

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Aug 21, 2025

10:49 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

HYDAC CORP.

90 SOUTHLAND DRIVE

BETHLEHEM, PENNSYLVANIA 18017

Respondent.

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U.S. EPA Docket No. RCRA-03-2025-0098

Proceeding under Sections 3008 of the

Resource Conservation and Recovery Act,

42 U.S.C. §§ 6928

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 HYDAC Corp. ("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. Sections 3008 of RCRA, 42 U.S.C. §§ 6928, authorize the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under RCRA for the violations alleged herein.
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), the EPA has given notice to the Pennsylvania Department of Environmental Protection ("PADEP") of the EPA's intent to commence this administrative action against Respondent.

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 as set forth in this Consent Agreement.
8. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the alleged violations of law set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
10. 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.
11. 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.
12. Each Party shall bear its own costs and attorney's fees in connection with this proceeding.
13. 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

14. 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.
15. Effective January 30, 1986, and as revised November 27, 2000, March 22, 2004, and June 29, 2009, the EPA authorized the Commonwealth of Pennsylvania to administer its Hazardous Waste management program ("PaHWR") in lieu of the federal program, including certain provisions implementing the Hazardous and Solid Waste Amendments enacted on November 8, 1984 (Pub. Law No. 98-616), which amended Subtitle C of RCRA. The authorized provisions of the PaHWR codified at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a, thereby became requirements of Subtitle C of RCRA and enforceable by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). *See* 51 Fed. Reg. 1791 (January 15, 1986), 65 Fed. Reg. 57734 (September 26, 2000), 69 Fed. Reg. 2674 (January 20, 2004), and 74 Fed. Reg. 19453 (April 29, 2009).
16. Respondent is a corporation located at 90 Southland Drive, Bethlehem, Pennsylvania.
17. Respondent is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10, and is subject to the assessment of civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g) for the violations alleged herein.
18. At all times relevant to the violations alleged in this Consent Agreement, Respondent owned or operated a manufacturing facility for parts for the hydraulic industry, including diaphragm and bladder accumulators, as well as warehouses of raw materials, located at 90 Southland Drive, Bethlehem, Pennsylvania (hereinafter "the Facility"). HYDAC Corp. was an "owner" or "operator" of a "facility" as these terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and/or as defined in 25 Pa. Code § 260a.10.
19. The Facility has been in its current location since 2012 and is referred to as "Plant 3" or the "accumulator division."
20. Respondent utilizes paint that is solvent-based, and generates paint waste that includes methyl ethyl ketone ("MEK"), hazardous waste code D035, in the paint-gun flushing procedure.

21. Respondent also generates D001 and F005 wastes which are managed as hazardous wastes on the diaphragm accumulator line, as well as spent lab solvents.
22. Respondent is a “generator” of “solid wastes” and “Hazardous Wastes,” and has engaged in the “storage” in “containers” at the Facility of Hazardous Wastes as those terms are defined in 25 Pa. Code § 260a.10 and 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1, including but not limited to, Hazardous Wastes having EPA Hazardous Waste codes D001, D035, F003, and F005, as specified in 40 C.F.R. §§ 261.21-.24, incorporated by reference in 25 Pa. Code § 261a.1.
23. On March 6, 2024, the EPA conducted a compliance evaluation inspection of the Facility (“the Inspection”) to determine Respondent’s compliance with RCRA Subtitle C and the PaHWR.
24. On November 22, 2024, the EPA issued a Notice to Show Cause to Respondent identifying potential RCRA violations at the Facility, including the violations alleged herein.
25. On December 2, 2024, December 13, 2024, and March 28, 2025, Respondent provided written responses to the Notice to Show Cause, providing additional information to the EPA relating to the alleged violations and corrective action taken.

Count 1

Operating Without a Permit or Interim Status

26. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
27. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), requires that 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.
28. Generators can be exempt from the permit requirement for accumulating and storing hazardous waste if they comply with certain requirements pursuant to 25 Pa. Code § 270a.1(b), incorporating 40 C.F.R. § 270.1(c)(2) by reference, and 25 Pa. Code § 262a.10, incorporating 40 C.F.R. Part 262 by reference.

