BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:	
Dial Corporation **125 Jaycee Drive** **West Hazelton, PA 18201**	**Docket No. RCRA-03-2018-0016**
Respondent	**CONSENT AGREEMENT**
125 Jaycee Drive **West Hazelton, PA 18201**	**Proceeding under RCRA Section 3008(a)(1) and (g), 42 U.S.C. § 6928(a)(1) and (g)**
Facility	

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 Dial Corporation ("Respondent"), pursuant to Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. ' 6928(a)(1) 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.

2. The Consolidated Rules of Practice, 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 and the accompanying Final Order (collectively referred to herein as the "CAFO"), simultaneously commences and concludes this administrative proceeding against Respondent Dial Corporation.

3. This CAFO addresses Respondent's violations of RCRA Subtitle C, 42 U.S.C. " 6921-6939f,

various regulations promulgated thereunder as set forth at 40 C.F.R. Parts 260-266, 268, and 270-73, and the authorized Pennsylvania Hazardous Waste Management Regulations, 25 Pa. Code Sections 260a - 266a, 266b, and 268a – 273a ("PaHWMR") that occurred at the Respondent's facility located at 125 Jaycee Drive, West Hazelton, Pennsylvania 18201 ("Facility").

4. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the "Pennsylvania Hazardous Waste Management Program") in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PaHWMR") were authorized by the U.S. Environmental Protection Agency ("EPA") pursuant to Section 3006(b) of RCRA, 42 U.S.C. ' 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWMR subsequently were revised, and thereafter re-authorized by EPA, on September 26, 2000, January 20, 2004, and April 29, 2009. Such authorized revised PaHWMR requirements and provisions became effective on November 27, 2000, March 22, 2004, and June 29, 2009, respectively. The PaHWMR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWMR authorization, June 28, 2001 for the March 22, 2004 PaHWMR authorization, and October 12, 2005 for the April 29, 2009 PaHWMR authorization. The provisions of Pennsylvania's current authorized PaHWMR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA Section 3008(a) of RCRA, 42 U.S.C. ' 6928(a).

5. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C and satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. ' 6928(a)(2), Section 3008(a)(1) of RCRA , 42 U.S.C. ' 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

6. Respondent is, hereby, notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. " 6921-6939e, the regulations promulgated thereunder at 40 C.F.R. Parts 260-266, 268, and 270-73, and the PaHWMR.

7. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), prior notice of the commencement of this civil proceeding in accordance with RCRA Section 3008(a)(2), 42 U.S.C. ' 6928(a)(2).

II. GENERAL PROVISIONS

8. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.

9. Except as provided in Paragraph 8, above, Respondent neither admits nor denies the specific

factual allegations and legal conclusions set forth in this CAFO.

10. 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 CAFO.

11. For purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact in this matter, consents to the issuance of this CAFO without adjudication, and waives its right to appeal the accompanying Final Order.

12. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

13. Respondent and Complainant shall bear their own costs and attorney's fees in connection with this proceeding.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. 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 the following findings of fact and conclusions of law.

15. Respondent is a Pennsylvania corporation doing business in, and with offices and an operating facility located within, the Commonwealth of Pennsylvania, and is a "person" within the meaning of RCRA Section 1004(15), 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 25 Pa. Code Section 260a.10.

16. Respondent is and has been, at all times relevant to this CAFO, the owner and operator of a facility, located at 125 Jaycee Drive in West Hazelton, Pennsylvania (the "Facility"), where the Respondent manufactures antibacterial soap and laundry detergent.

17. On May 17, 2016, a duly authorized representative of EPA conducted a compliance evaluation inspection ("CEI") of the Facility to assess the Respondent's compliance with the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, the federal regulations promulgated thereunder, and the PaHWMR requirements at the Facility.

