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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:	:
	:
ITU Absorb Tech, Inc.	: U.S. EPA Docket No. RCRA-03-2026-0200
2700 S 160th Street,	:
New Berlin, Wisconsin, 53151,	:
	: Proceeding under Section 3008 of the Resource
Respondent.	: Conservation and Recovery Act, 42 U.S.C. § 6928.
	:
ITU Absorb Tech, Inc.	:
818 West Spring Street	:
Titusville, Pennsylvania 16354,	:
	:
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 ITU Absorb Tech, Inc. ("Respondent") (collectively the "Parties"), concerning Respondent's commercial laundry facility (RCRA ID No. PAD057624132) located at 818 West Spring Street, Titusville, Pennsylvania 16354 ("Facility"), 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 arising from Respondent's operations at the Facility.

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 December 6, 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. RCRA Subtitle C, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268, 270-273, and 279, and the Pennsylvania Hazardous Waste Management Regulations (“PaHWMR”) set forth in the Pennsylvania Code, Title 25, Chapters 260a-266a, 266b, 268a and 270a regulate hazardous waste. On January 15, 1986, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the EPA granted the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), final authorization to administer the hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, effective on January 30, 1986. Through this final authorization, the provisions of the PaHWMR became requirements of RCRA Subtitle C and are, accordingly, enforceable by the EPA on and after the effective date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The EPA authorized revised Pennsylvania hazardous waste management programs effective November 27, 2000, March 22, 2004, and June 29, 2009. The provisions of the revised federally authorized programs have thereby become requirements of RCRA Subtitle C and are enforceable by the EPA on and after those effective dates pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The authorized PaHWMR prospectively incorporates by reference, with certain exceptions, the current provisions of Title 40 of the Code of Federal Regulations. See 51 Fed. Reg. 1791 (Jan. 15, 1986); 65 Fed. Reg. 57734 (Sep. 26, 2000); 69 Fed. Reg. 2674 (Jan. 20, 2004); and 74 Fed. Reg. 19453 (Apr. 29, 2009).
15. Respondent owns and operates a commercial laundry facility (RCRA ID No. PAD057624132) located at 818 West Spring Street, Titusville, Pennsylvania 16354 (“Facility”). The Facility cleans uniform shirts and pants, gloves, floor mats, reusable absorbents, mops and towels contaminated with chemicals, also known as “shop rags”. Respondent contracts with facilities and organizations to launder these items on a scheduled basis. The violations described below primarily arise from the cleaning of shop rags and replacement of lamps. Solvents are removed from shop rags via solvent recovery dryers (“SRDs”) before the rags are cleaned through the washing and drying processes. The recovered solvents from the SRDs are routed through a series of containers and pipes to a 6,000-gallon hazardous waste storage tank. Solvent from the SRDs consists of toluene and xylene (Hazardous Waste Codes D001, D035, F003, F005). These

hazardous waste solvents contain organic concentrations greater than 10% by weight. The pumps and valves that help move this waste solvent through pipes are in light liquid service.

16. Respondent reports to PADEP as a large quantity generator (“LQG”) of hazardous waste. Respondent does not maintain a RCRA Hazardous Waste Permit.
17. Respondent is a Wisconsin corporation with its headquarters located at 2700 S 160th Street, New Berlin, Wisconsin, 53151, and a place of business located at 818 West Spring Street, Titusville, Pennsylvania 16354. 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 “owner” and “operator” of a “facility,” 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.
18. 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 D001, D035, F003, F005, 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.
19. On May 21, 2024, EPA representatives conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations. An Inspection Report dated July 19, 2024, was produced and was provided to the Respondent.
20. On August 7, 2025, EPA representatives sent Respondent a Notice to Show Cause and opportunity to confer letter (“SC Letter”).
21. Based on the May 21, 2024 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

