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BOSTON, MASSACHUSETTS 02109-3912
REG. CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
FIVE POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

VIA POUCH MAIL

July 7, 2010

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
Five Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109

RE: Lin-Cor Environmental, LLC, Docket No. RCRA- 01-2009-0081

Dear Ms. Santiago,

Enclosed for filing in the above-referenced matter, please find the original and one copy of an Unopposed Motion for Extension of Time for Filing Consent Agreement and Final Order. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Amanda J. Helwig".

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency

cc: The Honorable Susan L. Biro, Chief Administrative Law Judge, U.S. EPA
E. Chris L'Hommedieu, Esq.

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED
2010 JUL 12 P 9:17

_____))
In the Matter of:))
))
Lin-Cor Environmental, LLC))
276 Dow Highway))
Eliot, Maine 03903))
))
Respondent.))
_____)

EPA Docket No. RCRA-01-2009-0081
CLERK

**UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR FILING CONSENT AGREEMENT AND FINAL ORDER**

The U.S. Environmental Protection Agency, Region 1 (Complainant) moves in the above-captioned matter for a seven (7) day extension of time for the filing of the Consent Agreement and Final Order (CAFO).

As set forth in the Presiding Officer's Prehearing Order, dated June 3, 2010, Complainant was ordered to file the CAFO or its Initial Prehearing Exchange by July 9, 2010. Complainant moves that the Presiding Officer grant an extension of 7 days, until July 16, 2010, for the filing of the CAFO in this matter. Lin-Cor Environmental, LLC (Respondent) does not oppose this motion. As grounds for this motion, Complainant respectfully states as follows:

1. The parties have reached a settlement and finalized the CAFO in this action. *See Attachment A.*
2. Respondent signed the Consent Agreement on June 29, 2010. Complainant received a copy of Respondent's signature on July 1, 2010. *See Attachment B.* Respondent mailed the original signature page for the Consent Agreement to Complainant, but Complainant has not received the document as of July 7, 2010.

3. Based on the unexpected absence of regional personnel, Complainant's management has not signed the Consent Agreement as of July 7, 2010.

4. Complainant needs the original copies of the signature pages on the Consent Agreement before it can forward the CAFO to the Regional Judicial Officer for execution of the Final Order.

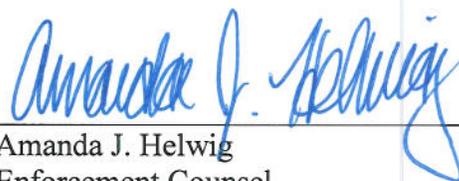
5. Enforcement Counsel for the Complainant recently relocated to U.S. EPA headquarters in Washington, DC and retained this matter through the settlement process. Complainant's counsel must, therefore, transmit all the settlement documents to the region through mail.

WHEREFORE, Complainant respectfully moves that the deadline for filing the CAFO in this matter be extended by 7 days, until July 16, 2010, to provide the parties with an opportunity to execute the CAFO.

Respectfully submitted,

Dated: _____

7/7/10



Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, DC 20460

2. The Complaint alleges that Respondent violated Section 3002 of RCRA, 42 U.S.C. § 6922; Title 38, Chapter 13 of the Maine Revised Statutes Annotated, 38 M.R.S.A. § 1301 et seq.; and the State of Maine Hazardous Waste Management Rules promulgated thereunder, codified at 06-096 Code of Maine Rules (“C.M.R”) Chapters 850 et seq.

3. The Complainant and Respondent subsequently entered into negotiations to settle the allegations contained in the Complaint. This CAFO is the result of such negotiations and resolves the liability of the Respondent for matters alleged in the Complaint.

4. This CAFO shall apply to and be binding upon Respondent, its successors and assigns.

5. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this Final Order.

6. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

7. Respondent states that it is no longer operating a RCRA facility at 276 Dow Highway in Eliot, Maine.

III. PENALTY

8. Based on the findings and allegations in the Complaint and other relevant factors, including Respondent's demonstrated financial inability to pay more than certain penalty amounts, EPA has determined that it is fair and proper that Respondent pay a civil penalty in the amount of \$1,000.

9. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty as set out in the foregoing paragraph.

10. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit a bank, cashier's, or certified check in the amount of \$1,000 payable to the order of the "Treasurer, United States of America," and referencing the EPA Docket Number of this action (RCRA- 01-2008-0081). The check should be forwarded to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda Santiago
Regional Hearing Clerk
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109

and

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code: 2243-A
Washington, DC 20460.

