. At the time of the February 24, 2016 RCRA CEI, Respondent had filed a notification with PaDEP indicating it was a small quantity generator of hazardous waste, *i.e.*, it generated more than 100 kilograms of hazardous waste but less than 1000 kilograms of hazardous waste per calendar month.
26. At the time of the February 24, 2016 RCRA CEI, Fineline had not submitted a subsequent RCRA Subtitle C Site Identification Form to PaDEP identifying itself as a large quantity generator of hazardous waste, even though Respondent generated on average over 1000 kilograms of hazardous waste per calendar month from 2010 – 2015.
27. From at least February 24, 2011 to February 24, 2016, Respondent violated 25 Pa. Code § 262a.12(b)(1)(v) by failing to submit a RCRA Subtitle C Site Identification Form to PaDEP identifying itself as a large quantity generator of hazardous waste.

COUNT II
(Hazardous Waste Determination)

28. The preceding paragraphs are incorporated by reference.
29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11 with exceptions not relevant herein, provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the following methods:
- (a) He should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4.
 - (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 C.F.R. Part 261.
 - (c) For purposes of compliance with 40 C.F.R. Part 268, or if the waste is not listed in subpart D of 40 C.F.R. Part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. Part 261 by either:
 - (1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
30. At the time of the February 24, 2016 RCRA CEI, Respondent had failed to conduct hazardous waste determinations on solvent soaked rags and spent aerosol cans generated at the Facility, which are “solid wastes” as defined at 25 Pa. Code § 261a.2, which incorporates by reference 40 C.F.R. § 261.2.
31. At the time of the February 24, 2016 RCRA CEI, Respondent disposed of solvent soaked rags and used aerosol cans in the trash without first making a hazardous waste determination of the solvent soaked rags and used aerosol cans.
32. The wastes referred to in Paragraph 31 above, are and were at the time of the alleged violations “solid wastes” as this term is defined in 25 Pa. Code § 261a.1, which incorporates by reference 40 C.F.R. § 261.2, with exceptions not relevant here.
33. On February 24, 2016, Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, by failing to conduct hazardous waste determinations on solid waste generated at the Facility.

COUNT III

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

34. The preceding paragraphs are incorporated by reference.
35. 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.
36. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, the generator does not store hazardous waste on-site for greater than 90 days.
37. Respondent stored hazardous waste on site from November 24, 2010 to November 9, 2011 (351 days); November 10, 2011 to July 17, 2012 (251 days); July 18, 2012 until February 22, 2013 (220 days); February 23, 2013 to October 21, 2013 (241 days); October 22, 2013 to June 9, 2014 (231 days); June 10, 2014 to November 17, 2014 (161 days); November 18, 2014 to May 18, 2015 (182 days); and May 19, 2015 to December 7, 2015 (203 days) which are time periods greater than 90 days..
38. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, the generator complies with the requirements for owners and operators in 40 C.F.R. § 265.16, 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; including 40 C.F.R. § 265.16(c) which requires that facility personnel take part in an annual review of RCRA training and 40 C.F.R. § 265(d)(4) which requires the owner or operator to document the training has been given to, and completed by, facility personnel.
39. At the time of the February 24, 2016 RCRA CEI, Respondent had not provided Facility personnel with an annual review of RCRA training as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), with references 40 C.F.R. § 265.16(c), and had not maintained records of RCRA training as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), which references

- 40 C.F.R. § 265.16(d)(4).
40. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, a generator who is the owner or operator of an existing tank system used for the accumulation of hazardous waste complies with the requirements of 40 C.F.R Part 265 Subpart J, including the 40 C.F.R. § 265.191(a) requirement to obtain a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) for existing tanks that do not have secondary containment meeting the requirements of 40 C.F.R. § 265.193.
 41. At the time of the February 24, 2016 RCRA CEI, Respondent accumulated D002 and D008 plating line hazardous waste in an existing tank system that did not have secondary containment meeting the requirements of 40 C.F.R. § 265.193 for which a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) attesting to the tank system's integrity had not been performed.
 42. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, a generator who is the owner or operator of a new tank system used for the accumulation of hazardous waste complies with the requirements of 40 C.F.R Part 265 Subpart J, including the 40 C.F.R. § 265.192(a) requirement to obtain a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d).
 43. At the time of the February 24, 2016 RCRA CEI, Respondent accumulated D002 and D008 plating line hazardous waste in a new tank system which had been installed without first obtaining a written assessment attesting that the system has sufficient structural integrity and is acceptable for the storing and treatment of hazardous waste.
 44. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii) provides, in pertinent part, that a generator may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or having interim status provided that, among other things, the owner or operator of each new or existing tank system used for the accumulation of hazardous waste have secondary containment for such tank system that meets the 40 C.F.R. Part 265, Subpart J requirements of 40 C.F.R. § 265.193(a).
 45. At the time of the February 24, 2016 RCRA CEI, Respondent accumulated D002 and D008 plating line hazardous waste in a tank system that did not have secondary containment as required by 40 C.F.R. § 265.193(a).

