

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



In the Matter of: :
: :
Hazleton Oil and Environmental, Inc. : U.S. EPA Docket No. RCRA-03-2024-0138
300 Tamaqua Street : :
Hazleton, PA 18201 : Proceeding under Section 3008(a) and (g) of the
: Resource Conservation and Recovery Act, 42
Respondent. : U.S.C. Section 6928(a) and (g)
: :
:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Hazleton Oil and Environmental, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), 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. Section 3008(a) of RCRA, 42 U.S.C. Section 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 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 (“the 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. The EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of 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.
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. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the Pennsylvania Hazardous Waste Management Program), implemented through the Pennsylvania Hazardous Waste Management Regulations (“PAHWMR”), in lieu of the federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939(g). Effective January 30, 1986, the Pennsylvania Hazardous Waste Management Program was

authorized by the EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b) and 40 C.F.R. Part 271, Subpart A, and the PAHWMR thereby became requirements of RCRA Subtitle C 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). The EPA authorized the PAHWMR that incorporate, with certain exceptions, specific provisions of Title 40 of Code of Federal Regulations by reference that were in effect as of October 12, 2005.

14. Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania.
15. 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.
16. Respondent owns and operates a waste oil facility located at 300 Tamaqua Street in Hazleton, PA (“the Facility”).
17. Respondent is, and at all times relevant to the violations alleged herein was, the “owner” and “operator” of the Facility as the terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1.
18. 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 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1.
19. At all times relevant to the allegations set forth in this Consent Agreement and Final Order, the Facility identified as a Large Quantity Generator (“LQG”) of hazardous waste, as the term is defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1. The Facility operates under the generator permit exemption in lieu of holding a RCRA Subtitle C Permit or interim status for the treatment, storage or disposal of hazardous waste at the Facility.
20. On July 25, 2019, the EPA conducted a compliance evaluation inspection of the Facility (the “Inspection”) to determine Respondent’s compliance with RCRA Subtitle C and the PAHWMR.

21. On June 4, 2020; November 3, 2020; and July 16, 2021, the EPA sent Information Request Letters (“IRLs”) to Respondent.
22. Based on the EPA’s findings during the Inspection and information Respondent provided to the EPA, the EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and the PAHWMR.

Count 1
**Operation of a Treatment, Storage or Disposal Facility Without
a Permit or Interim Status**

23. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
24. Pursuant to 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), a person may not own or operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility or has qualified for interim status for the facility.
25. Respondent did not have a hazardous waste permit or interim status pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference, at any time during the period when violations are alleged.
26. At the time of the Inspection, the EPA observed the following deficiencies in Respondent’s LQG management practices, as detailed in the subsections below. In failing to comply with 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), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

A. Acceptance of Hazardous Waste for Disposal

27. During the Inspection, Respondent informed the EPA personnel that part of Respondent’s operations at the Facility involved a parts washer exchange business, whereby Respondent would provide its customers with a virgin parts washer solution to be used to remove contaminants or debris, such as dirt, grime, carbon, oil, grease, metal chips, and other substances from machines and/or tools used in Respondent’s customers’ businesses.
28. Once the parts washer solution was spent and could no longer be used for its intended purpose, Respondent would collect the spent parts washer solution from a customer’s

business and provide the customer with a fresh supply of virgin parts washer solution.

29. Respondent disposed of the spent parts washer solution by either mixing it with used oil or using the spent parts washer solution to clean oil residue from the Building 3 floor of Respondent's Facility. After being used to clean the Building 3 floor, the spent parts washer solution was transferred into the Building 3 containment pit.
30. During the Inspection, the EPA personnel collected a sample of spent parts washer solution and tested the sample to see whether the spent parts washer solution was a characteristic hazardous waste.
31. Toxicity Characteristic Leaching Procedure ("TCLP") testing revealed that the sample of spent parts washer solution gathered during the Inspection displayed the hazardous characteristic of Ignitability (D001) and the hazardous characteristic of toxicity for benzene (D018) as well as tetrachloroethylene (D039). Additionally, on November 18, 2022, Respondent analyzed a different sample of spent parts washer solution that exhibited the characteristic of toxicity for tetrachloroethylene (D039).
32. By accepting hazardous waste for disposal at its Facility, at the time of the Inspection, Respondent was operating a Hazardous Waste Treatment, Storage, or Disposal Facility.
33. By operating a Hazardous Waste Treatment, Storage, or Disposal Facility without a permit, at the time of the Inspection Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b).
34. By violating 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 Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

