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**U.S. EPA REGION 3
HEARING CLERK**

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

In the Matter of: :
:
Carpenter Technology Corporation : **U.S. EPA Docket No. RCRA-03-2025-0024**
101 West Bern Street :
Reading, Pennsylvania 19601 : **Proceeding under Section 3008(a) of the**
: **Resource Conservation and Recovery Act, 42**
Respondent. : **U.S.C. § 6928(a)**
:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Carpenter Technology Corporation ("Respondent") (collectively the "Parties"), pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 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 RCRA Subtitle C 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. On May 25, 2023, the EPA sent a letter via email to the Pennsylvania Department of the Environmental Protection (“PADEP”) to give prior notice 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.
12. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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. On January 15, 1986, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the EPA granted the Commonwealth of Pennsylvania final authorization to administer the hazardous waste management program, set forth in the Pennsylvania Code, Title 25, Chapters 260a-266a, 266b, 268a and 270a, in lieu of the

federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Through this final authorization, the provisions of the Pennsylvania Hazardous Waste Management Regulations (“PaHWMR”) became requirements of RCRA Subtitle C and are, accordingly, enforceable by the EPA on and after the effective date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The EPA authorized a revised Pennsylvania hazardous waste management program effective November 27, 2000, March 22, 2004, and June 29, 2009, accordingly, the provisions of the authorized revised PaHWMR are enforceable by the EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a).

15. Respondent is a corporation organized under the laws of the state of Delaware on October 28, 1968. As such, Respondent is now, and was at the time of the violations alleged, a “person,” as defined in 25 Pa. Code § 260a.10.
16. Respondent’s facility is located at 101 West Bern Street, Reading, Pennsylvania 19601 (the “Facility”). The Facility is primarily a manufacturer of stainless steel and specialty alloys for a wide array of industries, such as for the aerospace, medical, transportation, defense, and consumer electronics industries.
17. At all times relevant to the allegations set forth in this Consent Agreement, Respondent is, and has been, the “operator” and the “owner” of the Facility, as defined in 40 C.F.R. § 260.10, which 25 Pa. Code § 260a.1(a) incorporates by reference.
18. At all times relevant to the allegations set forth in this Consent Agreement, and as described below, Respondent is, and has been, a “generator” of “solid waste” and “hazardous waste” at the Facility, as defined in 40 C.F.R. § 260.10, which 25 Pa. Code § 260a.1(a) incorporates by reference.
19. At all times relevant to the allegations set forth in this Consent Agreement, the Facility identified as a Large Quantity Generator (“LQG”) of hazardous waste, with RCRA ID Number PAD002344315, as defined in 40 C.F.R. § 260.10, which 25 Pa. Code § 260a.1(a) incorporates by reference.
20. At all times relevant to the allegations set forth in this Consent Agreement, the Facility is, and has been, a “facility,” as defined in 25 Pa. Code § 260a.10.
21. At all times relevant to the allegations set forth in this Consent Agreement, the Facility did not have a RCRA Subtitle C permit to treat, store, or dispose of hazardous waste, nor did it have interim status.
22. Pursuant to 40 C.F.R. § 261.2(c)(3)), which 25 Pa. Code 261a.10 incorporates by reference, byproducts exhibiting a characteristic of hazardous waste are not solid waste

when reclaimed; however, pursuant to 40 C.F.R. § 261.2(c)(1), which 25 Pa. Code 261a.10 incorporates by reference, byproducts exhibiting a characteristic of hazardous waste are solid waste when they are used in a manner constituting disposal.

23. From March 29, 2022 to March 31, 2022, EPA inspectors and a PADEP inspector (the “Inspectors”) conducted a Compliance Evaluation Inspection at the Facility (the “Inspection”) to examine Respondent’s compliance with RCRA Subtitle C set forth in 42 U.S.C. §§ 6921-6939g, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the federally authorized PaHWMR set forth at Pennsylvania Code, Title 25, Chapters 260a-266a, 266b, 268a and 270a.
24. Based on the EPA’s findings during the Inspection and other information Respondent provided to the EPA, the EPA concludes that Respondent violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and certain federally authorized PaHWMR requirements promulgated thereunder, as enumerated below.

