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**U.S. EPA REGION 1
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:)

Northeast Coating Technologies, Inc.)
105 York Street)
Kennebunk, ME 04043)

Respondent.)

Proceeding under Section 3008(a) of)
Resource Conservation and Recovery)
Act, 42 U.S.C. § 6928(a))

Docket No. RCRA-01-2025-0011

**CONSENT AGREEMENT
AND FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1, alleges that Northeast Coating Technologies, Inc. ("Respondent") has violated the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at Respondent's coating facility in Kennebunk, Maine. EPA Region I ("Complainant") and Respondent (together, the "Parties") have agreed to settle this matter through this Consent Agreement and Final Order ("CAFO"). EPA's procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice ("Consolidated Rules") at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to the State of Maine pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. There has been no trial or merits hearing on any issues of fact or law in this matter and no judicial determination of liability regarding the alleged violations in the CAFO. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. Respondent is a Maine corporation that owns and operates a materials coating facility at 105 York Street, Kennebunk, Maine (the “Facility”).

5. On March 30 and 31, 2023, EPA representatives conducted a hazardous waste compliance evaluation inspection (“EPA Inspection”) at the Facility. The facts and allegations contained herein arose from the EPA Inspection and other information obtained by EPA

III. ALLEGED RCRA AND MWHMR VIOLATIONS

A. RCRA Statutory and Legal Framework

6. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

7. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

8. On May 6, 1988, EPA granted Maine authorization to implement its base hazardous waste management program. *See* 53 Fed. Reg. 16,264 (May 6, 1988). This authorization became effective on May 20, 1998. EPA subsequently granted authorization for changes to Maine’s program in 1997, 2004, 2020, and 2022. The Maine Department of

Environmental Protection administers the Maine hazardous waste program through the Maine Hazardous Waste Management Rules ("MHWMR"), 06-096 C.M.R. ch. 850-858.

9. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce violations of the requirements of RCRA and MHWMR by issuing administrative orders to assess civil penalties and require compliance.

10. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015 ("FCPIAA"), and the FCPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after December 27, 2023, are currently subject to penalties of up to \$124,426 per day for each violation. *See* 90 Fed. Reg. 1,375, 1,378 (Jan. 8, 2025).

B. General Allegations

11. Respondent is a corporation and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15). At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and/or "operator" of the Facility as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(4).

12. At all times relevant to the allegations set forth in this CAFO, Respondent's Facility generated "hazardous waste," as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and MHWMR 06-096 C.M.R. ch. 851, Section (3)(F). Respondent is, therefore, subject to the standards for generators of hazardous waste set forth in RCRA and the MHWMR.

13. At all times relevant to the allegations set forth in this CAFO, Respondent's Facility operated an evaporator that evaporated several types or streams of hazardous waste. The operation of such evaporation device constitutes the "treatment" of hazardous waste as defined by 40 C.F.R. 206.10 and MHWMR 06-096 C.M.R. ch. 854, Section (3)(MM).

14. At the time the alleged violations occurred, Respondent did not have a license for the treatment, storage, or disposal of hazardous wastes ("TSD license") at the Facility.

15. To store hazardous waste for 90 days or fewer without obtaining a TSD license or having interim status, Respondent or Respondent's Facility must be in compliance with the applicable provisions of RCRA and the MHWMR.

16. At the time the alleged violations occurred, Respondent stored less than 5,000 kilograms of mercury containing lamps at the Facility. Respondent was thus a "Small Universal Waste Generator," as defined in MHWMR 06-096 C.M.R. ch. 858, Section 4(O).

C. RCRA and MWHMR Alleged Violations

Count 1: Failure to Obtain a License for the Treatment of Hazardous Waste

17. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

18. Pursuant to MHWMR 06-096 C.M.R. ch. 851, Section 12(A), which references MHWMR ch. 856, a facility must obtain a permit from the Maine Department of Environmental Protection for the treatment of hazardous waste in tanks or containers.

19. At the time of the EPA Inspection, Respondent was operating an evaporator in the Facility's Salt Bath Nitride Area that treated and managed several types or streams of hazardous wastes.

20. Respondent did not have a license for the treatment of hazardous waste in the evaporator. Accordingly, Respondent violated Section 3005 of RCRA and MHWMR 06-096 C.M.R. ch. 851, Section 12(A), which references MHWMR ch. 856.

