

FILED

Dec 11, 2025

1:29 pm

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

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

IN THE MATTER OF:

Croda Inc.

Respondent,

**Croda Inc. Atlas Point
315 Cherry Lane
New Castle, Delaware 19720,**

Facility.

) **DOCKET NO.: RCRA-03-2026-0010**
)
)
) **EXPEDITED SETTLEMENT AGREEMENT AND**
) **FINAL ORDER**
)
) **Proceeding under Section**
) **3008(a) and (g) of the Resource**
) **Conservation and Recovery Act, as**
) **amended, 42 U.S.C. § 6928(a) and (g)**
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. Croda Inc. ("Respondent"), and the Acting Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a) and (g), 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Delaware to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Delaware Hazardous Waste Management Program, codified at the Delaware Regulations Governing Hazardous Waste ("DeRGHW"), 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).

4. On September 5, 2025, EPA sent a letter to the State of Delaware, through the Department of Natural Resources and Environmental Control ("DNREC"), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 315 Cherry Lane, New Castle, Delaware ("Facility"), Respondent is a manufacturer of ethylene oxide, surfactants, and other raw materials utilized in personal care products, small pharmaceuticals, and crop care. On February 28, 2025, Respondent submitted a notification to DNREC that the Facility was a large quantity generator ("LQG") of hazardous waste at the Facility, and DNREC assigned RCRA ID No. DED002342020 to the Facility. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and DeRGHW, and at all times relevant to the allegations in this Agreement was the "operator" and the "owner" of a "facility," described in Paragraph 5, as the terms "facility", "owner" and "operator" are defined in defined in DeRGHW § 260.10.
7. At all times relevant to the allegations described in this Agreement, Respondent "stored" lab packed chemicals and solvents with EPA Hazardous Waste Number(s) D001, D019, D022, F002, F003, which are "hazardous waste(s)" at the Facility, as the terms "stored" and "hazardous waste" are defined in 40 C.F.R. § 260.10, as incorporated by reference in DeRGHW § 260.10.
8. On May 19 – 20, 2025, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized State of Delaware hazardous waste management regulations set forth in the Delaware Hazardous Waste Management Program, set forth in the DeRGHW Parts 260 – 279, and Parts 122 and 124.
10. Complainant has identified the following violations at the Facility:
 - a. From at least May 19, 2025 until May 22, 2025, Respondent operated the Facility without a permit, in violation of DeRGHW § 122.1(c). The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at DeRGHW § 262.15 and § 262.17:
 - (1) Respondent failed to label containers of hazardous waste with the words "Hazardous Waste", as required by DeRGHW § 262.15(a)(5)(i) and §

262.17(a)(5)(i)(A);

- i. In Building 88, Lab 115, a red 2-gal container with characteristic hazardous waste (EPA waste code D001) was not labeled with the words "Hazardous Waste".
 - ii. In Building 1, in the Quality Control lab, a yellow flammable cabinet had small sample containers that had characteristic hazardous waste (EPA waste code D002). None of the containers were labeled "Hazardous Waste".
 - iii. In Building 88, Room 126, a yellow flammable cabinet had small sample containers that had characteristic hazardous waste (EPA waste codes D001, D002, D003), and the containers were waiting to be lab-packed. None of the containers were labeled "Hazardous Waste".
- (2) Respondent failed to label containers of hazardous waste with the date in which accumulation of hazardous waste began, as required by DeRGHW § 262.17(a)(5)(i)(C).
- i. In Building 88, Room 126, a yellow cabinet had small sample containers that had characteristic hazardous waste (EPA waste codes D001, D002, D003), and the containers were waiting to be lab-packed. None of the containers were marked with an accumulation start date.
 - ii. On 5/22/2025, the waste in Building 88, Room 126 was repackaged into different containers, and those containers with the waste were transferred to Building 285 and dated 5/22/2025. The date the containers were marked with, 5/22/2025, is not the date in which the hazardous waste began to be accumulated by the Facility.
- (3) Respondent failed to have the required content in its contingency plan, as required by DeRGHW § 262.17(a)(6).
- i. The contingency plan did not list the names and telephone numbers of all persons qualified to act as emergency coordinator or identify who would be the primary emergency coordinator and alternates, in accordance with DeRGHW § 262.261(d).
 - ii. The list of emergency equipment in the contingency plan did not include the location of the emergency equipment, in accordance with DeRGHW § 262.261(e).
 - iii. The contingency plan did not include actions that personnel must take in

the response to an emergency, in accordance with DeRGHW § 262.261(a).

