

**FILED**

**Aug 11, 2025**

**10:38 am**

**U.S. EPA REGION 3  
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Stoner, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0111
170 Robert Fulton Highway	:
Quarryville, Pennsylvania 17566	: Proceeding under Sections 3008 of the
	: Resource Conservation and Recovery Act (RCRA),
Respondent.	: as amended, 42 U.S.C. §§ 6928
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**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 Stoner, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928, 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 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 Subtitle C of RCRA, 42 U.S.C. §§ 6921- 6939g (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)(4).
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter dated October 24, 2024, the EPA notified the Pennsylvania Department of Environmental Protection (“PA DEP”) of the EPA’s intent to commence this administrative action against Respondent in response to violations of RCRA Subtitle C that are alleged herein.

### **GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. 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.
9. 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.
10. 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.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
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. Effective January 30, 1986, and as revised November 27, 2000, March 22, 2004, and June 29, 2009, the EPA authorized the Commonwealth of Pennsylvania to administer its Hazardous Waste management program in lieu of the federal program, including certain provisions implementing the Hazardous and Solid Waste Amendments enacted on November 8, 1984 (Pub. Law No. 98-616), which amended Subtitle C of RCRA. The authorized provisions of the Pennsylvania Hazardous Waste Regulations (“PaHWR”) codified at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a, thereby became requirements of Subtitle C of RCRA and enforceable by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). See 51 Fed. Reg. 1791 (January 15, 1986), 65 Fed. Reg. 57734 (September 26, 2000), 69 Fed. Reg. 2674 (January 20, 2004), and 74 Fed. Reg. 19453 (April 29, 2009).
15. The Respondent is a corporation organized under the laws of Pennsylvania.
16. The Respondent is a “person” as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10.
17. The Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 170 Robert Fulton Highway, Quarryville, Pennsylvania 17566 (hereinafter “the Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and/or as defined in 25 Pa. Code § 260a.10.
18. At all times relevant to the allegations set forth in this Consent Agreement, the Facility is, and has been, a “facility,” as defined in 25 Pa. Code § 260a.10.
19. At all times relevant to the violations alleged herein, Respondent has been a “generator” of “solid wastes” and “hazardous wastes,” and has engaged in the “storage” in “containers” at the Facility of hazardous wastes as those terms are defined in 25 Pa. Code § 260a.10 and 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1.
20. At all times relevant to the violations alleged herein, the Respondent has reported as a Large Quantity Generator (“LQG”) of hazardous waste, with EPA ID # PAR000002865.

21. At all times relevant to the violations alleged herein, Respondent has not had a RCRA Subtitle C permit to treat, store, or dispose of hazardous waste, nor did it have interim status.
22. The Facility is located on an approximately 11.7 acre property, and manufactures between 700-800 kinds of chemical products for industrial and retail clients sold in aerosol bottles, trigger bottles, wipes, and bulk totes. The majority of the products made are mold-release agents and lubricants.
23. On May 21, 2024, representatives of the EPA conducted a RCRA Compliance Evaluation Inspection ("Inspection") at the Facility.
24. One 90-day hazardous waste accumulation area is maintained on the second floor, and at least three satellite accumulation areas ("SAAs") are present onsite (one upstairs, two downstairs).
25. The Respondent generates "water" waste primarily from product overruns, mix tank cleaning, and drippage collected from tank farm transfers. "Water" waste results from what the Facility considers their "water-based" products, which may contain flammable components. The Respondent stated that this material is considered to be hazardous waste, but was unsure of the EPA waste codes that applied to this waste. Approximately sixteen 55-gallon drums of this waste are generated per month.
26. The Respondent generates "fuel" waste, which is generated from making products which the Respondent considers solvent-based. The Respondent reported this kind of waste to be hazardous, but was unsure of the EPA waste codes which applied to it. Approximately six 55-gallon drums of this hazardous waste are generated per month.
27. The Respondent generates "spent" rags which are rags with acetone or isopropyl alcohol that are used to clean out mixing tanks for most of the manufacturing lines. The Respondent has not considered these rags to be hazardous waste and adds them to the regular trash when spent.
28. The Facility has an R&D Lab, but the Respondent reported that it is unsure of the types of waste generated there.
29. The Respondent generates aerosol can waste from defect cans during the filling process. These cans' contents are drained into the "fuel" waste and the empty aerosol cans are crushed and added to regular trash. All hazardous liquid wastes from process operations are drummed for offsite disposal.
30. Based on the information provided by the Respondent, the EPA concludes that the Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42