Interest and late charges, if applicable, shall be paid as specified in Paragraph 11 below.

11. Failure by Respondent to pay the total penalty in full by the due date may subject the Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date of the Final Order. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid, in accordance with 31 C.F.R. § 901.9(d).

12. The penalty specified in Paragraph 8 above shall represent a civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

IV. GENERAL PROVISIONS

13. This CAFO constitutes a settlement by EPA of all claims for civil penalties

pursuant to Section 3008(a) of RCRA for the violations alleged in the Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA. It is the responsibility of the Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the EPA to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

14. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

15. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

16. This CAFO does not constitute a waiver, suspension or modification of the requirements of RCRA, 42 U.S.C. § 6901 et seq., or any regulations promulgated thereunder.

FOR RESPONDENT:

Linda Corbin, President
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, Maine 03903

Date

FOR COMPLAINANT:

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

Date

VI. FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and in accordance with 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective upon filing with the Regional Hearing Clerk.

Date: _____

Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I

ATTACHMENT B

FOR RESPONDENT:

Linda Corbin
Linda Corbin, ~~President~~ *Member*
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, Maine 03903

6-29-10
Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)	
)	
Lin-Cor Environmental, LLC)	EPA Docket No. RCRA-01-2009-0081
276 Dow Highway)	
Eliot, Maine 03903)	
)	
Respondent.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR FILING CONSENT AGREEMENT AND FINAL ORDER**

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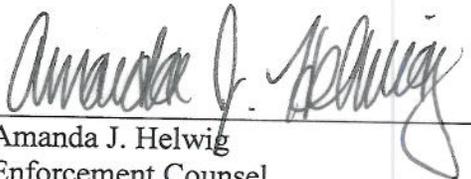
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Respectfully submitted,

Dated: 7/7/10


Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, DC 20460

ATTACHMENT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:)	
)	
Lin-Cor Environmental, LLC)	EPA Docket No. RCRA-01-2009-0081
)	
276 Dow Highway)	
Eliot, Maine 03903)	
)	
RESPONDENT)	
)	
)	

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”), having filed the Complaint herein against Respondent, Lin-Cor Environmental, LLC; and Complainant and Respondent (together, “the Parties”) having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law and without the admission or denial of liability, and upon consent and agreement of the Parties, it is hereby ordered and adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA).

2. The Complaint alleges that Respondent violated Section 3002 of RCRA, 42 U.S.C. § 6922; Title 38, Chapter 13 of the Maine Revised Statutes Annotated, 38 M.R.S.A. § 1301 et seq.; and the State of Maine Hazardous Waste Management Rules promulgated thereunder, codified at 06-096 Code of Maine Rules (“C.M.R”) Chapters 850 et seq.

3. The Complainant and Respondent subsequently entered into negotiations to settle the allegations contained in the Complaint. This CAFO is the result of such negotiations and resolves the liability of the Respondent for matters alleged in the Complaint.

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9. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty as set out in the foregoing paragraph.

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and

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code: 2243-A
Washington, DC 20460.

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14. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

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FOR RESPONDENT:

Linda Corbin, President
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, Maine 03903

Date

FOR COMPLAINANT:

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

Date

VI. FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and in accordance with 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective upon filing with the Regional Hearing Clerk.

Date: _____

Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I

ATTACHMENT B

FOR RESPONDENT:

Linda Corbin
Linda Corbin, ~~President~~ Member
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, Maine 03903

6-29-10
Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Unopposed Motion for Extension of Time for Filing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy,
by pouch mail:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
Five Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109

One copy, by e-mail and
pouch mail:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

One copy, by first-class mail:

E. Chris L'Hommedieu
L'Hommedieu Law Office
190 Bates Street
Lewiston, ME 04240

Date: _____

7/7/10



Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, DC 20460

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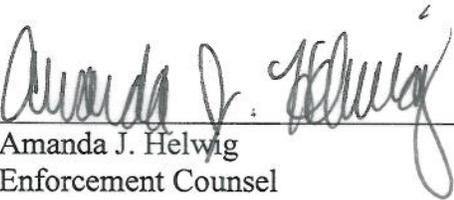
One copy, by e-mail and
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The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

One copy, by first-class mail:

E. Chris L'Hommedieu
L'Hommedieu Law Office
190 Bates Street
Lewiston, ME 04240

Date: 7/7/10


Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, DC 20460