

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of: :
: **CONSENT AGREEMENT**
Unither Manufacturing LLC, : **AND**
: **FINAL ORDER**
Respondent. :
: Docket No. RCRA-02-2025-7107
Proceeding under Section 3008(a) of the :
Solid Waste Disposal Act, as amended :
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PRELIMINARY STATEMENT

This is a civil administrative enforcement proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by various statutes including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901 *et seq.* (referred to collectively as the “Act” or “RCRA”).

The United States Environmental Protection Agency (“EPA”) has promulgated regulations governing the handling and management of hazardous waste at Title 40 of the Code of Federal Regulations (“C.F.R.”) Parts 260-273 and 279. Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that EPA’s Administrator may, if certain criteria are met, authorize a state to operate a hazardous waste program (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the regulations comprising the federal hazardous waste program (the Federal Program). The State of New York has been authorized by EPA to conduct a hazardous waste program. Section 3008(a) of the Act, 42 U.S.C. § 6928(a), authorizes EPA to enforce the regulations constituting the authorized state program, and EPA retains primary responsibility for the enforcement of certain requirements promulgated pursuant to HSWA.

Pursuant to 40 C.F.R. § 22.13(b), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (“CAFO”) pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding is simultaneously being commenced and concluded pursuant to said provisions.

EPA has given notice of this action to the State of New York.

EPA’S FINDINGS OF FACT AND CONCLUSIONS OF LAW

Complainant

1. Complainant is the Director of the Enforcement and Compliance Assurance

Division, Region 2, who has the authority to institute this action pursuant to EPA delegations of authority.

Respondent

2. Respondent is Unither Manufacturing LLC, a limited liability company registered in Delaware and authorized to operate under the laws of New York.

3. Respondent is, and at all relevant times has been, the “owner” and “operator,” within the meaning of Title 6 of New York Codes, Rules and Regulations (“6 NYCRR”) § 370.2(b), of a “facility,” as that term is defined in 6 NYCRR § 370.2(b), located at 755 Jefferson Road, Rochester, New York 14623.

Respondent’s Generation and Management of Hazardous Waste

4. Respondent is the owner and operator of a pharmaceutical manufacturing facility that blends raw materials into various final products.

5. Respondent, in carrying out its manufacturing activities and in the course of conducting normal building maintenance operations, has been generating, and continues to generate, “solid waste,” as defined in 6 NYCRR Part 371.

6. Respondent, in carrying out its manufacturing activities and in the course of normal building maintenance, has been generating, and continues to generate, “hazardous waste,” as defined in 6 NYCRR Part 371.

7. At various times in calendar year 2023 and to the present, Respondent generated more than 1 kilogram of acute hazardous waste and/or one thousand (1000) kilograms or more of non-acute hazardous waste in a calendar month, and as a result is and was considered to be a large quantity generator of hazardous waste.

EPA Inspection and Summary of Conditions at the Facility

8. On or about November 14, 2023, a duly designated representative of EPA conducted an inspection of the facility pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Respondent’s compliance with Subtitle C of RCRA and its implementing regulations.

9. Upon information and belief, Respondent had notified EPA of its status as a federal Small Quantity Generator (SQG) of hazardous waste on or about October 24, 2013. As of the date of the inspection, Respondent was a federal Large Quantity Generator (LQG) of hazardous waste but had not notified as such.

10. At the time of the EPA inspection, Respondent had not sought or received “interim status” or a permit to treat, store or dispose of hazardous waste at its facility.

