

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: JIM. HEENEHAN 4/5/12
Name of Contact person Date

in the EPA-3 ORC at 215-814-2640
Office Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- This is a modification

Name of Person and/or Company/Municipality making the payment
TRANSPRINT USA INC.

The Total Dollar Amount of Receivable \$35,000
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-03-2012-0091

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office EPA 3 LAND & CHEMICALS DIV

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk
- 3. Regional Counsel

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

**2012 MAY -3 PM 3:21
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA**

RECEIVED

In Re:)	
)	
Transprint USA, Inc.)	
1000 Pleasant Valley Road	)	Docket No. RCRA-03-2012-0091
Harrisonburg, VA 22801)	
)	
RESPONDENT,	)	Proceeding Under Section
	)	3008(a) and (g) of the
Transprint USA, Inc.	)	Resource Conservation and
1000 Pleasant Valley Road	)	Recovery Act, as amended,
Harrisonburg, VA 22801	)	42 U.S.C. § 6928(a) and (g)
)	
FACILITY.)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

This Consent Agreement (or "CA") is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant") and Transprint USA, Inc. ("Transprint" or "Respondent"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as 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 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).

On December 18, 1984, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the Commonwealth of Virginia ("Virginia") was granted final authorization to administer a state hazardous waste management program *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The authorized Virginia hazardous waste management program ("VHWMP") was revised, effective September 29, 2000 (*see* 65 *Fed. Reg.* 46606 (July 31, 2000)), June 20, 2003 (*see* 68 *Fed. Reg.* 36925 (June 20, 2003)), July 10, 2006 (*see* 71 *Fed. Reg.* 27216 (May 10, 2006)) and July 30, 2008 (*see* 73 *Fed. Reg.* 44168 (July 30, 2008)). The current provisions of the authorized VHWMP are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a). The VaHWMP incorporate, with certain exceptions not relevant here,

definitions and adopt specific provisions of Title 40 of the Code of Federal Regulations (in effect on July 1, 2001) by reference. See 9 VAC 20-60-14, -18 and -260 through -279. This CA and the accompanying Final Order (collectively "CAFO") address violations by Respondent of RCRA and of the federally authorized VaHWMR program.

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. Respondent is hereby notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally authorized VaHWMR requirements promulgated thereunder, at its commercial gravure printing facility located at 1000 Pleasant Valley Road, Harrisonburg, Virginia (the "Facility").

Pursuant to Section 22.13(b) of the *Consolidated Rules of Practice*, this CAFO simultaneously commences and concludes an administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and resolves alleged violations of RCRA, and of the federally authorized VaHWMR requirements promulgated thereunder, at the Respondent's Facility.

In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), by an email dated December 2, 2011, EPA has notified the Commonwealth of Virginia, through the Virginia Department of Environmental Quality ("VaDEQ"), of EPA's intent simultaneously to commence and conclude this action by entering into a CAFO with Respondent that resolves the violations alleged herein.

II. GENERAL PROVISIONS

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, immediately above.
3. For purposes of this proceeding only, Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CAFO.
4. 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.
5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.

III. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW

7. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following facts and conclusions of law:
- a. Respondent is a Virginia corporation and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and as defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260.
 - b. Respondent is, and has been at all times relevant to this CA, the “owner” and “operator” of the “Facility” identified above, and further described below, as those terms are defined in 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10.
 - c. The Respondent’s Facility, located at 1000 Pleasant Valley Road, Harrisonburg, Virginia, is a commercial gravure printing facility.
 - d. Respondent is assigned the NAICS code: 323111.
 - e. On or about April 15, 1986, Respondent submitted to VaDEQ a Notification of Hazardous Waste Activity (“Notification”) for the Facility, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying itself as a large quantity generator of hazardous waste. The Facility was assigned EPA ID No. VAD081753881.
 - f. Respondent is and, at all times relevant to this CAFO, has been a “generator” of, and has engaged in the “storage” at the Facility of materials described below that are “solid wastes” and “hazardous waste”, as those terms are defined in 9 VAC 20-60-260, which incorporates by reference 40 C.F.R. § 260.10.
 - g. Respondent generates waste materials from its printing and electroplating operations that bear the following EPA hazardous waste codes: D001, D002, D006, D007, D035, F005, and F006.
 - h. On April 9, 2009, a duly authorized representative of EPA conducted a compliance evaluation inspection (the “April 9, 2009 Facility Inspection”) at the Facility to assess the Respondent’s compliance with federally authorized VaHWMR requirements.
 - i. On the basis of the April 9, 2009 Facility Inspection and a review of information provided by Respondent on June 28, 2011, July 6, 2011 and August 4, 2011, in response to requests for information from EPA concerning hazardous waste compliance issues identified during the April 9, 2009 Facility Inspection, EPA determined that Respondent violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally authorized VaHWMR requirements promulgated thereunder.

COUNT I
(Operating Without a Permit)

8. The allegations of Paragraphs 1 through 7, above, are incorporated herein by reference as though fully set forth at length.
9. 9 VAC 20-60-270, 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.
10. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), provides, in pertinent part and with exceptions not herein applicable, that:
 - a. A generator who generates greater than 1,000 kg of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without having interim status, provided that:
 1. The waste is placed:
 - (i) in containers and the generator complies with the applicable requirements of [40 C.F.R. Part 265, Subpart I (relating to the use and management of containers)]; and/or
 - (ii) the waste is placed in tanks and the generator complies with the applicable requirements of [40 C.F.R. Part 265, Subpart J (relating to tank systems), Subpart AA (relating to Air Emission Standards for Process Vents), Subpart BB (relating to Air Emission Standards for Equipment Leaks) and Subpart CC (relating to Air Emission Standards for Tanks, Surface Impoundments, and Containers)];
 2. The date on which each period of accumulation begins is clearly marked and visible for inspection on each container;
 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 and operators in 40 C.F.R. Part 265, Subparts C (relating to preparedness and prevention) and D (relating to contingency plan and emergency procedures) and with 40 C.F.R. § 265.16 (relating to personnel training).
11. 9 VAC 20-60-262, which further incorporates by reference 40 C.F.R. § 262.34(b), additionally provides, in pertinent part and with an exception not herein applicable, that a generator who accumulates hazardous waste for more than 90 days is an operator of a

storage facility and is subject to the requirements of 9 VAC 20-60-264 and 9 VAC 20-60-265 and the permit requirements of 9 VAC 20-60-270.