Count 2: Failure to Comply with Standards for Storage of Hazardous Waste in Tanks

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

22. Pursuant to MHWMR, 06-096 C.M.R. ch. 851, Section 8(B)(2), which references

MHWMR, 06-096 C.M.R. ch. 855 Section (9)(D), which references 40 C.F.R. §§ 265.190(a) - (c), and 265.191-265.202, a facility must store and manage hazardous waste in tanks in compliance with 40 C.F.R. Part 265, Subpart J, by doing such things as labeling the hazardous waste tank, inspecting the tank daily and providing secondary containment.

23. At the time of the EPA Inspection, Respondent was accumulating caustic hazardous waste in a 220-gallon holding tank in the Salt Bath Nitriding Area without complying with the requirements of 40 C.F.R. Part 265, Subpart J. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851, Section 8(B)(2), which references MHWMR, 06-096 C.M.R. ch. 855 Section (9)(D), which references 40 C.F.R. §§ 265.190(a) - (c), and 265.191-265.202. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

24. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 3: Failure to Accumulate Hazardous Waste on an Impervious Surface

25. Paragraphs 1 through 24 are incorporated by reference as if fully set forth herein.

26. Pursuant to MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(1), a facility must accumulate hazardous waste upon a base that is a firm working surface, such as asphalt or concrete, that is impervious, and that must be kept entire and constructed of a minimum thickness of four (4) inches to prevent spillage from leaving the area.

27. At the time of the EPA Inspection, in the Facility's Hazardous Waste Storage Area, there were approximately twenty-one containers of hazardous waste, including potassium

hydroxide, sodium nitrate, isopropyl alcohol, and sulfuric acid, three 250-gallon totes of hazardous waste potassium hydroxide sodium nitrate, and three 275-gallon containers of potassium hydroxide.

28. At the time of the EPA Inspection, there was a crack in the cement floor of the Facility's Hazardous Waste Storage Area where containers of hazardous waste were stored. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(1). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

29. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 4: Failure to Post Required Signage in a Hazardous Waste Storage Area

30. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

31. Pursuant to MHWMR, 06-096 C.M.R. ch. 851 Section (13)(C)(7)(c)(i), which references 40 C.F.R. Section 264.14, a facility must post a sign reading "Danger – Unauthorized Personnel Keep Out" in hazardous waste storage areas.

32. At the time of the EPA Inspection, Respondent did not post the required sign in its Hazardous Waste Storage Area. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851 Section (13)(C)(7)(c)(i), which references 40 CFR 264.14. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

33. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 5: Failure to Provide Secondary Containment in a Hazardous Waste Storage Area

34. Paragraphs 1 through 33 are incorporated by reference as if fully set forth herein.

35. Pursuant to MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(2), a facility must provide secondary containment and a collection system, the capacity of which must exceed 20 percent of the total capacity of all containers and tanks used to store wastes or one-hundred ten percent of the capacity of the largest container or tank, whichever is greater.

36. At the time of the EPA Inspection, the Hazardous Waste Storage Area did not provide the required secondary containment. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(2). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

37. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 6: Failure to Segregate Incompatible Hazardous Waste

38. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

39. Pursuant to MHWMR, 06-096 C.M.R. ch. 851, Section 13(C)(6), a facility must store containers of incompatible hazardous waste in a separate enclosure, building, or structure,

unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstance, including simultaneous leakage or failure of a container(s) or tank(s).

40. At the time of the EPA Inspection, in the Facility's Hazardous Waste Storage Area there were 16 containers of hazardous waste (including potassium hydroxide, sodium nitrate, isopropyl alcohol [IPA], and sulfuric acid) and three 250-gallon totes of hazardous waste (including potassium hydroxide and sodium nitrate) that are incompatible hazardous wastes without any physical separation or containment. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851, Section 13(C)(6). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

41. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 7: Failure to Maintain Adequate Aisle Space for Containers Storing Hazardous Waste

42. Paragraphs 1 through 41 are incorporated by reference as if fully set forth herein.

43. Pursuant to MHWMR, 06-096 C.M.R. ch. 851, Section (13)(C)(7)(b), a facility must maintain at least 36 inches of aisle space to allow for inspections of containers storing hazardous waste and the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

