

FILED

Aug 25, 2026

3:04 pm

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

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

In the Matter of:	:
	:
Dana Transport, Inc.	: U.S. EPA Docket No. RCRA-03-2026-0229
210 East Essex Avenue	:
Avenel, New Jersey 07001	: Proceeding under Section 3008 of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. § 6928
	:
Nitro Facility	:
19 Plant Road	:
Nitro, West Virginia 25143	:
	:
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 Dana Transport, Inc. ("Respondent") (collectively, the "Parties"), pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 6928, 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 Subtitle C, 42 U.S.C. §§ 6921-6939e, for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA sent a letter via email to the West Virginia Department of the Environmental Protection ("WVDEP") to give prior notice of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 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. On May 10, 2000, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of West Virginia final authorization to administer its hazardous waste management program, set forth in the West Virginia Administrative Code, W. Va. Code R. §§ 33-20-1 – 33-20-16, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, effective on July 10, 2000. Through this final authorization, the provisions of the West Virginia Hazardous Waste Management Regulations (“WVHWMR”) became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after the effective date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA authorized revised West Virginia hazardous waste management programs effective December 15, 2003, January 24, 2014, and November 29, 2024. The provisions of the revised federally authorized program have thereby become requirements of RCRA Subtitle C and are enforceable by EPA on and after those effective dates pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The authorized WVHWMR incorporates by reference, with certain exceptions, provisions of Title 40 of the Code of Federal Regulations that were in effect as of August 1, 2019. *See* 65 Fed. Reg. 29973 (May 10, 2000), 68 Fed. Reg. 59542 (Dec. 15, 2003), 78 Fed. Reg. 70225 (Nov. 25, 2013), and 89 Fed. Reg. 79446 (Sep. 30, 2024).
15. Respondent is a corporation organized under the laws of the State of New Jersey. As such, Respondent is now, and was at the time of the violations alleged, a “person,” as defined in 40 C.F.R § 260.10, which W. Va. Code R. § 30-20-3 incorporates by reference.
16. Respondent’s facility is located at 19 Plant Road, Nitro, West Virginia 25143 (the “Facility”). The Facility’s principal business is to lease transportation equipment and operate tank wash.
17. At all times relevant to the allegations set forth in this Consent Agreement, the Facility is, and has been, a “facility,” as defined in 40 C.F.R. § 260.10, which W. Va. Code R. § 30-20-3 incorporates by reference.
18. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the “operator” and the “owner” of the Facility, as defined in 40 C.F.R. § 260.10, which W. Va. Code R. § 30-20-3 incorporates by reference.
19. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, a “generator” of “solid waste” and “hazardous waste” at the Facility, as defined in 40 C.F.R. § 260.10, which W. Va. Code R. § 30-20-3 incorporates by reference.
20. At all times relevant to the allegations set forth in this Consent Agreement, the Facility identified as a large quantity generator of hazardous waste, with RCRA ID Number WV0050130.

21. At all times relevant to the allegations set forth in this Consent Agreement, Respondent did not have a RCRA Part B permit or interim status to treat, store, or dispose of hazardous waste for the Facility.
22. On July 30, 2024 and July 31, 2024, EPA inspectors conducted a compliance evaluation inspection at the Facility (the "Inspection") to examine Respondent's compliance with RCRA Subtitle C and the federally authorized WVHWMR.
23. The violations alleged herein are based on facts and evidence arising under the WVHWMR authorized on November 25, 2013. The authorized 2013 WVHWMR incorporates by reference, with certain exceptions, provisions of Title 40 of the Code of Federal Regulations that were in effect as of June 1, 2011.
24. Based on EPA's findings during the Inspection and other information Respondent provided to EPA, EPA concludes that Respondent violated certain requirements and provisions of RCRA Subtitle C and certain federally authorized WVHWMR requirements promulgated thereunder, as enumerated below.

