

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

In the Matter of:

**Ailya Chemical Corporation
463 Industrial Park Drive
Mount Pocono, PA 18344**

Respondent.

**Ailya Chemical Corporation
463 Industrial Park Drive
Mount Pocono, PA 18344**

Facility.

:
:
: **DOCKET NO.: RCRA-03-2023-0031**
:
: **CONSENT 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)**
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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 III (“Complainant”) and Ailya Chemical Corporation (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 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(a) of RCRA, 42 U.S.C. § 6928(a) 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 the Resource Conservation and Recovery Act (“RCRA” or the “Act”) 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. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter sent on March 15, 2019, EPA notified the Pennsylvania Department of Environmental Protection (“PADEP”) of 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 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. 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.
13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized 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 Pennsylvania Hazardous Waste Management Regulations (“PaHWR”), 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). EPA last authorized revisions to the Pennsylvania hazardous waste regulations on June 29, 2009, including incorporation by reference of the federal regulations which were in effect as of October 12, 2005. The Code of Federal Regulation citations used herein are to the 2005 Federal regulations, when referring to the Federal regulations incorporated by the Pennsylvania regulations.

14. At its facility, located at 463 Industrial Park Drive, Mount Pocono, PA 18344 (“Facility”), Respondent owns and operates a facility that manufactures dyes, as well as purchases, repackages, and sells a variety of chemicals. Facility personnel reported that Respondent uses solvents in the process, including xylene and aromatic oils, and also uses xylene to clean out mixing tanks between batches. The xylene wash is then collected in 55-gallon drums and is either kept for later use in washing out a mixing tank, for adding directly to a process batch, or shipped offsite for disposal. On January 13, 2015, Respondent submitted a notification to PADEP that the Facility was generating hazardous waste and reporting as a small quantity generator (“SQG”). Subsequently, on June 23, 2015, Respondent notified that it was reporting as a large quantity generator (“LQG”) of hazardous waste because it had generated an off-spec batch of waste that needed to be disposed. In response, PADEP assigned RCRA ID number PAR000547992 to the Facility. From approximately June 2015 through approximately September 3, 2015, Respondent was reporting as an LQG. Although it did not send an updated notification, from September 4, 2015 through the present, Respondent appears to be generating waste in quantities less than that of an LQG.
15. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation organized under the laws of the Commonwealth of Pennsylvania 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. Respondent was, at all times relevant to the allegations in this Agreement, the “operator” and the “owner” of a “facility,” described in Paragraph 14, 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” is defined in 25 Pa. Code § 260a.10.
16. At all times relevant to the allegations described in this Agreement, Respondent “generated” “hazardous waste” at the Facility, including but not limited to xylene and ethyl benzene, with EPA Hazardous Waste Number(s) D001 and F003, as the terms “generate” and “hazardous waste” are defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.
17. On July 24, 2018, EPA representatives conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations.
18. 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 Pennsylvania hazardous waste management regulations set forth at 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, as enumerated below.

Count I
**Operating a hazardous waste storage facility without a permit
or valid exemption to the permitting requirement**

19. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
20. 42 U.S.C. § 6925(a) and 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 storage facility from operating without a permit or valid exemption to the permitting requirement.
21. Respondent had attempted to meet the conditions of the generator permit exemption codified at 40 C.F.R. §§ 262.15 – 262.17.¹
22. Respondent failed to meet the following conditions of the generator permit exemption:
 - a. 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A) – (C), requires the owner of a hazardous waste storage facility to post required information, including emergency coordinator(s) and local emergency responder information, next to the telephone in the Facility as one element of the conditions necessary to qualify for an exemption to the permitting requirement.
 - b. On July 24, 2018, Respondent failed to meet a condition of the generator permit exemption in 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(ii)(A) – (C), when it failed to post required information, including emergency coordinator(s) and local emergency responder information, next to the telephone in the Facility.
 - c. 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(iii), requires the owner of a hazardous waste storage facility to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies as one element of the conditions necessary to qualify for an exemption to the permitting requirement.
 - d. On July 24, 2018, Respondent failed to meet a condition of the generator permit exemption in 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(5)(iii), when it failed to ensure that all employees were thoroughly

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

familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies. Conditions at the Facility, communications with Facility personnel, and a lack of training records at the Facility indicated that Facility personnel were not familiar with proper waste handling and emergency procedures at the time of EPA's Inspection.

- e. 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(2), which further incorporates by reference 40 C.F.R. § 265.171, requires the owner of a hazardous waste storage facility to transfer hazardous waste from a container not in good condition to a container in good condition as one element of the conditions necessary to qualify for an exemption to the permitting requirement.
 - f. On July 24, 2018, Respondent failed to meet a condition of the generator permit exemption in 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34(d)(2), which further incorporates by reference 40 C.F.R. § 265.171, when it failed to transfer hazardous waste xylene (EPA Hazardous Waste Nos. D001, F003), from a rusted container in poor condition to a container in good condition.
- 23. Because Respondent failed to meet the conditions set forth in Paragraph 22, it did not qualify for the generator permit exemption. At the time of the Inspection on July 24, 2018, Respondent did not have a permit to operate a hazardous waste storage facility.
 - 24. At the time of the Inspection on July 24, 2018, Respondent violated 42 U.S.C. § 6925(a) and 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 or valid exemption to the permitting requirement.
 - 25. In failing to comply with 42 U.S.C. § 6925(a) and 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(g) of RCRA, 42 U.S.C. § 6928(g).