U.S.C. §§ 6921-6939g, certain federally authorized PaHWR requirements, and certain applicable federal hazardous waste regulations.

31. On June 12, 2024 and June 19, 2024, the Respondent provided supplemental information to the EPA via email.

### **Count 1**

#### **Operation of a Hazardous Waste Storage Facility without a Permit or Interim Status**

32. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
33. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), require, with certain exceptions not relevant herein, that no person who owns or operates a facility for the treatment, storage or disposal of hazardous waste may do so without first obtaining a permit or qualifying for interim status for the facility.
34. Pursuant to 40 C.F.R. § 262.34(a)(1)<sup>1</sup>, which 25 Pa. Code § 262a.10 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that” the generator meets requirements listed in 40 C.F.R. § 262.34.
35. For the following reasons, Respondent failed to meet the following permit exemption conditions in 40 C.F.R. § 262.34 and was therefore accumulating hazardous waste onsite in violation of 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference:

- a. Failure to keep containers closed

25 Pa. Code § 262a.10 incorporates by reference the generator accumulation and permit exemption requirements of 40 C.F.R. § 262.34(a)(1) and (c)(1) and, by further reference, 40 C.F.R. § 265.173, which requires containers accumulating hazardous waste to “always be closed during storage, except when it is necessary to add or remove waste.”

At the time of the May 21, 2024 Inspection, the following were observed:

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<sup>1</sup> On November 28, 2016, the EPA re-codified the generator permit exemption, effective on May 30, 2017, pursuant to a regulation known as the Hazardous Waste Generator Improvement Rule (the “HWGIR”). The federal requirements previously found in 40 C.F.R. § 262.34 are now codified at 40 C.F.R. §§ 262.15-262.17. The Commonwealth of Pennsylvania has incorporated by reference the EPA HWGIR re-codification, with minor amendments. EPA has not yet approved these revisions to the PaHWMR. Accordingly, this Consent Agreement references authorized regulations previously found at 40 C.F.R. § 262.34 and 25 Pa. Code § 262a.34, rather than the current regulations found at 40 C.F.R. § 262.17 and 25 Pa Code § 262a.17, respectively.



- i. In the Upstairs Mix Area, one 55-gallon drum, intended as a SAA container, of D001 hazardous waste had funnel on lid with cap partially open;
- ii. Below the aerosol can puncturing unit on second floor, one unlabeled 5-gallon bucket below the unit to catch contents of punctured cans, considered as D001 hazardous waste, wherein the bucket was open and there were gaps between the bucket and the accordion-style duct from the puncturing unit above;
- iii. In the Bulk Filling Line on the first floor, two 5-gallons buckets, labeled as "Hazardous Waste" and considered D001, used to collect excess material dripping from filling line, wherein both buckets were open and/or connected to open sinks above them;
- iv. Next to the Aerosol Filling Line on the first floor, an open and unlabeled container holding several rejected aerosol cans (considered D001 hazardous waste);
- v. Inside the Gashouse associated with the Aerosol Filling Line, another open and unlabeled container holding several rejected aerosol cans (considered D001 hazardous waste);
- vi. One 55-gallon drum in the hazardous waste accumulation area labeled as F003 hazardous waste and as flammable, with funnel on lid and partially open cap; and
- vii. Three open 5-gallon buckets were observed curing under a lab hood in the Facility's R&D Lab.

b. Failure to properly label SAA container accumulating hazardous waste

25 Pa. Code § 262a.10 incorporates by reference the generator accumulation and permit exemption requirements of 40 C.F.R. § 262.34(c)(1)(ii), which requires SAA containers to be labeled "with the words 'Hazardous Waste' or with other words that identify the contents of the containers."