12. 9 VAC 20-60-262, which further incorporates by reference 40 C.F.R. § 262.34(c)(1), provides, in pertinent part, that a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 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 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a) provided the generator:
 - a. complies with specified provisions of 40 C.F.R. Part 265, Subpart I (relating to the use and management of containers), specifically, 40 C.F.R. §§ 265.171, 265.172., and 265.173(a); and
 - b. marks the containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
13. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart D (including, specifically, 40 C.F.R. § 265.52(d) and .54(d)) requires, in pertinent part, that a facility must have a Contingency Plan listing the names, addresses and phone numbers of all personnel qualified to act as emergency coordinators as set forth in 40 C.F.R. § 265.55, and the list of such coordinators must be immediately amended whenever the list of such emergency coordinators changes.
14. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart I (including, specifically, 40 C.F.R. § 265.173(a)) requires, in pertinent part, that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
15. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart J (including, specifically, 40 C.F.R. § 265.192(a)) requires, in pertinent part, that a the owner or operator of a new tank system must obtain a written tank assessment by a qualified professional engineer that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste in accordance with the requirements of 40 C.F.R. § 265.192.
16. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart J (including, specifically, 40 C.F.R. § 265.192(g)) requires, in pertinent part, that a the owner or operator of a new tank system must obtain and keep on file at the facility written statements from those persons required to certify the design of the tank system and supervise its installation in accordance with 40 C.F.R. § 265.192(b) through (f) that the tank system was properly designed and installed and that any necessary repairs required by 40 C.F.R. § 265.192 (b) through (d) were performed.
17. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart J

(including, specifically, 40 C.F.R. § 265.195(b)) requires, in pertinent part, that the owner or operator of a new tank system must inspect at least once each operating day:

- a. the above ground portions of tank system to detect for corrosion or releases of waste; and
 - b. the construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of waste.
18. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart J (including, specifically, 40 C.F.R. § 265.195(g)) requires, in pertinent part, that a the owner or operator of a new tank system must document in the Facility's operating record any inspection undertaken pursuant to 40 C.F.R. § 265.195(b).
19. Subpart BB (entitled "Air Emission Standards for Equipment Leaks") of 40 C.F.R. Part 265 (40 C.F.R. §§ 265.1050 - 265.1064), which is incorporated by reference by 9 VAC 20-60-265, includes each of the following provisions and requirements pertaining to the "Applicability", "Definitions", "Standards: Pumps in light liquid service", "Standards: Valves in gas/vapor service or in light liquid service", "Test methods and procedures" and "Recordkeeping requirements":
- a. Pursuant to 40 C.F.R. § 265.1050(a) and with exceptions and exclusions not herein applicable, the regulations in 40 C.F.R. Part 265, Subpart BB, "apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes."
 - b. Pursuant to 40 C.F.R. § 265.1050(b), in relevant part and with exceptions and exclusions not herein applicable, 40 C.F.R. Part 265, Subpart BB "applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following: (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or * * * (3) A unit that is exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a "90-day" tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6."
 - c. Pursuant to 40 C.F.R. § 265.1050(c), "[e]ach piece of equipment to which [40 C.F.R. Part 265, Subpart BB] applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment."
 - d. In relevant part, 40 C.F.R. § 265.1051 provides that, "[a]s used in [40 C.F.R. Part 265, Subpart BB], all terms shall have the meaning given them in [40 C.F.R.] § 264.1031 . . . , which section therein defines the term:
 - i. *equipment* to mean and include "each valve, pump . . . open ended valve

or line, or flange or other connector . . .”; and

- ii. *in light liquid service* to mean “that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kilopascals (kPa) at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions”.
 - e. Pursuant to 40 C.F.R. § 265.1052(a)(1) and with exceptions and exclusions not herein applicable, “[e]ach pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in [40 C.F.R.] § 265.1063(b). . . .”
 - f. Pursuant to 40 C.F.R. § 265.1052(a)(2), “[e]ach pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.”
 - g. Pursuant to 40 C.F.R. § 265.1057(a), in relevant part and with exceptions not herein applicable, “[e]ach valve in . . . light liquid service shall be monitored monthly to detect leaks by the methods specified in [40 C.F.R.] § 265.1063(b). . . .”
 - h. 40 C.F.R. § 265.1063(a) provides that each owner or operator subject to the provisions of 40 C.F.R. Part 265, Subpart BB, “shall comply with the test methods and procedures requirements provided in [40 C.F.R. § 265.1063].”
20. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, including, specifically, 40 C.F.R. § 265.1080, requires, requires, *inter alia*, and with certain exceptions not relevant here, that owners and operators of tanks storing hazardous waste and subject to the requirements of 40 C.F.R. Part 265, Subpart J, to comply with the “Air Emission Standards for Tanks, Surface Impoundments, and Containers” set forth in Subpart CC of 40 C.F.R. Part 265 (40 C.F.R. §§ 265.1080 through 265.1091).
21. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart CC (including, specifically, 40 C.F.R. § 265.1085(b)(1)) requires owners and operators of tanks referenced in 40 C.F.R. § 265.1083(b) that manage hazardous waste that meet all the specifications of 40 C.F.R. § 265.1085(b)(1)(i) through (b)(1)(iii) must control air pollutant emissions from such tanks in accordance with either the Tank Level 1 controls specified in 40 C.F.R. § 265.1085(c) or Tank Level 2 controls specified in 40 C.F.R. § 265.1085(d).
22. The Tank Level 1 controls required by 40 C.F.R. § 265.1083(c) include the requirements set forth in 40 C.F.R. § 265.1083(c)(2) that:
- a. the tank be equipped with a fixed roof designed to form a continuous barrier over

the entire surface area of the hazardous waste in the tank;