Count II
**Failure to transfer hazardous waste from a container that is
not in good condition to a container in good condition**

- 26. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 27. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.171, requires the owner or operator of a hazardous waste storage facility to transfer hazardous waste from a container that is not in good condition to a container in good condition.
- 28. During the Inspection, in the Mixing Room, there was a 55-gallon drum accumulating xylene solvent hazardous waste (EPA Hazardous Waste Nos. D001, F003). This drum

was rusted and not in good condition. The Facility representative told the EPA inspector that the waste xylene needed to be transferred to another drum.

- 29. At the time of the Inspection on July 24, 2018, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.171, by failing to transfer hazardous waste xylene (EPA Hazardous Waste Nos. D001, F003), from a rusted container in poor condition to a container in good condition.
- 30. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.171, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

Count III
Failure to retain LDR form

- 31. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 32. 25 Pa. Code § 268a.1, which incorporates by reference 40 C.F.R. § 268.7(a)(1), requires:
 - (a) *Requirements for generators and reverse distributors* - (1) A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in § 268.40, 268.45, or § 268.49. This determination can be made concurrently with the hazardous waste determination required in § 262.11 of this chapter, in either of two ways: testing the waste or using knowledge of the waste. . . .
- 33. 25 Pa. Code § 268a.1, which incorporates by reference 40 C.F.R. § 268.7(a)(2), requires:
 - If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. . . .
- 34. 25 Pa. Code § 268a.1, which incorporates by reference 40 C.F.R. § 268.7(a)(8), requires:
 - Generators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator. . . .

35. During the Inspection on July 24, 2018, the EPA inspectors requested three years of the Facility's hazardous waste manifests and associated documentation. Respondent's representative provided the only manifest that the Facility had, from when it had shipped 1,100 gallons of hazardous waste flammable liquids (xylene and ethyl benzene) with EPA Hazardous Waste Nos. D001 and F003, on September 3, 2015, under Manifest No. 008177916. There was no Land Disposal Restriction ("LDR") form attached to the Manifest.
36. At the time of the Inspection on July 24, 2018, Respondent violated 25 Pa. Code § 268a.1, which incorporates by reference 40 C.F.R. § 268.7(a)(8), by failing to retain in its file an LDR form which should have been sent with the September 3, 2015 shipment of hazardous waste and retained on-site for three years.

CIVIL PENALTY

37. 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 **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
38. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
39. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, EPA Docket No. RCRA-03-2023-0031;
 - b. All checks shall be made payable to the "United States Treasury";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center

P.O. Box 979077
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Natalie L. Katz
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC40)
katz.natalie@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

40. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
41. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
42. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).

43. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If Payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
44. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
45. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
46. 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 office@ailya-chemical.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

47. 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.
48. 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 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 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.

49. 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

50. 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 RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

51. 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, 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

52. 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 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 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

53. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her 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

54. 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: **AILYA CHEMICAL CORPORATION**

Date: 01.26.2023

By: *Syed Raza*
Syed Raza, Operations Manager

For the Complainant: **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III**

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

By: _____
[*Digital Signature and Date*]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Natalie L. Katz
Sr. Assistant Regional Counsel
U.S. EPA – Region III

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

In the Matter of:	:	
	:	
Ailya Chemical Corporation 463 Industrial Park Drive Mount Pocono, PA 18344	:	DOCKET NO.: RCRA-03-2023-0031
	:	
Respondent.	:	Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)
	:	
Ailya Chemical Corporation 463 Industrial Park Drive Mount Pocono, PA 18344	:	
	:	
Facility.	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Ailya Chemical Corporation, have executed a document entitled “Consent 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 Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein took into account 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 (“RCRA Penalty Policy”).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), as amended, 42 U.S.C. Section 6928(a) and (g), 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 **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), 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 Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of 42 U.S.C. § 6921 et seq., and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: _____

By: _____

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	:	
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Ailya Chemical Corporation	:	DOCKET NO.: RCRA-03-2023-0031
463 Industrial Park Drive	:	
Mount Pocono, PA 18344	:	
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Respondent.	:	Proceeding under Section 3008(a) and (g) of the
	:	Resource Conservation and Recovery Act, as
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	:	
Ailya Chemical Corporation	:	
463 Industrial Park Drive	:	
Mount Pocono, PA 18344	:	
	:	
Facility.	:	
	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III 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:

Mr. Syed Raza, Operations Manager
Ailya Chemical Corporation
463 Industrial Park Drive
Mount Pocono, PA 18344
office@ailya-chemical.com

Copies served via email to:

Natalie Katz
Senior Assistant Regional Counsel
U.S. EPA, Region III
katz.natalie@epa.gov

Rebecca Serfass
Senior Enforcement Officer/Inspector
U.S. EPA, Region III
serfass.rebecca@epa.gov

Date: _____

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