44. At the time of the EPA Inspection, on the left side of the Hazardous Waste Storage Area, three totes were placed against a wall, two black drums and two white drums were

placed approximately six inches from the totes, and containers of hazardous waste were stored with less than 36 inches of aisle space between rows of containers. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 851, Section (13)(C)(7)(b). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

45. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 8: Failure to Label Containers of Hazardous Waste

46. Paragraphs 1 through 45 are incorporated by reference as if fully set forth herein.

47. Pursuant to MHWMR 06-096 C.M.R. ch. 851, Section 8(B)(3), a generator must mark and label each container of hazardous waste with the words "Hazardous Waste."

48. At the time of the EPA Inspection, the following six (6) containers that contained hazardous waste were not labeled with the words "Hazardous Waste":

- a. In the Salt Bath Nitride Area, there were five 55-gallon drums that were unlabeled.
- b. In the Salt Bath Nitride Area, the label on one 55-gallon SAA container did not have the words "hazardous waste."

49. Accordingly, Respondent violated MHWMR 06-096 C.M.R. ch. 851, Section 8(B)(3). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (5)(A).

50. Because Respondent did not have a TSD license for the Facility, Respondent

violated Section 3005 of RCRA, 42 U.S.C. § 6925, and MHWMR, 06-096 C.M.R. ch. 856, Section (4)(A) and (5)(A).

Count 9: Failure to Comply with Universal Waste Labeling, Dating, and Packaging Requirements for Mercury-Containing Lamps

51. Paragraphs 1 through 50 are incorporated by reference as if fully set forth herein.

52. Pursuant to MHWMR, 06-096 C.M.R. ch. 858, Sections 7(F), 7(L), and 7(W)(6), a small quantity handler of universal waste must (a) store all universal waste in a closed container that is maintained to prevent leakage; (b) label the container holding universal waste with the accumulation start date and the date the container becomes full; and (c) designate each universal waste storage area with a clearly marked sign.

53. At the time of the EPA Inspection, in the Facility's Hazardous Waste Storage Area, universal waste was stored as follows:

- a. There were twelve universal waste lamps that were not in a container;
- b. There was no label or markings on five closed and taped boxes of universal waste lamps;
- c. There was one 30-gallon container labeled as universal waste broken lamps with no date on the label; and
- d. There was no "Universal Hazardous Waste Storage Area" sign posted in the area where universal waste was stored in the HWSA.

54. Accordingly, Respondent violated MHWMR, 06-096 C.M.R. ch. 858, Sections 7(F), 7(L), and 7(W)(6).

IV. GENERAL TERMS

55. The terms of this CAFO shall apply to and be binding on Respondent, its successors, and its assigns.

56. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. Neither admits nor denies the specific factual allegations contained in Section III of this CAFO;
- c. Consents to the assessment of a civil penalty as stated below;
- d. Consents to the issuance of any specified compliance or corrective action order;
- e. Consents to the conditions specified in this CAFO;
- f. Consents to any stated permit action; and
- g. Waives its right to request a hearing, any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

57. Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. For the purpose of this proceeding, Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO. 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 this Consent Agreement. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Maine and waives any rights in law or equity to challenge EPA's authority to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance.

58. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any

conditions specified in this CAFO.

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

59. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to, the Maine Hazardous Waste Management Rules cited above.

60. Respondent further certifies that it has completed the following compliance actions at the Facility:

- a. Respondent has applied for a permit from the Maine Department of Environmental Protection for the treatment of hazardous waste in the evaporator in the Salt Bath Nitride Area, pursuant to MHWMR 06-096 C.M.R. ch. 851, Section 12(A), which references MHWMR ch. 856.
- b. Respondent is storing and managing hazardous waste in the 220-gallon holding tank in the Salt Bath Nitriding Area in accordance with the MHWMR, 06-096 C.M.R. ch. 851 Section 8(B)(2), which references MHWMR, 06-096 C.M.R. ch. 855 Section (9)(D), which references 40 C.F.R. §§ 265.190(a) - (c), and 265.191-265.202.
- c. Respondent has repaired the crack in the cement floor of the Facility's Hazardous Waste Storage Area in accordance with MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(1).
- d. Respondent has posted the required signage in the Hazardous Waste Storage Area, in accordance with MHWMR, 06-096 C.M.R. ch. 851 Section (13)(C)(7)(c)(i), which references 40 C.F.R. Section 264.14.
- e. Respondent is providing secondary containment for all hazardous waste stored in the

Hazardous Waste Storage Area, in accordance with MHWMR, 06-096 C.M.R. ch. 851, Section (13)(B)(2).