B. Failure to Label Containers of Hazardous Waste with the Words "Hazardous Waste"

35. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), with exceptions not relevant herein, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 262.34(a)(3). 40 C.F.R. § 262.34(a)(3) requires that, "While being accumulated on site, each container and tank is labeled or marked clearly with the words, 'Hazardous Waste.'"
36. At the time of the Inspection, the EPA personnel observed that a 275-gallon tote containing spent parts washer solution was not marked clearly with the words "Hazardous Waste."
37. The EPA personnel took a sample from the 275-gallon tote containing spent parts washer

solution. TCLP testing revealed that the sample of spent parts washer solution gathered during the Inspection displayed the hazardous characteristic of Ignitability (D001) and the hazardous characteristic of toxicity for benzene (D018) as well as tetrachloroethylene (D039).

38. At the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(3), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to clearly label or mark containers of hazardous waste with the words, 'Hazardous Waste,'" while the waste was being accumulated on-site.

C. Failure to Properly Maintain and Operate a Facility

39. Pursuant to 40 C.F.R. § 262.34(a)(4), which 25 Pa. Code § 262a.10 incorporates by reference, "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he generator complies with the requirements for owners or operators" in Subpart C of 40 C.F.R. Part 265.
40. Pursuant to 40 C.F.R § 265.31, "[f]acilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment."
41. During the Inspection, Respondent informed the EPA personnel that Respondent used spent parts washer solution to clean oil residue from the floor of Building 3 at the Facility. Specifically, an employee of Respondent would pour an amount of spent parts washer solution on the floor and use a squeegee to collect oil residue and push it into a containment pit located under the floor in Building 3.
42. TCLP testing revealed that the sample of spent parts washer solution gathered during the Inspection displayed the hazardous characteristic of Ignitability (D001) and the hazardous characteristic of toxicity for benzene (D018) as well as tetrachloroethylene (D039).
43. By not containerizing a hazardous waste that displayed the characteristic of ignitability (D001) and characteristics of toxicity for benzene (D018) and tetrachloroethylene (D039) and using that hazardous waste to clean oil residue from the floor, Respondent failed to operate its Facility in such a manner as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste.
44. At the time of the Inspection, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(4), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

D. Failure to Obtain a Written Assessment of Tank System Integrity by a Professional Engineer

45. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), which 25 Pa. Code § 262a.10 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he waste is placed [i]n tanks and the generator complies with the applicable requirements of subpart J of 40 C.F.R. Part 265.”
46. Pursuant to 40 C.F.R. § 265.192(a), owners or operators of new tank systems are required to obtain “a written assessment, reviewed and certified by a qualified Professional Engineer . . . attesting that the tank has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.”
47. Pursuant to 25 Pa. Code § 260a.10, which incorporates by reference 40 C.F.R. § 260.10, a “new tank system” is defined as a tank system “that will be used for the storage or treatment of hazardous waste and for which installation has commenced after January 16, 1993,” or in some cases, “for which construction commences after January 16, 1993.”
48. During the Inspection, Respondent informed the EPA personnel that Respondent used spent parts washer solution to clean oil residue from the floor of Building 3 at the Facility. Specifically, an employee of Respondent would pour an amount of spent parts washer solution on the floor and use a squeegee to collect oil residue and push it into a containment pit located under the floor in Building 3.
49. In discussions with the EPA subsequent to the Inspection, Respondent informed the EPA personnel that the containment pit was constructed in or around August of 1997. The containment pit therefore meets the definition of a “new tank system” in 25 Pa. Code § 260a.10.
50. During the Inspection, the EPA personnel took samples from a 275-gallon tote containing spent parts washer solution and from the containment pit located under the floor in Building 3. TCLP testing revealed that the spent parts washer solution displayed the hazardous waste characteristic of ignitability (D001) and the hazardous waste characteristics of toxicity for benzene (D018) and tetrachloroethylene (D039). TCLP testing of the material in the containment pit revealed its contents displayed the hazardous waste characteristics of toxicity for: cadmium (D006), chromium (D007), lead (D008), and tetrachloroethylene (D039).
51. At the time of the Inspection, Respondent had not obtained a written assessment by a Professional Engineer that satisfied the requirements of 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.192(a).
52. At the time of the Inspection, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(1)(ii), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to obtain a