At the time of the May 21, 2024 Inspection, EPA Inspectors observed the following instance where an SAA container was not properly labeled: In the Facility's R&D Lab, a small container of hazardous waste was observed labeled only with its original product label.

Based on the Respondent's failure to properly label its SAA container, it did not comply with 40 C.F.R. § 262.34(c)(1)(ii) and did not meet the requirements for the SAA exemption, and was therefore required to meet the requirements of 40 C.F.R. § 262.34(a) or other applicable requirements of RCRA. The Respondent's failure to properly label the SAA container

means that it also did not meet the labeling requirements of 40 C.F.R. § 262.34(a)(3).

c. Failure to provide annual review of RCRA training

Pursuant to 40 C.F.R. § 262.34(a)(4), which 25 Pa. Code § 262a.10 incorporates by reference, a generator may accumulate hazardous waste without a permit or interim status only if the generator complies with 40 C.F.R. § 265.16(c), which requires that Facility personnel undergo an annual review of required training to ensure proper hazardous waste management.

Upon review of the Respondent's hazardous waste training records at the time of the May 21, 2024 Inspection, the EPA observed that no evidence of training being conducted in calendar year 2022 existed for any employees. Also, for calendar year 2023, seven of 39 employees were missing training records.

In failing to provide the requisite training in 2022 and 2023 for employees engaging in hazardous waste management, the Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(4).

d. Failure to maintain RCRA training documents

Pursuant to 40 C.F.R. § 262.34(a)(4), which 25 Pa. Code § 262a.10 incorporates by reference, a generator may accumulate hazardous waste without a permit or interim status only if the generator complies with 40 C.F.R. § 265.16(d), which states that "The owner or operator must maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position listed under paragraph (d)(1) of this Section..."

Upon review of the Respondent's hazardous waste training records at the time of the May 21, 2024 Inspection, the EPA observed that the Facility's list of employees needing training did not include the main Environment, Health, and Safety Manager and another person who signed hazardous waste manifests. Additionally, the list of the employees needing training did not include job descriptions. In failing to retain required records, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(4).

e. Failure to maintain an adequate contingency plan

Pursuant to 40 C.F.R. § 262.34(a)(4), which 25 Pa. Code § 262a.10 incorporates by reference, a generator may accumulate hazardous waste without a permit or interim status only if the generator complies with the

requirements for owners or operators in Subparts C and D in 40 C.F.R. part 265, which concern Contingency Plan and Emergency Procedures. 40 C.F.R. § 265.52(a) states that “The contingency plan must describe the actions facility personnel must take to comply with §§265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.” 40 C.F.R. § 265.52(c) states that “The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.” 40 C.F.R. § 265.53(b) requires that “A copy of the contingency plan...must be[] Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.” 40 C.F.R. § 265.52(d) states that “The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator...and this list must be kept up to date.” Furthermore, 40 C.F.R. § 265.52(e) says “The plan must include a list of all emergency equipment at the facility... where this equipment is required...In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.” Also, 40 C.F.R. § 265.52(f) requires that the plan “include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary...”

Upon review of the Respondent’s Contingency Plan and related records at the time of the May 21, 2024 Inspection, the EPA observed that Facility’s plan included some procedures to prevent and respond to fires, explosions, and releases, but did not mention hazardous waste or RCRA. The Respondent’s contingency plan listed the Quarryville Fire Company as an “Emergency Responder” with phone number “911,” but did not describe particular arrangements with Quarryville Fire Company or other local emergency authorities. The Respondent provided no evidence that a contingency plan was shared with local authorities. The plan lists two individuals as “Emergency Action Plan” contacts and includes their phone numbers and emails but does not specifically designate either person as an Emergency Coordinator or Alternate Emergency Coordinator. Finally, no evacuation plans or route maps were observed in the contingency plan. In failing to maintain a proper contingency plan and related requirements, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(4).