Count 1

Operating Without a Permit or Interim Status

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. Pursuant to 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference, no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
27. Accumulation of Hazardous Waste In Excess of 90 Days
 - a. Pursuant to 40 C.F.R. § 262.34(b), which 25 Pa. Code 262a.10 incorporates by reference, “[a] generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270.”
 - b. At the time of the Inspection, the Inspectors observed in Building 150 an open 55-gallon container of metal-bearing floor sweepings labeled with the words “Floor Sweepings. Contains Hex Chrome VI” and “Hammer Restoration Bay” and marked with the date “26 Apr 18.” The Inspectors observed an empty plastic soda bottle, some plastic wrap, and a rag mixed in with the Building 150 floor sweepings in the 55-gallon container. Respondent informed the Inspectors that the container was mislabeled and misplaced and that the 55-gallon steel container did not contain hex chrome floor sweepings. Respondents did not provide any other information or verification on the contents of this container at

the time of the Inspection. Chromium is a D007 toxicity characteristic waste per 40 C.F.R. § 261.24, which 25 Pa. Code 261a.1 incorporates by reference.

- c. Following the Inspection, Respondent stated it collects the metal-bearing floor sweepings and ships them off-site for metals reclamation as a characteristic byproduct excluded from the definition of solid waste under 40 C.F.R. § 261.2(c)(3); however, Respondent did not provide the EPA documentation that the floor sweepings observed in Building 150 were reclaimed.
 - d. The EPA alleges, from July 25, 2018 to the time of the Inspection, the metal-bearing floor sweepings in Building 150 were not reclaimed pursuant to 40 C.F.R. § 261.2(c)(3)), which 25 Pa. Code 261a.10 incorporates by reference and were therefore a waste.
 - e. The EPA alleges, from July 25, 2018 to the time of the Inspection, Respondent accumulated hazardous waste for more than 90 days (i.e., 1,343 days) without following the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270.
 - f. The EPA alleges, from July 25, 2018 to the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(b), which 25 Pa. Code 262a.10 incorporates by reference, by accumulating hazardous waste for more than 90 days (i.e., 1,343 days) without following the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270, and was therefore operating a hazardous waste storage facility.
28. Pursuant to 40 C.F.R. § 262.34(a)¹, 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” the generator meets requirements listed in 40 C.F.R. § 262.34.
29. The EPA alleges, Respondent failed to meet the requirements listed in 40 C.F.R. § 262.34(a) and was therefore accumulating hazardous waste on site in violation of 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference:

¹ On November 28, 2016, the EPA re-codified the generator permit exemption, effective on May 30, 2017, pursuant to a regulation known as the Hazardous Waste Generator Improvement Rule (the “HWGIR”). The federal requirements previously found in 40 C.F.R. § 262.34 are now codified at 40 C.F.R. §§ 262.15-262.17. The Commonwealth of Pennsylvania has incorporated by reference the EPA HWGIR re-codification, with minor amendments. EPA has not yet approved these revisions to the PaHWMR. Accordingly, this Consent Agreement references authorized regulations previously found at 40 C.F.R. § 262.34 and 25 Pa. Code § 262a.34, rather than the current regulations found at 40 C.F.R. § 262.17 and 25 Pa Code § 262a.17, respectively.

- a. Failure to Label or Clearly Mark Containers of Hazardous Waste with the Words "Hazardous Waste"
- i. Pursuant to 40 C.F.R. § 262.34(a)(3), 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...each container and tank is labeled or marked clearly with the words, 'Hazardous Waste,'" while being accumulated on-site.
 - ii. At the time of the Inspection, the Inspectors observed in Building 150 an open 55-gallon container of metal-bearing floor sweepings labeled with the words "Floor Sweepings. Contains Hex Chrome VI" and "Hammer Restoration Bay" and marked with the date "26 Apr 18." The Inspectors observed an empty plastic soda bottle, some plastic wrap, and a rag mixed in with the Building 150 floor sweepings in the 55-gallon container. Respondent informed the Inspectors that the container was mislabeled and misplaced and that the 55-gallon container did not contain hex chrome floor sweepings. Respondents did not provide any other information or verification on the contents of this container at the time of the Inspection. Chromium is a D007 toxicity characteristic waste per 40 C.F.R. § 261.24, which 25 Pa. Code 261a.1 incorporates by reference.
 - iii. Following the Inspection, Respondent stated it collects the metal-bearing floor sweepings and ships them off-site for metals reclamation as a characteristic byproduct excluded from the definition of solid waste under 40 C.F.R. § 261.2(c)(3); however, Respondent did not provide the EPA documentation that the floor sweepings observed at the time of the Inspection in Building 150 were reclaimed.
 - iv. The EPA alleges, at the time of the Inspection, Respondent failed to clearly label or mark containers of hazardous waste with the words, 'Hazardous Waste,'" while the waste was being accumulated on-site.
 - v. The EPA alleges, 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.

