



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 20 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard M. Barry
Triumvirate Environmental, Inc.
200 Inner Belt Road
Somerville, MA 02143

SUBJ: Triumvirate Environmental, Inc.
Consent Agreement and Final Order- Docket No. RCRA-04-2016-4004(b)

Dear Mr. Barry:

Enclosed, please find a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk in the above-referenced matter. Please note that payment of the civil penalty is due within thirty (30) days of the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590 or by email at lamberth.larry@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Lamberth".

Larry Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2016-4004(b)
)	
Triumvirate Environmental (Florida), Inc.)	
10100 Rocket Boulevard)	Proceeding Under Section 3008(a) of the
Orlando, Florida 32824)	Resource Conservation and Recovery Act,
EPA ID No.: FLD980559728)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Rule 62-730 of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, & 279]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Fla. Admin. Code Ann. r. 62-730 [40 C.F.R. Parts 260 through 270].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Branch Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

USEPA, REGION 4
OFFICE OF REGIONAL
COUNSEL
2016 SEP 20 PM 5:12
HEARING CLERK

5. Respondent is Triumvirate Environmental (Florida), Inc., a corporation organized under the laws of Massachusetts. Respondent is the owner and operator of a permitted hazardous waste treatment, storage, and disposal facility located at 10100 Rocket Boulevard, Orlando, Florida (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at Chapter 403 of the Florida Statutes, Fla. Stat. § 403.702 *et seq.* and at Fla. Admin. Code Ann. r. 62-730.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Florida has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].
12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180(1) (permitted) and Fla. Admin. Code Ann. r. 62-730.180(2) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. On January 8, 2014, the Florida Department of Environmental Protection (FDEP) issued RCRA Hazardous Waste Permit Number 26916-HO-008 (the Permit) to Respondent for the storage and treatment of hazardous waste at Respondent's Facility located at 10100 Rocket Boulevard, Orlando, Florida 32824.

14. Pursuant to Condition I.2. of the Permit, permitted activities are limited to the specific processes and operations applied for and indicated in the approved drawings or exhibits that comprise the Permit Application.
15. Pursuant to Condition II.A.1. of the Permit, the “Permittee shall comply with those sections of 40 C.F.R. Part 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. Parts 260 - 268, and 40 C.F.R. Part 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.”
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person,” includes a corporation, and is defined as “an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.”
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an “owner” is defined as “the person who owns a facility or part of a facility.”
18. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an “operator” is defined as “the person responsible for the overall operation of a facility.”
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “facility” is defined as “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation.”
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “generator” is defined as “any person, by site, whose act or process produces hazardous waste identified or listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

24. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed hazardous waste if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D]. Listed hazardous wastes include F-listed wastes from nonspecific sources identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31] and P- and U-listed wastes from off-spec commercial chemical products, container residues, and spill residues identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.33].
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “container” is defined as “any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”
26. Pursuant to Condition II.B.1.(12) of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.171], the Facility must transfer hazardous waste from containers which are not in good condition, or have begun to leak, into containers which are in good condition and manage the waste in accordance with the applicable regulations.
27. Pursuant to Condition I.2. of the Permit which incorporates by reference Part II.B.5. of the Permit Application, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.174], the owner or operator must conduct weekly inspections of areas where hazardous waste containers are stored.
28. Pursuant to Condition II.B.1.(16) of the Permit, the Facility must keep all drums closed with rings tightened and bungholes plugged except when adding or removing waste.
29. Pursuant to Condition II.A.11.d of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.35], the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility.
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “contingency plan” is defined as “a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.”
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.52(d)], the Facility’s contingency plan shall list the names, addresses, and phone numbers (cellular and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.
32. Pursuant to Condition I.2. of the Permit, which incorporates by reference Part I.D of the Permit Application, Respondent is required to assign the same codes to consolidated waste as belonged to the original waste.
33. Pursuant to Fla. Admin. Code Ann. r. 62-730.186(5), a handler of universal pharmaceutical waste is prohibited from improperly disposing of that waste.
34. Pursuant to Condition II.A.5 of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.13(b)], prior to accepting and storing hazardous wastes Respondent must sample and analyze them in accordance with the Waste Analysis Plan contained in the Permit Application.

