

USEPA – Region II
Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

George Industries, LLC

Respondent,

Proceeding Under Section 3008 of the
Resource Conservation and Recovery Act
as amended.

**CONSENT AGREEMENT
AND
FINAL ORDER**

Docket No. RCRA-02-2026-7111

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 ("HSWA"), 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 the 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) utilizing state regulations 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 ("authorized state 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 ("CA/FO") pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that is simultaneously being commenced and concluded pursuant to said provisions.

The 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 George Industries, LLC ("George Industries"), a for profit corporation organized pursuant to the laws of the State of New York.

3. Respondent owns and operates an aircraft part manufacturing facility located at 1 S. Page Avenue, Endicott, New York, 13760 (the "Facility").

4. Respondent is a "person" as that term is defined in Section 1004 (15) of the Act, 42 U.S.C. § 6903(15), and Title 6 of the New York Code of Rules and Regulations ("NYCRR") § 370.2(b).

5. Respondent is and has been at all times relevant the "owner" and/or "operator" of the Facility within the meaning of 6 NYCRR § 370.2(b).

Respondent's Generation and Management of Hazardous Waste

6. Respondent's manufacturing includes a brazing process that generates a salt sludge that contains sodium fluoride, lithium, and potassium.

7. Respondent's generation of the above-described salt sludge constitutes the generation of hazardous waste at its Facility.

8. Respondent, when carrying out the activities described in the previous paragraphs, generated "solid waste" and "hazardous waste" at its Facility, as those terms are defined in 6 NYCRR § 371.1(c) & (d).

9. At all times relevant, Respondent generated, on average, more than 100 kilograms but less than 1000 kilograms of non-acute hazardous waste in a calendar month at the Facility and would have been considered a "Small Quantity Generator" ("SQG") of hazardous waste as that phrase is defined in 6 NYCRR § 370.2(b)(172).

The EPA's Investigation

10. On November 13, 2023, the EPA conducted an inspection of the Facility to determine its compliance with RCRA hazardous waste regulations found at Title 40 Code of Federal Regulations ("CFR") Parts 260-268, and the authorized New York State hazardous waste regulations codified at 6 NYCRR.

11. On January 22, 2024, the EPA sent George Industries a combined Notice of Violation ("NOV") and Information Request Letter ("IRL"). George Industries requested a

30-day extension for their NOV-IRL Response on February 2, 2024, and submitted its certified Response on April 19, 2024.

12. On April 16th, 2025, the EPA issued to Respondent a Notice of Potential Violations and Opportunity to Confer (“NOPVOC”).

13. From June 2025 through April 2026, the EPA and Respondent have held settlement negotiations and engaged in supplemental exchanges of information. The Parties agreed to settle this matter as provided herein.

Respondent’s Violations

14. Based on the inspection and the information subsequently provided, the EPA determined that Respondent, at all times relevant, generated, on average, more than 100 kilograms but less than 1000 kilograms of non-acute hazardous waste in a calendar month, and was therefore a “Small Quantity Generator” (“SQG”) of hazardous waste as defined by 6 NYCRR § 370.2(b)(172).

15. 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.

16. Based on the inspection and the information subsequently provided, the EPA determined that Respondent had failed to comply with the following authorized New York hazardous waste regulations applicable to its hazardous waste generation and storage. Specifically, Respondent failed 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, in accordance with 6 NYCRR § 373.3(b); and

17. Respondent additionally failed to store hazardous waste in a manner that satisfied the conditions for accumulation of up to 180 days without a hazardous waste permit as set out at 6 NYCRR § 372.2(a)(8)(iii) and in accordance with 6 NYCRR § 373-1.2(b). Because Respondent failed to comply with these requirements, 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).

18. Each of Respondent’s failures to comply with the EPA-authorized New York State hazardous waste regulations and Section 3005 of RCRA are independent 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

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 the EPA prosecuting this case; (b) neither admits nor denies the 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.

19. 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 Regional Hearing Clerk of the Agency, Region 2 (such date henceforth referred to as the "effective date").