18. On May 4, 2017, EPA issued a request to show cause letter to Respondent advising it of EPA's findings in regards to potential violations of the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939f, the federal regulations promulgated thereunder, and the PaHWMR requirements at the Facility, and offering the Respondent an opportunity to provide such additional information as it believed the EPA should review and consider before reaching any final conclusions as to the Respondent's compliance at the Facility. Respondent availed itself of this opportunity and provided additional information in response this request to show cause letter.

COUNT I
(Operating a Hazardous Waste Storage Facility Without a Permit)

19. The allegations of Paragraphs 1 through 18 of this Consent Agreement are incorporated herein by reference as though fully set forth at length.

20. RCRA Section 3005(a) and (e), 42 U.S.C. Section 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, provide, in pertinent part, that a person owning and/or operating a facility used for the treatment, storage or disposal of hazardous waste is required to comply with the permitting requirements established by EPA or by a state with an authorized hazardous waste management program, or have interim status for such facility.

21. At all times relevant to this Consent Agreement, Respondent generated at the Facility "hazardous waste," as that term is defined by RCRA Section 1004(5), 42 U.S.C. § 6903(5), and 40 C.F.R. §§ 260.10 and 261.3, as incorporated by reference by 25 Pa. Code Sections 260a.1 and 261a.1. See also 25 Pa Code Section 261a.3.

22. The Facility was assigned the EPA Identification Number PAD987271012.

23. At all times relevant to this Consent Agreement, Respondent was a "generator" of "solid waste" and "hazardous waste" at the Facility as those terms are defined by 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1.

24. At all times relevant to this Consent Agreement, hazardous waste was in "storage" in containers at Respondent's "facility" as those terms are defined by RCRA Section 1004(33), 42 U.S.C. § 6903(33), and 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1, and 25 Pa. Code Section 260a.10.

25. At all times relevant to this Consent Agreement, Respondent was the "owner" and "operator" of a hazardous waste storage facility as those terms are defined by 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1.

26. A "container" is defined to mean "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled." 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code Section 260a.1.

27. At all times relevant to this Consent Agreement, Respondent never possessed a permit or interim status authorizing the treatment, storage or disposal of hazardous waste at the Facility.

28. 40 C.F.R. § 262.34(a), which is incorporated by reference by 25 Pa. Code § 262a.10, provides, in pertinent part, that a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided the generator complies with a number of conditions concerning the management of the hazardous waste,

including, but not limited to:

A. 40 C.F.R. § 262.34(a) incorporates by reference the Contingency Plan requirements of 40 C.F.R. §§ 265.53(b), which requires each facility to submit a copy of the Contingency Plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services; and

B. 40 C.F.R. § 262.34(a) incorporates by reference the management of container requirements of 40 C.F.R. § 265.173(a), which requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste;

29. On August 30, 2015, the Facility's Contingency Plan had not been submitted to local authorities.

30. At the time of the May 17, 2016 CEI, Dial Corporation was accumulating D001 and D003 hazardous waste aerosol cans in an open plastic container in its packaging area and in an open plastic container near the hazardous waste accumulation area. Dial Corporation was not adding or removing waste from these containers at the time of the inspection and therefore, failed to properly manage these two containers of hazardous waste.

31. By storing hazardous waste more than 90 days, specifically two drums of D001 and F003 hazardous waste stored on-site from April 26, 2013 to August 5, 2013 (102 days), Respondent failed to satisfy the exemption condition set forth in 40 C.F.R.§ 262.34(a).

32. By storing hazardous waste more than 90 days, specifically two drums of D001 and F003 hazardous waste stored on-site from June 18, 2014 to September 18, 2014 (92 days), Respondent failed to satisfy the exemption condition set forth in 40 C.F.R.§ 262.34(a).

33. By storing hazardous waste more than 90 days, specifically two drums of D001, D022 and F003 hazardous waste stored on-site from September 19, 2014 to December 23, 2014 (95 days), Respondent failed to satisfy the exemption condition set forth in 40 C.F.R.§ 262.34(a).

34. By storing hazardous waste more than 90 days, specifically two drums of D001, D002, D022 and F003 hazardous waste drums stored on-site from February 20, 2015 to June 1, 2015 (102 days), Respondent failed to satisfy the exemption condition set forth in 40 C.F.R.§ 262.34(a).

