

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

In The Matter of:

Aladdin Packaging, LLC.,

Respondent.

Proceeding under Section 3008 of the Solid Waste Disposal Act, as amended.

CONSENT AGREEMENT

AND

FINAL ORDER

Docket Number: RCRA-02-2019-7110

PRELIMINARY STATEMENT

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act as amended by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901, *et seq.* (referred to collectively as "RCRA" or the "Act").

Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the Administrator to enforce violations of the Act and the regulations promulgated or authorized pursuant to it. Complainant in these proceedings, the Director of the Enforcement and Compliance Assistance Division ("ECAD"), the United States Environmental Protection Agency ("EPA") Region 2, issued a "Complaint and Notice of Opportunity for Hearing" ("Complaint") on September 26, 2019 to Respondent Aladdin Packaging, LLC. ("Aladdin"), which owns and operates a facility at 115 Engineers Road, Hauppauge, New York 11788 ("Hauppauge Facility"). The Complaint alleged that Respondent violated certain requirements of RCRA and regulations concerning the management of hazardous waste including organic air emissions at its Hauppauge Facility.

EPA and Respondent have subsequently engaged in settlement discussions with respect to the violations alleged in the aforementioned Complaint. Both EPA and Respondent have agreed that entering into this Consent Agreement/Final Order ("CA/FO") is an appropriate means of resolving the alleged noncompliance with the RCRA requirements that EPA believes existed at the Hauppauge Facility without further litigation or other administrative action.

This CA/FO is being issued pursuant to, and under the authority of, 40 C.F.R. § 22.18(b). No adjudicated findings of fact or conclusions of law have been made. Respondent neither admits nor denies EPA's Findings of Fact and Conclusions of Law set forth below.

EPA'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Respondent is Aladdin.

2. Aladdin is a for-profit corporation organized pursuant to the laws of the State of New York.
3. Respondent is a “person” as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15) and 6 New York Rules and Regulations (“N.Y.C.R.R.”) 370.2(b).
4. Aladdin is, and has been since 2011, the owner and operator of a facility situated at 115 Engineers Road, Hauppauge, New York 11788 (“Hauppauge facility”) engaged in the business of printing packaging products.
5. Aladdin, since at least 2011, is and has been both the “owner” and “operator” of the facility as both terms are defined in 6 N.Y.C.R.R. § 370.2(b).
6. Aladdin, in carrying out its printing activities, has been generating, and continues to generate, “hazardous waste,” as defined in 6 N.Y.C.R.R. § 371.1(d).
7. As of November 2017, and prior and subsequent thereto, Aladdin has continued to generate greater than 1,000 kilograms (“kg”) of non-acute hazardous waste in a calendar month.
8. Based upon information provided by Aladdin, Respondent is a “generator” of hazardous waste as that phrase is defined in 6 N.Y.C.R.R. § 370.2(b).
9. On or about November 30, 2017, a duly designated representative of EPA conducted an inspection of the Hauppauge Facility, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Aladdin’s compliance with both Subtitle C of RCRA and RCRA’s implementing regulations, including New York’s authorized hazardous waste regulations (the “November 2017 Inspection”).
10. On or about June 19, 2018, EPA issued to Aladdin a combined Notice of Violation (“NOV”) and Request for Information (“IRL”).
11. The NOV, which was issued pursuant to Section 3008 of the Act, 42 U.S.C. § 6928, informed Aladdin that EPA had identified a number of potential RCRA violations at its facility and requested Aladdin to provide a description and documentation of the actions it had taken to correct the violations identified by EPA in that NOV.
12. The IRL, which was issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, sought, in part, information and documentation relating to Aladdin’s handling of hazardous waste, including organic hazardous waste subject to the air emissions requirements, at its Hauppauge facility.
13. On or about July 16, 2018 and, again, on July 31, 2018, Aladdin submitted its response to the combined NOV and IRL (“July Responses”).
14. As a result of the November Inspection, Aladdin’s responses to the June 19, 2018 combined NOV and IRL and Aladdin’s email of August 20, 2019 to EPA, EPA determined that Respondent, at the time of the November 2017 Inspection and continuing to the issuance of the Complaint had failed to: (a) maintain required records for equipment, (b)

conduct required monitoring for pumps in light liquid services and (c) conduct required monitoring for valves in light liquid services.

15. EPA and Aladdin held a settlement conference on January 10, 2020 and several telephonic conference calls between January 24, 2020 and March 5, 2020 to discuss EPA determinations described in Paragraph 14, *supra*, and agreed to settle this matter by entering into this Consent Agreement.

CONSENT AGREEMENT

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.18 of the Consolidated Rules of Practice, it is hereby agreed by and between the parties hereto, and voluntarily and knowingly accepted by Respondent, that Respondent, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits: (a) admits the jurisdictional basis for EPA prosecuting this case; (b) neither admits nor denies EPA's Findings of Fact and Conclusions of Law; (c) consents to the assessment of the civil penalty as set forth below; (d) consents to the issuance of the Final Order incorporating all the provisions of this Consent Agreement; and (e) waives its right to contest or appeal that Final Order.