- b the tank be installed in such a manner that there are no visible cracks, holes, gaps or other open spaces;
 - c. each opening in the fixed roof an any manifold system associated with the fixed roof be either equipped with a closure device designed to operate so that when the closure device is secured, there are no visible cracks, holes, gaps or other open spaces, or the openings are connected by a closed vent system that is vented to a control system that shall remove or destroy organics in the vent stream; and
 - d. the fixed roof an its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere.
23. 9 VAC 20-60-265, which incorporates by reference 40 C.F.R. Part 265, Subpart CC (including, specifically, 40 C.F.R. § 265.1085(c)(4)(ii)) requires owners and operators of tanks storing hazardous waste using Tank Level 1 controls to control tank air pollutant emissions must perform an initial inspection of the fixed roof and its closure devices on or before the date the tank begins storing hazardous waste and at least once each year thereafter.
24. From December 31, 1997 through December 9, 2011, Respondent engaged in the *storage* of D001, D006, D007, D035, F005, and F006 *hazardous waste in container[s] and in tank[s]* as these terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260.
25. From December 31, 1997 through December 9, 2011 Respondent engaged in the *storage* of spent MEK/toluene solvents, D001, D035, and F005 *hazardous waste*, with an organic concentration of at least 10 percent by weight, as these terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260 at the Facility in a 2,200 gallon “Dark 60/40 Spent Solvent Accumulation Tank” and ancillary equipment, prior to being sent to the Facility’s solvent recovery system.
26. At all times relevant to the violations alleged herein, Respondent’s Dark 60/40 Spent Solvent Accumulation Tank, along with its associated ancillary *equipment* and containment systems, has been a *tank* and *tank system*, as these terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260, for which construction commenced subsequent to January 16, 1993 and, therefore, meets the definition of a *new tank system or new tank component*, as defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260.
27. At all times relevant to the violations alleged herein, Respondent’s Dark 60/40 Spent Solvent Accumulation *tank system*, as that term is defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260, contained *equipment* that includes various pumps *in light liquid service* and numerous valves and other connectors *in light liquid service*, as these terms are defined in 40 C.F.R. § 264.1031 and incorporated by

reference in 40 C.F.R. § 265.1051 as incorporated by reference in 9 VAC 20-60-264 and 9 VAC 20-60-265.

28. At all times relevant to the violations alleged herein, Respondent's Dark 60/40 Spent Solvent Accumulation *tank system* and its associated ancillary *equipment*, routinely contained and contacts hazardous wastes with organic concentrations that equaled or exceeded 10 percent by weight for periods in excess of 300 hours per calendar year.
29. At all times relevant to the violations alleged herein, Respondent's Dark 60/40 Spent Solvent Accumulation *tank*, along with its associated ancillary *equipment* and containment system was a *hazardous waste management unit* as those terms are defined in 40 C.F.R. § 260.10 and incorporated by reference in 9 VAC 20-60-260.
30. From December 31, 1997 through the present, Respondent's Dark 60/40 Spent Solvent Accumulation Tank met the specifications of 40 C.F.R. § 265.1085(b)(1)(i) - (iii) and was using Tank Level 1 controls set forth in 40 C.F.R. § 265.1085(c) to control air emissions from the Dark 60/40 Spent Solvent Accumulation Tank. These controls included the Dark 60/40 Spent Solvent Accumulation Tank being equipped with a fixed roof designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank.
31. Respondent has never been issued a permit or otherwise qualified for interim status to own or operate a facility for the treatment, storage or disposal of hazardous waste as required by 9 VAC 20-60-270, 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).
32. From December 31, 1997 through December 9, 2011, Respondent was not in compliance with the conditions for temporary accumulation of hazardous waste by a generator pursuant to 40 C.F.R. § 262.34 and incorporated by reference in 9 VAC 20-60-262, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by that section for the following reasons:
 - a. At the time of EPA's April 9, 2009 Facility Inspection, sixteen (16) of the thirty-three 55-gallon containers of hazardous waste (F006, D006 and D007) in Respondent's 90-day hazardous waste storage area were stacked behind seventeen (17) other 55-gallon containers of hazardous waste in such a manner that the hazardous waste accumulation dates, if any, on the sixteen inside containers were not visible and, hence, such containers did not have hazardous waste accumulation dates "clearly marked and visible for inspection" as required by 40 C.F.R. § 262.34(a)(2) and incorporated by reference in 9 VAC 20-60-262;
 - b. From April 9, 2009 through December 9, 2011, Respondent's Dark 60/40 Spent Solvent Accumulation Tank stored hazardous waste (F004, D001, and D035) without the tank being marked or clearly labeled with the words "Hazardous Waste" as required by 40 C.F.R. § 262.34(c)(1)(ii) and incorporated by reference in 9 VAC 20-60-262;

- c. At the time of EPA's April 9, 2009 Facility Inspection, Respondent had two satellite hazardous waste containers which contained hazardous waste (F006, D006 and D007) without being marked or clearly labeled with the words "Hazardous Waste" as required by 40 C.F.R. § 262.34(a)(2) and incorporated by reference in 9 VAC 20-60-262. One satellite hazardous waste container was located at Respondent's Electroplating Prep Station #1 and the other at Respondent's Electroplating Prep Station #2.
- d. From February 19, 2007 through April 8, 2009, Respondent stored wastewater treatment sludge, a hazardous waste (F006), in numerous containers at the Facility for more than 90 days, during the following timeframes:
 - i. May 20, 2007 to August 9, 2007;
 - ii. November 7, 2007 to May 1, 2008; and
 - iii. July 30, 2008 to April 8, 2009;
- e. At the time of EPA's April 9, 2009 Facility Inspection, Respondent failed to have an updated Facility Contingency Plan as required by 40 C.F.R. §§ 265.52(d) and 265.54(d) and incorporated by reference in 9 VAC 20-60-265 because the Plan failed to have an updated list of emergency coordinators;
- f. At the time of EPA's April 9, 2009 Facility Inspection, Respondent had in storage at various places at its Facility four 55-gallon containers holding debris contaminated with solvent-based printing ink hazardous waste (F005, D001 and D035) and two 55-gallon containers containing debris contaminated with copper sulfate and chromic acid hazardous waste (D002 and D007) that were open at a time when it was not necessary to add or remove hazardous waste from such containers.
- g. At the time of EPA's April 9, 2009 Facility Inspection, Respondent had not yet obtained a written assessment of its Dark 60/40 Spent Solvent Accumulation Tank system as required by 40 C.F.R. § 265.192(g) and incorporated by reference in 9 VAC 20-60-265, nor was any such assessment onsite as required by this regulation.
- h. From April 9, 2008 through December 9, 2011, Respondent had failed to conduct the daily inspection of the above-ground portions of the Facility's Dark 60/40 Spent Solvent Accumulation Tank system to detect corrosion or releases, and the construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste as required by 40 C.F.R. § 265.195(b) and to record the results of any such inspection(s) in the Facility's operating record as required by 40 C.F.R. § 265.195(g) which are incorporated by reference by 9 VAC 20-60-265.
- i. From December 31, 1997 through December 9, 2011, the pump, valves, and other connectors of Respondent's Dark 60/40 Spent Solvent Accumulation *tank system* were not marked in a manner that distinguished them from other such equipment

as required by 40 C.F.R. § 265.1050(c) which is incorporated by reference by 9 VAC 20-60-265.

