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U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:

Leading Technologies, Inc. : U.S. EPA Docket No. RCRA-03-2026-0063

101 Route 380W :

Apollo, Pennsylvania 15613 :

Respondent. :

:

:

Proceeding under Section 3008 of the Resource
Conservation and Recovery Act, as amended, 42
U.S.C. § 6928.

Leading Technologies, Inc. :

1153 Industrial Park Road :

Leechburg, Pennsylvania 15656 :

Facility. :

:

:

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 Leading Technologies, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008 of the Solid Waste Disposal Act, 42 U.S.C. § 6928, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous Waste and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA” or the “Act”), 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, 42 U.S.C. § 6928, 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 RCRA 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 sent on March 11, 2024, the EPA notified the Pennsylvania Department of Environmental Protection ("PADEP") of the EPA's intent to commence this administrative action against Respondent in response to the 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 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.
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. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the EPA has authorized Pennsylvania 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. §§ 6921-6939g. The provisions of the current authorized Pennsylvania Hazardous Waste Management Regulations (“PaHWR”), 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The EPA last authorized revisions to the Pennsylvania hazardous waste regulations on June 29, 2009, including incorporation by reference of the federal regulations, which were in effect as of October 12, 2005. The Code of Federal Regulations citations used herein are to the 2005 Federal Regulations, when referring to the Federal regulations incorporated by the Pennsylvania regulations.
15. Respondent owns and operates a facility (RCRA ID No. PA0000381921) located at 1153 Industrial Park Road, Leechburg, Pennsylvania 15656 (“Facility”) that engages in metal parts electroplating and coating for semiconductor, automotive, telecommunications, and military components. Respondent’s primary hazardous wastes consist of Tin-Tin/Lead spent solutions (D002); Copper/Nickel (“Cu/Ni”) plating bath solutions (D002); Indium plating bath solutions (D002); plating bath filters for silver (F007, D011, D003), gold (F007, D003), and nickel; spent carbon filters from the wastewater treatment unit (“WWTU”) (F006, F007); WWTU filter press sludge (filter cake) (F006, F007); trench sludge from the subfloor trench system connected to the WWTU (F006, F007); spent aerosol cans (D001, D005, D035, D039); and universal waste such as spent batteries. Respondent reports to PADEP as a large quantity generator (“LQG”) of hazardous waste. Respondent does not maintain a RCRA Hazardous Waste Permit.
16. Respondent is a Pennsylvania corporation located at 101 Route 380W, Apollo, Pennsylvania 15613. Therefore, Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10. Respondent was, at all times relevant to the allegations in this Consent Agreement, the “operator” and the “owner” of a “facility,” as described in Paragraph 15, as the terms “owner” and “operator” are

defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, and the term “facility” as defined in 25 Pa. Code § 260a.10.

17. Respondent, at all times relevant to the allegations described in this Consent Agreement, “stored” “hazardous waste” at the Facility, including but not limited to Hazardous Wastes having EPA Hazardous Waste codes D002, D003, D005, D011, D035, D039, F006, and F007, as the term “storage” is defined in 25 Pa. Code § 260a.10, and the term “hazardous waste” is defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.
18. On August 22-23, 2023, EPA representatives conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations. An Inspection Report dated October 31, 2023, was produced and was provided to the Respondent.
19. On November 8, 2024, EPA representatives sent Respondent a Notice to Show Cause and opportunity to confer letter (“SC Letter”).
20. Based on the August 22-23, 2023 inspection, as well as information provided by Respondent in response to the SC Letter, EPA alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. § 6921-6939g, its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and 270, and the federally-authorized Pennsylvania hazardous waste management regulations set forth at 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, as enumerated below.

Count 1

Operating a hazardous waste treatment, storage, and/or disposal facility without a permit, interim status, or valid exemption to the permitting requirement

21. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
22. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), prohibit an owner or operator of a hazardous waste treatment, storage, and/or disposal facility from operating without a permit, interim status, or valid exemption to the permitting requirement.
23. At the time of the August 22-23, 2023 Inspection, Respondent did not have a permit to operate a hazardous waste treatment, storage, and/or disposal facility and Complainant alleges that Respondent did not meet conditions of the generator permit exception

requirements codified at 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34.¹