- f. Respondent is segregating containers of incompatible hazardous waste in accordance with MHWMR, 06-096 C.M.R. ch. 851, Section 13(C)(6).
- g. Respondent is maintaining at least 36 inches of aisle space between containers of hazardous waste in accordance with MHWMR, 06-096 C.M.R. ch. 851, Section (13)(C)(7)(b).
- h. Respondent is marking and labeling each container of hazardous waste with the words "Hazardous Waste," in accordance with MHWMR 06-096 C.M.R. ch. 851, Section 8(B)(3).
- i. Respondent is keeping all mercury-containing lamps in a closed container or package; maintaining the containers or packages to prevent leakage; immediately cleaning up any broken mercury-containing lamps and storing them in a closed container; and is marking or labeling the container holding such universal waste with the waste-generation or reception date, in accordance with MHWMR, 06-096 C.M.R. ch. 858, Sections 7(F), 7(L), and 7(W)(6).

VI. CIVIL PENALTY

61. Respondent agrees to pay a penalty of \$140,000 within 30 days of the effective date of this CAFO (the "Assessed Penalty"). The CAFO shall become effective on the date it is filed ("Filing Date") with the Regional Hearing Clerk.

62. 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>.

63. When making a payment, Respondent shall:

- a. Identify every payment with the Respondent's name (that is, "Northeast Coating Technologies, Inc.") and the docket number of this Agreement (that is, RCRA-01-2025-0011).
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Via electronic mail to:
r1_hearing_clerk_filings@epa.gov

and

John Kilborn, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Via electronic mail to:
Kilborn.john@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

64. "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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

65. 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 Agreement, 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 Filing Date. If the Assessed Penalty is paid in full within 30 days, interest accrued is waived. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service ("IRS") large corporate underpayment rate ("LCU").
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first 30-day period after the Filing Date. Additional handling charges will be assessed every 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 per year, 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 90 days. Any such amounts will accrue from the Filing Date.

66. 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 Agreement, EPA may take additional actions. Such actions 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 (that is, 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 IRS 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 EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17; and
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

67. 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.

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

69. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the IRS a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or

in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, on or before the date that Respondent's penalty payment is due, pursuant to Paragraph 61 of this CAFO, or within 7 days should this CAFO become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center, via the email address identified in the preceding sub-

paragraph, with Respondent's TIN within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VII. EFFECT OF SETTLEMENT

70. This CAFO constitutes a full and final settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

71. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

72. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or State law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, State, or local permit. Except as provided in Paragraph 70 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

73. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

74. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and

legally bind their Party to it.

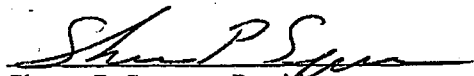
75. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to sspencer@northeastcoating.com and adam.dumville@mclane.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

76. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

77. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

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FOR RESPONDENT:



Shawn P. Spencer, President
Northeast Coating Technologies, Inc.

Date: 07-25-2025

FOR COMPLAINANT:

JAMES CHOW

Digitally signed by JAMES
CHOW
Date: 2025.08.07 12:01:22
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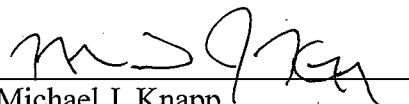
Dated via electronic signature

James Chow, Director
Enforcement and Compliance Assurance Division
EPA Region 1

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement resolving *In the Matter of Northeast Coating Technologies, Inc.*, Docket Number RCRA-01-2025-0011, is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to comply with the terms of this Consent Agreement and pay the civil penalty amount specified in the Consent Agreement in the manner indicated. The terms of the Consent Agreement shall become effective on the date this Order is filed with the Regional Hearing Clerk.

It is so ORDERED.


Michael J. Knapp
Regional Judicial Officer
United States Environmental Protection Agency
Region 1

Date: August 12, 2025