35. By virtue of these actions or failures to act, Respondent failed to satisfy the exemption conditions set forth in 25 Pa. Code § 262a.10, incorporating 40 C.F.R. § 262.34(a) and (c). Respondent owned and/or operated a hazardous waste storage facility without a permit or interim status in violation of 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., on July 25, 2013-August 5, 2013, September 17, 2014-September 18, 2014, December 19, 2014-December 23, 2014, May 21, 2015-June 1, 2015, August 30, 2015, and May 17, 2016.

36. Respondent violated RCRA Section 3005(a) and (e), 42 U.S.C. Section 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by owning and operating a hazardous waste storage facility without a permit or interim status.

COUNT II
(Failure to Submit Copies of the Contingency Plan)

37. The allegations of Paragraphs 1 through 36 of this Consent Agreement are incorporated by reference as though fully set forth at length.

38. 25 Pa. Code § 264a.1 incorporates by reference the Contingency Plan requirements of 40 C.F.R. §§ 264.53(b), which requires each facility to submit a copy of the Contingency Plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

39. On August 30, 2015, the Facility's Contingency Plan had not been submitted to local authorities.

40. On August 30, 2015, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.53(b), by failing to provide a copy of the Contingency Plan to local authorities.

COUNT III
(Open Containers)

41. The allegations of Paragraphs 1 through 40 of this Consent Agreement are incorporated by reference as though fully set forth at length.

42. 25 Pa. Code § 264a.1 incorporates by reference the management of container requirements of 40 C.F.R. § 264.173(a), which requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

43. At the time of the May 17, 2016 CEI, Respondent was accumulating D001 and D003 hazardous waste aerosol cans in an open plastic container in its packaging area and in an open plastic container in its hazardous waste accumulation area.

44. At the time of the May 17, 2016 CEI, Respondent had open containers of hazardous waste identified in Paragraph 43, above, at a time when it was not necessary to add or remove waste from the containers.

45. At the time of the May 17, 2016 CEI, Respondent violated 25 Pa. Code Section 264a.1, which incorporates by reference 40 C.F.R § 264.173(a), by maintaining open containers holding hazardous waste at the Facility at a time when it was not necessary to add or remove waste from the containers.

COUNT IV
(Failure to File Biennial Report)

46. The allegations of Paragraphs 1 through 45 of this Consent Agreement are incorporated by reference as though fully set forth at length.

47. 25 Pa Code § 262a.41 provides that a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the PADEP by March 1 of each even numbered year.

48. At the time of the May 17, 2016 CEI, Respondent had not filed the hazardous waste biennial reports due on March 1, 2014 and March 1, 2016.

49. At the time of the May 17, 2016 CEI, Respondent violated 25 Pa Code § 262a.41 by failing to submit biennial reports due on March 1, 2104 and March 1, 2016.

COUNT V
(Failure to Store Universal Waste Lamps in Closed Structurally Sound Container)

50. The allegations of Paragraphs 1 through 49 of this Consent Agreement are incorporated by reference as though fully set forth at length.

51. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires that a small quantity handler of universal hazardous waste, specifically, universal waste "lamps," store such lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

52. At the time of the May 17, 2016 CEI, Respondent was storing universal waste lamps in a cardboard box that ripped open when the Facility representative moved the box to determine whether a label had been applied to the box.

53. At the time of the May 17, 2016 CEI, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to store universal waste lamps in a closed structurally sound container.

COUNT VI

(Failure to Label Container of Universal Waste Lamps)

54. The allegations of Paragraphs 1 through 53 of this Consent Agreement are incorporated by reference as though fully set forth at length.

55. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), requires that each lamp, or container or package containing such lamps, must be clearly marked or labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

56. At the time of the May 17, 2016 CEI, Respondent was storing universal waste lamps in a container that did not have a box checked for Universal Waste Lamps on its label nor did it have any of other form of insignia to denote the storage of universal waste lamps in the container.