- j. From April 9, 2008 through March 31, 2012, Respondent failed to monitor the Facility's Dark 60/40 Spent Solvent Accumulation *tank system* equipment subject to 40 C.F.R. Part 265, Subpart BB, as required by 40 C.F.R. §§ 265.1050 - 265.1064, which is incorporated by reference by 9 VAC 20-60-265.
 - k. From December 31, 1997 through December 9, 2011, Respondent had not yet performed an initial inspection of the fixed roof and its closure devices, nor any of the subsequent annual inspections as required by 40 C.F.R. § 265.1085(c)(4)(ii) which is incorporated by reference by 9 VAC 20-60-265.
33. From December 31, 1997 through March 31, 2012, Respondent violated 9 VAC 20-60-270, 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) by operating a hazardous waste storage facility without a permit or interim status.

COUNT II

(Failure to Make a Waste Determination for Solvents)

34. The allegations of Paragraphs 1 through 33, above, are incorporated herein by reference as though fully set forth at length.
35. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, 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 method:
- a. The person should first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4 ;
 - b. The person must then determine if the waste is listed as a hazardous waste in Subpart D of 40 C.F.R. Part 261;
 - c. 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:
 - i. testing the waste, or
 - ii. applying knowledge of the hazardous characteristic of the waste.
36. At all times relevant to the violations alleged herein, Respondent generated spent MEK/Toluene solvents during its printing operations at the Facility. These spent solvents are hazardous wastes with waste codes F005, D001 and D035.
37. At all times relevant to the violations alleged herein, the spent solvent waste referred to in

Paragraph 36, above, was “solid waste” as this term is defined in 40 C.F.R. § 261.2, which is incorporated by reference by 9 VAC 20-60-261, with exception not relevant hereto.

38. From December 31, 1997 through March 31, 2012, Respondent transferred the spent solvent “solid wastes” referred to in Paragraphs 36 and 37, above, to its Dark 60/40 Spent Solvent Accumulation *tank system* at the Facility.
39. From December 31, 1997 through March 31, 2012, Respondent failed to determine whether its spent solvent “solid wastes” referred to in Paragraphs 36 and 37, above, were hazardous wastes by applying knowledge of the hazardous characteristics of the waste or by testing the waste as provided in 40 C.F.R. § 262.11 which is incorporated by reference by VAC 20-60-262.
40. From December 31, 1997 through March 31, 2012, Respondent violated 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, by failing to perform a hazardous waste determination for the spent solvent solid wastes generated at the Facility that were transferred to the Facility’s Dark 60/40 Spent Solvent Accumulation *tank system*.

COUNT III

(Failure to Make a Waste Determination for Sludge)

41. The allegations of Paragraphs 1 through 40, above, are incorporated herein by reference as though fully set forth at length.
42. At all times relevant to the violations alleged herein, Respondent generated sludge from the Facility’s metal finishing operations. The sludge is a hazardous waste with waste code F006.
43. The sludge referred to in Paragraph 42, above, is and was “solid waste” as this term is defined in 40 C.F.R. 261.2, which is incorporates by reference by 9 VAC 20-60-261, with exception not relevant hereto.
44. From February 19, 2007 through June 1, 2009, Respondent transferred the sludge “solid waste” referred to in Paragraphs 42 and 43, above, to a facility in Indiana.
45. Respondent failed to determine whether its sludge “solid waste” referred to in Paragraphs 42 and 43, above, was a hazardous waste by applying knowledge of the hazardous characteristics of the waste or by testing the waste as provided in 40 C.F.R. § 262.11 which is incorporated by reference by VAC 20-60-262.
46. From February 19, 2007 through June 1, 2009, Respondent violated 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11, by failing to perform a hazardous waste determination for the sludge solid waste generated at the Facility that was transferred off-site to an Indiana facility.

COUNT IV

(Failure to Have an Updated Contingency Plan)

47. The allegations of Paragraphs 1 through 46, above, are incorporated herein by reference as though fully set forth at length.
48. 9 VAC 20-60-264 incorporates by reference the “Content of Contingency Plan” requirements of 40 C.F.R. Part 264, Subpart D [entitled “Contingency Plan and Emergency Procedures”], including the requirements of 40 C.F.R. § 264.52(d) which provide, in pertinent part, that “[t]he [facility contingency] plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see 40 C.F.R. § 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.”
49. At the time of EPA’s April 9, 2009 Facility Inspection, Respondent’s Contingency Plan for the Facility failed to include an up to date list of the names, addresses, and phone numbers of *all* persons qualified to act as emergency coordinator, as required pursuant to 40 C.F.R. § 264.52(d).
50. On April 9, 2009, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.52(d), by failing to include in the Facility’s Contingency Plan an up to date list of the names, addresses, and phone numbers of *all* persons qualified to act as emergency coordinator.

COUNT V

(Failure to Keep Containers of Hazardous Waste Closed During Storage)

51. The allegations of Paragraphs 1 through 50, above, are incorporated herein by reference as though fully set forth at length.
52. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart I, including the requirements of 40 C.F.R. § 264.173(a), requires, in relevant part, that “[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
53. At the time of EPA’s April 9, 2009 Facility Inspection, Respondent failed to manage six (6) 55-gallon containers of hazardous waste at the Facility previously identified in Paragraph 32.f, above, in accordance with the 9 VAC 20-60-264 requirement that a container of hazardous waste must always be kept closed during storage, except when it is necessary to add or remove waste.
54. On April 9, 2009, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.173(a), by failing to keep containers of

hazardous waste closed during storage, except when it is necessary to add or remove waste.

