

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



In the Matter of: :
 :
Tastepoint Inc. : **DOCKET NO.: RCRA-03-2023-0119**
7800 Holstein Ave :
Philadelphia, PA 19153 : **CONSENT AGREEMENT AND FINAL**
 : **ORDER**
Respondent. :
 : **Proceeding under Section 3008(a) and (g) of the**
Tastepoint Inc. : **Resource Conservation and Recovery Act, as**
7800 Holstein Ave : **amended, 42 U.S.C. § 6928(a) and (g)**
Philadelphia, PA 19153 :
 :
Facility. :
 :
 :
 :

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Tastepoint Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Resource Conservation and Recovery Act (“RCRA” or the “Act”) for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter sent on June 3, 2022, EPA notified the Pennsylvania Department of Environmental Protection (“PADEP”) of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized Pennsylvania to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Pennsylvania Hazardous Waste Management Regulations (“PaHWR”), 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a,

have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA last authorized revisions to the Pennsylvania hazardous waste regulations on June 29, 2009, including incorporation by reference of the federal regulations which were in effect as of October 12, 2005. The Code of Federal Regulation citations used herein are to the 2005 Federal regulations, when referring to the Federal regulations incorporated by the Pennsylvania regulations.

14. At its facility, located at 7800 Holstein Ave., Philadelphia, PA 19153 (“Facility”), Respondent owns and operates a facility (RCRA ID No. PAR000518845) that manufactures food flavoring ingredients for commercial use. The primary hazardous waste generated at the facility is ethanol D001 (flammable) as well as D002 (corrosive) wastes. On June 18, 2010, Respondent identified and reported to PADEP as a small quantity generator (“SQG”). For several months in both 2018 and 2019, Respondent generated hazardous waste at quantities of that of a large quantity generator (“LQG”).
15. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation organized under the laws of the State of Delaware and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10. Respondent was, at all times relevant to the allegations in this Agreement, the “operator” and the “owner” of a “facility,” described in Paragraph 14, as the terms “owner” and “operator” are defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, and the term “facility” is defined in 25 Pa. Code § 260a.10.
16. At all times relevant to the allegations described in this Agreement, Respondent “stored” “hazardous waste” at the Facility, including but not limited to waste ethanol, with EPA Hazardous Waste Number(s) D001 and D002, as the term “storage” is defined in 25 Pa. Code § 260a.10, and the term “hazardous waste” is defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.
17. On June 11, 2021, EPA representatives sent Respondent an Offsite Compliance Monitoring Information Request letter (“OfCM”) to the Facility to determine compliance with the applicable hazardous waste regulations.
18. Based on information provided by Respondent in response to the OfCM, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. § 6921- 6939g, its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized Pennsylvania hazardous waste management regulations set forth at 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, as enumerated below.

Count I
**Operating a hazardous waste storage facility without a permit
or valid exemption to the permitting requirement**

19. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
20. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), prohibit an owner or operator of a hazardous waste storage facility from operating without a permit or valid exemption to the permitting requirement.
21. At the time of the OfCM, June 11, 2021, Respondent did not have a permit to operate a hazardous waste storage facility and did not qualify for an exemption.
22. At the time of the OfCM, Respondent failed to meet the following conditions of the generator permit exemption:
 - a. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. §§ 262.34(a)(4) and 265.16(b) and (c), when it failed to provide two (2) employees with initial RCRA training, and six (6) employees with annual refresher RCRA training in 2018 and/or 2019 at the Facility.
 - b. 25 Pa. Code § 262a.10, which incorporates by reference 40 CFR §§ 262.34(a)(4) and 265.16(d)(2), when it failed to ensure that it maintained three (3) of six (6) job descriptions provided for employee positions relating to the management of hazardous waste mention hazardous waste or RCRA in any manner at the Facility.
 - c. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. §§ 262.34(a)(4) and 265.52(c)-(f), when it failed to have in its contingency plan arrangements w/local authorities [40 CFR § 265.52(c)]; contact information for the Facility Emergency Coordinator [40 CFR § 265.52(d)]; specific locations and capabilities of emergency response equipment [40 CFR § 265.52(e)]; and the Evacuation plan [40 CFR § 265.52(f)].
23. At the time of the OfCM on June 11, 2021, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste storage facility without a permit or valid exemption to the permitting requirement.
24. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Respondent violated RCRA Section 3005 (a) and (e), 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count II
Failure to submit biennial report

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, requires a generator of hazardous waste who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States to complete and submit EPA Form 8700–13 A/B (“Biennial Report”) to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year.
27. During calendar year 2019, Respondent shipped hazardous waste in quantities of a large quantity generator off-site to a treatment, storage or disposal facility within the United States. Respondent did not submit a Biennial Report on or before the deadline of March 1, 2020 to the Regional Administrator.
28. In 2020, Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, by failing to complete and submit EPA Form 8700–13 A/B (“Biennial Report”) to the Regional Administrator by March 1, 2020.
29. In failing to comply with 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count III
Failure to provide RCRA training

30. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
31. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(b) and (c) requires that facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with RCRA within six months after the date of their employment or assignment to a facility, or to a new position at a facility. Employees must not work in unsupervised positions until they have completed these training requirements. Thereafter, the facility personnel must take part in an annual review of the initial training.
32. Respondent’s response to the June 11, 2021 OfCM indicated that at the Facility there were seven (7) employees designated as managing hazardous waste in some fashion. Two (2) of those employees did not have any documented initial hazardous waste/RCRA training. Four (4) employees failed to complete annual refresher training in 2018 and two (2) failed to complete annual refresher training in 2019.

33. Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(b) and (c), by failing to have two (2) employees who manage hazardous waste at the Facility complete initial hazardous waste/RCRA training, and by failing to provide six (6) employees who manage hazardous waste at the Facility with their annual refresher hazardous waste/RCRA training in either 2018 and/or 2019.
34. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 CFR § 264.16(b) and (c), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count IV

Failure to maintain written hazardous waste management job descriptions for each position related to hazardous waste management at the Facility

35. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
36. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d) requires that a written job description be maintained at the facility for each position listed at the facility related to hazardous waste management and the name of the employee filling each job at the facility. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.
37. Respondent's response to the June 11, 2021 OfCM indicated that three (3) out of the six (6) job description documents provided for employees holding hazardous waste management responsibilities did not mention hazardous waste or RCRA in any manner.
38. At the time of the OfCM on June 11, 2021, Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d), by failing to maintain at the Facility three (3) hazardous waste job descriptions for employees whose jobs at the facility related to hazardous waste management.
39. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count V

Failure to maintain adequate contingency plan at the Facility

40. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

41. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(c)-(f) requires that a contingency plan at the facility must (in relevant part): (c) describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 264.37; (d) list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, 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; (e) include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and (f) include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).
42. Respondent's response to the June 11, 2021 OfCM indicated that the contingency plan at the Facility provided to EPA did not contain the following: arrangements w/local authorities; contact information for Emergency Coordinator; specific locations and capabilities of emergency response equipment; and an evacuation plan.
43. At the time of the OfCM, Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(c)-(f), by failing to maintain at the Facility a contingency plan that contained the following: arrangements w/local authorities; contact information for Emergency Coordinator; specific locations and capabilities of emergency response equipment; and an evacuation plan.
44. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(c)-(f), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count VI

Failure to notify as a large quantity generator of hazardous waste

45. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
46. 25 Pa. Code § 262a.12(b)(1)(v) states that a generator shall submit a subsequent notification to the Pennsylvania Department of Environmental Protection ("PADEP") if the generator's facility class changes, except when the facility class change is temporary.
47. Respondent originally notified PADEP as a Very Small Quantity Generator/Conditionally Exempt Small Quantity Generator on February 3, 2009, then notified as a Small Quantity Generator on June 18, 2010. From August 2018 through

April 2019 and in December 2019 Respondent generated hazardous waste in quantities consistent with a large quantity generator (in excess of 1,000kg/month) at the Facility. As of the OfCM date of June 11, 2021, Respondent had not notified PADEP of its change in generator status.

48. Respondent violated 25 Pa. Code § 262a.12(b)(1)(v) in the months of August 2018 through April 2019 and December 2019, by failing to properly notify PADEP regarding its change in generator status.
49. In failing to comply with 25 Pa. Code § 262a.12(b)(1)(v), Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

CIVIL PENALTY

50. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **SIXTY-ONE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$61,840.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
51. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 (“RCRA Penalty Policy”) which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
52. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, EPA Docket No. RCRA-03-2023-0119;
 - b. All checks shall be made payable to the “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
Cincinnati Finance Center

P.O. Box 979078
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
nast.jeffrey@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

53. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
54. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
55. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties 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).

56. ADMINISTRATIVE COSTS: The costs of the EPA'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). If Payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also 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.
57. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
58. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
59. The parties consent to service of the Final Order by e-mail at the following valid email addresses: nast.jeffrey@epa.gov (for Complainant), and Kevin.Boyle@IFF.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

60. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
61. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
62. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

63. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

64. This Consent Agreement and Final Order resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION /PARTIES BOUND

65. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

66. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her

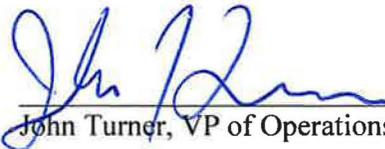
designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

67. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: **Tastepoint Inc.**

Date: 9/6/2023

By: 
John Turner, VP of Operations

For the Complainant: **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III**

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
[Digital Signature and Date]
Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA – Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103



In the Matter of: :
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Tastepoint Inc. : DOCKET NO.: RCRA-03-2023-0119
7800 Holstein Ave :
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Respondent. : Proceeding under Section 3008(a) and (g) of
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 : as amended, 42 U.S.C. § 6928(a) and (g)
Tastepoint Inc. :
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Philadelphia, PA 19153 :
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Facility. :
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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Tastepoint 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 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 (“RCRA Penalty Policy”).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of RCRA, as amended, 42 U.S.C. Section 6928(a) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **SIXTY-ONE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$61,840.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate

injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA, and the regulations promulgated thereunder.

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

Date: _____

By: _____

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

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

In the Matter of:	:	
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Tastepoint Inc.	:	DOCKET NO.: RCRA-03-2023-0119
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Respondent.	:	Proceeding under Section 3008(a) and (g) of the
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	:	
Tastepoint Inc.	:	
7800 Holstein Ave	:	
Philadelphia, PA 19153	:	
	:	
	:	
Facility.	:	
	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that, on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Kevin Boyle, Senior Regulatory &
Operations Counsel
International Flavors & Fragrances
Kevin.Boyle@IFF.com

Copies served via email to:

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region III
nast.jeffrey@epa.gov

Martin Matlin
Senior Enforcement Officer/Inspector
U.S. EPA, Region III
matlin.martin@epa.gov

Date: _____

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III