

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
	:
<b>Tech Met, Inc. 15 Allegheny Square Glassport, PA 15045</b>	: <b>U.S. EPA Docket No. CWA-03-2021-0083</b>
	:
<b>Respondent.</b>	: <b>Proceeding under Section 309(g) of the Clean Water Act</b>
	:

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Tech Met, Inc. (“Respondent” or “Tech Met”) (collectively the “Parties”), pursuant to Sections 301 and 307 of the Clean Water Act, 33 U.S.C. § 1317, 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. Section 309(g) of the Clean Water Act, 33 U.S. § 1319(g), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Clean Water Act (“CWA” or “the Act”) for the violations alleged herein.
  
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**II. JURISDICTION**

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
  
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).

**III. GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. 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 Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.

**IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. 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 and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of administrative penalties against any person who violates any National Pollutant Discharge Elimination System ("NPDES") permit condition or limitation in an amount not to exceed \$10,000 per day for each day of violation, up to a total penalty amount of \$125,000.
14. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), any person who has violated any NPDES permit condition or limitation after November 2, 2015 where the penalty is assessed on or after January 15, 2019, the maximum administrative penalty per day for each day of violation is up to \$21,833, up to a total penalty amount of \$274,150. (Part 19 also specifies the maximum penalties applicable to other time periods).

15. Section 301(a) of the Act, 33 U.S.C. § 1311(a) prohibits the discharge of any pollutant by any person, except in compliance with the Act, including Section 307 of the Act.
16. Sections 307(b) and (c) of the Act, 33 U.S.C. § 1317(b) and (c), direct the EPA Administrator to promulgate regulations establishing pretreatment standards for the introduction of pollutants into Publicly Owned Treatment Works (“POTWs”).
17. Section 307(d) of the Act, 33 U.S.C. § 1317(d), prohibits the operation of a source of pollutants in violation of the pretreatment standards.
18. Noncompliance with any pretreatment standard, prohibition or effluent standard is a violation of the Act. 33 U.S.C. § 1317.
19. The General Pretreatment Regulations are located in Title 40 of the Code of Federal Regulations (“CFR”) Part 403.
20. “The term Approval Authority means the Director in an [National Pollutant Discharge Elimination System] NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.” 40 C.F.R. § 403.3(c).
21. “The term Control Authority refers to: (1) The POTW if the POTW’s Pretreatment Program Submission has been approved in accordance with the requirements of § 403.11; or (2) The Approval Authority if the Submission has not been approved.” 40 C.F.R. § 403.3(f).
22. The Control Authority for industrial users discharging to POTWs without approved POTW pretreatment programs, in a state without an approved state pretreatment program, is the appropriate Regional Administrator. 40 C.F.R. § 403.3(d) and (f).
23. POTWs are required to establish an approved pretreatment program if (1) the POTW has a design flow greater than 5 million gallons per day or (2) the Approval Authority requires the POTW to obtain an approved program due to specific circumstances. 40 C.F.R. § 403.8(a).
24. The Glassport Sewage Authority operates a wastewater treatment plant in Glassport Borough, Allegheny County, Pennsylvania. It discharges less than or equal to 1.2 million gallons per day.
25. The Mon Valley Sewage Authority operates a wastewater treatment plant in Carroll Township, Washington County, Pennsylvania. It discharges less than or equal to 4.96 million gallons per day.
26. The Glassport Sewage Authority and Mon Valley Sewage Authority treatment works are POTWs as defined in Section 403.3(q) of Title 40 of the C.F.R.