b. Failure to Keep Containers of Hazardous Waste Closed

- i. 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...the generator complies with the applicable requirements” of Subpart I of 40 C.F.R. Part 265.
- ii. Pursuant to 40 C.F.R § 265.173(a), “[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
- iii. At the time of the Inspection, the Inspectors observed in Building 150 an open 55-gallon container of metal-bearing floor sweepings labeled with the words “Floor Sweepings. Contains Hex Chrome VI” and “Hammer Restoration Bay” and marked with the date “26 Apr 18.” The Inspectors observed an empty plastic soda bottle, some plastic wrap, and a rag mixed in with the Building 150 floor sweepings in the 55-gallon container. Respondent informed the Inspectors that the container was mislabeled and misplaced and that the 55-gallon steel container did not contain hex chrome floor sweepings. Respondents did not provide any other information or verification on the contents of this container at the time of the Inspection. Chromium is a D007 toxicity characteristic waste per 40 C.F.R. § 261.24, which 25 Pa. Code 261a.1 incorporates by reference.
- iv. Following the Inspection, Respondent stated it collects the metal-bearing floor sweepings and ships them off-site for metals reclamation as a characteristic byproduct excluded from the definition of solid waste under 40 C.F.R. § 261.2(c)(3); however, Respondent did not provide the EPA documentation that the floor sweepings observed at the time of the Inspection in Building 150 were reclaimed.
- v. The EPA alleges, at the time of the Inspection, Respondent failed to keep the 55-gallon container holding hazardous waste closed during storage, at times when it was not adding or removing waste.
- vi. The EPA alleges, at the time of the Inspection, Respondent failed to comply with 40 C.F.R. § 262.34(a)(1)(i), which 25 Pa. Code § 262a.10 incorporates by reference, by failing to keep containers holding hazardous waste closed during storage, at times when it was not adding or removing waste.

c. Failure to Properly Maintain and Operate the Facility

- i. 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.
 - ii. 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.”
 - iii. At the time of the Inspection, the Inspectors observed an open bucket on the floor of Building 67 (wastewater treatment unit) containing water and sludge and labeled with the words “Sludge/Debris.” The Inspectors observed liquid leaking out through a hole in the container and moving towards a sump in the floor.
 - iv. Following the Inspection, Respondent has advised that the sump in the floor is part of the wastewater treatment plant’s loop drain system and any flow into the sump is redirected back into the wastewater treatment plant for further treatment.
 - v. The EPA alleges, at the time of the Inspection, Respondent failed 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.
 - vi. The EPA alleges, at the time of the Inspection, Respondent failed to comply with 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.
30. The EPA alleges, from July 25, 2018 to the time of the Inspection, Respondent operated a facility for the treatment, storage, or disposal of hazardous waste without first

obtaining a permit or interim status for such facility or without meeting the requirements listed in 40 C.F.R. § 262.34.

31. The EPA alleges, from July 25, 2018 to the time of the Inspection, Respondent violated 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference, by operating a facility for the treatment, storage, or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
32. In failing to comply with 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference, the EPA alleges Respondent is subject to the assessment of penalties under Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to Make Hazardous Waste Determinations