written assessment by a Professional Engineer that satisfied the requirements of 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.192(a) for the containment pit.

E. Failure to Provide Tank System with Secondary Containment

53. Pursuant to 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(a)(1)(ii) by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he waste is placed [i]n tanks and the generator complies with the applicable requirements of subpart J of 40 C.F.R. Part 265.”
54. Pursuant to 25 Pa. Code § 265a.1, which incorporates 40 C.F.R. § 265.193(a)(1) by reference, an owner or operator must provide secondary containment that meets the requirements of 40 C.F.R. § 265.193 for all new tank systems prior to their being put into service.
55. At the time of the Inspection, because the material in the containment pit located beneath the floor in Building 3 contained hazardous waste with the following characteristics: cadmium (D006), chromium (D007), lead (D008), and tetrachloroethylene (D039), the containment pit was required to have secondary containment pursuant to 25 Pa. Code § 265a.1, which incorporates 40 C.F.R. § 265.193(a)(1) by reference.
56. During the Inspection, the EPA personal observed that the containment pit located beneath the floor in Building 3 did not have any form of secondary containment.
57. At the time of the Inspection, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(1)(ii), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to provide secondary containment that meets the requirements of 40 C.F.R. § 265.193 for the containment pit prior to it being put into service.

F. Failure to Conduct Daily Inspections of Tank System

58. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), which 25 Pa. Code § 262a.10 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he waste is placed in tanks and the generator complies with the applicable requirements of subpart J of 40 C.F.R. Part 265.”
59. Pursuant to 40 C.F.R. § 265.195(a), an owner or operator must inspect, where present, at least once each operating day: (1) Overfill/spill control equipment to ensure that it is in good working order; (2) The above ground portions of the tank system, if any, to detect corrosion or releases of waste; (3) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and (4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste.

- 60. During the Inspection, the EPA personnel observed that Respondent had not conducted inspections in accordance with the requirements of 40 C.F.R. § 265.195(a).
- 61. At the time of the Inspection, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(1)(ii), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to conduct daily inspections of the tank system.

G. Failure to Conduct Weekly Inspections of Hazardous Waste Container Storage Area

- 62. Pursuant to 40 C.F.R. § 262.34(a)(1)(i), which 25 Pa. Code § 262a.10 incorporates by reference, “a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that...[t]he waste is placed [i]n containers and the generator complies with the applicable requirements of subpart I of 40 C.F.R. Part 265.”
- 63. Weekly inspections of a facility’s hazardous waste container storage areas are required by 40 C.F.R. § 265.174.
- 64. During the Inspection, the EPA personnel noted that the Facility’s standard practice was to document weekly inspections conducted pursuant to 40 C.F.R. § 265.174.
- 65. During the Inspection, the EPA personnel observed that the Facility was missing records of weekly inspections of the Facility’s hazardous waste container storage area for the following weeks: January 23, 2019; January 30, 2019; February 6, 2019; February 13, 2019; February 20, 2019; February 27, 2019; March 6, 2019; March 13, 2019; March 20, 2019; April 3, 2019; April 10, 2019; April 17, 2019; April 24, 2019; May 1, 2019; May 8, 2019; and May 15, 2019.
- 66. The EPA personnel concluded that Respondent did not conduct inspections of the Facility’s hazardous waste container storage area during the weeks where there was no record of an inspection being conducted.
- 67. At the time of the Inspection, Respondent did not meet the requirements of 40 C.F.R. § 262.34(a)(1)(i), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to conduct weekly inspections of Facility’s hazardous waste container storage areas.

