

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

**In the Matter of:**

**Hillock Anodizing, Inc.  
5101 Comly Street  
Philadelphia, PA 19135**

**Respondent.**

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:  
: **U.S. EPA Docket No. RCRA-03-2022-0060**  
:  
: **Proceeding under Sections 3008(a) and (g) of**  
: **the Resource Conservation and Recovery Act**  
: **(RCRA), as amended,**  
: **42 U.S.C. §§ 6928(a) and (g).**  
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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Hillock Anodizing, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under Subtitle C of RCRA, as amended, 42 U.S.C. §§ 6901 *et seq.*
  
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. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (“PaHWR”) 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 PaHWR were 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 thereby became requirements of RCRA Subtitle C and enforceable by 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). EPA has authorized the PaHWR that incorporate, with certain exceptions, provisions of Title 40 of the Code of Federal Regulations by reference that were in effect as of October 12, 2005. The Code of Federal Regulation citations used herein when referring to the Federal regulations incorporated by the PaHWR are to the 2005 Federal regulations.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter dated August 31, 2020, EPA notified the Pennsylvania Department of Environmental Protection (PADEP) of EPA’s intent to commence this administrative action against Respondent in response to violations of RCRA Subtitle C that are alleged herein.

## **GENERAL PROVISIONS**

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
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. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. 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. Section 6903(15), 40 C.F.R. § 260.10, and 25 Pa. Code § 260a.10, and is subject to the assessment of civil penalties for the violations alleged herein.
16. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at **5101 Comly Street Philadelphia, PA 19135** (hereinafter "the Facility"), as those terms are defined in 25 Pa. Code §§ 260a.1, 260a.10.
17. The Facility is a Large Quantity Generator of hazardous waste, with EPA ID #PAD067392902.
18. On or before February 13, 1987, the Respondent submitted a Notice of Hazardous Waste Activity ("Notification") for the Facility to the Pennsylvania Department of Environmental Protection ("PADEP") and to the EPA, Region III, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying the Facility as a generator of hazardous waste. Subsequently, the Facility was assigned EPA ID No. #PAD067392902.
19. At all times relevant to the violations alleged herein, including at least from January 1, 2017 through April 10, 2019, Respondent is, and has been, a "generator" of "solid waste" and "hazardous waste" and has engaged in the temporary "storage" in "containers" at the Facility of D001, D007, F003 and F006 hazardous wastes, as those terms are defined in 25 Pa. Code §§ 260a.1, 260a.10, 261a.1.
20. On April 10, 2019, a representative of EPA Region III, along with a representative of PADEP, conducted an unannounced Compliance Evaluation Inspection ("CEI") of the Facility, to examine the Respondent's compliance with the federally-authorized PaHWR and any applicable federal hazardous waste regulations.
21. On April 16, 2019, Respondent submitted additional information that was verbally requested by the EPA inspector on April 10, 2019.
22. On June 6, 2019, EPA issued its report on the findings of the April 10, 2019 CEI.
23. On June 24, 2019, Respondent submitted additional information regarding EPA's June 6, 2019 CEI report.

24. On February 27, 2020, in follow-up to the April 10, 2019 CEI, EPA sent a Request for Information Letter to Respondent for additional information regarding operations at the Facility.
25. On March 26, 2020, Respondent submitted additional information in response to EPA's February 27, 2020 letter.
26. On April 14, 2021, September 10 and November 4, 2021, Respondent submitted additional information regarding the potential violations identified by EPA.
27. Based on the information provided by Respondent, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, certain federally-authorized PaHWR requirements promulgated thereunder, and certain applicable federal hazardous waste regulations.

**Count I**  
**Operation Without a Permit or Interim Status**

28. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
29. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), 40 C.F.R. §§ 262 & 270 require, with certain exceptions not relevant herein, that a person who owns or operates a facility for the treatment, storage or disposal of hazardous waste must first obtain a permit or interim status for the facility. 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b) also requires a permit or interim status for the treatment, storage or disposal of hazardous waste.
30. At the time of the April 10, 2019 CEI, Respondent did not possess, nor did Respondent ever possess, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), a permit or interim status for the storage of hazardous waste at the Facility.
31. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34, allows a generator of hazardous waste to operate without a permit or interim status if the generator meets certain accumulation, storage, labeling and inspection permit exemption requirements.

