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Jun 11, 2025

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

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

IN THE MATTER OF:)
) DOCKET NO.: RCRA-03-2025-0091
)
DAP Global, Inc.)
)
)
Respondent,)
) EXPEDITED SETTLEMENT AGREEMENT AND
) FINAL ORDER
)
)
DAP Global, Inc. – North Point)
) Proceeding under Section
4630 North Point Blvd.)
) 3008(a) and (g) of the Resource
Baltimore, MD 21219,)
) Conservation and Recovery Act, as
) amended, 42 U.S.C. § 6928(a) and (g)
)
Facility)
)

EXPEDITED SETTLEMENT AGREEMENT

1. DAP Global, Inc. (“Respondent”), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Maryland to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Code of Maryland Regulations (“COMAR”), codified at COMAR, Title 26, Subtitle 13, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA last authorized revisions to the COMAR on October 31, 2016, including incorporation by reference of the federal regulations which were in effect as of August 5, 2005. The Code of Federal Regulation citations used herein are to the 2005 Federal regulations in place as of August 5, 2005, when referring to the Federal regulations incorporated by the Maryland regulations.

4. On April 4, 2025, EPA sent a letter to Maryland, through the Maryland Department of the Environment (“MDE”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. Respondent is a Delaware corporation that manufactures caulks, sealants, foam, adhesives, patch and repair products, and that owns and operates a facility located at 4630 North Point Blvd., Baltimore, MD 21219 (“Facility”). The Facility generates hazardous waste in the form of solvents, linseed oil, universal waste lamps, batteries, and aerosols (D001, D035, and F003). On March 24, 2010, Respondent submitted a notification to MDE that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and MDE assigned RCRA ID No. MDD061366779 to the Facility. Respondent does not have a permit for the treatment, storage, or disposal of hazardous waste at the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a Corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B(61), and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility”, “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR 26.13.01.03B(58) and (59).
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” “hazardous waste” at the Facility waste flammable liquids including but not limited to acetate, mineral spirits, diethanolamine, and methyl ethyl ketone with EPA Hazardous Waste numbers D001, D035, and F003, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in COMAR 26.13.01.03B(31).
8. On March 12, 2024, EPA representatives conducted a Compliance Evaluation Inspection (“CEI”) at the Facility to determine compliance with the applicable hazardous waste regulations.
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized Code of Maryland Regulations set forth in the COMAR Title 26, Subtitle 13.
10. Complainant has identified the following violations at the Facility:
 - a. Respondent violated 42 U.S.C. § 6925(a) and COMAR 26.13.07.01, which incorporates 40 C.F.R. § 270.1(b) by reference, by operating a hazardous waste storage facility without a permit or interim status. At the time of the inspection, Respondent failed to comply with the conditions for the temporary storage of hazardous waste by a generator that are required pursuant to COMAR 26.13.03.03-4, which incorporates by reference 40 C.F.R. § 262.34, and therefore failed to qualify

for an exemption from the permitting/interim status requirements. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at COMAR 26.13.03.03-4:

