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PHILADELPHIA, PA 19103

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

<b>In Re:</b>	:	
	:	
<b>AAI Corporation</b>	:	
<b>124 Industry Lane</b>	:	<b>Docket No. RCRA-03-2017-0184</b>
<b>Cockeysville, MD 21030</b>	:	
	:	
<b>RESPONDENT.</b>	:	
	:	
<b>AAI Corporation</b>	:	<b>Proceeding under Section 3008(a) and</b>
<b>124 Industry Lane</b>	:	<b>(g) of the Resource Conservation and</b>
<b>Cockeysville, MD 21030</b>	:	<b>Recovery Act, as amended, 42 U.S.C.</b>
<b>EPA Facility Id. No.: MDD003090198</b>	:	<b>Section 6928(a) and (g)</b>
	:	
<b>FACILITY.</b>	:	

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and AAI Corporation, ("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/Termination 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).
2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement ("CA") and the accompanying Final Order ("FO"), collectively referred to herein as the "CAFO," simultaneously commences and concludes this administrative proceeding against Respondent.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Maryland has been granted final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations ("COMAR"),

Title 10, Subtitle 51 *et seq.*, *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The State of Maryland Hazardous Waste Management Regulations (“MdHWMR”) originally were authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C and are enforceable by the United States Environmental Protection Agency (“EPA” or the “Agency”) pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. Factual allegations or legal conclusions in this CA that are based on provisions of federally-authorized MdHWMR requirements cite those respective provisions as the authority for such allegations or conclusions. Factual allegations or legal conclusions in this CA that are based solely on provisions of the federal hazardous waste management program for which the State of Maryland has not yet received authorization alternatively cite the associated federal provisions as the authority for those particular allegations or conclusions.
5. 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. §§ 6921-6939g, and federally-authorized MdHWMR requirements, at its facility located at 124 Industry Lane, Cockeysville, Maryland 21030, EPA Facility Identification No. MDD003090198 (“Facility”).
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated September 8, 2016, EPA notified the State of Maryland (hereinafter, the “State”), through the Solid Waste Program Administrator of the Maryland Department of the Environment (“MDE”), of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

## **II. GENERAL PROVISIONS**

7. Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, immediately above, of this CA.
9. Respondent agrees not to contest EPA’s jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.
10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.



12. Respondent shall bear its own costs and attorneys' fees.

### **III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:

13. Respondent is a corporation organized under the laws of the State of Maryland, engaged in business in the State of Maryland, with its principal office located at the Facility, and is a "person" as defined by RCRA Section 1004(15), 42 § Section 6903(15) and COMAR 26.13.01.03B(61).
14. Respondent is, and has been, the "operator" and the "owner" of an unmanned vehicle manufacturing facility located at 124 Industry Lane, Cockeysville, Maryland 21030, EPA Facility Identification No. MDD003090198, as these terms are defined by COMAR 26.13.01.03.B (58) and (59), during the period of the violations alleged in this CA.
15. As described below and at all times relevant to the allegations set forth in this CAFO, Respondent has been a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in COMAR 26.13.01.03.B(29), (73) and (31), and has engaged in the "storage" of "solid waste" and "hazardous waste" in "container[s]" at the Facility, as those terms are defined in COMAR 26.13.01.03.B(76), (73), (31) and (9).
16. The Facility is, and at all times herein relevant has been, a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03B(23).
17. Respondent submitted to EPA a Notification of Hazardous Waste Activity ("Notification"), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, for its operations at the Facility, which includes operation as a large quantity generator of hazardous waste.
18. A duly authorized representative of the EPA ("EPA Inspector") performed a compliance evaluation inspection ("CEI") at the Facility, and conducted file reviews of certain Facility records, on April 7-8, 2015, in order to assess the Respondent's compliance with federally-authorized MdHWMR requirements at the Facility.
19. On March 27, 2017, EPA sent a Notice of Noncompliance and Request to Show Cause letter ("NON") to the Facility advising Respondent of EPA's preliminary findings of MdHWMR violations at the Facility and offering Respondent the opportunity to provide additional information that it believed the Agency should review and consider before reaching any final conclusions as to the Respondent's MdHWMR compliance status at the Facility.
20. On the basis of the information collected by EPA during the Facility CEI and the additional information provided in telephone conferences and email exchanges with the Respondent, EPA concludes that Respondent has violated certain requirements and provisions of RCRA

Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally-authorized MdHWMR requirements promulgated thereunder.

