

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Sep 16, 2025

3:22 pm

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of: :  
:  
MULTI-FLEX PLATING COMPANY : U.S. EPA Docket No. CAA-03-2025-0133  
109 WILLOWS AVENUE :  
COLLINGDALE, PENNSYLVANIA 19023 : Proceeding under Section 113(d) of the Clean Air  
: Act, 42 U.S.C. § 7413(d)  
Respondent. :

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Multi-Flex Plating Company ("Respondent") (collectively the "Parties"), pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), 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. The Clean Air Act 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 the authority to enter into agreements concerning administrative penalties 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 Air Act ("CAA" 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.

**JURISDICTION**

3. The U.S. Environmental Protection Agency ("EPA") 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)(2).

**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 the 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 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 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this action is appropriate.
12. By signing this Consent Agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13. 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.
14. Respondent is a company incorporated in the Commonwealth of Pennsylvania.
15. Respondent is a "person" as that term is defined in Section 302 of the CAA, 42 U.S.C. § 7602(e), and is subject to the assessment of civil penalties for the violations alleged herein.

16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a plating and polishing facility located at 109 Willows Avenue, Collingdale, Pennsylvania 19023 (hereinafter “the Facility”). The Facility engages in cadmium, copper, nickel, tin, zinc and silver electroplating; sulfuric and chromic anodizing; electroless nickel plating; chromate conversion coating of aluminum; passivation of stainless steel and nickel acetate; and sodium dichromate sealing of anodize coatings.
17. Complainant is authorized by Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. This includes requirements promulgated by the EPA to address hazardous air pollutants (“HAPs”) in Section 112 of the Act, 42 U.S.C. § 7412.
18. Section 112 of the Act, 42 U.S.C. § 7412, establishes a list of HAPs and directs the EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the Act, 42 U.S.C. § 7412(d), directs the EPA to establish national emissions standards for hazardous air pollutants (“NESHAPs”) for sources in each category.
19. Hazardous air pollutant or “HAP” is defined as “any air pollutant listed in or pursuant to Section 112(b) of the Act,” including cadmium, chromium, and nickel, 40 C.F.R. § 63.2; 42 U.S.C. § 7412(b).
20. The term “affected source” under 40 C.F.R. Part 63, is defined as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. Each relevant standard will define the “affected source” 40 C.F.R. § 63.2.

*40 C.F.R. Part 63, Subpart N*

21. In 1995, the EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 C.F.R. Part 63, Subpart N (“Subpart N”), 60 Fed. Reg. 4963, January 25, 1995).<sup>1</sup>
22. Subpart N establishes emissions limitations, operating limits, and work practice standards for metal HAP emitted from affected sources, including chromium electroplating or chromium anodizing tank at facilities performing hard chromium

---

<sup>1</sup> As amended on June 27, 1995 (60 Fed. Reg. 33122), June 3, 1996 (61 Fed. Reg. 27785, January 30, 1997 (62 Fed. Reg. 4463), August 11, 1997 (62 Fed. Reg. 42918), June 23, 2003 (68 Fed. Reg. 37334), July 19, 2004 (69 Fed. Reg. 42885), December 19, 2005 (70 Fed. Reg. 75320), April 20, 2006 (71 Fed. Reg. 20446), September 19, 2012 (77 Fed. Reg. 58220), February 27, 2014 (79 Fed. Reg. 11228), and November 19, 2020 (5 Fed. Reg. 73854).

electroplating, decorative chromium electroplating, or chromium anodizing. 40 C.F.R. § 63.340(a).

*40 C.F.R. Part 63, Subpart WWWWWW*

23. In 2008, the EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Operations, 40 C.F.R. Part 63, Subpart WWWWWW (“Subpart 6W”), 73 Fed. Reg. 37728 (July 1, 2008).<sup>2</sup>
24. Subpart 6W establishes emissions limitations, operating limits, and work practice standards for metal HAP emitted from plating or polishing facility that is an area source of HAP emissions and:
  - a. Is engaged in, among other things, electroplating other than chromium electroplating, electroless or non-electrolytic plating, and other non-electrolytic metal coating processes;
  - b. Is an area source of HAP emissions (any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year or more and any combination of HAP at a rate of 25 tons per year or more); and
  - c. Uses or has emissions of compounds of one or more plating and polishing metal HAP, including cadmium, chromium, lead, manganese, and nickel.