Count 1
Operating Without a Permit or Interim Status

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. Pursuant to 40 C.F.R. § 270.1(b), which W. Va. Code R. § 33-20-11 incorporates by reference, no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
27. Pursuant to 40 C.F.R. § 262.34(a)¹, which W. Va. Code R. § 33-20-5.1 incorporates by reference, "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that" the generator meets requirements listed in 40 C.F.R. § 262.34.
28. Respondent failed to meet the requirements listed in 40 C.F.R. § 262.34 and was therefore accumulating hazardous waste on site in violation of 40 C.F.R. § 270.1(b), which W. Va. Code R. § 33-20-11 incorporates by reference, through the following:

¹ On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017, pursuant to the Hazardous Waste Generator Improvement Rule. The federal requirements previously found in 40 C.F.R. § 262.34 are now codified at 40 C.F.R. §§ 262.15-262.17.

a. Accumulation of Hazardous Waste for More Than 90 Days

- i. Based upon information submitted by the Facility to EPA's e-Manifest System, EPA inspectors observed that Respondent accumulated hazardous waste on-site for more than 90 days in at least two instances, listed below.
 1. Manifest 018630821JJK indicates that hazardous waste was sent off-site for disposal on June 20, 2021. Manifest 014844950JJK indicates that hazardous waste was sent off-site for disposal on September 27, 2021. There are no manifests indicating that hazardous waste was shipped off-site for disposal between June 21, 2021 and September 26, 2021.
 2. Manifest 014845393JJK indicates that hazardous waste was sent off-site for disposal on June 1, 2023. Manifest 025422883JJK indicates that hazardous waste was sent off-site for disposal on September 6, 2023. There are no manifests indicating that hazardous waste was shipped off-site for disposal between June 2, 2023 and September 5, 2023.
- ii. From September 18, 2021 to September 26, 2021 and from August 30, 2023 to September 5, 2023, Respondent failed to comply with 40 C.F.R. § 262.34(a), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by accumulating hazardous waste for more than 90 days at the Facility.

b. Failure to Conduct Weekly Inspections

- i. Pursuant to 40 C.F.R. § 262.34(a)(1)(i), which W. Va. Code R. § 33-20-5.1 incorporates by reference, "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he generator complies with the applicable requirements" of Subpart I of 40 C.F.R. Part 265.
- ii. Pursuant to 40 C.F.R. § 265.174, "[a]t least weekly" a generator "must inspect areas where containers are stored." Specifically, the generator "must look for leaking containers and for deterioration of containers caused by corrosion or other factors."
- iii. At the time of the Inspection, EPA inspectors reviewed the Facility's weekly inspection logs of areas where containers are stored and observed inspection gaps from (1) September 1, 2022 through September 12, 2022 and (2) October 31, 2022 through November 14, 2022.

- iv. From September 6, 2022 through September 12, 2022 and from November 6, 2022 through November 14, 2022, Respondent failed to comply 40 C.F.R. § 262.34(a)(1)(i), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to inspect areas where containers are stored, at least weekly.

c. Failure to Have a Complete Contingency Plan

- i. Pursuant to 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he generator complies with the applicable requirements” of Subpart D of 40 C.F.R. Part 265.
- ii. Pursuant to 40 C.F.R. § 265.51(a), a generator must have a contingency plan for the facility. Pursuant to 40 C.F.R. § 265.52, the contingency plan must contain, among other things, the following:
 - 1. A description of the “arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to [40 C.F.R.] § 265.37.” 40 C.F.R. § 265.52(c).
 - 2. An up-to-date “list of all emergency equipment at the facility” and “the location and a physical description of each item on the list, and a brief outline of its capabilities.” 40 C.F.R. § 265.52(e).
 - 3. An “evacuation plan for facility personnel...[that] describe[s] signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.” 40 C.F.R. § 265.52(f).
- iii. At the time of the Inspection, EPA inspectors reviewed the Facility’s “Crisis Management Plan” and the “Dana Nitro, WV Contingency Plan Quick Response Guide” and observed the plans did not include the following:
 - 1. Descriptions of the arrangements agreed to by local authorities to coordinate emergency services;
 - 2. The location of the emergency equipment at the Facility; and
 - 3. An evacuation plan.