**Permit/Interim Status Requirements**

21. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01, with exceptions not relevant to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
22. At no time did the Respondent have a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or COMAR 26.13.07.01, for the storage of hazardous waste at the Facility.
23. At no time did Respondent have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or COMAR 26.13.07.23.

**Permit Exemption Conditions - Accumulation Time Requirements**

24. COMAR 26.13.03.05E(1) provides, in relevant part, that a generator may accumulate hazardous waste on-site in containers without a permit or without having interim status, for 90 days or less, so long as the hazardous waste is accumulated in accordance with a number of conditions set forth in that section, including, *inter alia*:
  - a. the condition set forth at COMAR 26.13.03.05E(1)(e), which requires the date upon which each period of accumulation begins to be clearly marked and visible for inspection on each container of hazardous waste;
  - b. the condition set forth at COMAR 26.13.03.05E(1)(f)(ii), which requires that each container must be, *inter alia*, labeled or marked clearly with the words “Hazardous Waste” while being accumulated on-site;
  - c. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires the generator to accumulate hazardous waste in containers in accordance with COMAR 26.13.05.09, which requires, *inter alia*, that these containers of hazardous waste must be closed during storage of the hazardous waste except when it is necessary to add or remove waste (COMAR 26.13.05.09D); and
  - d. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires that waste in containers must be accumulated in accordance with COMAR 26.13.05.09, which includes provisions pertaining to “Inspections”, which are set forth at COMAR 26.13.05.09E, and which further require that “[t]he owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.”



**COUNT I**  
**(Operating Without a Permit or Interim Status)**

25. The allegations of Paragraphs 1 through 24 of this CA are incorporated herein by reference.
26. At the time of the CEI, Respondent failed to mark the date it began to accumulate D001, D002 and D007 hazardous waste in five containers in the Main Storage Area.
27. At the time of the CEI, Respondent failed to mark the date it began to accumulate D001 and F003 hazardous waste in two containers in the Building 110 Composite Area.
28. At the time of the CEI, Respondent failed to mark the date it began to accumulate D001 hazardous waste in one container in the Building 110 Flammable Locker.
29. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 26 through 28 were not dated as required by COMAR 26.13.03.05E(1)(e) and therefore, such containers of hazardous waste were not exempt from permitting requirements under COMAR 26.13.07.01A.
30. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” five containers of D001, D002 and D007 hazardous waste in the Main Storage Area.
31. At the time of the CEI, Respondent failed to label or clearly mark as “Hazardous Waste” one container of D001 hazardous waste in the Building 110 Composite Area.
32. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 30 through 31 were not labeled as required by COMAR 26.13.03.05E(1)(f)(ii) and therefore, such containers of hazardous waste were not exempt from permitting requirements under COMAR 26.13.07.01A.
33. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 111 CUSV Area closed except when it was necessary to add or remove waste.
34. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 111 Secondary Electronic Assembly Area closed except when it was necessary to add or remove waste.
35. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 110 UAS Lab closed except when it was necessary to add or remove waste.
36. At the time of the CEI, the containers of hazardous waste referred to above in Paragraphs 33 through 35 were not kept closed except when necessary to add or remove waste as required by COMAR 26.13.03.09D and therefore, such containers of hazardous waste were not exempt from permitting requirements under COMAR 26.13.07.01A.

37. From March 10, 2015 through April 7, 2015, Respondent failed to conduct weekly inspections on the area outside the Paint Booth in Building 111 to look for leaks and for deterioration of a hazardous waste container as required by COMAR 26.13.05.09E and therefore, this container of hazardous waste was not exempt from permitting requirements under COMAR 26.13.07.01A.
38. From March 10, 2015 through April 8, 2015, Respondent failed to comply with the permit exemption conditions set forth in COMAR 26.13.03.05E(1)(g) and E(1)(h), as identified in Paragraphs 24(a) – (d), above, for temporary (*i.e.*, 90 days or less) accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E(1), and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
39. From March 10, 2015 through April 8, 2015, Respondent engaged in the operation of a hazardous waste storage facility (*i.e.*, the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, or COMAR 26.13.07.01A.
40. From March 10, 2015 through April 8, 2015, Respondent violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (*i.e.*, the Facility) without a permit, interim status or valid exemption to the permitting/interim status requirements.

**COUNT II**  
**(Failure to Keep Containers of Hazardous Waste Closed)**

41. The allegations of Paragraphs 1 through 40 of this CA are incorporated herein by reference.
42. COMAR 26.13.05.09D requires the operator of a hazardous waste facility to ensure that any container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
43. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 111 CUSV Area closed except when it was necessary to add or remove waste.
44. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 111 Secondary Electronic Assembly Area closed except when it was necessary to add or remove waste.
45. At the time of the CEI, Respondent failed to keep a container of D008 hazardous waste in the Building 110 UAS Lab closed except when it was necessary to add or remove waste.
46. On April 7-8, 2015, Respondent violated COMAR 26.13.05.09D by failing to keep these three containers of hazardous waste closed during storage except when necessary to add or



remove waste.