24. Based on its observations at the time of the Inspection, Complainant alleges that Respondent failed to meet the following conditions of the generator permit exemption:
 - a. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(b), when Respondent accumulated hazardous waste on-site for greater than 90 days.
 - i. At the Inspection, a full container labeled as hazardous waste “Sn/Pb Waste” in the accumulation area of Plate Room #3 was marked with an accumulation start date of May 2, 2023. Based on the accumulation start date, Respondent had been accumulating the hazardous waste for 113 days at the time of the Inspection (August 22, 2023).
 - b. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and, by further reference 40 C.F.R. § 265.35, when Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency.
 - i. At the Inspection, there were approximately twenty-nine (29) 55-gallon containers, five (5) 30-gallon containers, and two (2) 5-gallon containers placed together in a cordoned off space without aisle space between the containers in the hazardous waste accumulation areas of Plate Room #3.
 - c. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3), when Respondent failed to label or clearly mark with the words “Hazardous Waste” the following containers, as observed at the Inspection:
 - i. Two (2) 5,000-gallon tanks in the basement marked as “Tank 1” and “Tank 2” along with “Nickel Copper Solution” and “Direct Use/Resue” but

¹ On November 28, 2016, EPA recodified 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 recodified in 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 PaHWR. 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.

no marking of “Hazardous Waste” or other indication of the hazards of the contents, which was shipped offsite as D002 hazardous waste;

- ii. A full container of hazardous waste marked “Nickel/Copper Floor Water” next to Plating Line L not labeled as hazardous waste;
- iii. Seven (7) 55-gallon containers of hazardous waste labeled as “Tin Sludge” and “Tin Filters” in the hazardous waste accumulation area of Plate Room #3 and not labeled as hazardous waste.

d. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(ii), when Respondent failed to label or mark a satellite accumulation container of hazardous waste, as observed in the Inspection:

- i. One (1) 5-gallon container of hazardous waste at the M1 plating line, open with its lid laid loosely on top of the container, containing tin/lead plating bath filters.

e. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i) and, by further reference 40 C.F.R. § 265.173, when Respondent failed to keep containers of hazardous waste closed, except when necessary to add or remove waste, as observed in the Inspection:

- i. A full container accumulating hazardous waste “Nickel/Copper Floor Water” with a lid placed loosely over the container that could not be secured, and thus would not prevent spilling if tipped over, next to Plating Line L.
- ii. One (1) 5-gallon container of hazardous waste at the M1 plating line, with its lid unsecured and loosely laid on top of the container, containing tin/lead plating bath filters.

f. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), and by further reference 40 C.F.R. § 265.52(d), when Respondent failed to designate a primary emergency coordinator, and to list the other emergency coordinators in the order that they will assume responsibility as alternates when listing more than one person as emergency coordinator in the Facility’s contingency plan. At the time of the Inspection, Respondent’s contingency plan listed three people as emergency coordinator, but none of the individuals were designated as the primary emergency coordinator.

g. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), and by further reference 40 C.F.R. § 265.174, when Respondent

failed to inspect areas where hazardous waste containers are stored at least weekly, as further detailed in Count 5.

25. 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 hazardous waste storage facility without a permit, interim status, or valid exemption to the permitting requirement.
26. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Respondent violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency

27. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
28. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.35, requires that facilities must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
29. At the Inspection, the EPA observed approximately twenty-nine (29) 55-gallon containers, five (5) 30-gallon containers, and two (2) 5-gallon containers of hazardous waste placed together in a cordoned off space without aisle space between the containers in the Hazardous Waste Accumulation Area in Plate Room #3.
30. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.35, by failing to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
31. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.35, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3

Failure to designate a primary emergency coordinator when more than one individual is listed as an emergency coordinator in the contingency plan

32. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
33. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52, requires that a facility's contingency plan must name a primary emergency coordinator and list the other coordinators in the order that they will assume responsibility as alternates when more than one person is listed as an emergency coordinator.
34. At the Inspection, the EPA reviewed Respondent's contingency plan and observed that three individuals were listed as emergency coordinators, but none of those individuals were designated as the primary emergency coordinator.
35. On December 3, 2024, Respondent provided EPA with an updated contingency plan, dated January 17, 2025, that properly designated a primary emergency coordinator.
36. From the time of the Inspection through January 17, 2025, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52, when it failed to designate a primary emergency coordinator when more than one individual is listed as an emergency coordinator in the contingency plan.
37. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4

Failure to keep a container of hazardous waste closed, except when it is necessary to add or remove waste

38. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
39. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173, requires containers of hazardous waste must be closed during storage, except when it is necessary to add or remove waste.
40. At the Inspection, the EPA observed:

- a. A full container accumulating hazardous waste "Nickel/Copper Floor Water, with a lid placed loosely over the container that could not be secured, and thus would not prevent spilling if tipped over, next to Plating Line L.
- b. One (1) 5-gallon container of hazardous waste with its lid unsecured and laid loosely on top of the container accumulating tin/lead plating bath filters that are shipped offsite as hazardous waste.

41. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173, by failing to keep containers of hazardous waste closed during storage, except when it is necessary to add or remove waste.

42. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 5

Failure to inspect, at least weekly, areas where hazardous waste containers are stored

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

44. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, requires facilities to inspect areas where hazardous waste containers are stored, at least weekly, to look for leaks and for deterioration caused by corrosion or other factors.