46. Respondent failed to qualify for the “less than 90-day” generator accumulation exemption of 25 Pa. Code § 262a.10, which incorporates by reference the requirements of 40 C.F.R. § 262.34(a)(1)(ii), by failing to satisfy the conditions for such exemptions referred to in Paragraphs 36, 38, 40, 42, and 44 above, and as described in Paragraphs 37, 39, 41, 43, and 45, above.
47. Respondent’s Facility is a hazardous waste treatment, storage or disposal “facility” as that term is defined in 25 Pa. Code Section 260a.10 with respect to the storage of hazardous waste as described above.
48. Respondent does not have, and never had, 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), or Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), for the treatment or storage of hazardous waste at the Facility.
49. 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.
50. From at least November 24, 2010 until February 24, 2016, 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 a valid exemption to the permit requirement.

COUNT IV
(Training)

51. The preceding paragraphs are incorporated by reference.
52. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1), 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 264. The owner or operator must ensure that this program includes all the elements described in the document required under 40 C.F.R. § 264.16(d)(3).
53. 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 RCRA training referred to above.
54. 25 Pa. Code § 264a.1, which incorporates by reference and 40 C.F.R. § 264.16(d)(4), requires the owner or operator to document the training that has been given to, and completed by, facility personnel.

55. At the time of the February 24, 2016 RCRA CEI, Respondent failed to have Facility personnel take part in an annual review of their initial RCRA training.
56. At the time of the February 24, 2016 RCRA CEI, Respondent had not documented that RCRA training had been given to, and completed by, facility personnel.
57. On February 24, 2016, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c) and 40 C.F.R. § 264.16(d)(4), by failing to provide annual RCRA refresher training to Facility personnel and by failing to document RCRA training had has been given to, and completed by, facility personnel.

COUNT V
(Tank Assessment)

58. The preceding paragraphs are incorporated by reference.
59. 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. 264.191(a), requires that an owner or operator of an existing tank system that does not have secondary containment meeting the requirements of 40 C.F.R. § 264.193 that is used to store hazardous waste obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) that attests to the tanks system's integrity.
60. 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. 264.192(a) and (g), requires that an owner or operator of a new tank system used to store hazardous waste obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d), which must show the new tank system has sufficient structural integrity and is acceptable for the storing and treatment of hazardous waste.
61. At the time of the February 24, 2016 RCRA CEI, Respondent stored D002 and D008 plating line hazardous waste in an existing tank system that did not meet the requirements of 40 C.F.R. § 265.193 without having obtained a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d), which met the requirements of 40 C.F.R. § 264.191(a).
62. At the time of the February 24, 2016 RCRA CEI, Respondent stored D002 and D008 plating line hazardous waste in a new tank system without having obtained a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d), which met the requirements of 40 C.F.R. § 264.192(a).

63. From at least February 25, 2011 until February 24, 2016, Respondent violated 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. § 264.191(a) by failing to obtain a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) for existing tank system used to store D002 and D008 hazardous waste at the Facility that did not have secondary containment meeting the requirements 40 C.F.R. § 264.193.
64. From at least February 25, 2011 until February 24, 2016, Respondent violated 25 Pa. Code § 264a.1 which incorporates by reference 40 C.F.R. § 264.192(a) and (g) by failing to obtain, a written assessment, reviewed and certified by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d), attesting the new tank system has sufficient structural integrity and is acceptable for the storing and treatment of hazardous waste.