- (4) Respondent failed to conduct weekly inspections of its hazardous waste accumulation areas ("HWAA") as required by DeRGHW § 262.17(a)(1)(vi)
 - i. Respondent failed to conduct weekly inspections at the HWAA located in Building 300, Room 120 for the following weeks: week of 4/16/2023 and week of 9/17/2023
 - ii. Respondent failed to conduct weekly inspections at the HWAA located at Building 285 for the following weeks: week of 4/06/2025, week of 12/22/2024, week of 12/15/2024, week of 12/01/2024, week of 11/24/2024, week of 6/16/2024, week of 11/19/2023, week of 4/02/2023, and week of 5/22/2022.
- b. On at least May 19, 2025, Respondent failed to make a hazardous waste determination, in violation of DeRGHW § 262.11.
 - (1) Two green, unlabeled 5-gal containers were observed in the HWAA at Building 285 on 5/19/2025. The contents of the containers were unknown at the time of the observation. The green containers had been placed in the HWAA as a waste prior to EPA's observation. A hazardous waste determination had not been made at the time of the observation.
- c. On at least May 19, 2025, Respondent failed to label universal waste lamps with the proper phrase, in violation of DeRGHW § 273.14(e).
 - (1) In Building 100, two (2) four-foot containers of universal waste had universal waste labels with the words "fluorescent U-shape" and "light bulbs". As required by DeRGHW § 273.14(e), each waste lamp or container with waste lamps must be labeled with either of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."
- d. On at least May 19, 2025, Respondent failed to have the required content in its contingency plan, in violation of DeRGHW § 265.52.
 - (1) The contingency plan did not list the names and telephone numbers of all persons qualified to act as emergency coordinator or identify who would be the primary emergency coordinator and alternates, in accordance with DeRGHW § 265.52(d).
 - (2) The list of emergency equipment in the contingency plan did not include the location of the emergency equipment, in accordance with DeRGHW §

265.52(e).

- (3) The contingency plan did not include actions that personnel must take in the response to an emergency, in accordance with DeRGHW § 265.52(a).
- e. Respondent failed to conduct weekly inspections of HWAA, as required by DeRGHW § 265.174
 - (1) Respondent failed to conduct weekly inspections at the HWAA located in Building 300, Room 120 for the following weeks: week of 4/16/2023 and week of 9/17/2023
 - (2) Respondent failed to conduct weekly inspections at the HWAA located at Building 285 for the following weeks: week of 4/06/2025, week of 12/22/2024, week of 12/15/2024, week of 12/01/2024, week of 11/24/2024, week of 6/16/2024, week of 11/19/2023, week of 4/02/2023, and week of 5/22/2022.
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$7,500.00** to **“United States Treasury”** with the case name, address and docket number of this Agreement (RCRA-03-2026-0010), for the amount specified above. 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>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America’s Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA’s How to Make a Payment website](#) and will not pay with a paper check.
13. Within 24 hours of payment, Respondent shall also send proof of payment (confirmation of credit card or debit card payment or confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Jeremy Dearden, Inspector/Compliance Officer (3ED22)

U.S. EPA, Region 3

Dearden.jeremy@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. By signing this 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 Agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).

21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Croda Inc.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: dearden.jeremy@epa.gov (for Complainant), and jeff.labrozzi@croda.com (for Respondent).
23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Croda Inc.

Date: 10/22/2025

By: _____


Jeff LaBrozzi
Site Director

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Croda Inc.

Respondent,

Croda Inc. Atlas Point
315 Cherry Lane
New Castle, Delaware 19720,

Facility

DOCKET NO.: RCRA-03-2026-0010

EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER

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

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Croda Inc., have executed a document entitled "Expedited Settlement 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 Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, 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 **SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$7,500.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, 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 Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

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

[Digital Signature and Date]

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Croda Inc.

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CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement 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:

Jeff LaBrozzi, Site Director
Croda Inc.
315 Cherry Lane
New Castle, Delaware 19720
Jeff.labrozzi@croda.com

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

[Digital Signature and Date]

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