

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:)	
)	
Interplex Engineered Products, Inc.)	Docket No. RCRA-01-2024-0029
231 Ferris Avenue)	
East Providence, Rhode Island 02916)	CONSENT AGREEMENT 1/31/24
)	AND FINAL ORDER
Proceeding under Section 3008(a) of)	
Resource Conservation and Recovery)	
Act, 42 U.S.C. § 6928(a))	
)	

Received by
EPA Region 1
Hearing Clerk

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, alleges that Interplex Engineered Products, Inc. (“Interplex” or “Respondent”), has violated the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at Interplex’s electrical connector manufacturing and plating facility in East Providence, Rhode Island. EPA Region I (“Complainant”) and Interplex (together, the “Parties”) have agreed to settle this matter through this Consent Agreement and Final Order (“CAFO”). EPA’s procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice (“Consolidated Rules”) at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Rhode Island pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. Interplex is a Massachusetts corporation that owns and operates an electrical connector manufacturing and plating facility in East Providence, Rhode Island (the “Facility”).

5. On May 25, 2022, EPA inspectors conducted a hazardous waste compliance evaluation inspection (“EPA Inspection”) at the Facility.

6. At various times after the EPA Inspection, Interplex provided follow-up compliance information to EPA.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

9. On January 30, 1986, EPA granted Rhode Island final authorization to administer its base hazardous waste program. *See* 51 Fed. Reg. 3780 (January 30, 1986). Updates to the Rhode Island hazardous waste management program were authorized by EPA on March 12, 1990, effective March 26, 1990 (55 Fed. Reg. 9128); March 6, 1992, effective May 5, 1992 (57 Fed. Reg. 8089); October 2, 1992, effective December 1, 1992 (57 Fed. Reg. 45,574);

August 9, 2002, effective October 8, 2002 (67 Fed. Reg. 51,765); December 11, 2007, effective February 11, 2008 (72 Fed. Reg. 70,229); and July 26, 2010 (75 Fed. Reg. 43409) and September 20, 2010 (75 Fed. Reg. 57,188), effective September 24, 2010. Accordingly, Rhode Island’s federally-authorized hazardous waste regulations are set forth at Rhode Island’s Rules and Regulations for Hazardous Waste Management as amended through 2010 (“2010 RI HW Rules”). The 2010 RI HW Rules are cited herein, with cross-references to Rhode Island’s current hazardous waste regulations at Title 250 of the Rhode Island Code of Regulations, Chapter 140, Subchapter 10, Part 1 (“250-RICR-140-10-1”).

10. The 2010 RI HW Rules incorporate by reference federal hazardous waste regulations at 40 C.F.R. Parts 260-265, 266, 270, 273 and 124 in their entirety (except as otherwise noted in the 2010 RI HW Rules) as these federal regulations existed on July 1, 2008. Accordingly, all citations to the Code of Federal Regulations (“C.F.R.” or “CFR”) in Sections III.C and V of this CAFO will be to the July 2008 edition of the regulations. *See* Rule 2.2 (incorporating federal regulations by reference) and Rule 3 of the 2010 RI HW Rules (for definition of “40 CFR”); *see also* 250-RICR-140-10-1.4.

11. Pursuant to Sections 3006(g) and 3008(a) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

12. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015 (“FCPIAA”), and the FCPIAA’s implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after January 6, 2023, are currently subject to penalties of up to \$87,855 per day for each violation. *See* 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

B. General Allegations

13. Respondent is a corporation and a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and Rule 3 of the 2010 RI HW Rules. At all times relevant to the allegations set forth in this CAFO, Respondent has been the “owner” and “operator” of the Facility as defined by Rule 3 of the 2010 RI HW Rules (currently, defined in 250-RICR-140-10-1.5).

14. At all times relevant to the allegations set forth in this CAFO, the Facility has generated “hazardous waste” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and Rule 3 of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.5).

15. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent has been a “generator” of hazardous wastes at the Facility as defined in Rule 3 of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.5).

16. Respondent has never applied for or obtained a permit for the treatment, storage, or disposal of hazardous wastes (“TSD permit”) at the Facility.

17. In order to store hazardous waste for 90 days or less without obtaining a TSD permit or having interim status, Respondent’s Facility must comply with the conditions found in the applicable provisions of Rule 5 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7). *See* Rules 5.0 and 5.2.A of the 2010 RI HW Rules (currently, in 250-RICR-140-10-1.7.12.B.1).