COUNT VI
(Secondary Containment)

65. The preceding paragraphs are incorporated by reference.
66. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193(c) with exceptions not relevant herein, requires that an owner or operator of all new and existing tank systems used to store hazardous waste have secondary containment which at a minimum, *inter alia*, is constructed of or lined with materials that are compatible with the wastes(s) to be placed in the tank system.
67. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §264.193(e)(1)(i) further requires that external liner systems must be designed or operated to contain 100 percent of the capacity of the largest tank within the secondary containment boundary.
68. At the time of the February 24, 2016 RCRA CEI, Respondent stored D002 and D008 plating line hazardous waste in tanks with secondary containment constructed of concrete that had not been coated to render the concrete impermeable to corrosive material.
69. At the time of the February 24, 2016 RCRA CEI, Respondent stored D002 and D008 plating line hazardous waste in tanks with secondary containment that was not large enough to contain 100% of the capacity of the largest tank in the secondary containment.
70. From at least February 25, 2011 until February 24, 2016, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193 with exceptions not relevant herein, by failing to have secondary containment meeting the requirements of 40 C.F.R. § 264.193(c) and (e)(1)(i) for a new tank system used to store D002 and D008 plating hazardous waste at the Facility.

COUNT VII
(Biennial Report)

71. The preceding paragraphs are incorporated by reference.
72. 25 Pa Code § 262a.41 provides that a generator who ships any hazardous waste off-site to treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the PADEP by March 1 of each even numbered year.
73. At the time of the February 24, 2016 RCRA CEI, Respondent had not filed a hazardous waste biennial report for reporting years 2010, 2012, and 2014.
74. From at least March 1, 2010 until March 10, 2014, Respondent violated 25 Pa Code § 262a.41, which incorporates by reference 40 C.F.R. § 262.41 with exceptions not relevant herein, by failing to not filed a hazardous waste biennial report for reporting years 2010, 2012, and 2014.

COUNT VIII
(Universal Waste Storage-Closed Containers)

75. The preceding paragraphs are incorporated by reference.
76. 25 Pa. Code Section 266b.1, which incorporates by reference the requirements of 40 C.F.R. Part 273, including the “Standards for Small Quantity Handlers of Universal Waste” which requirements are set forth in 40 C.F.R. Part 273, Subpart B.
77. 40 C.F.R. § 273.11(a) provides that a small quantity handler of universal waste is prohibited from disposing of universal waste.
78. At all times relevant to the allegations herein, Respondent was a small quantity handler of universal waste lamps and batteries.
79. At the time of the February 24, 2016 RCRA CEI, Respondent disposed of universal waste lamps and batteries in the regular trash.
80. On February 24, 2016, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.11(a), by disposing of universal waste.

III. CIVIL PENALTIES

81. Respondent agrees to pay a civil penalty in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** in settlement of the alleged violations set forth in this CAFO, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon

Respondent's receipt of a true and correct copy of the executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of the executed and filed CAFO is mailed or hand-delivered to Respondent.

82. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including the penalty criteria 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). Complainant also has considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 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)*.
83. The Parties further acknowledge and represent that the aforesaid settlement is based, in part, upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to Complainant by Respondent, as follows:
 - a. Fineline Circuits, Inc. U.S. Income Tax Return for an S Corporation (Form 1120S) for tax years 2011 - 2015;
 - b. Fineline Circuits, Inc. U.S. for Partnership Income (Form 1065) for tax years 2011 – 2015;
 - c. Fineline Circuits, Inc. monthly bank statements for September, 2015 through August, 2016;
 - d. Completed "Financial Statement of Corporate Debtor" form for Fineline Circuits, Inc., signed by Harry Patel, Vice-President, Fineline Circuits, Inc.;
 - e. Fineline Circuits, Inc. financial statements for the years 2011 – 2015; and,
 - f. Projection of Revenue and Expenses for Fineline Circuits for operating years 2016 and 2017.

84. In reliance upon the financial information identified in Paragraph 83, immediately above, and based upon an analysis of the same and in consideration of the penalty criteria set forth in EPA's RCRA Penalty Policy, which reflect 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), Complainant has concluded that Respondent has established that it is unable to pay a civil penalty in excess of the amount of **\$25,000.00** in settlement of the above-captioned action.
85. By the signature below, Respondent's representative certifies that the information submitted to EPA regarding Respondent's ability to pay and regarding any other matter at issue in this proceeding, is accurate and not misleading. Respondent and its officers, directors and principals 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. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding Respondent's claim of inability to pay, or regarding any of other matter herein at issue, are false or, in any material respect, inaccurate.
86. Payment of the civil penalty as required by Paragraph 81, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 88 - 90, 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 Docket Number of this action, *i.e.*, RCRA-03-2017-0064;
 - 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 to:

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

Contact: Craig Steffen 513-487-2091
 - D. All payments made by check and sent by overnight delivery service shall be addressed for delivery 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 electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 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”