**COUNT III**

**(Failure to Conduct Weekly Hazardous Waste Storage Area Inspections)**

47. The allegations of Paragraphs 1 through 46 of this CA are incorporated herein by reference.
48. The provisions of COMAR 26.13.05.09E pertaining to “Inspections” require that: “[t]he owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.”
49. From March 10, 2015 through April 7, 2015, Respondent failed to conduct required weekly inspections on the area outside the Paint Booth in Building 111 to look for leaks and for deterioration of a D001, D035, F003 and F005 hazardous waste container.
50. From March 10, 2015 through April 7, 2015, Respondent violated the requirements of COMAR 26.13.05.09E by failing to conduct required weekly inspections of one of its less than 90-day hazardous waste container storage areas, where hazardous waste was being stored, to look for leaks and for deterioration of containers.

**COUNT IV**

**(Failure to Make Hazardous Waste Determination)**

51. The allegations of Paragraphs 1 through 50 of this CA are incorporated herein by reference.
52. Pursuant to COMAR 26.13.03.02A, generators of solid waste, as defined in COMAR 26.13.02.02, must determine if such waste is a hazardous waste using one or more of the methods set forth in COMAR 26.13.03.02A.
53. At the time of the CEI, Respondent failed to determine whether five containers of solid waste in the Main Storage Area were hazardous waste.
54. At the time of the CEI, Respondent failed to determine whether one container of solid waste in the Building 110 Composite Area was hazardous waste.
55. At the time of the CEI, Respondent failed to determine whether spent solvent wipes in the Building 111 Shelter Area were hazardous waste.
56. At the time of the CEI, Respondent failed to determine whether spent solvent wipes in Building 117 were hazardous waste.
57. Respondent generated the solid wastes identified in Paragraphs 53 through 56, above, but failed to make a hazardous waste determination for such wastes, as required by COMAR 26.13.03.02A.

58. On April 7-8, 2015, Respondent violated COMAR 26.13.02A by failing to make hazardous waste determinations for the solid wastes identified in Paragraphs 53 through 56, above.

**COUNT V**  
**(Failure to Properly Label Universal Waste Batteries)**

59. The allegations of Paragraphs 1 through 58 of this CA are incorporated herein by reference.
60. Pursuant to COMAR 26.13.10.07A, with exceptions not herein applicable, the requirements of COMAR 26.13.10.06 -- .25, pertaining to standards for universal waste management, apply to persons managing: (1) Batteries, as defined in COMAR 26.13.01.03B.
61. Pursuant to COMAR 26.13.01.03B(4-1), the term “[b]attery” means: “(a) A device consisting of one or more electrochemical cells which is designed to receive, store, and deliver electric energy; or (b) An intact, unbroken device, which would otherwise meet the definition of battery in §B(4-1)(a) of this regulation from which the electrolyte has been removed.”
62. Pursuant to COMAR 26.13.01.03B(89-2)(a), the term “[u]niversal waste handler” includes “(i) A generator of universal waste. . .”.
63. Pursuant to COMAR 26.13.01.03B(89-1), the term “[u]niversal waste” means, in relevant and applicable part, “any of the following hazardous wastes that are managed under the universal waste requirements of COMAR 26.13.10.06 -- .25: (a) Batteries as described in COMAR 26.13.10.07 . . .”.
64. Pursuant to COMAR 26.13.01.03B(72-2), the term “[s]mall quantity handler of universal waste” means a universal waste handler that does not accumulate 5,000 kilograms or more of universal waste at any time during a calendar year.
65. The general management standards applicable to small quantity handlers of universal waste include labeling and marking requirements, at COMAR 26.13.10.17A, which provide that: (1) A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified in §A(2) of this regulation. (2) A small quantity handler of universal waste shall: (a) Clearly label or mark each universal waste battery that is not in a container, and each container in which universal waste batteries are being held with one of the following phrases: (i) “Universal Waste – Battery(ies)”; (ii) “Waste Battery(ies)”; or (iii) “Used Battery(ies)”.
66. At the time of the CEI, Respondent was accumulating batteries, as defined in COMAR 26.13.01.03B, for disposal within the meaning of COMAR 26.13.02.02A(2)(a) and COMAR 26.13.10.07C, entitled “Generation of Waste Batteries,” and was a small quantity universal waste handler managing batteries.
67. At the time of the CEI, Respondent was accumulating universal waste batteries for disposal in the Main Storage Area that were not labeled or marked with any one of the phrases



“Universal Waste – Battery(ies),” “Waste Battery(ies)” or “Used Battery(ies),” as required pursuant to COMAR 26.13.10.17A(2)(a).