C. RCRA Violations

Count 1: Failure to Minimize Possibility of Fire, Explosion, Or Unplanned Release of Hazardous Waste

18. Pursuant to Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34, including 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates by reference 40 C.F.R. § 265.31, a facility must be maintained and operated to minimize the

possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. *See also* 250-RICR-140-10-1.7.12.I.

19. At the time of the EPA Inspection, the Facility's wastewater treatment area had a designated hazardous waste storage area that contained 12 55-gallon drums of cyanide waste, (hereinafter, the "Cyanide Waste Storage Area"). The drums were stored near a grated drainage trench in the floor. This drainage trench, which ran through various other parts of the wastewater treatment area, served to capture any spilled liquid material and transport it to a sump. Other parts of the wastewater treatment area served by the trench were designated to store sulfuric acid and other acids. If both sulfuric acid and cyanide waste were spilled and mixed in the trench or in the sump, the mixture could react and generate toxic and flammable vapors.

20. Accordingly, Respondent failed to maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste, as required by Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.31 (currently, 250-RICR-140-10-1.7.12.I). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f) .

21. As alleged in Paragraph 16 above, Respondent has never applied for or obtained a TSD permit for the Facility and has not complied with TSD permit requirements for the Facility.

22. Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 2: Failure to Maintain Adequate Aisle Space Between Hazardous Waste Containers

23. Pursuant to Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34, including 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. § 265.35, a facility must maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. *See also* 250-RICR-140-10-1.7.9 (at least three feet of aisle space required between rows of containers where hazardous waste is stored to allow for emergency access and inspections).

24. At the time of the EPA inspection, the Facility's Cyanide Waste Storage Area contained 12 55-gallon drums of cyanide waste stored in one row of seven drums and one row of five drums, with no aisle spacing between the two rows. Four of the drums were completely blocked in by other drums and a concrete retaining wall, which rendered the four drums inaccessible without moving other drums.

25. Accordingly, Respondent failed to maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment within the Facility, as required by Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.35 (currently, 250-RICR-140-10-1.7.9). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f) .

26. Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 3: Failure to Conduct Weekly Inspections of Hazardous Waste Containers

27. Pursuant to Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34, including 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates by reference 40 C.F.R. Part 265, Subpart I (“Use and Management of Containers”), including 40 C.F.R. § 265.174, an owner or operator must conduct inspections at least weekly of areas where hazardous waste containers are stored to look for leaks and for deterioration caused by corrosion or other factors. *See also* 250-RICR-140-10-1.7.12.C.1 (weekly inspections required for containers holding hazardous waste).

28. At the time of the EPA’s inspection, Respondent did not include the Facility’s Cyanide Waste Storage Area (which contained 12 55-gallon drums) on the Facility’s weekly inspection checklist for hazardous waste containers, and Respondent did not inspect the Cyanide Waste Storage Area weekly.

29. Accordingly, Respondent failed to conduct weekly inspections of hazardous waste containers, as required by Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.174 (currently, 250-RICR-140-10-1.7.12.C.1). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f).

30. Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 4: Failure to Keep Hazardous Waste Containers Closed

31. Pursuant to Rule 5.2.A of the 2010 RI HW Rules , which incorporates by reference 40 C.F.R. § 262.34, including 40 C.F.R. § 262.34(a)(1)(i), which in turn incorporates by reference 40 C.F.R. Part 265, Subpart I (“Use and Management of Containers”), including 40 C.F.R. § 265.173(3)(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. *See also* 250-RICR-140-10-1.7.12.C.1.b (hazardous waste containers must be closed except for adding/removing waste).

32. At the time of the EPA Inspection, there was a cubic yard box with a Hazardous Waste sticker affixed to the side in the Facility’s wastewater treatment area. The sticker identified the contents as “3260 Waste Corrosive Solids Acids Inorganic NOS Lead Sulfuric Acid Nickel, Tin, Copper GP II,” and included the EPA waste code D008. The cubic yard box contained what appeared to be used filters and emitted a strong chemical odor. The cubic yard box was open and no waste was being added or removed from it.

33. Accordingly, Respondent failed to keep containers of hazardous waste closed, as required by Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.173(3)(a) (currently, 250-RICR-140-10-1.7.12.C.1.b). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 5: Failure to Label Containers of Hazardous Waste

34. Pursuant to Rule 5.4.A of the 2010 RI HW Rules, a generator must label the side of hazardous waste containers, excluding containers in satellite accumulation, with the words “Hazardous Waste,” the generator’s name and address of the generating facility, and other information. *See also* 250-RICR-140-10-1.7.12.G.1 (containers must be labeled with words “Hazardous Waste;” the waste’s chemical or common name, and the facility’s name, address, and EPA ID number).