- iv. At the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to have a complete contingency plan.

d. Failure to Submit Contingency Plan to Local Authorities

- i. Pursuant to 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he generator complies with the applicable requirements” of Subpart D of 40 C.F.R. Part 265.
- ii. Pursuant to 40 C.F.R. § 265.53, a copy of the facility’s contingency plan and all revisions to the plan must be “[s]ubmitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.”
- iii. At the time of the Inspection, Facility personnel stated that the Facility’s contingency plan and all revisions to the plan were not submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- iv. At the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to submit a copy of the Facility’s contingency plan and all revisions to local authorities.

e. Failure to Provide Initial and Annual Review of Hazardous Waste Training

- i. Pursuant to 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that... [t]he generator complies with the requirements” of 40 C.F.R. § 265.16.
- ii. Pursuant to 40 C.F.R. § 265.16(a)(1), “[f]acility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of [40 C.F.R. Part 265].” Pursuant to 40 C.F.R. § 265.16(c), “[f]acility personnel must take part in an annual review of [this] initial training.”

- iii. At the time of the Inspection, upon request by EPA inspectors, Respondent could not provide records of any training for three employees identified as emergency contacts in the Facility's contingency plan. Furthermore, Respondent could not provide records of annual review of the initial training for four employees in 2021 and for one employee in 2022. See *Table 2* in Count 6, below, for more information.
- iv. From calendar year 2021 to the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to provide three employees a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 40 C.F.R. Part 265.
- v. Respondent failed to comply with 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to provide annual review of initial hazardous waste training for four employees in calendar year 2021 and for one employee in calendar year 2022.

f. Failure to Maintain Documents and Records

- i. Pursuant to 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he generator complies with the applicable requirements" of 40 C.F.R. § 265.16.
- ii. Pursuant to 40 C.F.R. § 265.16(d), a generator must "maintain...documents and records at the facility," including, documents and records of (1) the "job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job"; (2) "[a] written job description for each position"; (3) "[a] written description of the type and amount of both introductory and continuing training that will be given to each person"; and (4) "[r]ecords that document that the training or job experience required...has been given to, and completed by, facility personnel." Pursuant to 40 C.F.R. § 265.16(e), "[t]raining records on current personnel must be kept until closure of the facility [and t]raining records on former employees must be kept for at least three years from the date the employee last worked at the facility."
- iii. At the time of the Inspection, upon request by EPA inspectors, Respondent could not provide documents and records of the job titles

and job descriptions for employees with hazardous waste handling responsibilities. Subsequent to the Inspection, on October 24, 2024, Respondent provided these job titles and job descriptions.

- iv. At the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(4), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to maintain documents and records of the job titles and job descriptions for employees with hazardous waste handling responsibilities at the Facility.
29. Respondent failed to meet the requirements for the hazardous waste accumulation exemption in 40 C.F.R. § 262.34(a), which W. Va. Code R. § 33-20-5.1 incorporates by reference, and therefore violated 40 C.F.R. § 270.1(b), which W. Va. Code R. § 33-20-11 incorporates by reference, by operating a hazardous waste treatment, storage, or disposal facility without a permit or interim status as detailed above
30. In failing to comply with 40 C.F.R. § 270.1(b), which W. Va. Code R. § 33-20-11 incorporates by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to Submit Exception Reports

31. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
32. Pursuant to 40 C.F.R. § 262.42(a)(2), which W. Va. Code R. § 33-20-5.1 incorporates by reference, a generator “must submit an Exception Report to the [Secretary of WVDEP] if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.”
33. At the time of the Inspection, EPA inspectors observed five uniform hazardous waste manifest records without handwritten signatures of the owner or operator of the designated facilities, as represented in *Table 1*, below. When asked about the submission of Exception Reports to the Secretary of WVDEP for these unsigned manifests, Facility personnel stated that they had not been submitted.

