

FILED

Dec 17, 2025

9:11 am

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

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

In the Matter of: :
: **Industraplate Corp.** : **U.S. EPA Docket No. RCRA-03-2026-0022**
: **Respondent.** : **Proceeding under Section 3008 of the Resource**
: **Conservation and Recovery Act, 42 U.S.C. § 6928**
Industraplate Corp.
5 James Court
Wilmington, Delaware 19801-5251

Facility.

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Industraplate ("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 of RCRA 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, §§ 6931-6939g (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 Delaware Department of Natural Resources and Environmental Control (“DNREC”) of the EPA’s intent to commence this administrative action against the Respondent.

GENERAL PROVISIONS

6. For purposes of this proceeding only, the Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, the Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Except as provided in Paragraph 6, above, the Respondent neither admits nor denies the alleged violations of law set forth in this Consent Agreement.
9. The 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.
10. 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.
11. The 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.
12. The Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
13. By signing this Consent Agreement, the Respondent waives any rights or defenses that the 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

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, the Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the EPA has authorized the State of Delaware to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. 6921 – 6939(g). The provisions of the federally authorized Delaware Hazardous Waste Regulations (“DHWR”), codified at 7 Del. Admin. C. § 1302 Parts 260 – 279, and Parts 122 and 124, have thereby become requirements of Subtitle C of RCRA and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
16. The Respondent is a corporation organized under the laws of Delaware.
17. The Respondent is a “person” as that term is defined Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 7 Del. Admin. C. § 1302-260-B-260.10 and is subject to the assessment of civil penalties for the violations alleged herein.
18. The Respondent is and, at all times relevant to the violations alleged herein, was the “owner” and “operator” of a facility located at 5 James Court, Wilmington, Delaware 19801 (“the Facility”), as those terms are defined at 7 Del. Admin. C. § 1302-260-B-260.10.
19. At the Facility, the Respondent conducts job-shop electroplating and metal finishing operations. Hazardous waste generated by the Facility includes, but is not limited to, spent surface-processing tank waste, used wipes, used aerosol cans, waste lamps and batteries. On August 20, 2020, the Respondent submitted a notification to DNREC that the Facility is a small quantity generator (“SQG”) of hazardous waste. Accordingly, DNREC assigned RCRA ID No. DED980831234 to the Facility.
20. On April 23, 2024, the EPA conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations.
21. Based on its observations during the Inspection, the Complainant alleges and finds that Respondent failed to comply with certain federally authorized requirements of the DHWR and Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g.

Count 1

Operating a Treatment, Storage, and Disposal Facility for Hazardous Waste without a Permit or Interim Status

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. 7 Del. Admin. C. § 1302-122-A-122.1 requires a hazardous waste permit for the treatment, storage, and disposal of any hazardous waste as identified or listed in 7 Del. Admin. C. § 1302 Part 261. Generators who accumulate hazardous waste on-site in compliance with the conditions provided in 7 Del. Admin. C. §§ 1302-262-262.14, 262.15, 262.16, and 262.17 are not required to obtain a hazardous waste permit.
24. 7 Del. Admin. C. § 1302-262-A-262.16 establishes the conditions under which a small quantity generator may accumulate hazardous waste on site without a permit or interim status.
25. At all times relevant to the violations alleged herein, the Respondent did not possess a hazardous waste permit under 7 Del. Admin. C. § 1302-122-A-122.1.
26. For the following reasons, Respondent failed to meet the requirements listed in 7 Del. Admin. C. § 1302-262-A-262.16 and was therefore operating without a permit or interim status and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Failure to Maintain Records of Inspections of Accumulation Areas

27. 7 Del. Admin. C. § 1302-262-A-262.16(b)(2)(v) requires that “[a]t least weekly, [a] small quantity generator must inspect accumulation areas. The small quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors . . . A written record of the inspections and remedial actions taken, if necessary, must be maintained onsite for a minimum of 3 years.”
28. During the Inspection, the EPA determined that the Respondent did not maintain written records of inspections of the Facility’s central accumulation areas during the weeks of July 31, 2023, December 18, 2023, and February 12, 2024.