29. Generators may accumulate hazardous waste on-site without a permit or interim status if they comply with the requirements of 25 Pa. Code § 262a.10 which incorporates 40 C.F.R § 262.34¹ by reference.
30. For the following reasons 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 25 Pa. Code § 270a.1, which incorporates 40 C.F.R. § 270.1(b) by reference:
 - a. Failure to Maintain Satellite Hazardous Waste Container at the Point of Generation or Under the Control of the Operator
 - i. Pursuant to 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(c)(1) by reference, “[a] generator may accumulate as much as 55 gallons of hazardous waste . . . in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with [40 C.F.R. § 262.34(a)]”
 - ii. At the Inspection, the EPA observed a one (1) gallon container collecting hazardous waste- including MEK, heptane, and oil in the Cleanliness Lab.
 - iii. Respondent’s representative stated that when one of these containers is half full, it is emptied into a 55-gallon drum located outside of the Cleanliness Lab in the Lab Staging Area. This 55-gallon drum was not at the point of generation or under the control of the operator.
 - iv. Respondent failed to maintain a satellite hazardous waste container at the point of generation and under the control of the operator, and therefore does not satisfy the conditions outlined in 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(c)(1) by reference,

¹ On November 28, 2016, the EPA re-codified the generator permit exemption, effective on May 30, 2017, pursuant to a regulation known as the Hazardous Waste Generator Improvement Rule (the “HWGIR”). The federal requirements previously found in 40 C.F.R. § 262.34 are now codified at 40 C.F.R. §§ 262.15-262.17. The Commonwealth of Pennsylvania has incorporated by reference the EPA HWGIR re-codification, with minor amendments. EPA has not yet approved these revisions to the PaHWMR. Accordingly, this Consent Agreement references authorized regulations previously found at 40 C.F.R. § 262.34 and 25 Pa. Code § 262a.10, rather than the current regulations found at 40 C.F.R. § 262.17 and 25 Pa Code § 262a.17, respectively.

and was therefore required to comply with 40 C.F.R. § 262.34(a) in order to operate without a permit or interim status.

b. Failure to Properly Mark Excess Hazardous Waste Container with Accumulation Start Date

- i. Pursuant to Pa. Code. § 262a.10, which incorporates 40 C.F.R. § 262.34(c)(2) by reference, a generator who generates hazardous waste in a satellite accumulation area in excess of 55 gallons at or near the point of generation “must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.” If a generator cannot meet the requirements for accumulation of hazardous waste in a satellite accumulation area, it can comply with the requirements of 40 C.F.R. § 262.34(a) in order to operate without a permit or interim status.
- ii. At the Inspection, the EPA observed two fifty-five (55) gallon drums of MEK, hazardous waste code D0035, positioned front-to- back on the Paint Line.
- iii. The front drum was full and labeled with an accumulation start date of June 3, 2022, and the rear drum was in use and labeled with an accumulation start date of January 8, 2021. At the time of the Inspection, both drums were being used as satellite accumulation containers.
- iv. According to Respondent’s representatives, “Accumulation Start Date” labels are preprinted in bulk, and thus did not accurately relay the start dates of waste accumulation and the actual start date of these drums could not be ascertained.
- v. As Respondent was accumulating hazardous waste in two drums in a satellite accumulation area; the second drum should have been labeled for excess accumulation and marked with the date the excess amount began accumulating, but it was not.
- vi. Respondent failed to meet the conditions outlined in 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(c)(2) by reference, by failing to mark the actual date excess hazardous waste began accumulating on an excess hazardous waste container.
- vii. The failure to properly mark the date upon which each period of hazardous waste accumulation began also means that Respondent

did not meet the exemption requirement under 40 C.F.R. § 262.34(a)(2).

c. Open Container of Hazardous Waste When Not Adding or Removing Waste

- i. 25 Pa. Code 262a.10, which incorporates 40 C.F.R. § 262.34(a) by reference states, "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 waste is placed [] in containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR part 265" 40 C.F.R. § 265.173(a) requires that "[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."
- ii. At the Inspection, the EPA observed a drum at the paint line with a hazardous waste label for MEK, D0035, dated January 1, 2021. This drum had an open funnel and was not closed. Waste was not being added to or removed from the drum at the time of the Inspection.
- iii. Additionally, inside the paint booth, a fifty-five (55) gallon drum was observed containing only the manufacturer's label, with a plastic tube running into an open bung. Waste was not being added to or removed from the drum at the time of the Inspection.

d. Failure to Properly Label a Container Containing Hazardous Waste

- i. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3), a generator may accumulate up to fifty-five (55) gallons of hazardous waste without a permit or interim status only if "[w]hile being accumulated on-site, each container and tank is labeled or marked clearly with the words, 'Hazardous Waste.'"
- ii. At the Inspection, the EPA observed a drum on the paint line in front of a yellow cabinet, positioned on a pallet. The drum contained waste generated from the cleaning of paint guns. The side of the drum had a manufacturer's label for "S/W METHYL ETHYL KETONE TECH LIQ." The top of the drum had a "NON-RCRA REGULATED WASTE" label for "Empty Mek Drums/Pails." No hazardous waste label was observed on the drum.