57. At the time of the May 17, 2016 CEI, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), by failing to clearly mark or label a universal waste lamp container with one of the phases identified in Paragraph 55.

COUNT VII

(Failure to Mark or Demonstrate Accumulation Start Date for Universal Waste Batteries)

58. The allegations of Paragraphs 1 through 57 of this Consent Agreement are incorporated by reference as though fully set forth at length.

59. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date that it becomes a waste or has been received.

60. 40 C.F.R. § 273.15(c)(1) provides that the handler may make this demonstration by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

61. 40 C.F.R. § 273.15(c)(2) though (6) provides that this demonstration may also be made by marking each individual item with the date that it becomes a waste, maintaining an inventory system that identifies the earliest date that items became waste, placing universal waste in specific accumulation areas that identify the earliest date that items became waste, or any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

62. At the time of the May 17, 2016 CEI, Respondent had not marked nor was it able to identify the accumulation start date for a container of universal waste batteries.

63. At the time of the May 17, 2016 CEI, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), by failing to demonstrate the length of time that the universal waste batteries had been accumulated from the date that the universal waste batteries became a waste.

IV. SETTLEMENT

64. 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 FORTY-FOUR THOUSAND FIVE HUNDRED AND NINETY-EIGHT DOLLARS ($44,598.00), which Respondent agrees to pay in accordance with the payment terms set forth in Paragraph 66, 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.

65. The civil penalty settlement amount set forth in Paragraph 64, 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.

66. Payment of the civil penalty set forth in Paragraph 64, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 68 through 71, 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 Docket Number of this action, *i.e.*, RCRA-03-2018-0016;

    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 to:

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

Primary Contact: Craig Steffen, (513) 487-2091
Secondary Contact: Molly Williams, (513) 487-2076

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

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

Primary Contact: Craig Steffen, (513) 487-2091
Secondary Contact: Molly Williams, (513) 487-2076

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 ML 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 Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Beneficiary: US 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 Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX): (866) 234-5681

h. On-Line Payment Option

https://www.pay.gov/public/home

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

i. Additional payment guidance is available at:

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

or by contacting Craig Steffen at 513-487-2091

j. Payment by Respondent shall reference Respondent=s name and address, and the EPA Docket Number of this CAFO.

67. A copy of Respondent=s check or a copy of Respondent=s electronic fund transfer shall be sent simultaneously to:

T. Chris Minshall
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

68. 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 as specified herein shall result in the assessment of late payment charges including, interest, penalties and/or administrative costs of handling delinquent debts.

69. 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).

70. 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 – Case 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 additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

71. 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). 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).

72. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty assessed in this CAFO.

V. CERTIFICATIONS

73. 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 PaHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this CA.

VI. OTHER APPLICABLE LAWS

74. 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

75. 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

76. 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

77. 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

78. 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

79. 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.

For Respondent:

Date:_____ By: _____

James Babula
Operations Manager
Dial Corporation

For Complainant:

Date:_____ By: _____

T. Chris Minshall
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

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: _____ By: _____

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

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of: **Dial Corporation** **125 Jaycee Drive** **West Hazelton, PA 18201** **Respondent**	**Docket No. RCRA-03-2018-0016** **FINAL ORDER**
125 Jaycee Drive **West Hazelton, PA 18201** **Facility**	**Proceeding under RCRA Section 3008(a)(1) and (g), 42 U.S.C. § 6928(a)(1) and (g)**

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Dial Corporation, have executed a document entitled AConsent 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 (AConsolidated 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 on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of the statutory factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. ' 6928(a)(3) and EPA=s RCRA Civil Penalty Policy (October 1990 and June 2003).

NOW, THEREFORE, PURSUANT TO Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. ' 6928(a)(1) and (g), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **FORTY-FOUR THOUSAND FIVE HUNDRED AND NINETY-EIGHT DOLLARS ($44,598.00),** plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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: _____

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