36. Treatment of hazardous waste. Additionally, Respondent was treating hazardous waste without a permit or interim status.



- a. "Treatment" is defined in 40 C.F.R. § 270.2, as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such wastes...or so as to render such waste non-hazardous...."
  - b. At the time of the May 21, 2024 Inspection, in the Facility's R&D Lab, three 5-gallon buckets curing under a lab hood were observed. At this time, each bucket was open, unlabeled, and undated. The Facility's Lab Director stated that until the curing process was complete, the contents would be considered hazardous waste and that the curing process typically takes longer than 90 days.
37. At the time of the Inspection, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a facility for the treatment, storage, or disposal of hazardous waste without interim status or a permit.
38. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b) and (c), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(b), the Respondent is subject to the assessment of penalties under Sections 3008(a) of RCRA, 42 U.S.C. §§ 6928(a).

## **Count 2**

### **Failure to conduct waste determinations**

39. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
40. Pursuant to 40 C.F.R. § 262.11, which 25 Pa. Code § 262a.10 incorporates by reference, a "person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste."
  - a. At the time of the May 21, 2024 Inspection, the Facility stated that rags used with acetone and/or isopropyl alcohol to clean mix tanks are added to regular trash containers without a hazardous waste determination. Also, at the time of inspection, the Facility was storing (and occasionally venting) several containers of Durazane, which it was not intending to use again as a product ingredient. No hazardous waste determination had been made for these containers of Durazane.
41. At the time of Inspection, the Facility had failed to conduct hazardous waste determinations in two instances, which constitute violations of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11.

42. In failing to comply with 25 Pa. Code § 262.10a, which incorporates by reference 40 C.F.R. § 262.11, the Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**Count 3**  
**Failure to provide RCRA training**

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
44. Pursuant to 40 C.F.R. § 264.16(c), which 25 Pa. Code § 264a.1 incorporates by reference, Facility personnel are required to undergo an annual review of required training to ensure proper hazardous waste management.
- a. Upon review of the Respondent's hazardous waste training records at the time of the May 21, 2024 Inspection, the EPA observed that no evidence of training being conducted in calendar year 2022 existed for any employees. Also, for calendar year 2023, seven of 39 employees were missing training records.
45. In failing to provide the requisite training in 2022 and 2023 for employees engaging in hazardous waste management, the Respondent violated 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.16(c), by reference.
46. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), the Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**Count 4**  
**Failure to maintain RCRA training documents**

47. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
48. Pursuant to 40 C.F.R. § 264.16(d), which 25 Pa. Code § 264a.1 incorporates by reference, "The owner or operator must maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position listed under paragraph (d)(1) of this Section... (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section...."

- a. Upon review of the Respondent's hazardous waste training records at the time of the May 21, 2024 Inspection, the EPA observed that the Facility's list of employees needing training did not include the main Environment, Health, and Safety Manager and another person who signed hazardous waste manifests. Additionally, the list of the Respondent employees needing training did not include job descriptions.
- 49. In failing to retain required records at the time of Inspection, the Respondent did not comply with 40 C.F.R. § 264.16(d), which 25 Pa. Code § 264a.1 incorporates by reference.
- 50. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d), the Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

#### **Count 5**

##### **Failure to maintain adequate contingency plan**

- 51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 52. Owners and operators of facilities that treat, store, and dispose of hazardous waste must comply with 40 C.F.R. § 264.52 and 53, which 25 Pa. Code § 264a.1 incorporates by reference, and concerns Contingency Plan and Emergency Procedures. 40 C.F.R. § 264.52(a) states that "The contingency plan must describe the actions facility personnel must take to comply with §§264.51 and 264.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility." 40 C.F.R. § 264.52(c) states that "The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 264.37." 40 C.F.R. § 264.53(b) requires that "A copy of the contingency plan...must be[] Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services." 40 C.F.R. § 264.52(d) states that "The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator...and this list must be kept up to date." Furthermore, 40 C.F.R. § 264.52(e) says "The plan must include a list of all emergency equipment at the facility... where this equipment is required...In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities." Also, 40 C.F.R. § 264.52(f) requires that the plan "include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary..."