45. At the Inspection, the EPA reviewed Respondent's inspection logs for the Hazardous Waste Accumulation Area from 2021 through 2023. EPA inspectors observed 30 calendar weeks where no inspection was documented:

Weeks Without an Inspection Listed on HWAA Inspection Logs (Sunday to Saturday)					
	2023		2022		2021
1	01/01/23 – 01/07/23	1	01/02/22 – 01/08/22	1	03/15/21 – 03/21/21
2	02/12/23 – 02/18/23	2	02/06/22 – 02/12/22	2	07/05/21 – 07/11/21
3	04/09/23 – 4/15/23	3	02/27/22 – 03/05/22	3	08/30/21 – 09/05/21
4	05/28/23 – 6/03/23	4	03/27/22 – 04/02/22	4	09/06/21 – 09/12/21
5	06/04/23 – 06/10/23	5	04/24/22 – 04/30/22	5	11/01/21 – 11/07/21
6	07/02/23 – 07/08/23	6	05/29/22 – 06/04/22	6	11/15/21 – 11/21/21
		7	06/05/22 – 06/11/22	7	12/06/21 – 12/11/21
		8	07/31/22 – 08/06/22	8	12/12/21 – 12/19/21
		9	08/28/22 – 09/03/22	9	12/20/21 – 12/26/21
		10	09/25/22 – 10/01/22		
		11	10/23/22 – 10/29/22		

	12	11/06/22 – 11/12/22		
	13	11/27/22 – 12/03/22		
	14	12/04/22 – 12/10/22		
	15	12/25/22 – 12/31/22		

46. Over the course of 34 weeks in 2021 through 2023, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, by failing to inspect, at least weekly, areas where hazardous waste containers are stored.
47. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

48. In settlement of the 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 **FIFTY-THREE THOUSAND TWO HUNDRED AND TWENTY DOLLARS (\$53,220)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
49. In determining the amount of the civil penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined that an appropriate penalty to settle this action is \$53,220.
50. Respondent agrees to pay the civil penalty in the amount of \$53,220 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
51. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.
52. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2026-0063,
- 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):

Amy Stevens
Assistant Regional Counsel
Stevens.amy@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, 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 the 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 Consent Agreement, the 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 Internal Revenue Service (“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 the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the 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.

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 Consent Agreement, the EPA may take additional actions. Such actions the 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 the EPA or engaging in programs the 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 Consent Agreement shall not be deductible for purposes of federal taxes.

57. 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 the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

58. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: stevens.amy@epa.gov (for Complainant), and scasperson@compositie.com (for Respondent).
59. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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.” The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 the EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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 the 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 52; and

- ii. provide the 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

60. 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.
61. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, 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

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

OTHER APPLICABLE LAWS

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

RESERVATION OF RIGHTS

64. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] 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 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

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

EFFECTIVE DATE

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

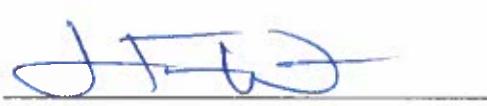
ENTIRE AGREEMENT

67. 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.

For Respondent: Leading Technologies, Inc.

Date: 1-12-26

By:



John Wohlin
CEO

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 the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____

[Digital Signature and Date]

Acting Director

Enforcement & Compliance Assurance Division

U.S. EPA – Region 3

Complainant

Attorney for Complainant:

By: _____

[Digital Signature and Date]

Amy Stevens

Assistant Regional Counsel

U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jan 29, 2026
2:34 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

Leading Technologies, Inc. : U.S. EPA Docket No. RCRA-03-2026-0063
101 Route 380W :
Apollo, Pennsylvania 15613 : Proceeding under Section 3008 of the Resource
Conservation and Recovery Act, as amended,
42 U.S.C. § 6928.
:

Respondent.
Leading Technologies, Inc.
1153 Industrial Park Road
Leechburg, Pennsylvania 15656,

Facility.

FINAL ORDER

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

NOW, THEREFORE, PURSUANT TO Section 3008 of RCRA, 42 U.S.C. Section 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 **FIFTY-THREE THOUSAND TWO HUNDRED AND TWENTY DOLLARS (\$53,220)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

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

of RCRA and the regulations promulgated thereunder.

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

By:

Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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:
:
Leading Technologies, Inc. :
1153 Industrial Park Road :
Leechburg, Pennsylvania 15656 :
:
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:

Shane Casperson, VP of Engineering
Leading Technologies, Inc.
scasperson@compositie.com
1153 Industrial Park Rd
Leechburg, Pennsylvania 15656

Amy Stevens
Assistant Regional Counsel
U.S. EPA, Region 3
stevens.amy@epa.gov

Eric Greenwood
Enforcement Officer
U.S. EPA, Region 3
greenwood.eric@epa.gov

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