35. Pursuant to Condition II.A.5.b. of the Permit, prior to acceptance of new wastes, a permit modification per Condition I.22 of the Permit is required.
36. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “manifest” is defined as a shipping document (EPA Form 8700-22) originated and signed in accordance with the applicable requirements of 40 C.F.R Parts 262-265.
37. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.23(a)(1)], a generator must sign a manifest certification by hand.
38. Pursuant to Condition II.A.2. of the Permit, and Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.20(a)(1)], a generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage, or disposal, is required to prepare a manifest on EPA Form 8700-22, and ship that hazardous waste to a permitted facility.
39. Pursuant to Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.72(b)], a significant manifest discrepancy for batch waste is defined as “any variation in piece count, such as a discrepancy of one drum in a truckload.”
40. Pursuant to Condition II.A.2. of the Permit, and Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 264.72(c)], upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the manifest discrepancy with the waste generator or transporter (e.g., with telephone conversations), and if the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

IV. EPA ALLEGATIONS AND DETERMINATIONS

41. Respondent is a “person” as defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
42. Respondent is the “owner/operator” of a “facility” which is located at 10100 Rocket Boulevard Orlando, Florida 32824, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
43. Respondent is a “generator” of “hazardous waste” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].
44. Respondent owns and operates a hazardous waste treatment and storage facility.
45. On July 14, 2014, the EPA conducted a compliance evaluation inspection (CEI) at Respondent’s Facility. The findings of the CEI were documented in a report mailed to Respondent, dated January 29, 2015.
46. On January 29, 2015, the EPA mailed a request for information pursuant to Section 3007 of RCRA to the Respondent’s Facility. On February 27, 2015, Respondent provided a response to the request for information (3007 Response).

47. At the time of the CEI, Respondent failed to transfer hazardous waste from drums and containers being stored in the Container Storage Unit area, which were rusting, deteriorated, and otherwise structurally compromised, as follows:
 - a. One 55-gallon drum of hazardous waste (D001, D002, D005, D007, D008, D011) was under negative pressure; and
 - b. Three 5-gallon containers of hazardous waste (D002, D024, F004, P028) showed signs of corrosion and deterioration.
48. The EPA therefore alleges that Respondent violated Condition II.B.1.(12) of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.171], by failing to transfer hazardous waste from containers which were not in good condition, or had begun to leak, into containers which were in good condition and to manage the waste in accordance with the applicable regulations.
49. At the time of the CEI, Respondent failed to conduct weekly inspections of its hazardous waste storage areas on 34 occasions within the past three years.
50. The EPA therefore alleges that Respondent violated Condition I.2. of the Permit which incorporates by reference Part II.B.5. of the Permit Application, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.174], by failing to conduct weekly inspections of hazardous waste storage areas.
51. At the time of the CEI, Respondent failed to properly close approximately 30 drums of hazardous waste with rings tightened and bungholes plugged, which were located on the loading dock.
52. The EPA therefore alleges that Respondent violated Condition II.B.1.(16) of the Permit by failing to keep drums closed with rings tightened and bungholes plugged except when adding or removing waste.
53. At the time of the CEI, Respondent failed to maintain proper aisle space between five pallets of medical sector waste stored in the consolidation area.
54. The EPA therefore alleges that Respondent violated Condition II.A.11.d. of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.35], by failing to maintain proper aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the Facility.
55. At the time of the CEI, Respondent's contingency plan identified Thomas Montgomery as the primary emergency coordinator; however, Mr. Montgomery was no longer employed at the Facility. Respondent failed to update its contingency plan.
56. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.52(d)], by failing to keep its contingency plan up to date.
57. At the time of the CEI, Respondent failed to assign any waste codes to the consolidated waste container receiving hazardous waste from medical sector waste containers.

58. The EPA therefore alleges that Respondent violated Condition I.2. of the Permit which incorporates by reference Part I.D. of the Permit Application, by failing to assign the same codes to consolidated waste as belonged to the original waste.
59. At the time of the CEI, Respondent engaged in pharmaceutical waste sorting which included separating waste from containers that were identified by the generator as universal pharmaceutical waste. This waste was improperly placed in the Facility's solid waste disposal container and improperly sent to a solid waste landfill for disposal.
60. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.186(5) by failing to adhere to the prohibition against improperly disposing of universal pharmaceutical waste.
61. According to the 3007 Response, Respondent improperly accepted and stored numerous hazardous wastes without first sampling and analyzing them in accordance the Waste Analysis Plan (WAP), as indicated on the following manifests and accompanying documentation:
 - a. Manifest 003297697JJK
 - b. Manifest 003297846JJK
 - c. Manifest 005004702FLE
62. The EPA therefore alleges that Respondent violated Condition II.A.5 of the Permit, and Fla. Admin. Code Ann. r. 62-730.180(1) [40 C.F.R. § 264.13(b)], by failing to sample and analyze hazardous wastes before accepting and storing them as specified in WAP contained in the Permit Application.
63. According to the 3007 Response, Respondent failed to obtain a permit modification prior to the acceptance and/or management of the following new hazardous wastes:
 - a. Nitrocellulose
 - b. Benzenethiol
 - c. Tetranitromethane
64. The EPA therefore alleges that Respondent violated Condition II.A.5.b. of the Permit by failing to obtain a permit modification per Condition I.22 of the Permit, prior to acceptance of new wastes.
65. According to the 3007 Response, Respondent failed to sign the certification of manifest 005174863FLE by hand.
66. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.23(a)(1)], by failing to sign the manifest certification by hand.
67. At the time of the CEI, Respondent sent hazardous wastes to an unpermitted facility, and failed to complete a manifest on EPA Form 8700-22 prior to transporting such wastes.

