

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

FILED

Apr 21, 2025

8:33 am

U.S. EPA REGION 3
HEARING CLERK

IN THE MATTER OF:)	DOCKET NO.: RCRA-03-2025-0027
)	
ERIE PLATING COMPANY)	
656 W 12 TH STREET)	EXPEDITED SETTLEMENT AGREEMENT AND
ERIE, PA 16501)	FINAL ORDER
)	
Respondent,)	Proceeding under Section
)	3008(a) and (g) of the Resource Conservation
)	and Recovery Act, as amended, 42 U.S.C.
ERIE PLATING COMPANY)	§ 6928(a) and (g)
656 W 12 TH STREET)	
ERIE, PA 16501)	
)	
Facility)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. Erie Plating Company ("Respondent"), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized 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 Code ("PaHWC"), codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a ("PAHMWR"), have thereby become requirements of RCRA Subtitle C and are

- enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. On September 27, 2024, EPA sent a letter to Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 5. At its facility, located at 656 W 12th Street, Erie, Pennsylvania 16501 (“Facility”), Respondent operates a metal plating process in which it plates parts of varying metal types including steel, stainless steel, brass, and aluminum. At the time of the inspection, the Facility had nine (9) plating operations: zinc cyanide, nickel, anodize line, passivate line, chromate line, cadmium cyanide, tin, gold, and silver. Hazardous waste generated by the Facility includes, but is not limited to, acid and alkaline solutions, spent silver and gold-contaminated filters, and waste filter cake from on-site wastewater treatment unit. On October 22, 2022, Respondent submitted a notification to PADEP that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and PADEP assigned RCRA ID No. PAD005031448 to the Facility. Respondent does not have a RCRA permit or interim status for the treatment, storage, or disposal of hazardous waste at the Facility.
 6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility,” “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code §§ 260a.1 and 260a.10.
 7. At all times relevant to the allegations described in this Agreement, Respondent “stored” “hazardous waste” at the Facility, including but not limited to acid and alkaline solutions, spent filters, chrome solution, blast medium, and lab waste with EPA Hazardous Waste Code(s) D001, D002, D003 D006, D007, D0008, D011, F006, F007, F008, F009, and P106, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code §§ 260a.1 and 260a.10.
 8. On September 06-07, 2023, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
 9. Based on the observations during the inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized PAHWMR, set forth in the 25 Pa. Code Ch. 260a-266a, 266b, 268a and 270a et seq.

10. Complainant has identified the following violations at the Facility:

- a. On September 6 and 7, 2023, Respondent failed to make a hazardous waste determination at the point of generation in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11(a). On September 6, 2023, the inspector observed eight (8) 275-gallon totes dated from 2019 that the Facility determined to be a hazardous waste approximately 1.5 months before the inspection. The Facility representative stated the totes were moved from the process area to the waste area on 8/17/23 and 8/3/23.
- b. On September 6 and 7, 2023, Respondent failed to maintain a satellite accumulation area ("SAA") container at the point of generation in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(c)(1). On September 6, 2023, the inspectors observed one (1) 55-gallon container used to collect hazardous waste ("HW") filters from the cyanide process line, which was considered a SAA container by the Facility. The waste filters collected in the container were generated from cyanide lines that were located across the building, and the SAA 55-gallon container was not located at the point of generation.
- c. On September 6 and 7, 2023, Respondent failed to close SAA containers of HW when not adding or removing waste, in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.173(a). On September 6, 2023, the inspector observed one (1) SAA container on the Production Floor of the nickel line with the lid resting on top of the drum and not secured.
- d. On September 6 and 7, 2023, Respondent failed to keep a container holding HW closed at all times except when adding or removing HW, in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i). On September 6, 2023, the inspector observed an open roll-off container of F006 HW filter cake.
- e. On September 6 and 7, 2023, Respondent failed to label containers of HW with the words "Hazardous Waste," in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a). On September 6, 2023, the inspector observed 10 HW containers in the Main Building Basement that were not labeled with the words "Hazardous Waste".
- f. On September 6 and 7, 2023, Respondent failed to mark containers of HW with the accumulation start date, in violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a). On September 6, 2023, the inspector observed 10 HW containers in the Main Building Basement that were not marked with an accumulation start date.

- g. On September 6 and 7, 2023, Respondent failed to provide documentation to show that waste filters going for reclamation were not being speculatively accumulated, in violation of 25 Pa. Code § 266a.70, which incorporates by reference 40 C.F.R. § 266.70(c). On September 6 and 7, 2023, the inspector inquired about the waste filters that are sent off-site for reclamation of its silver and gold content. The Facility did not have records to document that the waste filters are not speculatively accumulated. During the inspection, the Facility also stated that the waste filters had not been shipped off-site in calendar year 2023, and the Facility was unsure if any waste filters were sent offsite for reclamation in calendar year 2022. The last manifest which documented the offsite shipment of waste filters was dated 1/11/21.
 - h. On September 6 and 7, 2023, Respondent failed to keep universal waste ("UW") lamp containers closed in violation of 25 Pa. Code § 266b, which incorporates by reference 40 C.F.R. § 273.13(d). On September 6, 2023, the inspector observed an open box of UW lamps in the Production Floor.
- 11. Complainant and Respondent agree that settlement of this matter for a total penalty of **TEN THOUSAND DOLLARS (\$10,000.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.
 - 12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **TEN THOUSAND DOLLARS (\$10,000.00)** to "United States Treasury" with the case name, address, and docket number of this Agreement (RCRA-03-2025-0027), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>
 - 13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Nicole Okino, Inspector (3ED22)
U.S. EPA, Region 3
okino.nicole@epa.gov

and

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

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

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

For Respondent: Erie Plating Company

Date: 03/27/2025

By:



Name: Leslie Thompson

Title: Director of Support Operations

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

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

Melvin,
Karen

Digitally signed by Melvin,
Karen
Date: 2025.04.10
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[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Erie Plating Company, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement 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"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty in the amount of **TEN THOUSAND DOLLARS (\$10,000.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

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

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.04.21
08:22:29 -04'00'

[Digital Signature and Date]

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:


Copies served via email to:

Leslie Thompson, Director of Support Operations
Erie Plating Company
ltompson@erieplating.com
 656 W 12th Street
 Erie, PA 16501

Nicole Okino
Inspector/Enforcement Officer
U.S. EPA, Region 3

Okino.nicole@epa.gov

BEVIN
ESPOSITO

 Digitally signed by BEVIN ESPOSITO
Date: 2025.04.21 08:35:24 -04'00'

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3