Table 1. Manifests without Handwritten Signatures

Manifest No.	Ship Date
020011342JJK	06/15/2022
023214693JJK	12/06/2022
025423262JJK	12/19/2023

026124207JJK	02/20/2024
026123721JJK	04/23/2024

34. Respondent violated 40 C.F.R. § 262.42(a)(2), which W. Va. Code R. § 33-20-5.1 incorporates by reference, by failing to submit required Exception Reports to the Secretary of WVDEP.
35. In failing to comply with 40 C.F.R. § 262.42(a)(2), which W. Va. Code R. § 33-20-5.1 incorporates by reference, 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 Weekly Inspections

36. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
37. Pursuant to 40 C.F.R. § 264.174, which W. Va. Code R. § 33-20-7.2 incorporates by reference, “[a]t least weekly the owner or operator of a facility must inspect areas where containers are stored.” Specifically, the generator “must look for leaking containers and for deterioration of containers caused by corrosion or other factors.”
38. At the time of the Inspection, EPA inspectors reviewed the Facility’s weekly inspection logs of areas where containers are stored and observed inspection gaps from (1) September 1, 2022 through September 12, 2022 and (2) October 31, 2022 through November 14, 2022.
39. From September 6, 2022 through September 12, 2022 and from November 6, 2022 through November 14, 2022, Respondent violated 40 C.F.R. § 264.174, which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to inspect areas where containers are stored, at least weekly.
40. In failing to comply with 40 C.F.R. § 264.174, which W. Va. Code R. § 33-20-7.2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4

Failure to Have a Complete Contingency Plan

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

42. Pursuant to 40 C.F.R. § 264.51(a), which W. Va. Code R. § 33-20-7.2 incorporates by reference, an owner or operator of a facility must have a contingency plan for the facility. Pursuant to 40 C.F.R. § 264.52, which W. Va. Code R. § 33-20-7.2 incorporates by reference, the contingency plan must contain the following:
- a. A description of the “arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to [40 C.F.R.] § 264.37.” 40 C.F.R. § 264.52(c).
 - b. An up-to-date “list of all emergency equipment at the facility” and “the location and a physical description of each item on the list, and a brief outline of its capabilities.” 40 C.F.R. § 264.52(e).
 - c. An “evacuation plan for facility personnel...[that] describe[s] signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.” 40 C.F.R. § 264.52(f).
43. At the time of the Inspection, EPA inspectors reviewed the Facility’s “Crisis Management Plan” and the “Dana Nitro, WV Contingency Plan Quick Response Guide” and observed the plans did not include the following:
- a. Descriptions of the arrangements agreed to by local authorities to coordinate emergency services;
 - b. The location of the emergency equipment at the Facility; and
 - c. An evacuation plan.
44. At the time of the Inspection, Respondent violated 40 C.F.R. § 264.52, which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to have a complete contingency plan.
45. In failing to comply with 40 C.F.R. § 264.52, which W. Va. Code R. § 33-20-7.2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 5

Failure to Submit Contingency Plan to Local Authorities

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

47. Pursuant to 40 C.F.R. § 264.53, which W. Va. Code R. § 33-20-7.2 incorporates by reference, a copy of the facility's contingency plan and all revisions to the plan must be "[s]ubmitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services."
48. At the time of the Inspection, Facility personnel stated that the Facility's contingency plan and all revisions to the plan were not submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
49. At the time of the Inspection, Respondent violated 40 C.F.R. § 264.53, which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to submit a copy of the Facility's contingency plan and all revisions to local authorities.
50. In failing to comply with 40 C.F.R. § 264.53, which W. Va. Code R. § 33-20-7.2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 6

Failure to Provide Initial and Annual Review of Hazardous Waste Training

51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
52. Pursuant to 40 C.F.R. § 264.16(a)(1), which W. Va. Code R. § 33-20-7.2 incorporates by reference, "[f]acility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of [40 C.F.R. Part 264]." Pursuant to 40 C.F.R. § 264.16(c), which W. Va. Code R. § 33-20-7.2 incorporates by reference, "[f]acility personnel must take part in an annual review of [this] initial training." Pursuant to 40 C.F.R. § 264.16(e), which W. Va. Code R. § 33-20-7.2 incorporates by reference, "[t]raining records on current personnel must be kept until closure of the facility [and] training records on former employees must be kept for at least three years from the date the employee last worked at the facility."
53. At the time of the Inspection, upon request by EPA inspectors, Respondent could not provide any records of training for three employees identified as emergency contacts in the Facility's contingency plan. Furthermore, Respondent could not provide records of annual review of the initial training for four employees in 2021 and for one employee in 2022. *Table 2* reflects the employees, their hazardous waste responsibilities, and their training records.