11. During the inspection, EPA's inspector observed and/or determined the following:
- a. Hazardous waste vials had been disposed of in a non-DOT-approved container in lab 2077. The container was not closed, was not dated, was not labeled "hazardous waste," and lacked words identifying its contents;
 - b. One fifty-five (55) gallon drum located in lab 2183 and one fifty-five (55) gallon drum located in lab 1505 were not marked with the date when accumulation of hazardous waste in the drum had started;
 - c. Two 2.6-gallon containers of hazardous waste located in lab 2186 were not labeled with words identifying their contents;
 - d. One of the 2.6-gallon secondary accumulation area (SAA) containers located in lab 2183 was not closed;
 - e. One full container stored in the fume hood of lab 2183 was not closed;
 - f. One 2.6-gallon SAA container of hazardous non-halogenated waste located in lab 2183 was not closed due to a bored hole in the top of the container, and hazardous waste was observed to have spilled from the container into the secondary containment tray;
 - g. At the time of the inspection, two 1-liter SAA containers of hazardous waste spent vials located in lab 2077 were not closed. The containers were overfilled and no longer had capacity for safe storage.
 - h. One 2.6-gallon SAA container of hazardous HPLC waste located in lab 2216 was open and was severely cracked and damaged due to a bored hole in the container;
 - i. The facility had not attempted to make the arrangements required by 6 NYCRR 373-3.3(g) with the local police department or hospital;
 - j. The facility did not have a personnel training procedure; and
 - k. Weekly container storage area inspections were not being done for the main hazardous waste storage area.

Information Request, NOV, and Responses

12. Pursuant to Sections 3007 and 3008 of RCRA, 42 U.S.C. §§ 6927 and 6928, on or about January 23, 2024, EPA issued Respondent an Information Request Letter ("IRL") and a Notice of Violation ("NOV") regarding its management of hazardous waste at its facility.

13. The NOV and IRL informed Respondent that EPA had identified potential RCRA violations at the facility and requested that Respondent provide a description and documentation of the actions it had taken to correct the violations identified. The NOV-IRL also sought information and documentation relating to Respondent's generation and management of hazardous waste at the facility.

14. On or about February 15, 2024, Respondent submitted its response to the NOV and IRL.

15. On or about April 7, 2025, EPA issued a letter to Respondent inviting it to engage in pre-filing settlement negotiations.

16. EPA and Respondent have engaged in settlement talks and have agreed to settle this matter as provided herein.

Violations

17. Based upon the inspection and upon review of Respondent's subsequent submissions, EPA determined Respondent violated RCRA and the EPA-authorized New York State hazardous waste regulations as follows:

First Violation

Failure to Make Hazardous Waste Determination

18. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine if that waste is a hazardous waste.

19. Respondent generated waste vials that constituted solid waste within the meaning of 6 NYCRR § 371.1(c).

20. At the time of the inspection, Respondent had not made a hazardous waste determination on those waste vials and had placed them in a non-DOT-approved container suitable only for non-hazardous waste.

21. Respondent's failure to make a hazardous waste determination on the above-referenced waste is a violation of 6 NYCRR § 372.2(a)(2).

Second Violation

Storage of Hazardous Waste in Containers in Poor Condition

22. Pursuant to 6 NYCRR § 373-3.9(b), if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Subpart.

23. At the time of the inspection, one 2.6-gallon container of hazardous HPLC waste located in lab 2216 was severely cracked and damaged due to a bored hole in the container. One 2.6-gallon container of hazardous non-halogenated waste located in lab 2183 was damaged due to a bored hole on the top of the container, and hazardous waste was observed to have spilled from the container into the secondary containment tray.

24. By storing hazardous waste in two containers not in good condition, Respondent violated 6 NYCRR § 373-3.9(b).

Third Violation
Operating as a Treatment, Storage or Disposal Facility
Without a RCRA Permit or RCRA Interim Status

25. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 6 NYCRR § 373-1.2(a) require each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste to have a permit or interim status for such activities.