- a. At the time of the May 21, 2024 Inspection, upon review of Respondent's Contingency Plan and related records, the EPA observed that Facility's plan included some procedures to prevent and respond to fires, explosions, and releases, but did not mention hazardous waste or RCRA. The Respondent's contingency plan listed the Quarryville Fire Company as an "Emergency Responder" with phone number "911," but did not describe particular arrangements with Quarryville Fire Company or other local emergency authorities. Respondent provided no evidence that a contingency plan was shared with local authorities. The plan lists two individuals as "Emergency Action Plan" contacts and includes their phone numbers and emails but does not specifically designate either person as an Emergency Coordinator or Alternate Emergency Coordinator. Finally, no evacuation plans or route maps were observed in the contingency plan.
53. In failing to maintain a proper contingency plan and related requirements at the time of Inspection, the Respondent did not comply with 40 C.F.R. § 264.52 and 53, which 25 Pa. Code § 264a.1 incorporates by reference.
54. In failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.52 and 53 by reference, the Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

#### **Count 6**

##### **Failure to keep containers of hazardous waste closed when not adding or removing waste**

55. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
56. Owners and operators of facilities that treat, store, and dispose of hazardous waste must comply with 40 C.F.R. § 264.173(a), which 25 Pa. Code § 264a.1 incorporates by reference, and requires that "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."
  - a. At the time of the May 21, 2024 Inspection, the following were observed:
    - i. In the Upstairs Mix Area, one 55-gallon drum, intended as a SAA container, of D001 hazardous waste had funnel on lid with cap partially open;
    - ii. Below the aerosol can puncturing unit on second floor, one unlabeled 5-gallon bucket below the unit to catch contents of punctured cans, considered as D001 hazardous waste, wherein the bucket was open and there were gaps between the bucket and the accordion-style duct from the puncturing unit above;

- iii. In the Bulk Filling Line on the first floor, two 5-gallons buckets, labeled as “Hazardous Waste” and considered D001, used to collect excess material dripping from filling line, wherein both buckets were open and/or connected to open sinks above them;
  - iv. Next to the Aerosol Filling Line on the first floor, an open and unlabeled container holding several rejected aerosol cans (considered D001 hazardous waste);
  - v. Inside the Gashouse associated with the Aerosol Filling Line, another open and unlabeled container holding several rejected aerosol cans (considered D001 hazardous waste);
  - vi. One 55-gallon drum in the hazardous waste accumulation area labeled as F003 hazardous waste and as flammable, with funnel on lid and partially open cap; and
  - vii. Three open 5-gallon buckets were observed curing under a lab hood in the Facility’s R&D Lab.
57. At the time of Inspection, the observation of several open containers at the Facility holding hazardous waste when waste was neither being added nor removed constituted a violation of 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.173(a) by reference.
58. In failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.173(a) by reference, the Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

#### **CIVIL PENALTY**

59. 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 **SIXTY-EIGHT THOUSAND TWO-HUNDRED dollars (\$68,200.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
60. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3) including, the following: 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 and May 2020 (“RCRA Penalty Policy”), which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. §§ 6928(a)(3), 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.