*Failure to label containers of hazardous waste*

32. One of the conditions of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(c)(1)(ii), is to label containers of hazardous waste. 40 C.F.R. § 262.34(c)(1)(ii) requires that containers in satellite accumulation areas be marked with the words "Hazardous Waste" or other words that clearly identify the contents.

33. At the time of the April 10, 2019 CEI, Respondent failed to label satellite accumulation area containers of hazardous waste as hazardous waste or with other words to describe the contents, as required by 25 Pa. Code § 262a.10, on two 55-gallon drums of waste acetone (D001, F003 hazardous wastes), in the Masking Area of the Facility.

*Failure to keep hazardous waste containers closed*

34. One of the conditions of 25 Pa. Code § 262a.10, which incorporates by reference the generator accumulation and permit exemption requirements and conditions of 40 C.F.R. § 262.34(a)(1)(i) and, by further reference, the Container Management requirements of 40 C.F.R. § 265.173(a), requires that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
35. At the time of the April 10, 2019 CEI, Respondent failed to keep hazardous waste containers closed when not adding or removing waste in the following areas of the Facility as follows:
- a. One, 55-gallon drum of waste acetone (D001, F003) located in the Masking Area; and
  - b. One, 55-gallon drum of waste chromium filters (D007, F006) located near the Chromium Ion Exchange System.

*Failure to conduct an adequate Hazardous Waste Accumulation Area weekly inspection*

36. One of the conditions of 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(a)(1)(i), which in turn references 40 C.F.R. § 265.174, Inspections, requires that:
- The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
37. At the time of the April 10, 2019 CEI, the inspector reviewed the 2017, 2018 and 2019 weekly inspection forms. All forms were marked with “Yes” to indicate acceptability of all seven of the inspection items on the forms for the three years of forms. However, the inspector observed that conditions for five of the seven items listed on the form were not acceptable, as shown in the following table:

**Table 1 Inspection items in form and conditions observed during the CEI.**

<b>Inspection item in Form</b>	<b>Checked as acceptable</b>	<b>Observations during the CEI</b>	<b>Photo Number</b>
1. Check that there is NO evidence of tank cracks.	Yes	Apparent crack on 1,150-gallon tank	14, 19, 29, 30
3. Check for new or ongoing leaks/spills/drip marks on tank, fill port, containment, valves or piping.	Yes	Secondary containment with liquid and stain on floor and wall	28
5. Check that the secondary containment is clean, impermeable, no discharge point	Yes	Secondary containment with materials, and empty containers.	14, 15, 16, 18, 19
6. Check all tanks with labels and accumulation start dates.	Yes	850-gallon tank with hazardous waste did not have start accumulation date.	11, 12
7. Check hazwaste drums for closed lids, labels, and accumulation start dates.	Yes	Waste acetone and spent filters 55-gallon containers were open. A full 55-gallon with waste acetone did not have label either accumulation start date.	3, 4, 24, 27

38. Due to the observations of unacceptable conditions as the inspector summarized in the above table, Respondent failed to perform an adequate weekly inspection for the week of April 1-7, 2019, the week preceding the CEI, of the hazardous waste accumulation area, as required by 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.34(a)(1)(i), which in turn referencing 40 C.F.R. § 265.174.

*Failure to conduct daily inspections of hazardous waste tanks*

39. One of the conditions of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which in turn references 40 C.F.R. § 265.195(a)(3), is a requirement that the owner or operator inspect the tank system at least once each operating day. The daily inspection must include 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.