Count 2

Failure to Make a Hazardous Waste Determination

- 68. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 69. 25 Pa. Code § 262a.10 incorporates 40 C.F.R. § 262.11 by reference. Per 40 C.F.R. § 262.11, a generator must determine if that waste is a hazardous waste using the following

method: (a) First determine if the waste is excluded from regulation under 40 C.F.R. § 261.4; (b) Then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261; (c) For purposes of compliance with 40 C.F.R. part 268, or if the waste is not listed in subpart D of 40 C.F.R. part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. part 261 by either: (1) Testing the waste according to the methods set forth in subpart C of 40 C.F.R. part 261, or according to an equivalent method approved by the Administrator under 40 C.F.R. § 260.21; or (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used; (d) If the waste is determined to be hazardous, the generator must refer to 40 C.F.R. parts 261, 264, 265, 266, 268, and 273 for possible exclusions or restrictions pertaining to management of the specific waste.

70. During the Inspection, the EPA personnel noted that the Facility concluded that the spent parts washer solution and the material in the containment pit located beneath the floor in Building 3 were not hazardous wastes by applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
71. During the Inspection, the EPA personnel observed that the Facility did not manage the spent parts washer solution or the contents of the containment pit as hazardous waste.
72. During the Inspection, the EPA personnel took a sample of the spent parts washer solution and a sample of the material in the containment pit located under the floor in Building 3. TCLP testing revealed that the spent parts washer solution displayed the hazardous waste characteristic of ignitability (D001) and the hazardous waste characteristics of toxicity for benzene (D018) and tetrachloroethylene (D039). TCLP testing of the material in the containment pit revealed its contents displayed the hazardous waste characteristics of toxicity for: cadmium (D006), chromium (D007), lead (D008), and tetrachloroethylene (D039).
73. At the time of the Inspection, Respondent violated 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.11 by reference, when it failed to make an accurate hazardous waste determination on the spent parts washer solvent and the contents of the containment pit that were present at the Facility at the time of the Inspection.
74. Additionally, at the time of the Inspection through the present, the Facility failed to make an accurate hazardous waste determination on the following waste streams generated at the Facility: waste aerosol cans, waste gas filters, and waste sludge removed from the containment pit located under the floor in Building 3 that is shipped offsite for disposal.
75. Respondent violated 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.11 by reference, by failing to make hazardous waste determinations as detailed above.
76. In failing to comply with 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.11 by reference, Respondent 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 Properly Maintain and Operate a Facility

77. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
78. Pursuant to 25 Pa. Code § 264.1a, which incorporates 40 C.F.R § 264.31 by reference, “[f]acilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.”
79. During the Inspection, Respondent informed the EPA personnel that Respondent used spent parts washer solution to clean oil residue from the floor of Building 3 at the Facility. Specifically, an employee of Respondent would pour an amount of spent parts washer solution on the floor and use a squeegee to collect oil residue and push it into a floor drain connected to a containment pit located under the floor in Building 3.
80. TCLP testing revealed that the sample of spent parts washer solution gathered during the Inspection displayed the hazardous characteristic of Ignitability (D001) and the hazardous characteristic of toxicity for benzene (D018) as well as tetrachloroethylene (D039).
81. By not containerizing a hazardous waste that displayed the characteristic of ignitability (D001) and characteristics of toxicity for benzene (D018) and tetrachloroethylene (D039) and using that hazardous waste to clean oil residue from the floor, at the time of the Inspection Respondent failed to operate its facility in such a manner as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste, in violation of 25 Pa. Code § 264.1a, which incorporates 40 C.F.R § 264.31 by reference.
82. At the time of the Inspection, Respondent violated 25 Pa. Code § 264.1a, which incorporates 40 C.F.R § 264.31 by reference, by failing to maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
83. In failing to comply with 25 Pa. Code § 264.1a, which incorporates 40 C.F.R § 264.31 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 4