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

23. 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.
24. Pursuant to 40 C.F.R. § 262.17, which 25 Pa. Code § 262a.10 incorporates by reference, an LQG “may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of Parts 124, 264 through 267, and 270...provided that” the LQG meets the conditions for exemption listed in 40 C.F.R. § 262.17.
25. At the time of the May 21, 2024 Inspection, Respondent did not have a permit, or interim status, to operate a hazardous waste treatment, storage, and/or disposal facility and Complainant alleges that Respondent did not meet conditions of the generator permit exemption requirements codified at 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.17.
26. 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. 40 C.F.R. § 262.17(a)(5)(i)(A), which is incorporated by reference by 25 Pa. Code § 262a.10, when Respondent failed to label or clearly mark with the words “Hazardous Waste” a 20-gallon container collecting hazardous waste solvent from the SRDs.
 - b. 40 C.F.R. § 262.17(a)(7)(iv)(B), which is incorporated by reference by 25 Pa. Code § 262a.10, when Respondent failed to maintain adequate written job descriptions, as further detailed in Count 2.
 - c. 40 C.F.R. § 262.17(a)(2), which is incorporated by reference by 25 Pa. Code § 262a.10, and which further references the federal hazardous waste tank inspection requirements of 40 C.F.R. § 265.195(b), when Respondent failed to inspect the 6,000-gallon hazardous waste storage tank at least once each operating day, as further detailed in Count 3.
 - d. 40 C.F.R. § 262.17(a)(2), which is incorporated by reference by 25 Pa. Code § 262a.10, and which further references 40 C.F.R. § 265.1063(d), when Respondent failed to determine whether any of the equipment associated with the SRDs contained or was in contact with a hazardous waste with 10% or more organic concentration, and therefore failed to determine Subpart BB applicability, as further detailed in Count 4.
 - e. 40 C.F.R. § 262.17(a)(2), which is incorporated by reference by 25 Pa. Code § 262a.10, and which further references 40 C.F.R. § 265.1050(c), when Respondent failed to mark each piece of equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight in such a manner that it could be

distinguished readily from other pieces of equipment, as further detailed in Count 5.

- f. 40 C.F.R. § 262.17(a)(2), which is incorporated by reference by 25 Pa. Code § 262a.10, and which further references 40 C.F.R. §§ 265.1052(a)(1) and 265.1057(a), when Respondent failed to monitor pumps and valves that contact the hazardous waste solvent from the SRDs, as further detailed in Count 6.

- 27. 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.
- 28. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2
Failure To Maintain Personnel Records

- 29. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 30. 25 Pa. Code § 264a.1, which incorporates by reference the federal personnel records requirements of 40 C.F.R. § 264.16(d), requires the owner or operator of a facility to maintain, for each position relating to hazardous waste management, the name of the employee filling the job; a written job description which includes the requisite skill, education, or other qualifications, and duties of employees assigned to each position; the type and amount of introductory and continuing training; and training records.
- 31. At the Inspection, Respondent's job descriptions for jobs that are related to hazardous waste management at the Facility (the Maintenance Supervisor, Maintenance Technician and Production Supervisor), did not contain any written job description or duties relating to hazardous waste management, nor any job qualifications or training requirements related to hazardous waste management.
- 32. From at least August 2022 (the date of the Maintenance Supervisor Job Description) through at least the date of the Inspection on May 21, 2024, Respondent's failure to maintain adequate written job descriptions violated the requirements 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d).
- 33. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d)(4), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3

Failure To Conduct Daily Hazardous Waste Tank Inspections

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. 25 Pa. Code § 264a.1, which incorporates by reference the federal hazardous waste tank inspection requirements of 40 C.F.R. § 264.195(c), the owner or operator must inspect at least once each operating day:
- (1) Above ground portions of the tank system, if any, to detect corrosion or releases of waste.
- (2) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
36. At the Inspection, and in response to a request to review Respondent's daily inspection logs of the 6,000-gallon hazardous waste storage tank, Respondent was unable to provide records of inspections being conducted for 390 days between 2021, 2022, 2023 and 2024 (up to May 24, 2024), the majority of which were weekends and holidays. The total number of days per year are as follows:
- a. 116 days in 2021
 - b. 116 days in 2022
 - c. 116 days in 2023
 - d. 42 days in 2024 (up to May 24, 2024).
37. For approximately 390 days between 2021, 2022, 2023 and 2024, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(c), by failing to inspect the 6,000-gallon hazardous waste storage tank at least once each operating day.
38. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(c), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4

**Failure to Determine Whether Equipment Contains or Contacts
a Hazardous Waste With 10% or More Organic Concentration**

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

40. 25 Pa. Code § 264a.1, which incorporates by reference the Air Emission Standards for Equipment Leaks at 40 C.F.R. § 264.1063(d), requires owners and operators of a hazardous waste treatment, storage or disposal facility to determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10% by weight. This determination is made using a methodology set forth in 40 C.F.R § 260.11, or through application of knowledge of the nature of the hazardous waste stream or the process by which it was produced.
41. At the time of the Inspection, Respondent had failed to determine whether any of the equipment associated with the SRDs contained or was in contact with a hazardous waste with 10% or more organic concentration, and therefore failed to determine the applicability Air Emission Standards for Equipment Leaks.
42. From at least May 1, 2021 through at least the date of the Inspection on May 21, 2024, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1063(d), by failing to determine whether any of the equipment associated with the SRDs contained or was in contact with a hazardous waste with 10% or more organic concentration, and therefore failing to determine the applicability Air Emission Standards for Equipment Leaks.
43. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1063(d), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 5