68. The EPA therefore alleges that Respondent violated Condition II.A.2. of the Permit, and Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.20(a)(1)], which requires a generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage, or disposal, to prepare a manifest on EPA Form 8700-22, and ship that hazardous waste to a permitted facility.
69. According to the 3007 Response, Respondent failed to rectify a container count discrepancy, considered a significant manifest discrepancy, on Manifest 005004785FLE.
70. The EPA therefore alleges that Respondent violated Condition II.A.2. of the Permit, and Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 264.72(c)], by failing to rectify a significant manifest discrepancy as defined in Fla. Admin. Code Ann. R. 62-730.180(1) [40 C.F.R. § 264.72(a)].

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

71. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
72. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
73. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
74. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
75. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
76. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
77. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
78. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
79. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

80. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

81. Respondent consents to the payment of a civil penalty in the amount of FORTY-TWO THOUSAND, ONE HUNDRED DOLLARS (\$42,100.00 which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
82. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091

83. Respondent shall submit a copy of each payment to the following individuals:

Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Brooke York, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
RCR Division, U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

84. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
 - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
85. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

86. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
87. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
88. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

89. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
90. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
91. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

IX. OTHER APPLICABLE LAWS

92. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

93. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Deborah Benjamin
Associate Regional Counsel
Office of RCRA/CERCLA Legal Support
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9561

94. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Richard Barry
Director, Compliance
Triumvirate Environmental, Inc.
200 Inner Belt Road
Somerville, Massachusetts 02143

XI. SEVERABILITY

95. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.


XII. EFFECTIVE DATE

96. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

In the matter of Triumvirate Environmental (Florida), Inc., Docket No. RCRA-04-2016-4004(b):

AGREED AND CONSENTED TO:

Triumvirate Environmental (Florida), Inc.

By:  _____ Dated: 9/12/2016
Doug Youngen
Chief Operating Officer & Assistant Secretary
Triumvirate Environmental (Florida), Inc.

United States Environmental Protection Agency

By:  _____ Dated: 09/20/16
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
RCR Division

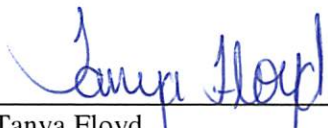
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) DOCKET NO.: RCRA-04-2016-4004(b)
)
Triumvirate Environmental (Florida), Inc.)
10100 Rocket Boulevard) Proceeding Under Section 3008(a) of the
Orlando, Florida) Resource Conservation and Recovery Act,
EPA ID No.: FLD980559728) 42 U.S.C. § 6928(a)
)
Respondent)
_____)

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 20th day of September, 2016.

By: 
Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Triumvirate Environmental (Florida), Inc., Docket Number: RCRA-04-2016-4004(b), and have served the parties listed below in the manner indicated:

Deborah Benjamin
Associate Regional Counsel
Office of RCRA/CERCLA Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Brooke York
Enforcement and Compliance Branch
RCR Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
Enforcement and Compliance Branch
RCR Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

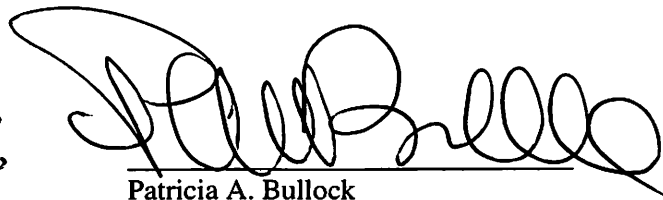
(Via EPA's electronic mail)

Richard Barry
Director, Compliance
Triumvirate Environmental, Inc.
200 Inner Belt Road
Somerville, Massachusetts 02143

(Via Certified Mail - Return Receipt Requested)

Date:

9-20-16



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511