

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
University of Vermont and State)	
Agricultural College,)	EPA Docket No. RCRA-01-2016-0077
85 South Prospect Street)	
344-353 Waterman Building)	
Burlington, VT 05405,)	
)	
Respondent.)	
)	
)	
Proceeding under Section 3008(a) of the)	
Resource Conservation Recovery)	
Act, 142 U.S.C. § 6928(a))	
)	

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein on September 30, 2016, against Respondent University of Vermont and State Agricultural College ("Respondent"); and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

RECEIVED

MAR 17 2017

EPA ORC WS
Office of Regional Hearing Clerk

II. TERMS OF SETTLEMENT

7. Respondent certifies that its Environmental Research Safety Facility Bio-Research Complex facility located in Burlington, Vermont, is now in compliance with Sections 3002, 3004 and 3005 of RCRA, the federal and state hazardous waste regulations promulgated thereunder, and the Permit, including but not limited to the following:

a. Respondent does not currently store incompatible wastes in the same container and, pursuant to Permit Conditions 1.7, 1.13, and 5.9, and VHWMR 7-504(e)(4), in the future Respondent shall not place or store incompatible wastes and materials in the same container;

b. Respondent currently includes, and in the future shall include, all applicable waste codes on land disposal restriction notifications, in accordance with Condition 7.1 of the Permit, VHWMR § 7-504(e)(3), and 40 C.F.R. § 268.7(a)(2);

c. Respondent shall provide the necessary hazardous waste training, and Department of Transportation training, to employees with hazardous waste management responsibilities, in accordance with Permit Conditions 5.1 and 8.3 and VHWMR § 7-504(e)(1); and

d. Respondent has labeled, and in the future shall label, based on accurate waste determinations, containers of hazardous waste with all applicable waste codes pursuant to Permit Conditions 1.7, 1.13, and 5.9, and VHWMR 7-504(e)(4).

8. Pursuant to Section 3008 of RCRA, EPA has determined that an appropriate civil penalty to settle this action is in the amount of twenty thousand dollars (\$20,000).

9. For purposes of settling this matter, Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

10. Respondent shall pay the penalty of \$20,000 in the following manner:

type of payment) shall also be sent to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

And

Michael Wagner
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: OES04-3
Boston, MA 02109-3912

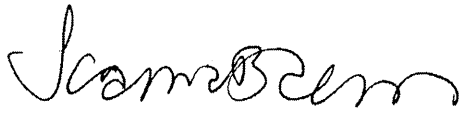
c. If Respondent fails to make the payment of \$20,000 by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

11. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

12. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

16. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

For Complainant:



Joanna Jerison
Legal Enforcement Manager
U.S. Environmental Protection Agency
Region 1

Date: 3/10/17

For Respondent:



Thomas Sullivan
President

Date: 2-27-17

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent to the following persons, in the manner specified, on the date below:

Two copies, hand-delivered:

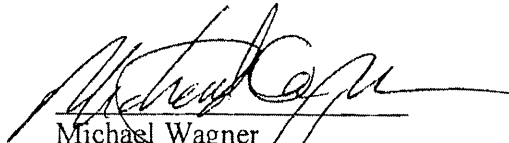
Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1

A true and correct copy, by certified mail, return receipt requested:

John J. Collins, Esq.
Senior Associate General Counsel
Office of Legal Affairs & General Counsel
Waterman 375 Building
Burlington, VT 05405

Date:

3/17/17



Michael Wagner
Senior Enforcement Counsel