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. Pursuant to 40 C.F.R. § 262.11, which 25 Pa. Code § 262a.10 incorporates by reference, a “person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste” in accordance with methods specified in 40 C.F.R. § 262.11. Specifically, the generator must (a) determine if the waste is excluded from regulation under 40 C.F.R. § 261.4; (b) determine if the waste is listed as a hazardous waste in Subpart D of 40 C.F.R. Part 261; (c) determine whether the waste is identified in Subpart C of 40 C.F.R. Part 261 by either testing the waste with specified methods or by applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used; and, (d) refer to Parts 261, 264-266, 268, and 273 if the waste is determined to be hazardous.
35. At the time of the Inspection, the inspectors observed in Building 150 an open 55-gallon container of metal-bearing floor sweepings labeled with the words “Floor Sweepings. Contains Hex Chrome VI” and “Hammer Restoration Bay” and marked with the date “26 Apr 18.” The Inspectors observed an empty plastic soda bottle, some plastic wrap, and a rag mixed in with the Building 150 floor sweepings in the 55-gallon container. Respondent informed the Inspectors that the container was mislabeled and misplaced and that the 55-gallon steel container did not contain hex chrome floor sweepings. Respondent did not provide any other information or verification on the contents of this container at the time of the Inspection. Chromium is a D007 toxicity characteristic waste per 40 C.F.R. § 261.24, which 25 Pa. Code 261a.1 incorporates by reference.
36. Following the Inspection, Respondent stated it collects the metal-bearing floor sweepings and ships them off-site for metals reclamation as a characteristic byproduct

excluded from the definition of solid waste under 40 C.F.R. § 261.2(c)(3); however, Respondent did not provide EPA documentation that the floor sweepings observed in Building 150 were reclaimed. Facility personnel also did provide documentation that it conducted any of the methods specified in 40 C.F.R. § 262.11 to determine if the 55-gallon container held hazardous waste.

37. The EPA alleges, at the time of the Inspection, Respondent failed to determine if the solid waste (i.e., metal-bearing floor sweepings) it generated is hazardous waste.
38. The EPA alleges, at the time of the Inspection, Respondent violated 40 C.F.R. § 262.11, which 25 Pa. Code § 262a.10 incorporates by reference, by failing to determine if the solid waste (i.e., metal-bearing floor sweepings) it generated is hazardous waste.
39. In failing to comply with 40 C.F.R. § 262.11, which 25 Pa. Code § 262a.10 incorporates by reference, the EPA alleges Respondent is subject to the assessment of penalties under Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3

Failure to Keep a Container of Hazardous Waste Closed During Storage

40. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
41. Pursuant to 40 C.F.R. § 264.173(a), which 25 Pa. Code § 264a.1 incorporates by reference, “[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
42. At the time of the Inspection, the Inspectors observed in Building 150 an open 55-gallon container of metal-bearing floor sweepings labeled with the words “Floor Sweepings. Contains Hex Chrome VI” and “Hammer Restoration Bay” and marked with the date “26 Apr 18.” The Inspectors observed an empty plastic soda bottle, some plastic wrap, and a rag mixed in with the Building 150 floor sweepings in the 55-gallon container. Chromium is a D007 toxicity characteristic waste per 40 C.F.R. § 261.24, which 25 Pa. Code 261a.1 incorporates by reference. Respondent informed the Inspectors that the container was mislabeled and misplaced and that the 55-gallon steel container did not contain hex chrome floor sweepings. Respondents did not provide any other information or verification on the contents of this container at the time of the Inspection.
43. Following the Inspection, Respondent stated it collects the metal-bearing floor sweepings and ships them off-site for metals reclamation as a characteristic byproduct excluded from the definition of solid waste under 40 C.F.R. § 261.2(c)(3); however,

Respondent did not provide the EPA documentation that the floor sweepings observed in Building 150 were reclaimed.

44. The EPA alleges, at the time of the Inspection, Respondent failed to keep a container holding hazardous waste closed during storage, at times when it was not adding or removing waste.
45. The EPA alleges, at the time of the Inspection, Respondent violated 40 C.F.R. § 264.173(a), which 25 Pa. Code § 264a.1 incorporates by reference, by failing to keep a container holding hazardous waste closed during storage, at times when it was not adding or removing waste.
46. In failing to comply with 40 C.F.R. § 264.173(a), which 25 Pa. Code § 264a.1 incorporates by reference, the EPA alleges Respondent is subject to the assessment of penalties under Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4
Failure to Maintain and Operate the Facility

47. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
48. Pursuant to 40 C.F.R. § 264.31, which 25 Pa. Code § 264a.1 incorporates 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.”
49. At the time of the Inspection, the Inspectors observed an open bucket on the floor of Building 67 (wastewater treatment unit) containing water and sludge and labeled with the words “Sludge/Debris.” The Inspectors observed liquid leaking out through a hole in the container and moving towards a sump in the floor.
50. Following the Inspection, Respondent has advised that the sump in the floor is part of the wastewater treatment plant’s loop drain system and any flow into the sump is redirected back into the wastewater treatment plant for further treatment.
51. The EPA alleges, at the time of the Inspection, Respondent failed 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.