26. At the time of the inspection, Respondent did not have a permit or interim status.

Generator Requirements

27. Pursuant to 6 NYCRR § 372.2(a)(8)(ii), a generator who generates at least one thousand (1,000) kilograms of hazardous waste in a calendar month may accumulate hazardous waste generated on-site without a permit or interim status for a period of ninety (90) days or less under the provisions of 6 NYCRR § 373-1.1(d)(1)(iii), (iv), (xix) and (xx). Respondent failed to comply with the following conditions for such storage:

Inspections

28. The regulation at 6 NYCRR § 373-1.1(d) provides that a hazardous waste generator is exempt from the permitting requirements of that Part if, *inter alia*, the waste is placed in containers and the generator complies with 6 NYCRR § 373-3.9. 6 NYCRR § 373-1.1(d)(1)(iii)(c)(1)(i).

29. The regulation at 6 NYCRR § 373-3.9(e) states that at least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

30. At the time of the inspection, Respondent did not conduct weekly container storage area inspections for the main hazardous waste storage area.

Satellite Accumulation

31. The regulation at 6 NYCRR § 373-1.1(d) exempts accumulation areas from

permitting requirements provided that they are used to accumulate waste in accordance with the requirements of 6 NYCRR § 372.2(a)(8)(i). 6 NYCRR § 373-1.1(d)(xiv).

32. The regulation at 6 NYCRR § 372.2(a)(8)(i)(a)(2) states that a generator may accumulate up to fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in 6 NYCRR 371.4(b), (c) and (d)(5) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with subparagraph (ii) of that paragraph, provided the generator fulfills certain conditions, including labelling the containers with the words “hazardous waste” and with other words that identify the contents of the containers.

33. At the time of the inspection, the inspector observed two 2.5-gallon satellite accumulation containers of hazardous waste located in lab 2186 that were not labeled with words identifying their contents.

Labelling, Marking, and Dating of Containers

34. The regulation at 6 NYCRR § 373-1.1(d) provides that a hazardous waste generator is exempt from the permitting requirements of that Part if, inter alia, the waste is placed in containers and the generator complies with 6 NYCRR § 373-3.9. 6 NYCRR § 373-1.1(d)(1)(iii)(c)(1)(i).

35. The regulation at 6 NYCRR § 373-3.9(d)(3) states that containers holding hazardous waste must be marked with the words “Hazardous Waste” and with other words identifying their contents.

36. The regulation at 6 NYCRR § 372.2(a)(8)(ii) states that a generator may accumulate hazardous waste onsite for a period of ninety (90) days or less if certain requirements are satisfied, including that the date upon which each period of hazardous waste accumulation begins is clearly marked and visible for inspection on all containers, tanks or storage areas.

37. At the time of the inspection, the inspector observed the following deficiencies:

- a. Hazardous waste vials disposed of within a non-DOT approved container in lab 2077 that was not dated, marked with the words “Hazardous Waste,” or marked with words identifying its contents;
- b. One fifty-five (55) gallon drum located in lab 2183 and one fifty-five (55) gallon drum located in lab 1505 that were not dated;
- c. Two 2.6-gallon containers of hazardous waste located in lab 2186 that were not labeled with words identifying their contents.

Closure of Containers

38. The regulation at 6 NYCRR § 373-1.1(d) provides that a hazardous waste generator is exempt from the permitting requirements of that Part if, inter alia, the waste is placed in containers and the generator complies with 6 NYCRR § 373-3.9. 6 NYCRR § 373-1.1(d)(1)(iii)(c)(1)(i).

39. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. 6 NYCRR § 373-3.9(d)(1).

40. During the inspection, the inspector observed that:

- a. One of the 2.6-gallon SAA containers located in lab 2183 was not closed;
- b. One full SAA container stored in the fume hood of lab 2183 was not closed;
- c. Two 1-liter SAA containers of hazardous waste spent vials located in lab 2077 were not closed. The containers were overfilled and no longer had capacity for safe storage; and
- d. Hazardous waste vials were observed disposed of within a non-DOT approved container in lab 2077. The container was not closed.