COUNT VI

(Failure to Comply with New Tank Assessment Requirements)

55. The allegations of Paragraphs 1 through 54, above, are incorporated herein by reference as though fully set forth at length.
56. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart J (including, specifically, 40 C.F.R. § 264.192(a)) requires, in pertinent part, that the owner or operator of a facility that treats and stores hazardous waste in a new tank system must obtain and submit to the Director of the VADEQ a written assessment reviewed and certified by a qualified Professional Engineer attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
57. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart J (including, specifically, 40 C.F.R. § 264.192(g)) requires, in pertinent part, that the owner or operator of a facility that treats and stores hazardous waste in a new tank system must keep on file at the facility the written statements by those persons required to certify the design of the tank system and supervise its installation in accordance with 40 C.F.R. § 264.192(b) through (f), that attest that the tank system was properly designed and installed and that repairs, pursuant to 40 C.F.R. § 264.192(b) through (f), were performed.
58. At the time of EPA's April 9, 2009 Facility Inspection, Respondent had not obtained and submitted to the Director of the VADEQ a written assessment reviewed and certified by a qualified Professional Engineer attesting that Respondent's Dark 60/40 Spent Solvent Accumulation tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste as required by 40 C.F.R. § 264.192(a) as incorporated by reference by 9 VAC 20-60-264.
59. At the time of EPA's April 9, 2009 Facility Inspection, Respondent did not have, at the Facility, a written assessment reviewed and certified by a qualified Professional Engineer attesting that Respondent's Dark 60/40 Spent Solvent Accumulation tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste as required by 40 C.F.R. § 264.192(g) as incorporated by reference by 9 VAC 20-60-264.
60. On April 9, 2009, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.192(a) and (g), by failing to have submitted to the Director of the VADEQ a written assessment reviewed and certified by a qualified Professional Engineer attesting that Respondent's Dark 60/40 Spent Solvent Accumulation tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste and by failing to have such written assessment at the Facility.

COUNT VII

(Failure to Conduct/document Inspections of the Above-Ground Portion of the Tank System, Construction Materials, and Externally Accessible Tank Areas)

61. The allegations of Paragraphs 1 through 60, above, are incorporated herein by reference as though fully set forth at length.
62. 9 VAC 20-60-264, which incorporates by reference the requirements set forth at 40 C.F.R. § 264.195(c) requires, in pertinent part, that the owner or operator of a tank system must inspect at least once each operating day the above ground portions of the tank system to detect corrosion or releases of waste and the construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste.
63. 9 VAC 20-60-264, which incorporates by reference the requirements set forth at 40 C.F.R. § 264.73(b)(6), which itself incorporates by reference the requirements of 40 C.F.R. § 264.195(h), requires owners or operators of tank systems to document in the facility's operating record any inspections conducted pursuant to 40 C.F.R. § 264.195(a) – (c).
64. From April 9, 2008 through December 9, 2011, Respondent failed to inspect at least once each operating day the above ground portions of the Dark 60/40 Spent Solvent Accumulation tank system to detect corrosion or releases of waste and the construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste.
65. From April 9, 2008 through December 9, 2011, Respondent failed to document in the Facility's operating record any inspections of the Facility's Dark 60/40 Spent Solvent Accumulation tank system that were conducted pursuant to 40 C.F.R. § 264.195(a) – (c) as required by 9 VAC 20-60-264, which incorporates by reference the requirements set forth at 40 C.F.R. § 264.73(b)(6).
66. From April 9, 2008 through December 9, 2011, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements set forth at 40 C.F.R. §§ 264.195(c) and 264.73(b)(6), by failing to conduct the required daily inspections of the Facility's Dark 60/40 Spent Solvent Accumulation tank system to detect corrosion or releases of waste and the construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste and failing to document such inspections in the Facility's operating record.

COUNT VIII

(Failure to Mark Equipment Subject to BB)

67. The allegations of Paragraphs 1 through 66, above, are incorporated herein by reference as though fully set forth at length.

68. 9 VAC 20-60-264 incorporates by reference the “Applicability” requirements of 40 C.F.R. Part 264, Subpart BB [entitled “ Air Emission Standards for Equipment Leaks”], which requirements are set forth at 40 C.F.R. § 264.1050, which include the following provisions:
- a. 40 C.F.R. § 264.1050(a) provides, with exceptions and exclusions not herein applicable, that the regulations in 40 C.F.R. Part 264, Subpart BB, apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.
 - b. 40 C.F.R. § 264.1050(b) provides, in relevant part and with exceptions and exclusions not herein applicable, that 40 C.F.R. Part 264, Subpart BB, “applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following: “(1) A unit that is subject to the permitting requirements of 40 CFR part 270, or . . . (3) A unit that is exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.”
 - c. 40 C.F.R. § 264.1050(d) provides that: “[e]ach piece of equipment to which this subpart applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.”
69. 9 VAC 20-60-264 incorporates by reference the “Definitions” section of 40 C.F.R. Part 264, Subpart BB, which provisions are set forth at 40 C.F.R. § 264.1051 and provide, in pertinent part, that, as used in this subpart [BB], all terms shall have the meaning given them in 40 C.F.R. § 264.1031. 40 C.F.R. § 264.1031 includes definitions for the terms “*equipment*” and “*in light liquid service*”, which previously have been recited in Paragraph 19, above, and which are applicable to such terms as used hereafter.
70. From December 31, 1997 through December 9, 2011, portions of Respondent’s Dark 60/40 Spent Solvent Accumulation tank system included *equipment* identified in Paragraph 27, above, that routinely contained and/or contacted hazardous wastes with organic concentrations of at least 10 percent by weight and which was not subject to any exemption from the requirements of 40 C.F.R. Part 264, Subpart BB, as incorporated by reference in 9 VAC 20-60-264.
71. From December 31, 1997 through December 9, 2011, each piece of *equipment* identified in Paragraphs 27 and 70, above, was not marked by the Respondent in a manner by which each such piece of *equipment* could be distinguished readily from other pieces of *equipment*, in accordance with the applicable requirements of 40 C.F.R. § 264.1050(d).
72. From December 31, 1997 through December 9, 2011, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.1050(d), by failing to mark each piece of *equipment* identified in Paragraphs 27 and 70, above, at the Facility’s Dark 60/40 Spent Solvent Accumulation *tank system* in such a manner that each such piece of *equipment* could be distinguished readily from other pieces of

equipment.