40. At the time of the April 10, 2019 CEI, the inspector learned that the Facility only performs inspections of the hazardous waste tanks from Monday to Friday, whereas 40 C.F.R. § 265.195 requires that the tanks be inspected every operating day, including weekends if the tanks hold hazardous wastes. Since the tanks contain hazardous waste over the weekends, they are also considered operational over the weekends and thus must be inspected seven days per week.

41. In Respondent's March 26, 2020 response to EPA's February 27, 2020 Request for Information letter, Respondent indicated that the Facility considers the daily inspections of the hazardous waste tanks to be their method of leak detection (required under 40 C.F.R. § 265.193(c)(3)) for the tanks, which requires detection within 24 hours; thus the tanks must be inspected every day.
42. The Respondent did not perform daily inspections over the weekends on January 1, 2017, and from January 7-8, 2017 through April 6-7, 2019.
43. Due to the Facility's failure to conduct daily inspections every day, on the weekend days on January 1, 2017 and from January 7-8, 2017 through the weekend of April 6-7, 2019, Respondent did not meet the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which in turn references 40 C.F.R. §§ 265.193, 265.195.
44. In failing to meet the above permit exemption conditions incorporated by reference within 25 Pa. Code § 262a.10, from January 1, 2017 to April 7, 2019, Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent is in violation of 25 Pa. Code § 270a.1 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 II**

### **Failure to keep containers of hazardous waste closed when not adding or removing waste**

45. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
46. 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.173 by reference, requires that containers of hazardous waste be kept closed when not adding or removing waste.
47. At the time of the April 10, 2019 CEI, the inspector observed two open containers of hazardous waste, when no wastes were being added or removed:
  - a. One, 55-gallon drum of waste acetone (D001, F003) located in the Masking Area; and
  - b. One, 55-gallon drum of waste chromium filters (D007, F006) located near the Chromium Ion Exchange System.
48. In failing to comply with the requirements of 25 Pa. Code § 264a.1(a), which incorporates 40 C.F.R. § 264.173 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 III**  
**Failure to conduct daily inspections of hazardous waste tanks**

49. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
50. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(b), requires the owner or operator to inspect the tank system at least once each operating day, including 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.
51. Respondent's March 26, 2020 letter in response to EPA's February 27, 2020 Request for Information letter indicates that the Facility considers their daily inspections of the hazardous waste tanks to be their method of leak detection for the tanks under 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193(c)(3). The leak detection system must be operated to detect leaks within 24 hours; this requires the tanks to be inspected every day.
52. The Facility only documented inspections of the hazardous waste tanks on the inspection form from Monday to Friday, whereas 40 C.F.R. § 265.195, and 40 C.F.R. § 265.193(c)(3) when using visual inspection as leak detection, require that the tanks be inspected every day, including weekends. Since the tanks contain hazardous waste over the weekends, they are also considered operational over the weekends and thus must be inspected, and those inspections must be documented, seven days per week.
53. From January 1, 2017 through April 6-7, 2019, Respondent documented on the inspection forms only Monday through Friday inspections.
54. Due to the Facility's failure to document inspections every day, on the weekend days from January 1, 2017 through the weekend of April 6-7, 2019, Respondent did not meet the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), which in turn references 40 C.F.R. §§ 265.193, 265.195.
55. In failing to comply with the requirements of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(b) and 40 C.F.R. § 265.193(c)(3), 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 IV**

##### **Failure to conduct an adequate weekly inspection of hazardous waste accumulation areas**

56. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
57. In accordance with 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174, Inspections, Hillock is required to do the following:

At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.
58. At the time of the CEI, the inspector reviewed the 2017, 2018 and 2019 weekly inspection forms. All forms were marked with “Yes” to indicate acceptability of all seven of the inspection items on the forms related to container inspections for the three years of forms.
59. At the time of the CEI, as shown in Table 1 above, the EPA inspector observed that conditions of the container inspection item listed on the form was not acceptable. However, the facility form for the container area inspection preceding the CEI deemed the container conditions to be acceptable.
60. Since the weekly inspection required under 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference, for the week of April 1-7, 2019, failed to identify the unacceptability of various items which were marked “Yes” for acceptability for several requirements of the hazardous waste accumulation areas, such as for open hazardous waste drums identified in Count II, that weekly inspection was therefore inadequate.
61. Due to the inadequate weekly inspection for the week of April 1-7, 2019, the Facility was in violation of 25 Pa. Code § 264a.1, which incorporates 40 C.F.R. § 264.174 by reference.
62. In failing to comply with the requirements of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.174, 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 V**