Failure to Mark Equipment that Contains or Contacts Hazardous Wastes with Organic Concentrations of at Least 10 Percent by Weight

44. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
45. 25 Pa. Code § 264a.1, which incorporates by reference the Air Emission Standards for Equipment Leaks at 40 C.F.R. § 264.1050(d), requires each piece of equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight to be marked in such a manner that it can be distinguished readily from other pieces of equipment.
46. At the Inspection, pumps, flanges and other connectors associated with the collection of and movement of hazardous waste solvent at the Facility were not observed to be marked or tagged in any way, nor were there any piping and instrumentation diagrams ("P&IDs") for the Facility with such markings.

47. From at least May 1, 2021 through at least the date of the Inspection on May 21, 2024, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d), by failing to mark each piece of equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight in such a manner that it could be distinguished readily from other pieces of equipment.
48. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.1050(d) of Subpart BB, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 6

Failure to Monitor Monthly Pumps and Valves that Contact Hazardous Wastes with Organic Concentrations of at Least 10 Percent by Weight for Leaks

49. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
50. 25 Pa. Code § 264a.1, which incorporates by reference the Air Emission Standards for Equipment Leaks at 40 C.F.R. §§ 264.1052(a)(1) and 264.1057(a), requires monthly monitoring of pumps and valves that are in gas/vapor service or light liquid service.
51. During the Inspection, Respondent's staff indicated that the company did not have a Leak Detection and Repair ("LDR") program in place and that it did not monitor any of the equipment that contacts the hazardous waste solvent from the SRDs.
52. From at least May 1, 2021 through at least the date of the Inspection on May 21, 2024, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §§ 264.1052(a)(1) and 264.1057(a), by failing to monitor pumps and valves in gas/vapor or light liquid service.
53. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. §§ 264.1052(a)(1) and 264.1057(a), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 7

Accumulation of Universal Waste for Over One Year

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

- 55. 25 Pa Code 266b.1(a), which incorporates by reference 40 C.F.R § 273.15(a), provides that small quantity handlers of universal waste may accumulate universal waste for no longer than one year from the date of generation.
- 56. During the Inspection, which occurred on May 21, 2024, there was a 4-foot cardboard container of discarded fluorescent lamps in the Softener Room of the Facility, which was marked with the words “Fluorescent Lamp Recycling Container Do Not Discard,” and was also marked with an accumulation start date of January 3, 2023. This container appeared to have been accumulating universal waste for longer than one year.
- 57. From January 4, 2024, through at least the date of the Inspection on May 21, 2024, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.15(a), by accumulating universal waste at the Facility for longer than one year from the date of generation.
- 58. In failing to comply with 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.15(a), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 8

Failing to Store Universal Waste Lamps in Closed Containers

- 59. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 60. 25 Pa Code 266b.1(a), which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires that small quantity handlers of universal waste lamps must contain lamps in containers or packages that are structurally sound, and such containers or packages must remain closed.
- 61. During the Inspection, in the Softener Room of the Facility, there was an 8-foot container which was open at the top, containing approximately 13 used fluorescent lamps protruding from the opening. The container was not marked with any words, nor was it marked with the date that the first lamp(s) was placed within it.
- 62. On at least May 21, 2024, the date of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to keep a container of universal waste lamps closed.
- 63. In failing to comply with 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.13(d)(1), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 9

Failing to Properly Label a Universal Waste Container

64. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
65. 25 Pa Code 266b.1(a), which incorporates by reference 40 C.F.R. § 273.14(e), requires that, for small quantity handlers of universal waste lamps, each lamp or container or package containing such lamps, must be clearly marked or labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)".
66. During the Inspection, in the Softener Room of the Facility, there was an 8-foot container which was open at the top, containing approximately 13 used fluorescent lamps protruding from the opening. The container was not marked or labeled with required phrasing.
67. On at least May 21, 2024, the date of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.14(e), by failing to label a container of universal waste lamps with one of the required phrases.
68. In failing to comply with 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.14(e), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 10