20. Respondent shall hereinafter comply with RCRA and all applicable federally authorized hazardous waste regulations relating to the generation, accumulation, and storage of hazardous waste at the Facility, including but not limited to:

- a. Minimizing 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, in accordance with 6 NYCRR § 373.3(b).
- b. Having an emergency coordinator available at all times.
- c. Posting the following information next to the telephone:
 - (i) the name and telephone number of the emergency coordinator;
 - (ii) location of fire extinguishers and spill-control material, and if present, fire alarm; and
 - (iii) the telephone number of the fire department, unless the facility has a direct alarm.
- d. At least weekly, inspecting 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).

21. Respondent hereby certifies that, as of the date of its signature to this Agreement and to the best of its knowledge and belief, it is in compliance at its Facility with all applicable RCRA requirements, especially but not limited to the requirements identified in the preceding paragraph.

22. This CA/FO 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 the Respondent.

Penalty Payment

23. Respondent agrees to pay a civil penalty of **Eighty-Two Thousand Seven Hundred Dollars (\$82,700.00)** ("Assessed Penalty"), to be paid on or before thirty (30) days from the date the Final Order ratifying this Agreement is filed with Regional Hearing Clerk ("Filing Date").

24. 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>.

25. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this agreement, **RCRA-02-2026-7111**,
- b. Concurrently with any payment or within twenty-four (24) hours of any payment, serve proof of such payment to the following person(s):

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 Division
CINWD_AcctsReceivable@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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

26. 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 Filing Date. 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 Filing 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 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 Filing Date.

27. 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.

28. 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.

29. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

30. 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.

General Provisions

31. 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 14-18. 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.

32. Nothing in this document is intended or construed to waive, prejudice or otherwise affect the right of the 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.

33. 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 its accompanying Final Order and/or the EPA's Findings of Fact and Conclusions of Law, above.

34. 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.

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

36. Except as the parties may agree otherwise in writing, all documentation and information required to be submitted by the Respondent to EPA in accordance with the terms and conditions of this Consent Agreement shall be sent by email to:

William Chernes, Compliance Officer
Enforcement & Compliance Assurance Division
Chernes.William@epa.gov

Suzanne Englot, Assistant Regional Counsel
Office of Regional Counsel
Englot.Suzanne@epa.gov

37. Unless the above-named EPA contacts are later advised otherwise in writing, the EPA shall send any future written communications related to this matter (including any correspondence related to payment of the penalty) to Respondent by email to the following parties:

Sean Parzuchowski
Plant Manager
George Industries
sparzuchowski@thethermalgrp.com

38. 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 the designated representative above. Receipt of the fully executed CAFO by the designated representative shall constitute Respondent's receipt and acceptance of the CAFO.

39. The undersigned signatory for Respondent certifies that he/she is duly and fully authorized to enter into this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

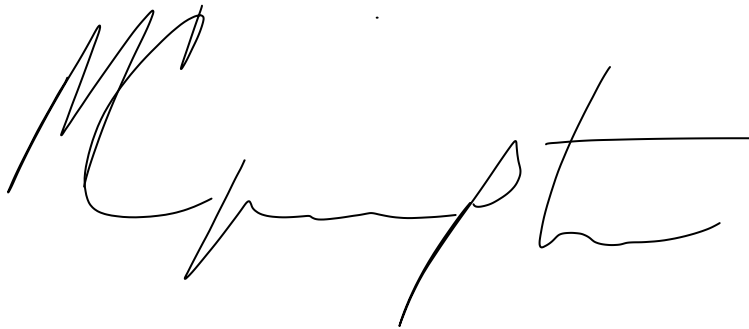
40. Each party hereto agrees to bear its own costs and attorney's fees in this matter.

RESPONDENT:

Name: _____

Title: _____

Date: _____

A handwritten signature in black ink, appearing to read "M. G. P. T.", written over a horizontal line.

COMPLAINANT:

for

Douglas McKenna, Director
Enforcement and Compliance Assurance Division
Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in **In the Matter George Industries, LLC, Docket Number RCRA-02-2026-7111**. 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. 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). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

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