68. On April 7-8, 2015, Respondent violated the universal waste small quantity handler general management standards of COMAR 26.13.10.17A(2)(a) by failing to label or mark universal waste batteries, being accumulated in the Main Storage Area, with any one of the phrases “Universal Waste – Battery(ies),” “Waste Battery(ies)” or “Used Battery(ies).”

#### **V. CIVIL PENALTY**

69. In settlement of EPA’s claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty of TWENTY THREE THOUSAND DOLLARS (\$23,000.00), which Respondent agrees to pay in accordance with the payment terms set forth in Paragraph 71, below. Such civil penalty amount shall become due and payable immediately upon Respondent’s receipt of a true and correct signed copy of this CAFO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
70. The civil penalty settlement amount set forth in Paragraph 69, 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 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 Monetary Penalties for Inflation, 40 C.F.R. Part 19, and the July 27, 2016 Memorandum by EPA Assistant Administrator, Cynthia Giles, entitled, “Amendments to the U.S. Environmental Protection Agency’s Civil Penalty Policies to Account for Inflation,” (effective August 1, 2016). The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.
71. Payment of the civil penalty set forth in Paragraph 69, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 73 through 76, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall reference Respondent’s name and address, and the EPA Docket Number of this Consent Agreement, i.e., RCRA-03-2017-0184;
  - 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  
Fine and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Customer service contact: 513-487-2091

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

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

Contact: 314-418-1818

- e. All payments made by 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/paygov/

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

- i. Additional payment guidance is available at:

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

or by contacting Craig Steffen at 513-487-2091

72. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic wire transfer, as applicable, to:

Ms. Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029;

and

T. Chris Minshall, Esq.  
Sr. Assistant Regional Counsel  
Waste and Chemical Law Branch (3RC30)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

73. 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. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

74. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the 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).
75. 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.
76. A late payment penalty of six percent (6%) 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). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
77. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

#### **V. CERTIFICATIONS**

78. Respondent certifies to Complainant by its respective representative's signature hereto, to the best of its knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the federally-authorized MdHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this CA.

#### **VI. OTHER APPLICABLE LAWS**

79. 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**

80. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person(s), 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 Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of



this CAFO following its filing with the Regional Hearing Clerk.

**VIII. FULL AND FINAL SATISFACTION**

81. 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 CA. Compliance with the requirements and provisions of this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and/or regulations administered by EPA.

**IX. PARTIES BOUND**

82. This CA and the accompanying FO 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 CA on behalf of the Respondent acknowledges that he or she is fully authorized to enter into this CA and to bind Respondent to the terms and conditions of this CA and the accompanying FO.

**X. EFFECTIVE DATE**

83. The effective date of this CAFO is the date on which the FO is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

**XI. ENTIRE AGREEMENT**

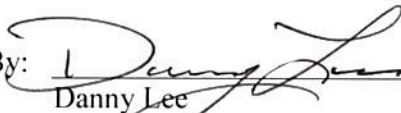
84. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

*In Re:*  
*AAI Corporation*

*Consent Agreement*  
*Docket No. RCRA-03-2017-0184*

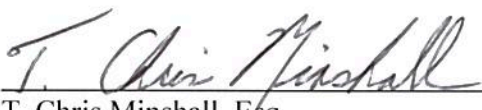
For the Respondent:

Date: 8/23/2017

By:   
Danny Lee  
Sr. Vice President and General Counsel  
AAI Corporation

For the Complainant:

Date: 9/11/2017

By:   
T. Chris Minshall, Esq.  
Sr. Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III

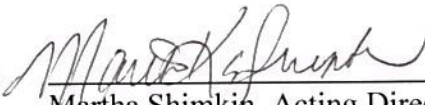


*In Re:*  
*AAI Corporation*

*Consent Agreement*  
*Docket No. RCRA-03-2017-0184*

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: 9-25-2017

By:   
Martha Shimkin, Acting Director  
Land and Chemicals Division  
U.S. Environmental Protection Agency, Region III





**In Re:**  
**AAI Corporation**

**Final Order**  
**Docket No. RCRA-03-2017-0184**

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

Date: Sept. 26, 2017

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region III