Failing to Demonstrate the Length of Time that Universal Waste Has Been Accumulating

69. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
70. 25 Pa Code 266b.1(a), which incorporates by reference 40 C.F.R. § 273.15(c), requires that, for small quantity handlers of universal waste lamps who accumulate such universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by marking or labeling the container or the individual waste with the earliest date that the universal waste became a waste, or by maintaining an inventory system or other system that demonstrates the date that the universal waste became a waste.
71. During the Inspection, in the Softener Room of the Facility, there was an 8-foot container with approximately 13 used fluorescent lamps. The container was not marked with the date that the first lamp was placed within it. The Facility did not appear to have a system for demonstrating the date that the universal waste lamps first became a waste.

72. On at least May 21, 2024, the date of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273. 273.15(c), by failing to demonstrate the length of time that universal waste has been accumulating.
73. In failing to comply with 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R § 273.15(c), Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

74. 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 **ONE HUNDRED ONE THOUSAND DOLLARS (\$101,000.00)** ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
75. In determining the amount of the Assessed Penalty, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
76. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
77. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due any method, or combination of appropriate methods, as 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.
78. When making a payment, Respondent shall:
- Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2026-0200,
 - 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):

Natalie Katz
Sr. Assistant Regional Counsel
katz.natalie@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.

79. 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.

80. 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.
81. 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.
82. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
83. 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 89; 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

84. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: katz.natalie@epa.gov (for Complainant), and droskopf@ITUAbsorbTech.com, jdrew@ITUAbsorbTech.com, Matt.McNerney@michaelbest.com (for Respondent).
85. 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.
86. 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, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

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

OTHER APPLICABLE LAWS

88. 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

89. 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

90. 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

91. 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

92. 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: ITU Absorb Tech, Inc.

Date: 7/27/26

By:

Douglas Roskopf
Digitally signed by Douglas Roskopf
Date: 2026.07.27 11:17:41 -05'00'

Doug Roskopf
Vice President of Operations

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: **ANDREA BAIN** Digitally signed by ANDREA
BAIN
Date: 2026.08.12 08:02:10
-04'00'

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

Attorney for Complainant:

By: **NATALIE KATZ** Digitally signed by NATALIE
KATZ
Date: 2026.07.27 18:11:34
-04'00'

[Digital Signature and Date]
Natalie Katz
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Aug 20, 2026

10:36 am

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of: :
 :
ITU Absorb Tech, Inc. : U.S. EPA Docket No. RCRA-03-2026-0200
2700 S 160th Street, :
New Berlin, Wisconsin, 53151, :
 :
Respondent. : Proceeding under Section 3008 of the Resource
 : Conservation and Recovery Act, as amended,
 : 42 U.S.C. § 6928.
ITU Absorb Tech, Inc. :
818 West Spring Street :
Titusville, Pennsylvania 16354, :
 :
Facility. :
 :

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement.

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: **DONZETTA THOMAS**
Regionally signed by DONZETTA THOMAS
Date: 2026.08.20 09:16:24 -04'00'
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
ITU Absorb Tech, Inc.	: U.S. EPA Docket No. RCRA-03-2026-0200
2700 S 160th Street,	:
New Berlin, Wisconsin, 53151,	:
	: Proceeding under Section 3008 of the Resource
Respondent.	: Conservation and Recovery Act, as amended, 42
	: U.S.C. § 6928.
ITU Absorb Tech, Inc.	:
818 West Spring Street	:
Titusville, Pennsylvania 16354,	:
	:
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:

Doug Roskopf
Vice President of Operations
ITU Absorb Tech, Inc.
818 West Spring Street
Titusville, Pennsylvania 16354
droskopf@ITUAbsorbTech.com

Jodi Drew
Environmental Engineer
ITU AbsorbTech, Inc.
2700 S 160th Street,
New Berlin, Wisconsin, 53151
jdrew@ITUAbsorbTech.com

Matt McNerney, Esq.
Michael Best
675 15th Street, Suite 2000
Denver, CO 80202

In the Matter of: ITU Absorb Tech, Inc.

EPA Docket No. RCRA-03-2026-0200

Matt.McNerney@michaelbest.com

Natalie Katz
Sr. Assistant Regional Counsel
U.S. EPA, Region 3
Katz.natalie@epa.gov

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

JEANNINE GRAFF

Digitally signed by JEANNINE
GRAFF
Date: 2026.08.20 10:38:00 -04'00'

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3