Failure to Obtain Professional Engineer-Certified Written Assessment of

Tank System Integrity

84. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
85. Pursuant to 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.192(a) by reference, owners or operators of new tank systems or components are required to obtain a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 40 C.F.R. § 270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
86. Pursuant to 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, a “new tank system” is defined as a tank system “that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986,” or in some cases, “for which construction commences after July 14, 1986.”
87. During the Inspection, Respondent informed the EPA personnel that Respondent used spent parts washer solution to clean oil residue from the floor of Building 3 at the Facility. Specifically, an employee of Respondent would pour an amount of spent parts washer solution on the floor and use a squeegee to collect oil residue and push it into a containment pit located under the floor in Building 3.
88. In discussions with the EPA subsequent to the Inspection, Respondent informed the EPA personnel that the containment pit was constructed in or around August of 1997. The containment pit therefore meets the definition of a “new tank system” in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.
89. During the Inspection, the EPA personnel took samples from a 275-gallon tote containing spent parts washer solution and from the containment pit located under the floor in Building 3. TCLP testing revealed that the spent parts washer solution displayed the hazardous waste characteristic of ignitability (D001) and the hazardous waste characteristics of toxicity for benzene (D018) and tetrachloroethylene (D039). TCLP testing of the material in the containment pit revealed its contents displayed the hazardous waste characteristic of toxicity for: cadmium (D006), chromium (D007), lead (D008), and tetrachloroethylene (D039).
90. At the time of the Inspection, Respondent had not obtained a written assessment by a Professional Engineer attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste, in violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.192(a).
91. In failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.192(a) by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 5

Failure to Provide Tank System with Secondary Containment

92. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
93. Pursuant to 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.193 by reference, in order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section must be provided for all new and existing tank system.
94. At the time of the Inspection, because the material in the containment pit located beneath the floor in Building 3 contained hazardous waste with the following characteristics: cadmium (D006), chromium (D007), lead (D008), and tetrachloroethylene (D039), the containment pit was required to have secondary containment pursuant to 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.193 by reference.
95. During the Inspection, the EPA personal observed that the containment pit located beneath the floor in Building 3 did not have any form of secondary containment, in violation of 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.193 by reference.
96. At the time of the Inspection, Respondent failed violated 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.193 by reference, by failing to provide secondary containment that meets the requirements of 40 C.F.R. § 265.193 for the containment pit prior to it being put into service.
97. In failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R § 264.193 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 6

Failure to Conduct Daily Inspections of Tank System

98. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
99. Pursuant to 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.195(a) by reference, an owner or operator must develop and follow a schedule and procedure for inspecting overfill controls for any tank system.
100. Pursuant to 40 C.F.R. § 264.195(b)(1) and (3), an owner or operator must inspect, at least once each operating day, above ground portions of the tank system, if any, to detect corrosion or releases of waste and the construction materials and the area immediately

surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste.

101. During the Inspection, the EPA personnel noted that Respondent had not conducted inspections of the containment pit in accordance 40 C.F.R. § 264.195(b)(1) and (3). From at least July 25, 2019 through October 30, 2022, Respondent was in violation of 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.195 by reference.
102. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.195 by reference, by failing to conduct daily inspections of the containment pit.
103. In failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.195 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 7

Failure to Properly Manage Universal Waste Lamps

104. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
105. 25 Pa. Code § 266b.1(a) incorporates by references 40 C.F.R. Part 273, relating to standards for universal waste management. Pursuant to 40 C.F.R. § 273.13(d)(1) “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.”
106. During the Inspection, the EPA personnel observed four open boxes of universal waste lamps being stored at the Facility.
107. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.13(d)(1) by reference, when it failed to contain the universal waste lamps described above in closed containers.
108. In failing to comply with 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.13(d)(1) by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count 8