Table 2. Training Records of Facility Personnel with Hazardous Waste Handling Responsibilities

Employee	Hazardous Waste Handling Responsibility	Training Date(s)	Training Record
Employee 1	Conducts hazardous waste inspections; signs manifests	2020 2022 2022 2022; 2023	HazCom HazMat General PPE OSHA RCRA
Employee 2	Sign manifests	2022 2022 2023 2023	HazCom HazMat General OSHA RCRA PPE
Employee 3	Terminal Transport Manager; listed as primary emergency contact in contingency plan	2022 2022 2023 2023 2023	HazCom Fire Preparedness Spill Response HazMat General PPE
Employee 4	Wash Bay Facility Manager; signs manifests, conducts hazardous waste inspections; listed as an emergency contact in contingency plan	2020 2022 2022 2022; 2023 2022; 2023 2023	HazCom PPE Spill Response HazMat Gen. OSHA RCRA Fire Preparedness
Employee 5	Maintenance Facility Manager; listed as an emergency contact in contingency plan	2021 2021 2021 2023 2024 2024	HazCom Spill Response Fire Preparedness PPE HazMat Gen. OSHA RCRA
Employee 6	Regional Safety and Environmental Manager	—	—
Employee 7	Senior VP Corporate Office of Risk Management; listed as an emergency contact in contingency plan	—	—
Employee 8	President; listed as an emergency contact in contingency plan	—	—

54. As detailed in *Table 2*, from calendar year 2021 to the time of the Inspection, Respondent violated 40 C.F.R. § 264.16(a)(1), which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to provide required training that teaches

employees to perform their duties in a way that ensures the facility's compliance with the requirements of 40 C.F.R. Part 264.

55. Respondent violated 40 C.F.R. § 264.16(c), which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to provide required training, as detailed in *Table 2*.
56. In failing to comply with 40 C.F.R. §§ 264.16(a)(1) and (c), which W. Va. Code R. § 33-20-7.2 incorporate by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 7

Failure to Maintain Documents and Records

57. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
58. Pursuant to 40 C.F.R. § 264.16(d), which W. Va. Code R. § 33-20-7.2 incorporates by reference, the owner or operator of a hazardous waste facility must "maintain...documents and records at the facility," including, documents and records of (1) the "job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job"; (2) "[a] written job description for each position"; (3) "[a] written description of the type and amount of both introductory and continuing training that will be given to each person"; and (4) "[r]ecords that document that the training or job experience required...has been given to, and completed by, facility personnel."
59. At the time of the Inspection, upon request by EPA inspectors, Respondent could not provide documents and records of the job titles and job descriptions for employees with hazardous waste handling responsibilities. Subsequent to the Inspection, on October 24, 2024, Respondent provided these job titles and job descriptions.
60. At the time of the Inspection, Respondent violated 40 C.F.R. § 264.16(d), which W. Va. Code R. § 33-20-7.2 incorporates by reference, by failing to maintain documents and records of the job titles and job descriptions for employees with hazardous waste handling responsibilities at the Facility.
61. In failing to comply with 40 C.F.R. § 264.16(d), which W. Va. Code R. § 33-20-7.2 incorporates by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 8
Universal Waste Lamps Violations

62. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
63. Sections 273.13-15 of Title 40 of the C.F.R., which W. Va. Code R. § 33-20-13.1 incorporates by reference, provide standards for small quantity handlers of Universal Waste, including for lamps.
- a. Pursuant to 40 C.F.R. § 273.13(d)(1), which W. Va. Code R. § 33-20-13.1 incorporates by reference, “[a] small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.”
 - b. Pursuant to 40 C.F.R. § 273.14(e), which W. Va. Code R. § 33-20-13.1 incorporates by reference, “[e]ach lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: ‘Universal Waste—Lamp(s),’ or ‘Waste Lamp(s),’ or ‘Used Lamp(s).’”
 - c. Pursuant to 40 C.F.R. § 273.15(c), which W. Va. Code R. § 33-20-13.1 incorporates by reference, “[a] small quantity handler of universal waste who accumulates 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” by following specified methods.
64. At the time of the Inspection, EPA inspectors noted that the Facility is a small quantity handler of Universal Waste.
65. At the time of the Inspection, EPA inspectors observed at least fifteen used fluorescent lamps that were not in containers or were in open containers located between the Small Office Building and the Shop Building Parts Room. These fluorescent lamps or the containers holding the lamps were not labeled with the requisite wording. In addition, Respondent did not properly demonstrate the length of time that these fluorescent lamps were accumulated following methods specified in 40 C.F.R. § 273.15(c).
66. At the time of the Inspection, Respondent violated 40 C.F.R. §§ 273.13-15, which W. Va. Code R. § 33-20-13.1 incorporates by reference, by failing to (1) contain universal waste, (2) label or mark clearly universal waste with the requisite wording, and (3) properly demonstrate the length of time that the universal waste has been accumulated.

67. In failing to comply with 40 C.F.R. §§ 273.13-15, which W. Va. Code R. § 33-20-13.1 incorporate by reference, Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

68. In settlement of 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 THIRTY-EIGHT THOUSAND SIX HUNDRED FOURTY dollars (\$38,640.00) ("Assessed Penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
69. 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).
70. Respondent agrees to pay the Assessed Penalty within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
71. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, 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.
72. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2026-0229,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Promy Tabassum
Assistant Regional Counsel
tabassum.promy@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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

73. 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, 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 EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, 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.
74. 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, EPA may take additional actions.

Such 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 IRS 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.
75. 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.
76. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
77. The Parties consent to service of the Final Order by email at the following valid email addresses: tabassum.promy@epa.gov (for Complainant), and DBonannieconet@gmail.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

78. 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.
79. Respondent certifies that any information or representation it has supplied or made to 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. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any

information provided and/or representations made by Respondent to 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 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

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

OTHER APPLICABLE LAWS

81. 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 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 the RCRA Subtitle C, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

82. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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). EPA reserves any rights and remedies available to it under RCRA Subtitle C, 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. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION/PARTIES BOUND

83. This Consent Agreement and Final Order shall apply to and be binding upon EPA,

Respondent, and the officers, directors, employees, contractors, successors, agents, and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by 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

84. 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 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

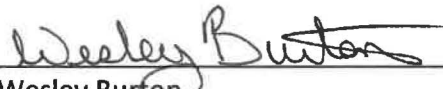
85. This Consent Agreement and Final Order constitute the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Dana Transport, Inc.

EPA Docket No. RCRA-03-2026-0229

For Respondent: **DANA TRANSPORT, INC.**

Date: 8 / 5 / 2026

By: 

Wesley Burton
Director of Environmental Affairs & Compliance
Dana Transport, Inc.

For the Complainant:

After reviewing the Consent 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 Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

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

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Promy Tabassum
Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Aug 25, 2026

3:04 pm

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

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

In the Matter of:	:
	:
Dana Transport, Inc.	:
210 East Essex Avenue	:
Avenel, New Jersey 07001	:
	:
Respondent.	:
	:
Nitro Facility	:
19 Plant Road	:
Nitro, West Virginia 25143	:
	:
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 ("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 Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

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:

[Digital Signature and Date]
Regional Judicial and Presiding Officer
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
Dana Transport, Inc.	: U.S. EPA Docket No. RCRA-03-2026-0229
210 East Essex Avenue	:
Avenel, New Jersey 07001	: Proceeding under Section 3008 of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. § 6928
	:
Nitro Facility	:
19 Plant Road	:
Nitro, West Virginia 25143	:
	:
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:

Wesley Burton
Director of Environmental Affairs & Compliance
Dana Transport, Inc.
210 East Essex Avenue
Avenel, New Jersey 07001
wburton@danacompanies.com

Daniel Bonanni
Consultant for Respondent
Econet and Associates, LLC
P.O. Box 2075
Long Beach Township, New Jersey 08008
DBonannieconet@gmail.com

Promy Tabassum, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
tabassum.promy@epa.gov

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

By: _____
[Digital Signature and Date]
Regional Hearing Clerk
U.S. EPA – Region 3