- iii. The EPA also observed a fifty-five (55) gallon drum inside the Paint Booth. According to Respondent's representative, this drum received paint waste including MEK, a hazardous waste. The drum had only the manufacturer's original label, and no hazardous waste label was observed.

e. Failure to Provide Annual Refresher Training

- i. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4), allows a generator to accumulate hazardous waste without a permit or interim status only if the generator complies with 40 C.F.R. § 265.16, which requires that Facility personnel undergo an annual review of required training to ensure proper hazardous waste disposal.
 - ii. Upon review of Respondent's hazardous waste training records, the EPA observed that no training certifications were observed for two (2) employees, both of whom sign hazardous waste manifests. Further, no training records were observed for calendar years 2021 and 2022.
- 31. Respondent failed to have either a Hazardous Waste permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1, at any time during the period when violations are alleged.
 - 32. At the time of the Inspection, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b) by operating as a hazardous waste storage facility without interim status or a permit to treat, store, and/or dispose of hazardous waste or without meeting the requirements listed in 40 C.F.R. § 262.34.
 - 33. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to Notify as a Large Quantity Generator of Hazardous Waste

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

35. 25 Pa. Code § 262a.12(b)(v) requires that a generator notify the Pennsylvania Department of Environmental Protection if the generator's facility class changes, except when the change is temporary.
36. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 260.10, a small quantity generator ("SQG") is "...a generator who generates less than 1000 kg [2200 lbs] of hazardous waste in a calendar month."
37. Respondent notified as SQG of hazardous waste since June 21, 2013, until at least the date of the Inspection.
38. A review of Respondent's hazardous waste manifests indicates that Respondent generated greater than or equal to 2,200 lbs. of hazardous waste in seven (7) separate months over the period of May 2021 to November 2023:

Manifest Number	Ship Date	Waste Quantity (lbs)
013794661FLE and 013794662FLE	May 7, 2021	2,750
016411840FLE and 016411839FLE	August 6, 2021	2,875
016275757FLE and 016275761FLE	February 4, 2022	2,700
016273983FLE	April 1, 2022	2,450
017250804FLE and 017250805FLE	September 2, 2022	2,240
017758117FLE and 017758116FLE	June 23, 2023	2,400
017753000FLE and 017753054FLE	November 10 and 21, 2023	2,950

39. Despite exceeding the SQG threshold on seven separate occasions, Respondent did not submit to PADEP to revise the Facility's status from SQG to Large Quantity Generator ("LQG"), as required.
40. For the periods identified above, Respondent violated 25 Pa. Code § 262a.12(b)(1)(v) by failing to notify PADEP of the Facility's change in status.
41. In failing to comply with 25 Pa. Code § 262a.12(b)(1)(v), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 3

Failure to Keep Containers of Hazardous Waste Closed When Not Adding or Removing Waste

42. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
43. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), provides that a container holding Hazardous Waste "must always be closed during storage, except when it is necessary to add or remove waste."
44. The EPA observed an open drum with a funnel located at the paint line. The drum was labeled as hazardous waste for "Mek Cleaner" dated January 8, 2021. Waste was not being added or removed from this drum at the time of the Inspection.
45. Additionally, inside the paint booth, an open fifty-five (55) gallon drum with a plastic tube into an open bung. Waste was not being added or removed at the time of the time of the Inspection.
46. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep containers holding Hazardous Waste closed during storage, except when it is necessary to add or remove waste.
47. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4

Failure to Properly Label Container, and Failure to Demonstrate Length of Time of Accumulation of Universal Waste

48. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
49. 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.14(a), requires universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste — Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
50. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, and 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.
51. At the time of the Inspection, the EPA observed an open blue container with used batteries in the FCU Lab. This container was located inside of a closed cabinet, and was not labeled, nor did the Respondent's representative know how long the batteries had been accumulating.
52. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.14(a), by not labeling the universal waste.
53. In failing to comply with 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.14(a), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 5

Open Container, Failure to Label a container, and Failure to Demonstrate the Length of Time of Accumulation of Universal Waste Lamps

54. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
55. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), requires that "[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 and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions."

56. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), requires “[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).’”
57. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, and 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.
58. Respondent is a small quantity handler of universal waste.
59. At the Inspection, the EPA observed an open box containing used lamps against the wall of the Compressor Room. The side of the box read “GLASS LED TUBE.” No other labels were observed on the box. Near the box, the EPA observed four (4) lamps inside of a fixture, on the ground.
60. According to Respondent’s representative, the lamps were a waste, and there was no indication of how long the waste lamps had been accumulating.
61. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. §§ 273.13, 14, and 15, by failing to store universal waste lamps in a closed container, failing to properly label said container, and failing to properly demonstrate the length of time the universal waste lamps had been accumulating.
62. In failing to comply with 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. §§ 273.13, 14, and 15, Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 6

Failure to Provide Annual Refresher Training

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

64. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), requires Facility personnel to undergo an annual review of required training to ensure proper hazardous waste disposal.
65. At the Inspection, a review of Respondent's hazardous waste training records indicated that Respondent did not have training certifications for two (2) employees who both signed hazardous waste manifests.
66. Additionally, no training records were observed for calendar years 2021 and 2022.
67. Respondent violated 25 Pa. Code § 264.1, which incorporates by reference 40 C.F.R. § 264.16(c), by failing to provide hazardous waste training in calendar years 2021 and 2022.
68. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(c), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 7

Failure to Submit Biennial Reports

69. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
70. 25 Pa. Code § 262a.10 incorporates by reference 40 C.F.R. § 262.41(a) requires a "generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a Biennial Report to the Regional Administrator by March 1 of each even numbered year, covering the generator activities of the previous year.
71. At the time of the Inspection, EPA Inspectors noted that Respondent had not submitted a 2024 biennial report (due March 1, 2024), or a 2022 biennial report (due March 1, 2022) as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41(a).
72. In failing to comply with 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41(a), Respondent violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

73. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Seventy-Four Thousand dollars (\$74,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
74. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in RCRA, Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's 1990 RCRA Civil Penalty Policy, as revised June 2003 and May 6, 2020 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at RCRA, Sections 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), 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.
75. Respondent agrees to pay a civil penalty in the amount of \$74,000 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
76. 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>. Any checks should be made payable to, "Treasurer, United States of America." However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA's How to Make a Payment website and will not pay with a paper check.
77. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2025-0098,
 - 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):

Lauren Zarrillo

Assistant Regional Counsel
zarrillo.lauren@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Division
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

78. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service (“IRS”) large corporate underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
 - b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.
- 79. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
 - a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.
- 80. 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.
- 81. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
- 82. Subject to paragraph 75, 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 the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

83. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: zarrillo.lauren@epa.gov (for Complainant), and lbrown@duanemorris.com (for Respondent).
84. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, **including** amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:
 - a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
 - b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
 - c. Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
 - d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:

- i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 91 and
- ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

85. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
86. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

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

OTHER APPLICABLE LAWS

88. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final

Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

89. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its Effective Date.

EXECUTION /PARTIES BOUND

90. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

91. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

92. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon

between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: HYDAC Corp.

EPA Docket No. RCRA-03-2025-0098

For Respondent: HYDAC Corp.

Date: 06/30/2025

By:

A large black rectangular redaction box covering the signature of the respondent.

Keith Moser, Chief Financial Officer
and Vice President of Finance

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: **ANDREA BAIN** Digitally signed by
ANDREA BAIN
Date: 2025.08.21
08:38:19 -04'00'
[Digital Signature and Date]
Acting Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **LAUREN ZARRILLO** Digitally signed by
LAUREN ZARRILLO
Date: 2025.08.20
10:56:27 -04'00'
[Digital Signature and Date]
Lauren Zarrillo
Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Aug 21, 2025

10:49 am

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:

HYDAC, CORP.
90 SOUTHLAND DRIVE
BETHLEHEM, PENNSYLVANIA 18017

Respondent.

:
:
: U.S. EPA Docket No. RCRA-03-2025-0098
:
: Proceeding under Sections 3008 of the
: Resource Conservation and Recovery Act, 42
: U.S.C. §§ 6928
:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, HYDAC Corp., 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.

NOW, THEREFORE, PURSUANT TO Section 3008 of RCRA, 42 U.S.C. Section 6928, 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 **SEVENTY-FOUR THOUSAND DOLLARS (\$74,000.00)**, 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 RCRA 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.

By: **DONZETTA THOMAS** Digitally signed by
DONZETTA THOMAS
Date: 2025.08.21
10:05:19 -04'00'
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
HYDAC, CORP.	: U.S. EPA Docket No. RCRA-03-2025-0098
90 SOUTHLAND DRIVE	:
BETHLEHEM, PENNSYLVANIA 18017	: Proceeding under Sections 3008 of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. §§ 6928
	:

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:

Lindsay Ann Brown, Esq.
Duane Morris
lbrown@duanemorris.com
40 Lake Center Drive
401 Route 73 North, Ste. 200 Marlton, New Jersey 08053

Lauren Zarrillo
Assistant Regional Counsel
U.S. EPA, Region 3
Zarrillo.lauren@epa.gov

Jeremey Dearden
Enforcement Officer
U.S. EPA, Region 3
Dearden.jeremey@epa.gov

JEANNINE
GRAFF

Digitally signed by
JEANNINE GRAFF
Date: 2025.08.21
10:52:11 -04'00'

[Digital Signature and Date]

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