- F. 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: John Schmid 202-874-7026 or REX, 1-866-234-5681

- G. On-Line Payment Option: WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.
- H. Point Of Contact regarding payment questions (i.e. how to make payment via wire, ACH, check, pay.gov):

Craig Steffen, 513-487-2091, steffen.craig@epa.gov

Additional payment guidance is available at:

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

87. At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)

1650 Arch Street
Philadelphia, PA 19103-2029

and

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

88. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
89. 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 as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
90. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the 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.
91. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly. A penalty charge of six percent per year will be assessed monthly on any portion of the 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 the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. EFFECT OF SETTLEMENT

92. This settlement resolves Respondent's liability for Federal civil penalties for the specific violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

V. RESERVATION OF RIGHTS

93. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged in the CAFO. 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. 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.

VI. OTHER APPLICABLE LAWS

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

VII. CERTIFICATION OF COMPLIANCE

95. Respondent certifies to EPA that, upon investigation, to the best of Respondent's knowledge and belief, Respondent is currently in compliance with all applicable provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and the federally authorized PaHWMR, for which violations are alleged in this Consent Agreement.

VIII. PARTIES BOUND

96. This Consent Agreement and the accompanying Final Order 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.

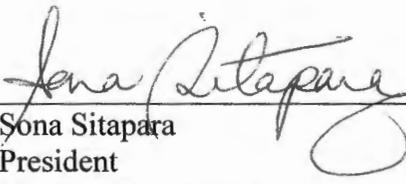
to the terms and conditions of this Consent Agreement and the accompanying Final Order.

IX. EFFECTIVE DATE

97. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

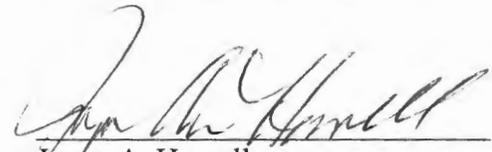
For Respondent, Finline Circuits, Inc.:

Date: Jan 13th 2017

By: 
Sona Sitapara
President
Finline Circuits, Inc.

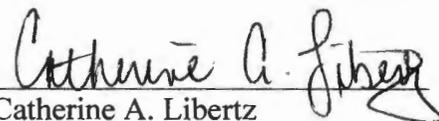
For Complainant, United States Environmental Protection Agency, Region III:

Date: 6/7/2017

By: 
Joyce A. Howell
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

6-20-17
Date

By: 
Catherine A. Libertz
Acting Director
Land and Chemicals Division

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

In the Matter of:	:	
	:	
Fineline Circuits, Inc.	:	
	:	
Respondent.	:	EPA Docket No. RCRA-03-2017-0064
	:	
Fineline Circuits, Inc.	:	
1660 Loreta Avenue	:	
Feasterville-Treose, PA 19053,	:	
	:	
Facility.	:	Proceeding under Section 3008(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6928(a)
	:	
	:	

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FINAL ORDER

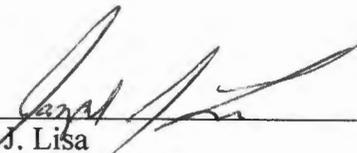
Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency - Region III, and Respondent, Fineline Circuits, Inc., have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) (“RCRA”), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a

consideration of the factors set forth in Section 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

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

June 29, 2017
Date:



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

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

In the Matter of: :
:
Fineline Circuits, Inc. :
:
Respondent. :
:
Fineline Circuits, Inc. :
1660 Loretta Avenue :
Feasterville-Treose, PA 19053, :
:
Facility. :
:
_____ :
:

EPA Docket No. RCRA-03-2017-0064

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

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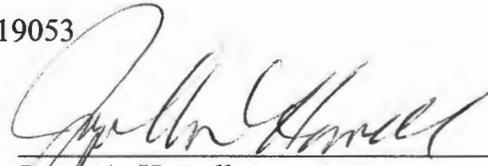
CERTIFICATE OF SERVICE

I certify that I sent a copy of the Consent Agreement and Final Order to the addressee listed below. The original and one copy of the Complaint were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Via UPS, next day delivery to:

Ms. Sona Sitapara
Fineline Circuits, Inc.
1660 Loretta Avenue
Feasterville-Treose, Pennsylvania 19053

Dated: 6/29/2017



Joyce A. Howell
Senior Assistant Regional Counsel
U.S. EPA - Region III