27. EPA has not approved Pennsylvania to implement the NPDES pretreatment program.
28. The “Approval Authority” as defined in 40 C.F.R. § 403.3(c) is the Regional Administrator of EPA Region III because Pennsylvania is not authorized to implement the NPDES pretreatment program.
29. The Glassport Sewage Authority POTW holds NPDES Permit No. PA0021113, which authorizes the POTW to discharge to Monongahela River, which is a water of the United States.
30. The Mon Valley Sewage Authority POTW holds NPDES Permit No. PA0026158, which authorizes the POTW to discharge to Monongahela River, which is a water of the United States.
31. The Glassport Sewage Authority POTW does not have an approved POTW pretreatment program.
32. The Mon Valley Sewage Authority POTW does not have an approved POTW pretreatment program.
33. The “Control Authority” as defined in 40 C.F.R. § 403.3(d) and (f) is the Regional Administrator of EPA Region III because the Glassport Sewage Authority and Mon Valley Sewage Authority POTWs do not have approved POTW pretreatment programs.
34. “The term Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.” 40 CFR § 403.3(i).
35. “Industrial User or User means a source of Indirect Discharge.” 40 C.F.R. § 403.3(j).
36. Tech Met, Inc. (“Tech Met”) is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
37. Tech Met owns and/or operates two chemical milling job shop facilities in Pennsylvania. One facility is located at 15 Allegheny Square, Glassport, PA 15045 (“Glassport Facility”). The other facility is located at 79<sup>th</sup> East 8<sup>th</sup> Street, Donora, PA 15033 (“Donora Facility”).
38. Tech Met is an “Industrial User” as defined in Section 403.3 of Title 40 of the C.F.R., because its Glassport Facility discharges pollutants to the Glassport Sewage Authority, and its Donora Facility discharges pollutants to Mon Valley Sewage Authority.
39. Tech Met’s Glassport and Donora Facilities are subject to the Metal Finishing Standards for New Sources at 40 CFR Part 433.17 under the National Pretreatment Program.

40. Pretreatment Standards for New Sources in the Metal Finishing Category are located at 40 C.F.R. § 433.17 and set daily maximum and monthly average limits for pollutants as follows:

**Table A: Pretreatment Standards for New Sources in Metal Finishing Category**

Pollutant or pollutant property	Maximum for any 1 day (milligrams/liter)	Monthly Average shall not exceed (milligrams/liter)
Cadmium	0.11	0.07
Chromium	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide	1.20	0.65
TTO	2.13	

41. The Pretreatment Standards for new source metal finishing operations were first proposed on August 31, 1982 (47 Federal Register 38462).
42. On August 20, 2018, EPA sent a Discharge Limitations and Monitoring Requirements (“DLMR”) package to Tech Met for the Glassport Facility and assigned the Facility an Industrial User Number (PAP121113). The concentrations and sampling frequency were set as follows:

**Table B: Pollutant Discharge Limits for Tech Met Glassport Facility TNT Building**

Parameter	Concentration (mg/l)		Monitoring Requirements	
	Monthly Avg	Daily Max	Frequency	Sample Type
Flow (gal/day)			1/month	Measured
pH			1/month	Grabs/low chart read
Cadmium	0.07	0.11	1/6 months	3 grabs
Chromium	1.71	2.77	1/6 months	3 grabs
Copper	2.07	3.38	1/6 months	3 grabs
Lead	0.43	0.69	1/6 months	3 grabs
Nickel	2.38	3.98	1/6 months	3 grabs
Silver	0.24	0.43	1/6 months	3 grabs
Zinc	1.48	2.61	1/month	3 grabs
Cyanide	0.65	1.20	1/6 months	3 grabs
TTO	-	2.13	1/6 months	3 grabs

**Table C: Pollutant Discharge Limits for Tech Met Glassport Facility MLE Building**

Parameter	Concentration (mg/l)		Monitoring Requirements	
	Monthly Avg	Daily Max	Frequency	Sample Type
Flow (gal/day)			1/month	Measured
pH			1/month	Grabs/low chart read
Cadmium	0.07	0.11	1/6 months	3 grabs
Chromium	1.71	2.77	1/6 months	3 grabs
Copper	2.07	3.38	1/6 months	3 grabs
Lead	0.43	0.69	1/6 months	3 grabs
Nickel	2.38	3.98	1/6 months	3 grabs
Silver	0.24	0.43	1/6 months	3 grabs
Zinc	1.48	2.61	1/6 months	3 grabs
Cyanide	0.65	1.20	1/6 months	3 grabs
TTO	-	2.13	1/6 months	3 grabs

43. The Control Authority, “shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.” 40 C.F.R. § 403.12(g)(3).
44. Because the TNT Building at the Glassport Facility reported unresolved zinc exceedances in a 2018 Baseline Monitoring Report, EPA, as the Control Authority, requires Tech Met to sample zinc once per month at the TNT Building only.
45. On December 12, 2018, EPA sent a DLMR package to Tech Met for the Donora Facility and assigned the Facility an Industrial User Number (PAP126158). The concentrations and sampling frequency were set as follows:

**Table D: Pollutant Discharge Limits for Tech Met Donora Facility**

Parameter	Concentration (mg/l)		Monitoring Requirements	
	Monthly Avg	Daily Max	Frequency	Sample Type
Flow (gal/day)			1/month	Measured
pH			1/month	Grabs/low chart read
Cadmium	0.07	0.11	1/6 months	3 grabs
Chromium	1.71	2.77	1/6 months	3 grabs
Copper	2.07	3.38	1/6 months	3 grabs
Lead	0.43	0.69	1/6 months	3 grabs
Nickel	2.38	3.98	1/6 months	3 grabs
Silver	0.24	0.43	1/6 months	3 grabs
Zinc	1.48	2.61	1/6 months	3 grabs
Cyanide	0.65	1.20	1/6 months	3 grabs
TTO	-	2.13	1/6 months	3 grabs

46. Sections 403.12(e) and (g) of Title 40 of the C.F.R. require that any industrial user subject to Pretreatment Standards submit “periodic reports on continued compliance,” also called “Self-Monitoring Reports” (“SMRs”) twice a year on the nature and concentrations of the pollutants in its effluent and to include the results of any sampling.
47. Section 403.12(e)(1) of Title 40 of the C.F.R. requires that “Any Industrial User subject to a categorical Pretreatment Standard . . . after the compliance date of such Pretreatment Standard . . . shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.” 40 C.F.R § 403.12(e)(1).
48. Section 403.12(g)(2) of Title 40 of the C.F.R. requires that if sampling by an industrial user indicates a violation of the Pretreatment Standards, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation.
49. Section 403.12(g)(2) of Title 40 of the C.F.R. also requires that the industrial user repeat sampling and analysis within 30 days after becoming aware of the violation.
50. Section 403.12(o) of Title 40 of the C.F.R. requires that “Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:
  - (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
  - (ii) The dates analyses were performed;
  - (iii) Who performed the analyses;
  - (iv) The analytical techniques/methods use; and
  - (v) The results of such analyses.
51. As the Control Authority, EPA set the monitoring requirements specific to each parameter in accordance with 40 CFR § 403.12(g)(3) (“The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.”).

**Count I**  
**Discharge of Pollutants Exceeding Applicable Limits – Glassport Facility**

52. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
53. During the period between June 20, 2018 and September 11, 2020, Tech Met’s Glassport Facility had 19 zinc discharge limit exceedances and two cyanide discharge limit exceedances described in Table E below:

**Table E: Tech Met Glassport Facility Exceedances June 2018 – September 2020**

Sample Date:	Pollutant of Concern:	Limit Type	Concentration (mg/L):	Concentration Limit (mg/L):
June 20, 2018	Zinc	Daily max	23	2.61
October 2018	Zinc	Monthly average	2.68	1.48
December 12, 2018	Cyanide	Daily max	1.5	1.20
December 2018	Cyanide	Monthly average	1.5	0.65
April 2019	Zinc	Monthly average	3	1.48
July 2019	Zinc	Monthly average	6.3	1.48
January 7, 2020	Zinc	Daily max	19	2.61
January 14, 2020	Zinc	Daily max	9.9	2.61
January 23, 2020	Zinc	Daily max	4.5	2.61
January 2020	Zinc	Monthly average	4.24	1.48
March 12, 2020	Zinc	Daily max	7.8	2.61
May 12, 2020	Zinc	Daily max	4	2.61
June 16, 2020	Zinc	Daily max	5.8	2.61
June 29, 2020	Zinc	Daily max	4.1	2.61
June 2020	Zinc	Monthly average	1.758	1.48
July 1, 2020	Zinc	Daily max	70	2.61
July 14, 2020	Zinc	Daily max	3.1	2.61
July 27, 2020	Zinc	Daily max	3.1	2.61
July 2020	Zinc	Monthly average	5.31	1.48
September 9, 2020	Zinc	Daily max	3	2.61
September 11, 2020	Zinc	Daily max	1.7	2.61

54. The 13 daily max and 6 monthly average exceedances for zinc, and 1 daily max and 1 monthly average exceedance of cyanide concentration limits are violations of Section 307 of the Act, 33 U.S.C. § 1317.