40 C.F.R. § 63.11504(a)(1) through (3).

25. The term “area source” is defined as “any stationary source of hazardous air pollutants that is not a major source.” 42 U.S.C. § 7412(a)(2).
26. A “stationary source” is defined as “any building, structure, facility, or installation which emits or may emit any air pollutant.” 42 U.S.C. § 7412(a)(3).
27. A “major source” of HAP emissions includes a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAPs at a rate of 25 tons or more per year. 42 U.S.C. § 7412(a)(1).

*EPA Investigation*

28. On August 23, 2022, the EPA conducted an inspection of the Facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to determine compliance with applicable State and Federal laws and regulations (the “Inspection”).

---

<sup>2</sup> As amended on June 20, 2011 (76 Fed. Reg. 35744), September 19, 2011 (76 Fed. Reg. 57913), and November 19, 2020 (85 Fed. Reg. 73854).

29. On June 28, 2023, the EPA issued Respondent a Request for Information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).
30. Respondent provided responses to the June 28, 2023 Request for Information on July 26 and August 18, 2023.
31. On December 4, 2024, the EPA issued Respondent a Notice to Show Cause letter.
32. On January 13, 2025, the EPA and Respondent participated in a conference to discuss the alleged violations in the December 4, 2024 Notice to Show Cause

### **Count I**

#### **Failure to Prepare and Retain Annual Compliance Status Reports for Tank N-18**

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. 40 C.F.R. § 63.347(h)(1) requires an owner or operator of an affected source that is located at an area source site to prepare a summary report to document the ongoing compliance status of the affected source. The report shall contain the information identified in 40 C.F.R. § 63.347(g)(3), shall be completed annually and retained on site, and made available to the Administrator upon request.
35. 40 C.F.R. § 63.346(c) requires all records, including documentation supporting the notification and reports required by 40 C.F.R. § 63.347, to be maintained for a period of 5 years in accordance with 40 C.F.R. § 63.10(b)(1).
36. Based on the information provided by Respondent, Tank N-18 is an affected source because it is a chromium anodizing tank at a Facility that performs hard chromium electroplating, decorative chromium electroplating, or chromium anodizing. 40 C.F.R. § 63.340(a); *see also* 40 C.F.R. § 63.2.
37. From at least August 2020 to March 2025, Respondent failed to prepare and maintain the annual compliance status reports for the Facility.
38. From at least August 2020 to March 2025, Respondent violated 40 C.F.R. § 63.347(h)(1) and 40 C.F.R. § 63.346(c) by failing to prepare and maintain annual compliance status reports for Tank N-18 at the Facility.
39. In failing to comply with 40 C.F.R. § 63.347(h)(1) and 40 C.F.R. § 63.346(c), Respondent is in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and is subject to the assessment of penalties under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

**Count II**

**Failure to Prepare and Retain Annual Certification of Compliance Reports for Tanks A-10, A-16, A-18, E-7, E-12, L-12, N-20, and N-21**

40. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
41. 40 C.F.R. § 63.11509(c) requires an owner or operator of an affected source (as that term is described in 40 C.F.R. § 63.11505) to prepare an annual certification of compliance report. These reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the annual compliance report must be submitted along with the deviation report.
42. 40 C.F.R. § 63.11509(f) requires an owner or operator of an affected source to “keep each record for a minimum of 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.”
43. Based on the information provided by Respondent, Tanks A-10, A-16, A-18, E-7, E-12, L-12, N-20, and N-21 are affected sources because they are located at a plating facility that is an area source of HAP emissions, engaged in, among other things, electroplating other than chromium electroplating, electroless or non-electrolytic plating, and other non-electrolytic metal coating processes that use or have emissions of cadmium, chromium, and nickel (metal HAP). *See* 40 C.F.R. § 63.11504(a)(1) through (3); *see also* 40 C.F.R. § 63.2.
44. From at least August 2020 to March 2025, Respondent failed to prepare and retain annual compliance status reports for Tanks A-10, A-16, A-18, E-7, E-12, L-12, N-20, and N-21 at the Facility.
45. From at least August 2020 to March 2025, Respondent violated 40 C.F.R. § 63.11509(f) and 40 C.F.R. § 63.11509(f) by failing to prepare and retain annual compliance status reports for the Facility.
46. In failing to comply with 40 C.F.R. § 63.11509(f) and 40 C.F.R. § 63.11509(f), Respondent is in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and is subject to the assessment of penalties under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