##### **Failure to properly complete the uniform hazardous waste manifest**

63. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
64. 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.20(a)(1) by reference,

requires the following:

- a. (a)(1) A generator who transports, or offers for transportation a hazardous waste for offsite treatment, storage or disposal, or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control Number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to part 262.
65. EPA Form 8700-22 requires the identification of waste codes. 25 Pa. Code § 262a.20(1) requires that the generator complete the manifest form in its entirety.
  66. The Facility failed to include a waste code for the waste stream: “corrosive liquid, acidic, inorganic (hydrochloric acid, nitric acid)” on three separate occasions:
    - a. Manifest #012018572 FLE sent on 4/5/18 for 4,100 gallons in tanker truck (TT)
    - b. Manifest #010405934 FLE sent on 5/15/18 for 5,050 gallons in TT
    - c. Manifest #011514667 FLE sent on 2/23/18 for 4,216 gallons in TT.
  67. Due to the failure to properly complete the above hazardous waste manifests, the Facility failed to meet the requirements of 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.20(a)(1) by reference.
  68. In failing to comply with the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.20(a)(1), 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**

69. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **EIGHTY-THREE THOUSAND EIGHT-HUNDRED TWO dollars (\$83,802.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
70. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), 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 EPA’s October, 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), which reflect 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 EPA’s civil penalty policies to account for inflation.

71. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, **U.S. EPA Docket No. RCRA-03-2022-0060**;
- b. All checks shall be made payable to the “United States Treasury;
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

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

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

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

Daniel T. Gallo  
Assistant Regional Counsel  
[gallo.dan@epa.gov](mailto:gallo.dan@epa.gov)

**and**

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

72. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent’s failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

73. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
74. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue from the date of initial notice the fully executed and filed Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
75. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
76. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
77. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
78. The parties consent to service of the Final Order by e-mail at the following valid email addresses: gallo.dan@epa.gov(for Complainant), and [johnhillock@hillockanodizing.com](mailto:johnhillock@hillockanodizing.com) (for Respondent).

### **GENERAL SETTLEMENT CONDITIONS**

79. 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.

80. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

### **CERTIFICATION OF COMPLIANCE**

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

### **OTHER APPLICABLE LAWS**

82. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

83. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the 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**

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

**EFFECTIVE DATE**

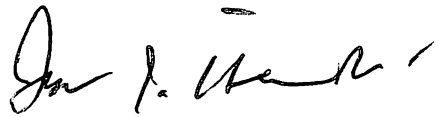
85. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

86. 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: Hillock Anodizing, Inc.

Date: 3/4/22

By:   
\_\_\_\_\_  
John J. Hillock, Jr. President  
Hillock Anodizing, Inc.  
Respondent

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 III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: \_\_\_\_\_  
(Digital signature and date)  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
(Digital signature and date)  
Daniel T. Gallo  
Assistant Regional Counsel  
U.S. EPA – Region III



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

<b>In the Matter of:</b>	:
	:
<b>Hillock Anodizing, Inc. 5101 Comly Street Philadelphia, PA 19135</b>	: <b>U.S. EPA Docket No. RCRA-03-2022-0060</b>
	:
<b>Respondent.</b>	: <b>Proceeding under Sections 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §§ 6928(a) and (g).</b>
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**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Hillock Anodizing, 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 October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(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) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 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 ***EIGHTY-THOUSAND EIGHT-HUNDRED TWO DOLLARS (\$83,802.00)***, 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 the 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 III



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*[Digital Signature and Date]*  
Regional Hearing Clerk  
U.S. Environmental Protection Agency,  
Region III