**Count II**  
**Failure to Report Noncompliance– Glassport Facility**

55. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
56. Per Section 403.12(g) of Title 40 of the C.F.R., Tech Met had 24 hours after becoming aware of the exceedances in Table E to notify the Control Authority.
57. EPA did not receive notification within 24 hours of becoming aware of the following exceedance violations or results from repeat analyses conducted within 30 days:
  - June 20, 2018 daily maximum zinc exceedance;
  - October 2018 monthly average zinc exceedance;
  - December 12, 2018 daily maximum cyanide exceedance;
  - December 2018 monthly average cyanide exceedance;
  - April 2019 monthly average zinc exceedance;
  - July 27, 2020 daily maximum zinc exceedance;
  - July 2019 monthly average zinc exceedance;
  - September 9, 2020 daily maximum zinc exceedance; and
  - September 11, 2020 daily maximum zinc exceedance.
58. The nine instances of Tech Met’s failure to report noncompliance to EPA, the Control Authority, are violations of Section 307 of the Act, 33 U.S.C. § 1317 and 40 C.F.R. § 403.12(g).

**Count III**  
**Failure to Adequately Report Sampling Results – Glassport Facility**

59. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
60. Per 40 C.F.R. § 403.12(o), Tech Met must maintain records of information from monitoring activities including for all samples: (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) The dates analyses were performed; (iii) Who performed the analyses; (iv) The analytical techniques/methods used; and (v) The results of such analyses.
61. Deficiencies EPA noted in Tech Met’s Chain of Custody reports are as follows:
  - a. The chains of custody for samples collected on December 12, 2020 at the TNT and MLE Buildings were missing the sample point, sampling method (grab vs. composite), and time of sampling.
  - b. The chains of custody for samples collected on June 19, 2019 at the TNT and MLE Buildings were missing the sample point and sampling method.

- c. The chains of custody for samples collected on December 17, 2019 at the TNT and MLE Buildings were missing the sample points.
  - d. The chains of custody for samples collected on June 18, 2020 at the TNT and MLE Buildings were missing the sample points.
65. The missing information in Tech Met’s Chain of Custody forms is a violation of Section 307 of the Act, 33 U.S.C. § 1317 and 40 CFR §§ 403.12(o).

**Count IV  
Failure to Sample – Glassport Facility**

66. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
67. Tech Met received the DLMR that required monthly zinc sampling for the TNT Building on August 21, 2018.
68. Tech Met did not conduct monthly zinc sampling for September 2018.
69. The failure to conduct sampling as required by the discharge limitations and monitoring requirements is a violation of Section 307 of the Act, 33 U.S.C. § 1317, and 40 CFR § 403.12(e).

**Count V  
Discharge of Pollutants Exceeding Applicable Limits – Donora Facility**

70. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
71. On December 17, 2019, Tech Met’s Donora Facility had a discharge limit exceedance that exceeded both the monthly average and daily maximum chromium limit and monthly average nickel discharge limit as follows:

**Table F: Tech Met Donora Facility Exceedances – December 2019**

Sample Date:	Pollutant of Concern:	Limit Type	Concentration (mg/L):	Concentration Limit (mg/L):
December 17, 2019	Chromium	Daily max	5.9	2.77
December 17, 2019	Chromium	Monthly average	5.9	1.71
December 17, 2019	Nickel	Monthly average	2.4	2.38

72. The daily max and monthly average exceedance for chromium and monthly average exceedance for nickel concentration limits are violations of Section 307 of the Act, 33 U.S.C. § 1317.

**Count VI**  
**Failure to Report Noncompliance– Donora Facility**

- 73. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 74. Per Section 403.12(g) of Title 40 of the C.F.R., Tech Met had 24 hours after becoming aware of the exceedances in Table F to notify the Control Authority.
- 75. Tech Met provided notification to EPA regarding the chromium exceedances on December 17, 2019, but did not include the nickel monthly average exceedance.
- 76. Tech Met’s failure to report the nickel monthly average exceedance to EPA, the Control Authority, is a violation of Section 307 of the Act, 33 U.S.C. § 1317 and 40 C.F.R. § 403.12(g).