**CIVIL PENALTY**

47. The EPA has considered the appropriateness of a penalty pursuant to the factors specified in Section 113(e)(1) the CAA, 42 U.S.C. § 7413(e)(1). The EPA has determined that the appropriate civil penalty for the violations alleged herein is Two Hundred and Ninety-One Thousand One Hundred and One Dollars (\$291,101). Pursuant to the

statutory requirement that the EPA consider the economic impact of the penalty on Respondent's business and based upon confidential business information submitted to the EPA by Respondent, including tax returns, the EPA concludes that Respondent is unable, and therefore is not required, to pay any penalty in this matter.

**GENERAL SETTLEMENT CONDITIONS**

48. 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.
49. Respondent certifies that any information or representation it has supplied or made to the 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. The EPA shall have the right to institute further actions to recover appropriate relief if the 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 the 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.
50. Respondent certifies to the 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.

**OTHER APPLICABLE LAWS**

51. 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 the 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 CAA, or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

52. This Consent Agreement and Final Order resolves only the EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the 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). The EPA reserves any rights and remedies available to it under the CAA, 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.

**EXECUTION /PARTIES BOUND**

53. 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 providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing 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.

**EFFECTIVE DATE**

54. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator’s designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

55. 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: Multi-Flex Plating Company*

*EPA Docket No. CAA-03-2025-0133*

For Respondent: MULTI-FLEX PLATING COMPANY

Date: July 11, 2025 By:

David J. Sugg  
General Manager

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 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **ANDREA BAIN** Digitally signed by ANDREA BAIN  
Date: 2025.09.15 08:00:45  
-04'00'  
\_\_\_\_\_  
*[Digital Signature and Date]*  
Andrea Bain, Acting Division Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region 3  
Complainant

Attorney for Complainant:

By: **HANNAH LEONE** Digitally signed by HANNAH LEONE  
Date: 2025.09.10 08:53:25  
-04'00'  
\_\_\_\_\_  
*[Digital Signature and Date]*  
Hannah Leone  
Assistant Regional Counsel  
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Sep 16, 2025

3:23 pm

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of: :  
:  
MULTI-FLEX PLATING COMPANY : U.S. EPA Docket No. CAA-03-2025-0133  
109 WILLOWS AVENUE :  
COLLINGDALE, PENNSYLVANIA 19023 : Proceeding under Section 113(d) of the Clean Air  
: Act, 42 U.S.C. § 7413(d)  
Respondent. :

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Multi-Flex Plating Company, 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, 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.

**NOW, THEREFORE, PURSUANT TO** Section 113(d) the Clean Air Act, 42 U.S.C. § 7413(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent 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 Air Act and the regulations promulgated thereunder.

The effective date of the Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **JEFFREY NAST** Digitally signed by JEFFREY NAST  
Date: 2025.09.16 15:18:54 -04'00'  
\_\_\_\_\_  
Regional Judicial and Presiding Officer  
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	U.S. EPA Docket No. CAA-03-2025-0133
MULTI-FLEX PLATING COMPANY	:	
109 WILLOWS AVENUE	:	Proceeding under Section 113(d) of the Clean
COLLINGDALE, PENNSYLVANIA 19023	:	Air Act, 42 U.S.C. § 7413(d)
	:	

---

**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

David J. Sugg, General Manager  
Multi-Flex Plating Company  
Dave.Sugg@multiflexplating.com  
109 Willows Avenue  
Collingdale, Pennsylvania 19023

Hannah Leone  
Assistant Regional Counsel  
U.S. EPA, Region 3  
Leone.hannah@epa.gov

Parmatma Adhikari  
Enforcement Officer  
U.S. EPA, Region 3  
Adhikari.parmatma@epa.gov

**BEVIN ESPOSITO** Digitally signed by BEVIN  
ESPOSITO  
Date: 2025.09.16 15:25:37 -04'00'

---

**[Digital Signature and Date]**  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 3