Failure to Conduct Weekly Inspections of Hazardous Waste Container Storage Area

109. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
110. Pursuant to 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference, “[a]t least weekly, the owner or operator must inspect areas where [hazardous waste] containers are stored.”
111. During the Inspection, the EPA personnel reviewed the Facility’s records of weekly inspections of the Facility’s hazardous waste container storage area. The EPA personnel observed that the Facility was missing records of weekly inspections of the Facility’s hazardous waste container storage area for the following weeks: January 23, 2019; January 30, 2019; February 6, 2019; February 13, 2019; February 20, 2019; February 27, 2019; March 6, 2019; March 13, 2019; March 20, 2019; April 3, 2019; April 10, 2019; April 17, 2019; April 24, 2019; May 1, 2019; May 8, 2019; and May 15, 2019.
112. Given that documenting these weekly inspections was the Facility’s standard practice, the EPA concludes that the reason for the absence of inspection records for these weeks is that the Facility did not conduct weekly inspections of the Facility’s hazardous waste container storage area during the aforementioned weeks.
113. By failing to conduct weekly inspections of the Facility’s hazardous waste container storage area, Respondent violated 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference.
114. For the weeks specified above, Respondent violated 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference, by failing to conduct weekly inspections of Facility’s hazardous waste container storage areas.
115. By failing to comply with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

116. 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 **Twenty-Three Thousand Seven Hundred dollars (\$23,700)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
117. The civil penalty is based upon the 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) 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 on June 2003 and May 6, 2020 (“RCRA Penalty Policy”) which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 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 the EPA’s civil penalty policies to account for inflation.

- 118. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to the EPA by Respondent including the following: S Corporation federal income tax returns from 2018-2023, EPA Region 3 Financial Statement for Business form, Accurint asset reports, correspondence between Respondent’s accountant and the EPA, 2024 Accounts Receivable Aging Summary (as of August 14, 2024), 2024 Accounts Payable Aging Summary (as of August 14, 2024), and a 2024 Cash Flow Analysis (as of August 14, 2024).
- 119. Respondent agrees to pay a civil penalty in the amount of \$23,700 (“Assessed Penalty”). Based upon Respondent’s documented inability to pay claim, and in accordance with applicable laws, the EPA conducted an analysis of Respondent’s financial information and determined that the Assessed Penalty is an appropriate amount to settle this action, which Respondent consents to pay as follows.
 - A. The Assessed Penalty will be paid in six (6) equal installments, in order to complete payment of the entire Assessed Penalty and interest, which is assessed at 4%. Including the Assessed Penalty and interest, the total amount that will be paid upon completion of all payments will be \$ 23,897.55. The first payment is due within thirty (30) days after the Effective Date of the Consent Agreement and Final Order. Respondent’s subsequent payments shall thereafter be due in 30-day intervals from said Effective Date.
 - B. Respondent shall make payments in accordance with the following schedule:

Payment 1	\$ 3,982.95	\$ -	\$ 3,982.95	Within 30 Days
Payment 2	\$ 3,917.04	\$ 65.88	\$ 3,982.92	Within 60 Days
Payment 3	\$ 3,930.25	\$ 52.67	\$ 3,982.92	Within 90 Days
Payment 4	\$ 3,943.42	\$ 39.50	\$ 3,982.92	Within 120 Days
Payment 5	\$ 3,956.59	\$ 26.33	\$ 3,982.92	Within 150 Days
Payment 6	\$ 3,969.75	\$ 13.17	\$ 3,982.92	Within 180 Days
	\$ 23,700.00	\$ 197.55	\$ 23,897.55	

- C. Notwithstanding Respondent's agreement to pay the Assessed Penalty in accordance with the installment schedule set forth above, Respondent may pay the entire Assessed Penalty of \$23,700 within thirty [30] days of the Effective Date and, thereby avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with any interest and other charges accrued up to the date of such full payment.
120. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 119, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraph 123, below, in the event of any such failure or default.
121. 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>.
122. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, **RCRA-03-2024-0138**,
 - 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):

Mark Bolender
Sr. Assistant Regional Counsel
Bolender.mark@epa.gov,

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

and

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

123. 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, or fails to make any payment in accordance with the schedule and terms set forth above, 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") standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
 - b. Handling Charges. Respondent will be assessed monthly a charge to cover 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.
124. 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.
125. 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.
126. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
127. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon Respondent's receipt 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).
128. The parties consent to service of the Final Order by e-mail at the following valid email addresses: bolender.mark@epa.gov (for Complainant), and TBergere@atllp.com (for Respondent).
129. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("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 require a payor to pay an aggregate amount that 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." 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 EPA with sufficient information to enable it to fulfill these obligations, 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 EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and 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 of this Consent Agreement and Final Order, then Respondent, using the same email address identified in the preceding subparagraph, shall further:
 - i. Notify EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of this Consent Agreement and Final Order; and
 - ii. Provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