61. The Respondent agrees to pay a civil penalty in the amount of \$68,200.00 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
62. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
63. When making a payment, Respondent shall:
  - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, **EPA Docket No. RCRA-03-2025-0111**,
  - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

JENNIFER E. CLARK  
Assistant Regional Counsel  
[clark.jennifer.e@epa.gov](mailto:clark.jennifer.e@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov),

and

U.S. EPA Region 3 Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

"Proof of Payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

64. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.
  - a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest



accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
  - c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.
65. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
  - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
  - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
  - d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

66. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
67. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
68. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed 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 EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
69. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: clark.jennifer.e@epa.gov (for Complainant), and donald.wagner@stevenslee.com (for Respondent).
70. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, **including** amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:
  - a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
  - b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order ratifying this Consent Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of the Final Order per Paragraph 77; and
  - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

#### **GENERAL SETTLEMENT CONDITIONS**

- 71. 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.
- 72. 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.

#### **CERTIFICATION OF COMPLIANCE**

- 73. 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.

#### **OTHER APPLICABLE LAWS**

74. 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 RCRA, or any regulations promulgated thereunder.

#### **RESERVATION OF RIGHTS**

75. 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 RCRA, 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**

76. 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.

#### **EFFECTIVE DATE**

77. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of 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**

78. 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: Stoner, Inc.*

*EPA Docket No. RCRA-03-2025-0111*

For Respondent: Stoner, Inc.

Date: 6/30/25

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

Robert Ecklin, Jr.  
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 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.

ANDREA BAIN  
Digitally signed by ANDREA BAIN  
Date: 2025.08.07 11:13:03 -04'00'

By:

[Digital Signature and Date]  
Acting Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region 3  
Complainant

Attorney for Complainant:

JENNIFER CLARK  
Digitally signed by JENNIFER  
CLARK  
Date: 2025.08.06 15:53:51 -04'00'

By:

[Digital Signature and Date]  
Jennifer E. Clark  
Assistant Regional Counsel  
U.S. EPA – Region 3

**FILED**

**Aug 11, 2025**

**10:38 am**

**U.S. EPA REGION 3  
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Stoner, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0111
170 Robert Fulton Highway	:
Quarryville, PA 17566	: Proceeding under Sections 3008 of
	: the Resource Conservation and Recovery Act,
Respondent.	: 42 U.S.C. §§ 6928
	:
	:
	:
	:
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	:

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Stoner, 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, *inter alia*, EPA's 1990 RCRA Civil Penalty Policy, as revised on June 2003 and May 6, 2020 ("RCRA Penalty Policy"), and the statutory factors set forth in Sections 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

**NOW, THEREFORE, PURSUANT TO** Sections 3008 the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928 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 **SIXTY-EIGHT THOUSAND TWO-HUNDRED DOLLARS (\$68,200.00)**, 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

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

DONZETTA  
 THOMAS  
 Digitally signed by DONZETTA THOMAS  
 Date: 2025.08.11 10:21:31 -0400

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
Stoner, Inc.	: U.S. EPA Docket No. RCRA-03-2025-0111
170 Robert Fulton Highway	:
Quarryville, PA 17566	: Proceeding under Sections 3008 of
	: the Resource Conservation and Recovery Act,
Respondent.	: 42 U.S.C. §§ 6928
	:
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	:

**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:

Dean Swartz, Safety Director  
Stoner, Inc.  
dswartz@stonersolutions.com  
170 Robert Fulton Highway  
Quarryville, PA 17566

Donald R. Wagner  
Stevens & Lee  
donald.wagner@stevenslee.com  
111 N. Sixth Street  
Reading, PA 19601

Robert Ecklin, Jr., President  
Stoner, Inc.  
recklin@stonersolutions.com  
170 Robert Fulton Highway  
Quarryville, PA 17566

Nicole Okino  
Enforcement Officer/Inspector  
U.S. EPA, Region 3  
okino.nicole@epa.gov

Jennifer E. Clark  
Assistant Regional Counsel  
U.S. EPA, Region 3  
clark.jennifer.e@epa.gov

By:

JEANNINE GRAFF  
Digitally signed by JEANNINE  
GRAFF  
Date: 2025.08.11 10:41:00 -04'00'

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[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. EPA – Region 3