52. The EPA alleges, at the time of the Inspection, Respondent violated 40 C.F.R. § 264.31, which 25 Pa. Code § 264a.1 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.
53. In failing to comply with 40 C.F.R. § 264.31, which 25 Pa. Code § 264a.1 incorporates by reference, the EPA alleges Respondent is subject to the assessment of penalties under Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

54. 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-SEVEN THOUSAND, TWO HUNDRED dollars (\$27,200.00), which Respondent shall be liable to pay in accordance with the terms set forth below.
55. 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 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 Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.
56. Respondent agrees to pay a civil penalty in the amount of \$27,200.00 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
57. 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>.
58. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2025-0024,

- 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):

Promy Tabassum
Assistant Regional Counsel
tabassum.promy@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.

“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.

59. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the 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.

60. 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.

61. 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.

62. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

63. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp

indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

64. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: tabassum.promy@epa.gov (for Complainant), and jhunt@mankogold.com and smcgoldrick@cartech.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

65. 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.
66. 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

67. 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

68. 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 Subtitle C, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

69. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations 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 Subtitle C, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such actions.

EXECUTION /PARTIES BOUND

70. 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

71. 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 his 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

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

In the Matter of: Carpenter Technology Corporation

EPA Docket No. RCRA-03-2025-0024

For Respondent: CARPENTER TECHNOLOGY CORPORATION

Date: May 19, 2025

By:

Jeremy DuMond

Vice President – Environmental, Health, Safety
and Sustainability


For the Complainant:

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

By: **KAREN
MELVIN**  Digitally signed by KAREN
MELVIN
Date: 2025.05.28 10:40:38
-04'00'

[Digital Signature and Date]
Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **PROMY
TABASSUM**  Digitally signed by PROMY
TABASSUM
Date: 2025.05.19 14:34:48 -04'00'

[Digital Signature and Date]
Promy Tabassum
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jun 03, 2025

9:20 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
Carpenter Technology Corporation : U.S. EPA Docket No. RCRA-03-2025-0024
101 West Bern Street :
Reading, Pennsylvania 19601 : Proceeding under Section 3008(a) of the
: Resource Conservation and Recovery Act, 42
Respondent. : U.S.C. § 6928(a)
:

FINAL ORDER

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

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's 1990 RCRA Civil Penalty Policy, as revised in June, 2003 and May, 2020 ("RCRA Penalty Policy"), and the statutory factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 6928(a), 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 **TWENTY-SEVEN THOUSAND, TWO HUNDRED DOLLARS (\$27,200.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA Subtitle C 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:

JOSEPH LISA

Digitally signed by JOSEPH
LISA
Date: 2025.06.03 09:00:11
-04'00'

[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:	:
	:
Carpenter Technology Corporation	: U.S. EPA Docket No. RCRA-03-2025-0024
101 West Bern Street	:
Reading, Pennsylvania 19601	: Proceeding under Section 3008(a) of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. § 6928(a)
	:

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:

Scott McGoldrick, Environmental Manager
Carpenter Technology Corporation
101 West Bern Street
Reading, PA 19601
smcgoldrick@cartech.com

Jessica Hunt, Esq.
Manko, Gold, Katcher & Fox LLP
Three Bala Plaza East, Suite 700
Bala Cynwyd, PA 19004
jhunt@mankogold.com

Promy Tabassum, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
tabassum.promy@epa.gov

Eric Greenwood
Enforcement Officer
U.S. EPA, Region 3
greenwood.eric@epa.gov

By:	BEVIN		Digitally signed by BEVIN
	ESPOSITO		ESPOSITO
			Date: 2025.06.03 09:22:02
			-04'00'
	<hr/>		
	[Digital Signature and Date]		
	Regional Hearing Clerk		
	U.S. EPA – Region 3		