COMPLIANCE ORDER

130. **Perform Hazardous Waste Determinations Before Disposing of the Sludge from the Containment Pit in Building 3, Gasoline Filters, and Aerosol Cans.** Respondent is hereby ORDERED, pursuant to Section 3008(a) of the Act, 42 U.S.C. § 6928(a), and does consent, to perform the compliance tasks listed below.
131. Respondent shall perform hazardous waste determinations, in accordance with the requirements of 40 C.F.R. § 262.11 on the following waste streams:
 - a. Gasoline filters
132. Respondent shall perform a hazardous waste determination on the Building 3 containment pit sludge waste stream that includes representative sampling and lab analysis to determine whether the containment pit sludge waste is a characteristic

hazardous waste under RCRA, including, but not limited to, performing the Toxic Characteristic Leaching Procedure (TCLP) on the waste stream. The representative sample shall take into consideration fluctuations in the contents of the containment pit sludge waste stream.

133. Documentation of the hazardous waste determinations required by Paragraphs 131 and 132 above shall be provided to the EPA within 90 days of the Effective Date of this Consent Agreement, or within 60 days of the date that in-process or residual materials within the pit are removed for disposal, whichever occurs later, but not later than 180 days following the Effective Date of this Consent Agreement.
134. Documentation required by Paragraph 133 above shall be sent, via electronic mail to: Mark Bolender (bolender@mark@epa.gov) and Rebecca Serfass (serfass.rebecca@epa.gov).
135. Respondent shall manage the waste streams in accordance with the applicable requirements of RCRA based on the hazardous waste determinations.

GENERAL SETTLEMENT CONDITIONS

136. 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.
137. 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, **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 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

138. 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

139. 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

140. 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

141. 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 their signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that they are 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

142. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or their

designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

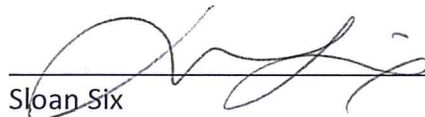
ENTIRE AGREEMENT

143. 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:

Hazleton Oil and Environmental, Inc.

Date: 9/27/2024

By: 
Sloan Six
President

For the Complainant:

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 3, 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 and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[Digital Signature and Date]
Mark Bolender
Senior Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 30, 2024

1:19 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
Hazleton Oil and Environmental, Inc. : U.S. EPA Docket No. RCRA-03-2024-0138
300 Tamaqua Street :
Hazleton, PA 18201 : Proceeding under Section 3008(a) and (g) of the
: Resource Conservation and Recovery Act, 42
Respondent. : U.S.C. Section 6928(a) and (g)
: :
:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Hazleton Oil and Environmental, Inc., 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 is based upon consideration of, *inter alia*, EPA's 1990 RCRA Civil Penalty Policy, as revised on June 2003 and May 6, 2020 ("RCRA Penalty Policy"), the statutory factors set forth in Section 3008(a)(3) and (g) of RCRA, 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.

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 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 \$23,700 (twenty-three thousand seven hundred dollars) plus interest, 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: _____
[Digital Signature and Date]
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
Hazleton Oil and Environmental, Inc.	: U.S. EPA Docket No. RCRA-03-2024-0138
300 Tamaqua Street	: Proceeding under Section 3008(a) and (g) of the
Hazleton, PA 18201	: Resource Conservation and Recovery Act, 42
	: U.S.C. Section 6928(a) and (g)
Respondent.	:
	:

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:

Timothy J. Bergere, Esq.
Armstrong Teasdale LLP
TBergere@atllp.com
2005 Market St., 29th Fl.
Philadelphia, PA 19103

Mark Bolender, Esq.
Sr. Assistant Regional Counsel
U.S. EPA, Region 3
Bolender.mark@epa.gov

Rebecca Serfass
Enforcement & Compliance Assurance Division
U.S. EPA, Region 3
serfass.rebecca@epa.gov

[*Digital Signature and Date*]

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