Preparedness, Prevention, and Emergency Procedures

41. The regulations at 6 NYCRR § 373-3.2 through 373-3.4 state that owners and operators of hazardous waste facilities must comply with preparedness and prevention requirement, including the requirements that:

- a. Facility personnel must successfully complete a program of instruction that teaches the personnel to perform their duties in a way that ensures compliance with 6 NYCRR Subpart 373-3. 6 NYCRR § 373-3.2(g); and
- b. The owner or operator must attempt to make appropriate arrangements with local emergency response authorities, including “arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.” 6 NYCRR § 373-3.3(g).

42. At the time of the inspection, the facility had not attempted to make arrangements with the local police department or hospital.

43. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 28 through 42 above, Respondent was not authorized to accumulate hazardous waste at its facility without a permit or interim status for any length of time, and as a result of its storage of hazardous waste at the facility, Respondent was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and 6 NYCRR § 373-1.2(a).

44. Respondent's failures to comply with the EPA-authorized New York State hazardous waste regulations and Section 3005 of RCRA are each violations of RCRA for which penalties may be separately assessed pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

CONSENT AGREEMENT

45. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.18 of the Consolidated Rules of Practice, it is hereby agreed by and between the parties hereto, and voluntarily and knowingly accepted by Respondent, that Respondent, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits: (a) admits the jurisdictional basis for EPA prosecuting this case; (b) neither admits nor denies EPA's Findings of Fact and Conclusions of Law; (c) consents to the assessment of the civil penalty as set forth below; (d) consents to the issuance of the Final Order incorporating all the provisions of this Consent Agreement; and (e) waives its right to contest or appeal that Final Order.

46. Pursuant to 40 C.F.R. § 22.31(b), the executed Consent Agreement and accompanying Final Order shall become effective and binding when filed with the EPA, Region 2 Regional Hearing Clerk (such date henceforth referred to as the "effective date").

47. Respondent shall hereinafter comply with RCRA and all applicable federally-authorized New York hazardous waste regulations relating to the generation, storage, and management of hazardous waste at the facility, including the requirements to:

- a. Make hazardous waste determinations pursuant to 6 NYCRR § 372.2(a)(2);
- b. At least weekly, inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors, pursuant to 6 NYCRR § 373-3.9(e);
- c. Attempt to make appropriate arrangements with local emergency response authorities, pursuant to 6 NYCRR § 373-3.3(g);

- d. Close containers holding hazardous waste during storage, except when it is necessary to add or remove waste, pursuant to 6 NYCRR § 373-3.9(d)(1);
- e. Label hazardous waste containers in satellite accumulation areas with the words "hazardous waste" and with other words that identify the contents of the containers pursuant to 6 NYCRR § 372.2(a)(8)(i)(a)(2); and
- f. Mark and label containers of hazardous waste with the date accumulation commenced, the words "Hazardous Waste," and other words identifying their contents pursuant to 6 NYCRR § 373-3.9(d)(3) and 6 NYCRR § 372.2(a)(8)(ii).

48. Respondent hereby certifies that, as of the date of its signature of this Consent Agreement and to the best of its knowledge and belief, it is in compliance at the facility with applicable RCRA requirements, especially but not limited to the requirements referenced in the EPA's Findings of Facts and Conclusions of Law section of this CAFO.

49. This CAFO is not intended, and shall not be construed, to waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local laws and regulations relating to any generation, management, treatment, storage, transport or offering for transport, or disposal of hazardous waste by Respondent.

Penalty Payment

50. Respondent agrees to pay a civil penalty of **Ninety-Five Thousand, Nine Hundred Dollars (\$95,900)** ("Assessed Penalty"). Payment shall be due thirty (30) days from the date on which the Regional Judicial Officer of EPA, Region 2 signs the Final Order accompanying this Consent Agreement ("the due date").

51. 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>.

52. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this agreement, RCRA-02-2025-7107,
- b. Concurrently with any payment or within twenty-four (24) hours of any payment, serve proof of such payment to the following person(s):

Karen Maples
Regional Hearing Clerk

U.S. Environmental Protection Agency - Region 2
290 Broadway, 17th Floor
New York, NY 10007
Region2_RegionalHearingClerk@epa.gov

William Chernes
Enforcement Officer
Enforcement and Compliance Assurance Division
RCRA Compliance Branch
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, NY 10007
Chernes.William@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@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.