COUNT IX

***(Failure to Comply with Monitoring/Recordkeeping Requirements
for Pumps in Light Liquid Service)***

73. The allegations of Paragraphs 1 through 72, above, are incorporated herein by reference as though fully set forth at length.
74. 9 VAC 20-60-264 incorporates by reference the “Standards: Pumps in light liquid service” of 40 C.F.R. Part 264, Subpart BB, which requirements are set forth at 40 C.F.R. § 264.1052 and provide, in pertinent part, as follows:
- a. 40 C.F.R. § 264.1052(a)(1) provides, in pertinent part, that each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in [40 C.F.R.] § 264.1063(b).
75. From April 9, 2008 through March 31, 2012, the pumps *in light liquid service* at the Facility’s Dark 60/40 Spent Solvent Accumulation *tank system* identified above in Paragraphs 27 and 70 were not “monitored monthly to detect leaks” by the Respondent pursuant to the methods specified in 40 C.F.R. § 264.1063, in accordance with the applicable requirements of 40 C.F.R. § 264.1052(a)(1), as incorporated by reference in 9 VAC 20-60-264.
76. From April 9, 2008 through March 31, 2012, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.1052(a)(1), by failing to monitor the pumps *in light liquid service* at the Facility’s Dark 60/40 Spent Solvent Accumulation *tank system* monthly, by the methods specified in 40 C.F.R. § 264.1063, to detect leaks.

COUNT X

(Failure to Comply with Air Emission Standards for Valves in Light Liquid Service)

77. The allegations of Paragraphs 1 through 76, above, are incorporated herein by reference as though fully set forth at length.
78. 9 VAC 20-60-264 incorporates by reference the “Standards: Valves in gas/vapor service or in light liquid service” of 40 C.F.R. Part 264, Subpart BB, which requirements are set forth at 40 C.F.R. § 264.1057 and provide as follows:
- a. 40 C.F.R. § 264.1057(a) provides, in relevant part, with exceptions not herein applicable, that: “Each valve in . . . light liquid service shall be monitored monthly to detect leaks by the methods specified in [40 C.F.R.] § 264.1063(b). . . .”

79. From April 9, 2008 through March 31, 2012, each of the valves *in light liquid service* located the Facility's Dark 60/40 Spent Solvent Accumulation *tank system* identified in Paragraphs 27 and 70, above, were not monitored monthly by the Respondents to detect leaks in accordance with the methods specified in 40 C.F.R. § 264.1063(b), as required pursuant to 40 C.F.R. § 264.1057(a).
80. From April 9, 2008 through March 31, 2012, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. §§ 264.1057(a), 264.1062(b) and (c), and 264.1062(a) and (b), by failing to comply with the applicable leak standard requirements of 40 C.F.R. Part 264, Subpart BB, for the *valves in light liquid service* in the Facility's Dark 60/40 Spent Solvent Accumulation *tank system* identified in Paragraphs 27 and 70, above.

COUNT XI

(Failure to Comply with Air Emission Standards Recordkeeping Requirements)

81. The allegations of Paragraphs 1 through 80, above, are incorporated herein by reference as though fully set forth at length.
82. 9 VAC 20-60-264 incorporates by reference the "Recordkeeping requirements" of 40 C.F.R. Part 264, Subpart BB, which requirements are set forth at 40 C.F.R. § 264.1064 and, provide, in pertinent part, as follows:
- a. 40 C.F.R. § 264.1064(a) provides that "(1) Each owner or operator subject to the provisions of this subpart shall comply with the recordkeeping requirements of this section [; and] (2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit."
 - b. 40 C.F.R. § 264.1064(b) provides that "[o]wners and operators must record the following information in the facility operating record: (1) For each piece of equipment to which subpart BB of part 264 applies: (i) Equipment identification number and hazardous waste management unit identification[;] (ii) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan)[;] (iii) Type of equipment (e.g., a pump or pipeline valve)[;] (iv) Percent-by-weight total organics in the hazardous waste stream at the equipment[;] (v) Hazardous waste state at the equipment (e.g., gas/vapor or liquid)[; and] (vi) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals")."
 - c. 40 C.F.R. § 264.1064(g) provides that "[t]he following information pertaining to all equipment subject to the requirements in §§ 264.1052 through 264.1060 shall be recorded in a log that is kept in the facility operating record: (1) A list of identification numbers for equipment (except welded fittings) subject to the

requirements of this subpart[;] (2)(i) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background. . . [;] (ii) The designation of this equipment as subject to the requirements of §§ 264.1052(e) . . . or 264.1057(f) . . . signed by the owner or operator * * * [;] (4)(i) The dates of each compliance test required in §§ 264.1052(e) . . . and 264.1057(f)[;] (ii) The background level measured during each compliance test[;] (iii) The maximum instrument reading measured at the equipment during each compliance test [; and] * * *(6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.”

- 83. From April 9, 2008 through March 31, 2012, Respondent failed to record in a facility operating record or in a log kept in a facility operating record, information required pursuant to 40 C.F.R. § 264.1064(b)(1)(i) through (vi) and 40 C.F.R. § 264.1064(g)(1) through (6) for the *equipment* located at the Facility’s Dark 60/40 Spent Solvent Accumulation *tank system*, as identified in Paragraphs 27 and 70, above.
- 84. From April 9, 2008 through March 31, 2012, Respondent violated 9 VAC 20-60-264, which incorporates by reference the requirements of 40 C.F.R. § 264.1064(b) and 40 C.F.R. § 264.1064(g), by failing to record in a facility operating record or in a log kept in a facility operating record, information that Respondent was required to record in accordance with each of the applicable recordkeeping requirements of 40 C.F.R. § 264.1064(b)(1)(i) through (vi) and 40 C.F.R. § 264.1064(g)(1), (2), (4) and (6).

COUNT XII
***(Failure to Comply with Air Emission Standards for Tanks,
Surface Impoundments and Containers)***

- 85. The allegations of Paragraphs 1 through 84, above, are incorporated herein by reference as though fully set forth at length.
- 86. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, including, specifically, 40 C.F.R. § 264.1080, requires, requires, *inter alia*, and with certain exceptions not relevant here, that owners and operators of tanks storing hazardous waste and subject to the requirements of 40 C.F.R. Part 264, Subpart J, to comply with the “Air Emission Standards for Tanks, Surface Impoundments, and Containers” set forth in Subpart CC of 40 C.F.R. Part 264 (40 C.F.R. §§ 264.1080 through 264.1091).
- 87. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart CC (including, specifically, 40 C.F.R. § 264.1084(b)(1)) requires owners and operators of tanks referenced in 40 C.F.R. § 264.1082(b) that manage hazardous waste that meet all the specifications of 40 C.F.R. § 264.1084(b)(1)(i) through (b)(1)(iii) must control air pollutant emissions from such tanks in accordance with either the Tank Level 1 controls specified in 40 C.F.R. § 265.1084(c) or Tank Level 2 controls specified in 40 C.F.R. §

265.1084(d).