- i. On March 12, 2024, Respondent failed to mark containers of hazardous waste with the accumulation start date, as required by COMAR 26.13.03-4(c), which incorporates by reference 40 C.F.R. § 262.34(a). During the CEI, the inspector observed eight (8) containers of hazardous waste in the flame shed and a 55-gallon drum with an aerosol puncturing unit affixed to the top in the maintenance shop that were not marked with the date when waste accumulation began.
 - ii. On March 12, 2024, Respondent failed to keep a container holding hazardous waste closed during accumulation except when necessary to add or remove waste, as required by COMAR 26.13.03.03-6(e)1, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(iv)(A) as described more fully in paragraph 10. b., below.
 - b. On March 12, 2024, Respondent failed to keep closed a container of hazardous waste except when it is necessary to add or remove waste, in violation of COMAR 26.13.06.17, which incorporates by reference 40 C.F.R. § 265.173(a). During the CEI, the inspector observed an open 55-gallon drum of waste ethylene in the flame shed. The inspector also observed ten (10) open containers of various solvent-based paints, oils, and chemicals and an open aerosol can-puncturing unit atop a 55-gallon drum of aerosol hazardous waste within the maintenance shop.
 - c. From at least May 19, 2020, until March 12, 2024, Respondent accumulated universal waste for greater than one (1) year, in violation of COMAR 26.13.10.17(B)(1), which incorporates by reference 40 C.F.R. § 273.15(a). Within the maintenance shop, the inspector observed a 5-gallon bucket of universal waste batteries with an accumulation start date of March 24, 2021, and a box of universal waste lamps with an accumulation start date of May 19, 2020.
 - d. On March 12, 2024, Respondent failed to mark a container of universal waste lamps with the words “Universal Waste Lamps” as required by COMAR 26.13.10.17(A)(2)(e), which incorporates by reference 40 C.F.R. § 273.14(e). In the maintenance shop, the inspector observed a box of universal waste lamps without a label for the contents within the container.
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **FIVE THOUSAND DOLLARS (\$5,000.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty

Policy, as revised in June 2003 (“RCRA Penalty Policy”), and, and the 2021 RCRA Expedited Settlement Agreement Pilot.

12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **FIVE THOUSAND DOLLARS (\$5,000.00)** to “United States Treasury” with the case name, address and docket number of this Agreement (RCRA-03-2025-0091), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Andrew Dutton Van Woert, Enforcement Officer (3ED22)
U.S. EPA, Region 3
vanwoert.andrew@epa.gov

and

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

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA’s jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney’s fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

17. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind DAP Global, Inc.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: vanwoert.andrew@epa.gov (for Complainant), and bmassetti@dap.com (for Respondent).
23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: DAP Global, Inc.

Date: 6.10.25

By: _____



Robert Massetti
Vice President of Operations

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

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

**KAREN
MELVIN**

Digitally signed by
KAREN MELVIN
Date: 2025.06.10
12:49:01 -04'00'

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

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

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| IN THE MATTER OF: |) | DOCKET NO.: RCRA-03-2025-0091 |
| |) | |
| DAP Global, Inc. |) | |
| |) | |
| Respondent, |) | EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER |
| |) | |
| DAP Global, Inc. – North Point |) | Proceeding under Section |
| 4630 North Point Blvd. |) | 3008(a) and (g) of the Resource |
| Baltimore, MD 21219, |) | Conservation and Recovery Act, as |
| |) | amended, 42 U.S.C. § 6928(a) and (g) |
| Facility |) | |
| |) | |
| |) | |
| |) | |

FINAL ORDER

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

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), and the 2021 RCRA Expedited Settlement Agreement Pilot.

NOW, THEREFORE, PURSUANT TO 3008(g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

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

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

**JOSEPH
LISA**

Digitally signed by
JOSEPH LISA
Date: 2025.06.11
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[Digital Signature and Date]

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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|--------------------------------|---|---|
| IN THE MATTER OF: | : | DOCKET NO.: RCRA-03-2025-0091 |
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| DAP Global, Inc. | : | |
| | : | EXPEDITED SETTLEMENT AGREEMENT AND |
| Respondent, | : | FINAL ORDER |
| | : | |
| | : | |
| DAP Global, Inc. – North Point | : | Proceeding under Section 3008(a) and (g) of |
| 4630 North Point Blvd. | : | the Resource Conservation and Recovery Act, |
| Baltimore, MD 21219 | : | as amended, 42 U.S.C. § 6928(a) and (g) |
| | : | |
| Facility. | : | |

CERTIFICATE OF SERVICE

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

Copies served via email to:

Robert Massetti, Vice President of Operations
DAP Global, Inc.
bmassetti@dap.com
4630 North Point Blvd.
Baltimore, MD 21219

Andrew Dutton Van Woert
Enforcement Inspector
U.S. EPA, Region 3
Vanwoert.andrew@epa.gov

**BEVIN
ESPOSITO**

Digitally signed by BEVIN ESPOSITO
Date: 2025.06.11 14:06:04 -0400

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3