

FILED

Jan 23, 2025

11:47 am

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

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

IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2025-0037
)	
Ames Goldsmith Corp.)	
)	
Respondent,)	EXPEDITED SETTLEMENT AGREEMENT AND
)	FINAL ORDER
)	
Pyromet LLC)	Proceeding under Section
5 Commerce Drive)	3008(a) and (g) of the Resource
Aston, Pennsylvania 19014,)	Conservation and Recovery Act, as
)	amended, 42 U.S.C. § 6928(a) and (g)
Facility)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. Ames Goldsmith Corp. (“Respondent”), and the 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 Commonwealth of 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 Commonwealth of Pennsylvania Hazardous Waste Management Regulations (“PaHWR”), codified at 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).
4. On October 24, 2024, EPA sent a letter to the Commonwealth of Pennsylvania, through the

Pennsylvania Department of Environmental Protection (“PADEP”), 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 5 Commerce Drive, Aston, Pennsylvania 19014 (“Facility”), Respondent reclaims and refines silver and other precious metals. On July 12, 1985, Respondent submitted a notification to PADEP that the Facility was a small quantity generator (“SQG”) of hazardous waste at the Facility, and PADEP assigned RCRA ID No. PAD049617822.
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 25 Pa. Code § 260a.10, 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 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.10.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” lead-bearing cupels at the Facility, as the terms “stored” is defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.10.
8. On April 17, 2024, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations, and on July 5, 2024, EPA sent an information request letter to the Respondent pursuant to RCRA, requesting information about the Facility regarding its compliance with the applicable hazardous waste regulations. On August 3, 2024, Respondent provided a response to EPA’s information request.
9. Based on the observations during the Inspection and on the information Respondent provided in response to EPA’s information request, 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 Pennsylvania hazardous waste management regulations set forth in the 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a.
10. Complainant has identified the following violations at the Facility:
 - a. From at least May 13, 2021 until July 25, 2024, Respondent failed to make a waste determination, in violation of 25 Pa. 262a.11, which incorporates by reference 40 C.F.R. § 262.11.
 - i. Fire assays are conducted at the Facility. The fire assays generate lead-bearing cupels that contain trace amounts of silver. The lead-bearing cupels are comingled with silver-bearing slag and shipped offsite to Aurubis AG for

silver reclamation. A waste determination has not been made for the lead-bearing cupels.

- ii. Lead-bearing cupels meet the definition of “spent material” as defined in 25 Pa. 261a.1, which incorporates by reference 40 C.F.R. § 261.1(c)(1). Per 40 C.F.R. § 261.2(c)(3), spent materials are solid wastes when reclaimed.
 - b. On at least April 17, 2024, Respondent failed to maintain documentation indicating the volume of silver-bearing materials stored at the Facility at the beginning of the calendar year, in violation of 25 Pa. 266a.20, which incorporates by reference 40 C.F.R. § 266.70(c)(1).
 - c. On at least April 17, 2024, Respondent failed to maintain documentation indicating the amount of silver-bearing materials generated or received at the Facility during the calendar year, in violation of 25 Pa. 266a.20, which incorporates by reference 40 C.F.R. § 266.70(c)(2).
 - d. On at least April 17, 2024, Respondent failed to maintain documentation indicating the amount of silver-bearing materials remaining at the Facility at the end of calendar year, in violation of 25 Pa. 266a.20, which incorporates by reference 40 C.F.R. § 266.70(c)(3).
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **FIVE THOUSAND DOLLARS (\$5,000.00)** 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), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.
 12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$ 5,000** to “**United States Treasury**” with the case name, address and docket number of this Agreement (RCRA-03-2025-0037), 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>.
 13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, 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

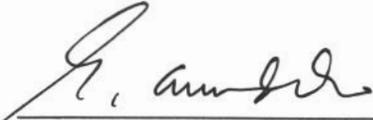
Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

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 Ames Goldsmith Corp.
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 eaddo@colonialmetals.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: Ames Goldsmith Corp.

Date: January 06, 2025

By: 
Ernest Addo
Director of Environmental Affairs
General Manager @ Pyromet LLC

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

After reviewing the Agreement and other pertinent matters, I, the undersigned 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]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

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]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
Ames Goldsmith Corp.	:	
50 Harrison Avenue	:	U.S. EPA Docket No.: RCRA-03-2025-0037
South Glens Falls, New York 12803	:	
	:	
Respondent.	:	Proceeding under Section
	:	3008(a) and (g) of the Resource
	:	Conservation and Recovery Act, as
Pyromet LLC	:	amended, 42 U.S.C. § 6928(a) and (g)
5 Commerce Drive	:	
Aston, Pennsylvania 19014	:	
	:	
Facility	:	

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:

Ernest Addo, PhD, PE, Director of Environmental Affairs
Colonial Metals, Inc. (An Ames Goldsmith Company)
Eaddo@colonialmetals.com
505 Blue Ball Road Triumph Industrial Park
Elkton, Maryland 21921

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