**Count VII**  
**Failure to Adequately Report Sampling Results – Donora Facility**

- 77. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 78. Per 40 C.F.R. § 403.12(o), Tech Met must maintain records of information from monitoring activities including for all samples: (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) The dates analyses were performed; (iii) Who performed the analyses; (iv) The analytical techniques/methods used; and (v) The results of such analyses.
- 79. Deficiencies EPA noted in Tech Met’s Chain of Custody reports are as follows:
  - a. The chains of custody for samples collected on December 11, 2018 were missing the sample point, sampling method (grab vs. composite), and time of sampling.
  - b. The chains of custody for samples collected on June 19, 2019 were missing the sample point.
  - c. The chains of custody for samples collected on June 24, 2020 were missing the sample point, sampling method, and time of sampling.
- 80. The missing information in Tech Met’s Chain of Custody forms is a violation of Section 307 of the Act, 33 U.S.C. § 1317 and 40 CFR §§ 403.12(o).

**V. CIVIL PENALTY**

81. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FORTY THOUSAND DOLLARS (\$40,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
82. The civil penalty is based upon EPA’s consideration of a number of factors, including the nature, circumstances, extent and gravity of the violation(s), Respondent’s ability to pay, prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the statutory penalty criteria and factors set forth at Section 309(g) of the Act, 33 U.S.C. § 1319(g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
83. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:

All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, **CWA-03-2021-0083**

- a. All checks shall be made payable to the “United States Treasury.”
- b. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

- c. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

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

- d. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously via email to:

Aviva H. Reinfeld  
Assistant Regional Counsel  
U.S. EPA, Region III  
[Reinfeld.aviva@epa.gov](mailto:Reinfeld.aviva@epa.gov)

and

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

84. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
85. Payment of the civil penalty is due and payable immediately upon the effective date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
86. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. 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).
87. ADMINISTRATIVE COSTS: The costs of the EPA'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 an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
88. LATE PAYMENT PENALTY: 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). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

89. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

#### **VI. GENERAL SETTLEMENT CONDITIONS**

90. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
91. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **VII. CERTIFICATION OF COMPLIANCE**

92. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

#### **VIII. OTHER APPLICABLE LAWS**

93. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 *et seq.*, or any regulations promulgated thereunder.

#### **IX. RESERVATION OF RIGHTS**

94. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including

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. 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, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the Clean Water Act, 33 U.S.C. § 301 *et seq.*, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

**X. EXECUTION /PARTIES BOUND**

95. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**XI. EFFECTIVE DATE**

96. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator or his or her delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

**XII. ENTIRE AGREEMENT**

97. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

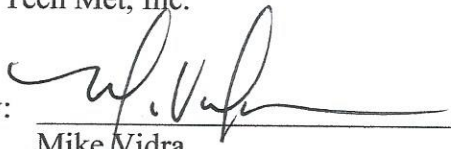
*In the Matter of: Tech Met, Inc.*

*EPA Docket No. CWA-03-2021-0083*

For Respondent:

Tech Met, Inc.

Date: 05/13/2021

By:   
\_\_\_\_\_  
Mike Vidra  
President



For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

Date: \_\_\_\_\_

By: \_\_\_\_\_

Aviva H. Reinfeld  
Assistant Regional Counsel  
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103**

<b>In the Matter of:</b>	:
	:
	: <b>U.S. EPA Docket No. CWA-03-2021-0083</b>
<b>Tech Met, Inc.</b>	:
<b>15 Allegheny Square</b>	: <b>Proceeding under Section 309(g) of</b>
<b>Glassport, PA 15045</b>	: <b>the Clean Water Act</b>
	:
<b>Respondent.</b>	:
	:

**FINAL ORDER**

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Tech Met Inc., have executed a document entitled “Consent 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 (“Consolidated 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 upon 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 at Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g).

**NOW, THEREFORE, PURSUANT TO** Section 309(g) of the Clean Water Act, 33 U.S.C. Section 309(g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***Forty Thousand Dollars (\$40,000.00)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the Clean Water Act and the regulations promulgated thereunder.

The Consent Agreement and this Final Order will become final and effective thirty (30) days after it is signed by the Regional Administrator or the Regional Administrator’s delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III