88. The Tank Level 1 controls required by 40 C.F.R. § 264.1084(c) include the requirements set forth in 40 C.F.R. § 264.1084(c)(2) that:
- a. the tank be equipped with a fixed roof designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank;
 - b. the tank be installed in such a manner that there are no visible cracks, holes, gaps or other open spaces;
 - c. each opening in the fixed roof an any manifold system associated with the fixed roof be either equipped with a closure device designed to operate so that when the closure device is secured, there are no visible cracks, holes, gaps or other open spaces, or the openings are connected by a closed vent system that is vented to a control system that shall remove or destroy organics in the vent stream; and
 - d. the fixed roof an its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere.
89. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, Subpart CC (including, specifically, 40 C.F.R. § 264.1084(c)(4)(ii)) requires owners and operators of tanks storing hazardous waste using Tank Level 1 controls to control tank air pollutant emissions must perform an initial inspection of the fixed roof and its closure devices on the date that the tank begins storing hazardous waste and at least once each year thereafter.
90. The Facility's Dark 60/40 Spent Solvent Accumulation *tank system* began storing hazardous wastes subject to the requirements of 40 C.F.R. Part 264, Subpart J, as incorporated by reference by 9 VAC 20-60-264, no later than December 31, 1997 and has continued to do so through the present.
91. No later than December 31, 1997 and continuing through the present, Respondent's Dark 60/40 Spent Solvent Accumulation Tank met the specifications of 40 C.F.R. § 264.1084(b)(1)(i) - (iii) and used Tank Level 1 controls, including the requirements set forth in 40 C.F.R. § 264.1084(c)(2), for the Facility's Dark 60/40 Spent Solvent Accumulation *tank system*, to control air emissions from the Dark 60/40 Spent Solvent Accumulation Tank system. These controls included the Dark 60/40 Spent Solvent Accumulation Tank being equipped with a fixed roof designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank.
92. From December 31, 1997 through December 9, 2011, Respondent had not yet performed an initial inspection of the Dark 60/40 Spent Solvent Accumulation Tank's fixed roof and its closure devices, nor any of the subsequent annual inspections as required by 40 C.F.R. § 264.1084(c)(4)(ii) which is incorporated by reference by 9 VAC 20-60-264.

93. From December 31, 1997 through December 9, 2011, Respondent violated 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.1084(c)(4)(ii), by failing to have performed an initial inspection of the Dark 60/40 Spent Solvent Accumulation Tank's fixed roof and its closure devices, and by failing to perform any of the subsequent annual inspections as required by this provision.

COUNT XIII

(Improper management of universal waste)

94. The allegations of Paragraphs 1 through 93, above, are incorporated herein by reference as though fully set forth at length.
95. 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.13(d)(1), provides, in pertinent part, that a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by containing any lamps in containers or packages that are structurally sound. Such containers must remain closed.
96. 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.9, defines a "Small Quantity Handler of Universal Waste" as being a universal waste handler who does not accumulate more than 5,000 kilograms or more of universal waste at any time.
97. 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.9, defines "Universal Waste" as including, *inter alia*, waste lamps as described in 40 C.F.R. § 273.5.
98. At the time of EPA's April 9, 2009 Facility Inspection, Respondent was a small quantity handler of universal waste lamps which were being stored in containers.
99. At the time of EPA's April 9, 2009 Facility Inspection, one container of universal waste lamps which were being stored by Respondent was open.
100. On April 9, 2009, Respondent was in violation of 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.13(d)(1), because it was storing universal waste in a container that was not closed.

IV. CIVIL PENALTY

101. Respondent agrees to pay a civil penalty in the amount of **THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)**, in settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations 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 the 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.

102. The civil penalty settlement amount set forth in Paragraph 101, immediately above, was determined after consideration of the 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 includes the effect of the penalty on Respondent's ability to continue in business), 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 Penalties for Inflation, 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* ("Kelley Memorandum").
103. The civil penalty of Thirty-Five Thousand Dollars (\$35,000.00) set forth in Paragraph 101, above may be paid in twenty-four (24) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- a. 1st Payment: The first payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,472.58 and an interest payment of \$0.00, shall be paid within Thirty (30) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - b. 2nd Payment: The second payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,443.71 and an interest payment of \$28.87, shall be paid within Sixty (60) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - c. 3rd Payment: The third payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,445.84 and an interest payment of \$26.74, shall be paid within Ninety (90) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
 - d. 4th Payment: The fourth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,446.20 and an interest payment of \$26.38, shall be paid within One Hundred and Twenty

(120) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- c. 5th Payment: The fifth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,448.25 and an interest payment of \$24.33 shall be paid within One Hundred and Fifty (150) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- f. 6th Payment: The sixth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,448.69 and an interest payment of \$23.89, shall be paid within One Hundred and Eighty (180) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- g. 7th Payment: The seventh payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,449.94 and an interest payment of \$22.64, shall be paid within Two Hundred and Ten (210) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- h. 8th Payment: The eighth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,451.88 and an interest payment of \$20.70, shall be paid within Two Hundred and Forty (240) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- i. 9th Payment: The ninth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,452.44 and an interest payment of \$20.14, shall be paid within Two Hundred and Seventy (270) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- j. 10th Payment: The tenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,454.30 and an interest payment of \$18.28, shall be paid within Three Hundred (300) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- k. 11th Payment: The eleventh payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,454.94 and an interest payment of \$17.64, shall be paid within Three Hundred and Thirty (330) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- l. 12th Payment: The twelfth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,456.19 and an interest payment of \$16.39, shall be paid within Three Hundred and Sixty (360) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- m. 13th Payment: The thirteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,458.91 and an interest payment of \$13.67 shall be paid within Three Hundred and Ninety (390) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- n. 14th Payment: The fourteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,458.70 and an interest payment of \$13.88, shall be paid within Four Hundred and Twenty (420) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- o. 15th Payment: The fifteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,460.37 and an interest payment of \$12.21, shall be paid within Four Hundred and Fifty (450) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- p. 16th Payment: The sixteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,461.22 and an interest payment of \$11.36, shall be paid within Four Hundred and Eighty (480) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- q. 17th Payment: The seventeenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents

(\$1,472.58), consisting of a principal payment of \$1,462.80 and an interest payment of \$9.78, shall be paid within Five Hundred and Ten (510) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;