35. Pursuant to Rule 5.4.C of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.8.A.1.a-b), the generator must label each container in satellite accumulation with the words “Hazardous Waste” and other words that identify the container’s contents. *See also* 250-RICR-140-10-1.7.8.A.1.a-b (satellite accumulation container must be labeled with the words “Hazardous Waste” and the waste’s chemical or common name)

36. At the time of the EPA Inspection, the Facility’s Cyanide Waste Storage Area contained 12 55-gallon drums of cyanide waste. Due to the drums’ storage configuration, the sides of eight of the drums were visible. None of these eight drums were marked with the words “Hazardous Waste,” the generator’s name, or the address of the generating facility.

37. At the time of the EPA Inspection, there was a designated satellite accumulation area (“SAA”) located at the atomic absorption workstation in the Facility’s Plating Chem Lab. Respondent was storing two 5-gallon containers (carboys) in the SAA. The containers held hydrochloric acid waste and nitric acid waste, respectively. Neither container was marked with the words “Hazardous Waste.”

38. Accordingly, Respondent failed to label hazardous waste containers with the words “Hazardous Waste” and/or other information, as required by Rules 5.4.A and 5.4.C of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.G.1 and

250-RICR-140-10-1.7.8.A.1.a-b). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 6: Failure to Date Containers of Hazardous Waste

39. Pursuant to Rule 5.4.A of the 2010 RI HW Rules, a generator must label the side of hazardous waste containers, excluding containers in satellite accumulation, with an accumulation start date (that is, the date that hazardous waste first begins accumulating in the container or tank). *See also* 250-RICR-140-10-1.7.12.C.1 (hazardous waste containers must be marked with accumulation start date).

40. At the time of the EPA Inspection, Facility's Cyanide Waste Storage Area contained 12 55-gallon drums of cyanide waste. Due to the drums' storage configuration, the sides of eight of the drums were visible. None of these eight drums were labeled with an accumulation start date.

41. Accordingly, Respondent failed to label hazardous waste containers with an accumulation start date, as required by Rule 5.4.A of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.C.1). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

Count 7: Failure to Provide Contingency Plan to Local Authorities

42. Pursuant to Rule 5.2 of the 2010 RI HW Rules , which incorporates by reference 40 C.F.R. § 262.34, which in turn incorporates by reference 40 C.F.R. Part 265, Subpart D (“Contingency Plan and Emergency Procedures”), including 40 C.F.R. § 265.53, facilities are required to provide its contingency plan (for coordination and response to hazardous waste releases, fires, or explosions), and all revisions to the plan, to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. *See also* 250-RICR-140-10-1.7.12.K.1.f (copy of current contingency plan must be provided to all agencies that may have to respond to an incident and/or provide emergency services).

43. At the time of the EPA Inspection, Respondent had provided a copy of the Facility’s contingency plan to the local fire department but had not provided copies of the Facility’s contingency plan to any local police departments, hospitals, and State or local emergency response teams.

44. Accordingly, Respondent failed to provide the Facility’s contingency plan to all required local authorities and entities as set out in Rule 5.2 of the 2010 RI HW Rules and 40 C.F.R. § 262.34 and 40 C.F.R. § 265.53 (currently, 250-RICR-140-10-1.7.12.K.1.f). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.9.B.1.b and B.1.f). Because Respondent did not have a TSD permit for the Facility, Respondent violated Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules.

IV. GENERAL TERMS

45. The terms of this CAFO shall apply to and be binding on Complainant and on Respondent, its successors, and its assigns.

46. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. Neither admits nor denies the specific factual allegations contained in Section III of this CAFO;
- c. Consents to the assessment of a civil penalty as stated below;
- d. Consents to the issuance of any specified compliance or corrective action order;
- e. Consents to the conditions specified in this CAFO;
- f. Consents to any stated permit action;
- g. Waives any right to contest the alleged violations of law set forth in Section III of this CAFO; and
- h. Waives its right to appeal the Final Order accompanying this Consent Agreement.

47. For the purposes of this proceeding, Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Rhode Island, and waives any rights in law or equity to challenge EPA's authority to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance.

48. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any conditions specified in this CAFO.

49. All notices and submissions required by this CAFO shall be sent to:

For Complainant:

Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-WO
Boston, Massachusetts 02109
simpson.andrea@epa.gov

For Respondent:

Mark Kelly
Vice President, North America
mark.kelly@ennovi.com

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

50. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the RI HW Rules cited in Section III.C above.

51. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it has applied for a permit for the Facility pursuant to Section 3005 of RCRA and Rules 7.B.3 and 7.B.6 of the 2010 RI HW Rules:

- a. Respondent has installed spill control equipment in the Cyanide Waste Storage Area that prevents any spilled waste from the Cyanide Waste Storage Area from entering the grated drainage trench and sump that serves other parts of the Facility's wastewater treatment area, and has maintained and operated the Facility

to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste, in accordance with Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. Part 265.31¹ (currently, 250-RICR-140-10-1.7.12.I);

- b. Respondent is maintaining adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment within the Facility, in accordance with Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.35 (currently, 250-RICR-140-10-1.7.9);
- c. Respondent has begun conducting weekly inspections of all hazardous waste containers, in accordance with Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.174 (currently, 250-RICR-140-10-1.7.12.C.1);
- d. Respondent is keeping all containers of hazardous waste closed, except when necessary to add or remove waste, in accordance with Rule 5.2.A of the 2010 RI HW Rules, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.173(3)(a) (currently, 250-RICR-140-10-1.7.12.C.1.b);
- e. Respondent has properly labeled all hazardous waste containers at the Facility with the words “Hazardous Waste” and other identifying information, in accordance with Rules 5.4.A and 5.4.C of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.G.1 and 250-RICR-140-10-1.7.8.A.1.a-b);

¹ As stated above in Paragraph 10, all cites to the C.F.R. in this Section V of the CAFO are to the July 2008 edition.

- f. Respondent has labeled all hazardous waste containers at the Facility (except containers in SAAs) with an accumulation start date, in accordance with Rule 5.4.A of the 2010 RI HW Rules (currently, 250-RICR-140-10-1.7.12.C.1); and
- g. Respondent has provided the Facility's contingency plan to all required local authorities and entities in accordance with Rule 5.2 of the 2010 RI HW Rules and 40 C.F.R. § 262.34 and 40 C.F.R. § 265.53 (currently, 250-RICR-140-10-1.7.12.K.1.f).

VI. CIVIL PENALTY

52. Respondent shall pay a civil penalty of \$59,044. Complainant has determined, consistent with statutory penalty criteria and applicable policies, that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors.

53. To pay the penalty, Respondent shall submit the full amount of \$59,044 by no later than 30 days after the effective date of this CAFO via a bank, cashier's or certified check payable to the order of the "Treasurer, United States of America." Respondent shall send the check via express or certified mail to the address below for signed receipt confirmation:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Craig Steffen
(513) 487-2091, steffen.craig@epa.gov

In the alternative, Respondent may pay the full amount of the penalty via electronic payment (automated clearing house or wire transfer) in accordance with directions on the following EPA websites: <https://www.epa.gov/financial/makepayment> and <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent shall

include the case name and docket number (“In the Matter of Interplex Engineered Products, Inc., Docket No. RCRA-01-2024-0029”) on the face of the check or electronic transfer confirmation.

In addition, at the time of payment, Respondent shall send a notice of the penalty payment and a copy of the check or electronic transfer confirmation to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-6
Boston, Massachusetts 02109-3912
santiago.wanda@epa.gov

and

Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORC 4-WO
Boston, Massachusetts 02109-3912
simpson.andrea@epa.gov

54. If Respondent fails to pay the full amount of the civil penalty by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

55. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and 26 C.F.R. § 1.162-21, and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

56. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), the provisions in Paragraphs 50 and 51 in Section V above are required to come into compliance with the law.

VII. EFFECT OF SETTLEMENT

57. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

58. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

59. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 57 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

60. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

61. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

62. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the address set out for Respondent in Paragraph 49 above. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

63. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

64. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

In the Matter of Interplex Engineered Products, Inc., Docket No. RCRA-01-2024-0029
Consent Agreement and Final Order

FOR RESPONDENT:



Mark Kelly
Vice President, North America
Interplex Engineered Products, Inc.

Date: 1/29/2024

In the Matter of Interplex Engineered Products, Inc., Docket No. RCRA-01-2024-0029
Consent Agreement and Final Order

FOR COMPLAINANT:

Carol Tucker, Acting Director
Enforcement and Compliance Assurance Division
EPA Region 1

Date: _____

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent Interplex Engineered Products, Inc., is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

LeAnn Jensen
Regional Judicial Officer
EPA Region 1

Date