Failure to Maintain and Operate the Facility to Minimize the Possibility of Release

29. 7 Del. Admin. C. § 1302-262-A-262.16(b)(8)(i) requires that “[a] small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste

constituents to air, soil, or surface water which could threaten human health or the environment.”

30. During the Inspection, the EPA observed stains and spills on the catwalk in the Main Operating Area. The EPA also observed the Facility’s personnel moving racked parts between treatment tanks without allowing sufficient time for drippage above each tank. The EPA also observed residue, staining, and debris beneath the catwalk area from previous spills from the surface-processing tanks above the area.

Count 2

Failure to Make a Hazardous Waste Determination

31. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
32. 7 Del. Admin. C. § 1302-262-A-262.11 requires that “[a] person who generates solid waste . . . must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to [the DHWR].”
33. During the Inspection, the EPA observed used wipes contaminated with methyl ethyl ketone in a trash container in the Facility’s Set-Up Area. Methyl ethyl ketone is a listed hazardous waste (D035, F005).
34. On the date of the Inspection, the Respondent violated 7 Del. Admin. C. § 1302-262-A-262.11 by failing to make an accurate hazardous waste determination of the used wipes observed by the EPA.
35. In failing to comply with 7 Del. Admin. C. § 1302-262-A-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 Notification of Change in Generator Status

36. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
37. 7 Del. Admin. C. § 1302-262-A-262.13 requires that “[a] generator must determine its generator category. A generator’s category is based on the amount of hazardous waste generated each month and may change from month to month.”

38. 7 Del. Admin. C. § 1302-260-B-260.10 states that “[l]arge quantity generator’ means a generator who generates . . . in a calendar month . . . Greater than or equal to 1,000 kilograms (≈2,200 pounds) of non-acute hazardous waste . . .”
39. 7 Del. Admin. C. § 1302-262-A-262.18(d)(2) states that “[a] large quantity generator must re-notify DNREC by March 1 of each year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Annual Report required under §262.41.”
40. The Respondent generated greater than 1,000 kilograms of hazardous waste during the following months:
 - a. January 2022
 - b. September 2022
 - c. February 2023
41. The Respondent operated as a large quantity generator for the months referenced in the prior paragraph.
42. The Respondent failed to notify DNREC of a change in generator status using EPA Form 8700-12 by March 1, 2023, and March 1, 2024.
43. On March 2, 2023, and March 2, 2024, the Respondent violated 7 Del. Admin. C. § 1302-262-A-262.18(d)(2) by failing to notify DNREC of a change in generator status.
44. In failing to comply with 7 Del. Admin. C. § 1302-262-A-262.18(d)(2), 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 Provide Annual Report for Large Quantity Generators

45. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
46. 7 Del. Admin. C. § 1302-262-A-262.13 requires that “[a] generator must determine its generator category. A generator’s category is based on the amount of hazardous waste generated each month and may change from month to month.”
47. 7 Del. Admin. C. § 1302-260-B-260.10 states that “[l]arge quantity generator’ means a generator who generates . . . in a calendar month . . . Greater than or equal to 1,000 kilograms (≈2,200 pounds) of non-acute hazardous waste . . .”

48. 7 Del. Admin. C. § 1302-262-A-262.41(b) states that “[a]ny generator who is a large quantity generator for at least one month of a year who treats, stores, or disposes of hazardous waste on site must complete and submit to [DNREC] EPA Form 8700-13 A/B or a form approved by [DNREC] by March 1 of the following year covering those wastes in accordance with [7 Del. Admin. C. § 1302 Parts 264, 265, 266, and 122]”
49. The Respondent generated greater than 1,000 kilograms of hazardous waste during the following months:
 - a. January 2022
 - b. September 2022
 - c. February 2023
50. The Respondent operated as a large quantity generator for the months referenced in the prior paragraph.
51. The Respondent failed to submit an annual report for large quantity generators to DNREC using EPA Form 8700-13 A/B or a form approved by DNREC by March 1, 2023, and March 1, 2024.
52. On March 2, 2023, and March 2, 2024, Respondent violated 7 Del. Admin. C. § 1302-262-A-262.41(b) by failing to submit an annual report for large quantity generators to DNREC using EPA Form 8700-13 A/B or a form approved by DNREC.
53. In failing to comply with 7 Del. Admin. C. § 1302-262-A-262.41(b), 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 Submit and Maintain Land Disposal Restriction Records

54. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
55. 7 Del. Admin. C. § 1302-268-A-268.7(a)(1) requires “[a] generator of hazardous waste to determine if the waste must be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards at [DHWR §§] 268.40, 268.45, or 268.49.”
56. 7 Del. Admin. C. § 1302-268-A-268.7(a)(2) states that “[i]f the hazardous waste does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste of each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and place a copy in the file.”

57. 7 Del. Admin. C. § 1302-268-A-268.7(a)(8) states that “[g]enerators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.”
58. During the Inspection, the Respondent was unable to provide any records of notices, certifications, waste analysis data, or other required documentation.
59. On the date of the Inspection, the Respondent was in violation of 7 Del. Admin. C. § 1302-268-A-268.7(a) by either having failed to conduct a land disposal determination pursuant to 7 Del. Admin. C. § 1302-268-A-268.7(a)(1), or having failed to provide an initial notification pursuant to 7 Del. Admin. C. § 1302-268-A-268.7(a)(2), or failing to retain required documentation on-site.
60. In failing to comply with 7 Del. Admin. C. § 1302-268-A-268.7(a), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

61. The EPA has considered the appropriateness of a penalty pursuant to the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). The EPA has determined that an appropriate penalty to settle this action is \$6,250. 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 S Corporation federal income tax returns from 2020 to 2023, correspondence between the Respondent and the EPA, Accurint asset reports, and a 2025 cash flow analysis (as of April 28, 2025), the EPA concludes that Respondent is unable, and therefore is not required, to pay any penalty in this matter.
62. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: knapick.ryan@epa.gov (for Complainant), and davejr@industraplate.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

63. By signing this Consent Agreement, the 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.

64. The 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 the 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.

CERTIFICATION OF COMPLIANCE

65. The 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

66. 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 RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

67. 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. 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 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. The Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION /PARTIES BOUND

68. 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

69. 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 her 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

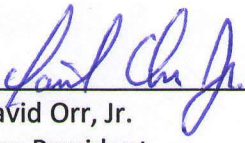
70. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed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

In the Matter of: Industraplate Corp.

EPA Docket No. RCRA-03-2026-0022

For Respondent: Industraplate Corp.

Date: 12/1/2025

By: 
David Orr, Jr.
Vice President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting 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 her designee, the Regional Judicial Officer, issue the attached Final Order.

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

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Ryan Knapick
Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Dec 17, 2025

9:11 am

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of: :
:
Industraplate Corp. : U.S. EPA Docket No. RCRA-03-2026-0022
:
Respondent. : Proceeding under Section 3008 of the Resource
: Conservation and Recovery Act, 42 U.S.C. § 6928
Industraplate Corp. :
5 James Court :
Wilmington, Delaware 19801-5251 :
:
Facility. :
:
:
:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Industraplate Corp. 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.

NOW, THEREFORE, PURSUANT TO Section 3008 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent comply with the terms and conditions set forth in 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 RCRA and the regulations promulgated thereunder.

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.

By: _____
[*Digital Signature and Date*]
Regional Judicial and Presiding Officer
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
Industraplate Corp.	: U.S. EPA Docket No. RCRA-03-2026-0022
	:
Respondent.	: Proceeding under Section 3008 of the Resource
	: Conservation and Recovery Act, 42 U.S.C. § 6928
Industraplate Corp.	:
5 James Court	
Wilmington, Delaware 19801-5251	
Facility.	

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 Orr, Jr., Vice President
Industraplate Corporation
davejr@industraplate.com
5 James Street
Wilmington, Delaware

Ryan Knapick
Assistant Regional Counsel
U.S. EPA, Region 3
knapick.ryan@epa.gov

Jeremy Dearden
Enforcement Officer/Inspector
U.S. EPA, Region 3
dearden.jeremy@epa.gov

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