- r. 18th Payment: The eighteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,463.73 and an interest payment of \$8.85, shall be paid within Five Hundred and Forty (540) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- s. 19th Payment: The nineteenth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,464.99 and an interest payment of \$7.59, shall be paid within Five Hundred and Seventy (570) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- t. 20th Payment: The Twentieth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,466.46 and an interest payment of \$6.12, shall be paid within Six Hundred (600) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- u. 21st Payment: The twenty-first payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,467.52 and an interest payment of \$5.06 shall be paid within Six Hundred and thirty (630) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- v. 22nd Payment: The twenty-second payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,468.90 and an interest payment of \$3.68, shall be paid within Six Hundred and sixty (660) Days of the date on which this CAFO is mailed or hand-delivered to Respondent;
- w. 23rd Payment: The twenty-third payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Fifty-Eight Cents (\$1,472.58), consisting of a principal payment of \$1,470.05 and an interest payment of \$2.53, shall be paid within Six Hundred and Ninety (690) Days of the date on which this CAFO is mailed or hand-delivered to Respondent; and

- x. 24th Payment: The eighth payment in the amount of One Thousand Four Hundred and Seventy-Two Dollars and Sixty-Six Cents (\$1,472.66), consisting of a principal payment of \$1,471.39 and an interest payment of \$1.27, shall be paid within Seven Hundred and Twenty (720) Days of the date on which this CAFO is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principal payments for the civil penalty in the amount of Thirty-Five Thousand Dollars (\$35,000.00) and total interest payments in the amount of Three Hundred and Forty-Two Dollars (\$342.00).

104. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 103, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 108, 109, 110 and 111, below, in the event of any such failure or default.
105. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 103, above, Respondent may pay the entire civil penalty of Thirty-Five Thousand Dollars (\$35,000.00) within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as described in Paragraph 106, below. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
106. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 103, above, and/or the full penalty, pursuant to Paragraphs 104 or 105, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 108, 109, 110 and 111, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:
- a. All payments by Respondents shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2012-0091;
 - 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
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Customer service contact: 513-487-2044

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

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: 314-418-1028

- 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

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

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

107. At the time of payment, Respondent shall send a notice of such payment, including Respondent's name, address, and EPA Docket Number (RCRA-03-2012-0091), along with 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

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

108. 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.

109. 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).
110. 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.
111. 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).
112. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

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

VI. OTHER APPLICABLE LAWS

114. 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. RESERVATION OF RIGHTS

115. This CAFO resolves only EPA's claims for civil penalties for the specific violations 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 40 C.F.R. § 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.

VIII. FULL AND FINAL SATISFACTION

116. 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. 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.
117. The settlement embodied in this Consent Agreement is based in part upon an analysis of Respondent's ability to pay a civil penalty. This analysis is based upon information submitted to Complainant by the Respondent, as listed on Attachment A to this Consent Agreement. Respondent and its undersigned representative, by such representative's signature to this Consent Agreement, certify that the information submitted to EPA regarding Respondent's ability to pay is accurate and not misleading.
118. Respondent is aware that the submission of false or misleading information to the United States government may subject it 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 the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.

IX. PARTIES BOUND

119. 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.

X. EFFECTIVE DATE

120. 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.

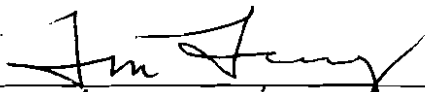
XI. ENTIRE AGREEMENT

121. 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:

Transprint USA, Inc.:

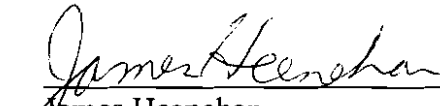
Date: April 2, 2012

By: 
Name: Larry Levy
Title: President

For the Complainant:


U.S. Environmental Protection Agency, Region III

Date: April 5, 2012

By: 
James Heenehan
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact, 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: 4/27/12

By: 
Abraham Ferdas, Director
Land and Chemicals Division

Attachment A

Documents Submitted by Respondent to Support its Ability-to-Pay Penalty Mitigation Position

- i. 2010 Transprint USA, Inc. Tax Return (listed as Colorep, Inc. and Subsidiary);
- ii. 2009 Transprint USA, Inc. Tax Return (listed as Colorep, Inc. and Subsidiary);
- iii. 2008 Transprint USA, Inc. Tax Return (listed as Colorep, Inc. and Subsidiary);
- iv. 2007 Transprint USA, Inc. Tax Return;
- v. 2006-10 Transprint USA, Inc. Financial Statements (2008-10 unaudited);
- vi. July 2010 – May 2011 Transprint USA, Inc. bank statements;
- vii. Transprint USA, Inc. Listing of Fixed Assets (submitted Sept. 26, 2011); and
- viii. Transprint USA, Inc. Financial Statement: Corporations, Business or Other Organizations Ability to Pay Claim, dated September 23, 2011.

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

In Re:)	
)	
)	
Transprint USA, Inc.)	
1000 Pleasant Valley Road	)	Docket No. RCRA-03-2012-0091
Harrisonburg, VA 22801)	
)	
RESPONDENT,	)	Proceeding Under Section
	)	3008(a) and (g) of the
Transprint USA, Inc.	)	Resource Conservation and
1000 Pleasant Valley Road	)	Recovery Act, as amended,
Harrisonburg, VA 22801	)	42 U.S.C. § 6928(a) and (g)
)	
FACILITY.)	

FINAL ORDER

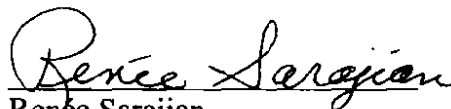
Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Transprint USA, Inc., have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing 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) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) ("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 **THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)** in accordance with the terms and conditions of the Consent Agreement, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date:

5/11/12



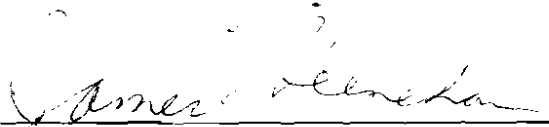
Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III

CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered the original and one true and correct copy of the Consent Agreement and Final Order for *In the Matter of: Transprint USA, Inc.* (Docket No. RCRA-03-2012-0091), to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St., Philadelphia, PA, 19103, and that I sent a true and correct copy of same to Respondent's counsel at the below address via UPS:

Respondent: Daniel Fitch
Wharton, Aldhizer & Weaver, PLC
100 South Mason Street
Harrisonburg, VA 22801

5/3/12
Date



James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA Region III