Based upon the foregoing, and pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.18, Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. Aladdin shall hereinafter, at its facility, comply with all applicable RCRA requirements relating to the generation, management and disposal off-site of all hazardous waste stored for short time-periods at its Hauppauge Facility including all the organic hazardous waste air emission requirements cited in the Complaint.
2. Respondent hereby certifies that, as of the date of its signature to this Agreement, to the best of its knowledge and belief, it is in compliance with all the applicable requirements of RCRA relating to the generation, management and disposal off-site of all hazardous waste generated and stored at its Hauppauge Facility including all the organic hazardous waste air emissions requirements cited in the Complaint.
3. This CA/FO is not intended, and shall not be construed, to waive, extinguish or otherwise affect Aladdin's obligation to comply with all applicable federal, state and local laws and regulations relating to any generation, management, treatment, storage, transport or offering for transport, or disposal of hazardous waste by the Respondent.
4. Respondent shall pay a civil penalty to EPA in the total amount of **FORTY-SIX THOUSAND (\$46,000) DOLLARS**. Such payment shall be made by cashier's or certified check or by Electronic Fund Transfer. If the payment is made by check, then the check shall be made payable to the **Treasurer, United States of America**, and shall be mailed to:

**U.S. Environmental Protection Agency
Fines and Penalties Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000**

The check shall be identified with a notation thereon listing the following: ***IN THE MATTER OF ALADDIN PACKAGING, LLC*** and shall bear thereon the **Docket No. RCRA-02-2019-7110**. If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment.
- 2) SWIFT address: **FRNYUS33, 33 Liberty Street, New York, NY 10045.**
- 3) Account Code for Federal Reserve Bank of New York receiving payment: **68010727.**
- 4) Federal Reserve Bank of New York ABA routing number: **021030004.**
- 5) Field Tag 4200 of the Fedwire message should read **D 8010727** Environmental Protection Agency.
- 6) Name of Respondent: **Aladdin Packaging, LLC**
- 7) Number: **RCRA-02-2019-7110**

5. The payment must be received at the above address (or account of EPA) on or before thirty (30) calendar days after the date of the signature of the Final Order, which is located at the end of this CA/FO. (The date by which the payment must be received shall hereinafter be referred to as the “due date”)
 - a. Failure to pay the requisite civil penalty amount in full according to the above provisions may result in the referral of this matter to the United States Department of Justice or Department of the Treasury for collection or other appropriate action.
 - b. Furthermore, if payment is not made on or before the date specified in this document, interest for said payment shall be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C § 3717, on the overdue amount from the date said payment was required to have been made through the date said payment has been received. In addition, a late payment handling charge of \$15.00 will be assessed for each thirty (30) calendar day period or any portion thereof, following the date the payment was to have been made, in which payment of the amount remains in arrears.
 - c. In addition, a 6% per annum penalty will be applied to any principal amount that has not been received by the EPA within ninety (90) calendar days of the deadline for payment. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid.

d. The civil penalty provided for herein constitutes “penalt[ies]” within the meaning of 26 U.S.C. § 162(f) and is not deductible expenditures for purposes of federal or state law.

6. Complainant shall mail to Respondent (to the representatives designated in Paragraph 7, *infra*), a copy of the fully executed CA/FO. Respondent consents to service of the CA/FO by email and consents to service upon it by an employee of EPA other than the Regional Hearing Clerk.
7. Except as the parties may otherwise in writing agree, all documentation and information submitted in connection with this Consent Agreement shall be sent both by email and in hardcopy to:

William Chernes, Enforcement Officer
RCRA Compliance Branch
Enforcement & Compliance Assistance Division
US Environmental Protection Agency, Region 2, 21st Floor
290 Broadway
New York, New York 10007-1866
chernes.william@epa.gov

and

Gary H. Nurkin, Assistant Regional Counsel
Office of Regional Counsel
US Environmental Protection Agency
290 Broadway, Room 1621
New York, New York 10007
nurkin.gary@epa.gov

Unless the above-named EPA contacts are later advised otherwise in writing, EPA shall address any future written communications related to this matter (including any correspondence related to the payment of the penalty) to Respondent either by email or to the following address:

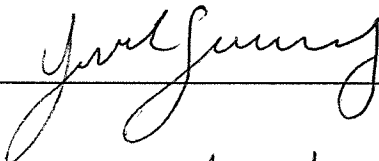
Mr. Eric Grillé, Esq.
Davis Environmental Law Firm
580 Sylvan Avenue, Suite 2D
Englewood Cliffs, New Jersey 07632
egrille@davisenvirolaw.com

8. Full payment of the penalty described in Paragraphs 4 and 5 of the Consent Agreement, *supra*, shall only resolve Respondent's liability for federal civil penalties for the violation(s) and facts alleged in the Complaint. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

9. The provisions of this Consent Agreement shall be binding upon both Complainant and Respondent along with their authorized representatives and successors or assigns.
10. Aladdin waives its right to request or to seek any hearing in this matter including one on the terms and conditions set forth in the Consent Agreement and its accompanying Final Order and/or the Findings of Fact/Conclusions of Law, above.
11. The undersigned signatory for Respondent certifies that he\she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
12. Each party hereto agrees to bear its own costs and attorneys' fees in this matter.

RESPONDENT ALADDIN PACKAGING, LLC Docket No: RCRA 02-2019-7110

:

BY: 

NAME: Joel Entwary
(PLEASE PRINT)

TITLE: CFO

DATE: 4/21/2020

COMPLAINANT:

Dore LaPosta, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

DATE: _____

In the Matter of Aladdin Packaging, LLC

Docket No. RCRA-02-2019-7110

FINAL ORDER

The Regional Administrator of EPA, Region 2 concurs in the foregoing Consent Agreement in the case of *In the Matter of Aladdin Packaging, LLC*, bearing Docket No. RCRA-02-2019-7110. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Peter D. Lopez
Regional Administrator
U.S. Environmental Protection Agency

DATE: _____

In the Matter of Aladdin Packaging, LLC

Docket Number RCRA 02-2019-7110

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by email to:

Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007-1866
maples.karen @epa.gov

Copy by email to:

Mr. Eric Grillé, Esq.
Davis Environmental Law Firm
580 Sylvan Avenue, Suite 2D
Englewood Cliffs, New Jersey 07632
egrille@davisenvirolaw.com

Date: _____
New York, New York
