

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
ACTION MANUFACTURING COMPANY	:	VIOLATIONS:
	:	42 U.S.C. § 6928(d)(2) (storage of hazardous waste without a permit – 1 count)
	:	49 U.S.C. § 5124 (transportation of hazardous material in violation of regulations – 1 count)

INFORMATION

COUNT ONE

(Resource Conservation and Recovery Act)

THE UNITED STATES ATTORNEY CHARGES THAT:

1. At all times relevant to this Information, as part of its business, defendant ACTION MANUFACTURING COMPANY made timing and arming devices for use in munitions and weapons systems. At its facility in Atglen, Chester County, Pennsylvania, workers for defendant ACTION MANUFACTURING COMPANY mixed explosive powders, and loaded explosive powders into products.

2. The manufacturing process at defendant ACTION MANUFACTURING COMPANY generated explosive solid waste, in various forms and from various waste streams, all which is hazardous waste under the law, because it has the characteristic of reactivity. 40 C.F.R. § 261.23.

3. Defendant ACTION MANUFACTURING COMPANY considered itself to be a "Small Quantity Generator" of hazardous waste, meaning that it generated more than 100 kilograms, but less than 1,000 kilograms of hazardous waste per month.

4. Under the Resource Conservation and Recovery Act, and its implementing regulations, a person who generates hazardous waste must dispose of it at a treatment, storage and disposal facility that has been issued a permit by the United States Environmental Protection Agency (EPA) or by an authorized state. A Small Quantity Generator must dispose of its hazardous waste no later than 270 days after that waste is generated.

5. Instead of shipping its explosive hazardous waste to an approved treatment, storage and disposal facility within 270 days, defendant ACTION MANUFACTURING COMPANY warehoused many items of explosive hazardous waste at its Atglen facility for longer than 270 days, including thousands of scrap parts and components that were years, or even decades overdue for disposal.

6. From on or about June 1980 until on or about July 2013, in Atglen in the Eastern District of Pennsylvania, the defendant

ACTION MANUFACTURING COMPANY

knowingly stored identified hazardous waste, namely 4,570 M608 Explosive Leads, without a permit issued by the United States Environmental Protection Agency or the Commonwealth of Pennsylvania to treat, store or dispose of such waste.

In violation of Title 42, United States Code, section 6928(d)(2)(A).

COUNT TWO

(Transporting Explosive Material in Violation of Regulations)

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. The Pipeline and Hazardous Materials Safety Administration ("PHMSA") is a division of the United States Department of Transportation ("USDOT"), an agency of the United States.

2. PHMSA enforces federal laws and regulations related to transporting hazardous materials, with a goal of minimizing threats to life, property or the environment posed by hazardous materials. As part of that mission, PHMSA develops regulations and standards for classifying, handling and packaging hazardous materials shipments.

3. Title 49, Code of Federal Regulations, Part 171.2(e) states in part, "No person may offer or accept a hazardous material for transportation in commerce unless the hazardous material is properly classed, described, packaged, marked, labeled, and in a condition for shipment" as defined by regulations.

4. On or about July 17, 2013, in Chester, Montgomery, and Philadelphia counties, in the Eastern District of Pennsylvania, defendant

ACTION MANUFACTURING COMPANY

knowingly and willfully offered for transportation and caused the transportation of hazardous materials, namely military-grade explosive materials, without hazardous materials shipping

papers, in violation of Title 49, Code of Federal Regulations, Sections 171.2(a), 171.2(e), 172.200, 172.204, and 177.817.

In violation of Title 49, United States Code, Section 5124.


ZANE DAVID MEMEGER