53. 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 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 date the Regional Judicial Officer of EPA, Region 2 signs the Final Order accompanying 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 Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period following the date the Regional Judicial Officer of EPA, Region 2 signs the Final Order accompanying this Consent Agreement. 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 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 date the Regional Judicial Officer of EPA, Region 2 signs the Final Order accompanying this Consent Agreement.

54. 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 agreement, EPA may take additional actions. The 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.

55. 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.

56. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant

to this Agreement shall not be deductible for purposes of federal taxes.

57. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS") 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, fifty thousand dollars (\$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). Respondent's 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. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- 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 Division at Wise.Milton@epa.gov within thirty (30) days after the Final Order ratifying this Agreement is filed or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within 5 days of Respondent's receipt of a TIN issued by the IRS.

Effect of Settlement and Reservation of Rights

58. Full payment of the penalty described in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein in Paragraphs 18-43. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

59. The provisions of this Consent Agreement shall be binding upon Respondent and its successors or assigns.

60. Respondent waives its right to request or to seek any hearing in this matter including one on the terms and conditions set forth in the Consent Agreement and the accompanying Final Order and/or EPA's Findings of Fact and Conclusions of Law, above.

61. 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.

62. Nothing in this document is intended or construed to waive, prejudice, or otherwise affect the right of EPA, or the United States, from pursuing any appropriate remedy, sanction or penalty prescribed by law against Respondent, if Respondent has made any material misrepresentations or has provided materially false information in any document submitted during this proceeding.

63. Each party hereto agrees to bear its own costs and attorney's fees in this matter.

64. Respondent has read this Consent Agreement, understands its terms, and agrees that the provisions herein shall be binding upon Respondent and its successors and assigns. The signatory for Respondent certifies that: (a) they are duly and fully authorized to enter into and ratify this Consent Agreement and to accept the accompanying Final Order and all the terms, provisions, and requirements set forth in this CAFO, and (b) they are duly and fully authorized to bind the party on behalf of which they are entering this CAFO to comply with and abide by all the terms, provisions, and requirements of this CAFO.

65. Respondent consents to the use of electronic signatures in this matter and to service upon it of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk via email to designated representative:

Robert Tyson, Counsel for Respondent
Bond Schoeneck & King
One Lincoln Center
Syracuse, NY 13202
tysonr@BSK.com

Receipt of the fully executed CAFO by the designated representative shall constitute Respondent's receipt and acceptance of the CAFO. Except as the parties may otherwise agree in writing, EPA shall send any future written communications related to this matter (including any correspondence related to payment of the penalty) by email to this designated representative.

For Respondent, Unither Manufacturing LLC:


Signature

9/8/2025
Date

Julien SEID
Print Name

General Manager
Title

For Complainant, the U.S. Environmental Protection Agency:

For _____
Kathleen Anderson
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Unither Manufacturing LLC, Docket Number RCRA-02-2025-7107. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into, and issued as this Final Order, which represents a consent order memorializing a settlement between EPA and the Respondent. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk of EPA - Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 3008(a) of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6928(a).

Dana P. Friedman
Regional Judicial Officer
U.S. Environmental Protection Agency – Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Unither Manufacturing LLC, Docket No. RCRA-02-2025-7107, was sent this day in the following manner to the addressees:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway - 17th Floor
New York, NY 10007
Region2_RegionalHearingClerk@epa.gov

Copy via Email to Complainant:

Natasha Goss
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel
290 Broadway - 16th Floor
New York, NY 10007
Goss.Natasha@epa.gov

Copy via Email to Respondent:

Robert Tyson, Counsel for Respondent
Bond Schoeneck & King
One Lincoln Center
Syracuse, NY 13202
tysonr@BSK.com

Signed