



REGION 3
PHILADELPHIA, PA 19103

FILED
Mar 25, 2026
1:45 pm
**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:	
	:	
AHF Products, LLC	:	U.S. EPA Docket No. CWA-03-2026-0006DN
1067 Dillerville Road	:	
Lancaster, Pennsylvania 17603	:	ADMINISTRATIVE ORDER ON CONSENT
	:	PURSUANT TO 33 U.S.C. § 1319(a)
Respondent.	:	
	:	
AHF Products, LLC, Lancaster	:	
Facility	:	
1067 Dillerville Road	:	
Lancaster, Pennsylvania 17603,	:	
NPDES Permit No. PAG033809	:	
	:	
Facility.	:	

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent (“AOC” or “Order”) for compliance issued to AHF Products, LLC (“Respondent”), under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement and Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides, among other things, that: “Whenever, on the basis of information available to [EPA], [EPA] finds that any person is in violation of any condition or limitation [implementing section 301, 302, 306, 307, 308, 318, or 405 of this title] in a permit issued under section [402] . . . of this title, . . . [EPA] shall issue an order requiring such person to comply with such condition or limitation” See 33 U.S.C. § 1319(a)(3).
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. The EPA has consulted with the Pennsylvania Department of Environmental Protection (“PADEP”) regarding this action and, subsequent to the Effective Date, the

EPA will provide a copy of this fully executed AOC to the appropriate PADEP representative.

II. GENERAL PROVISIONS

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this AOC.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this AOC.
8. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
9. Respondent shall bear its own costs and attorneys' fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
10. Issuance of this AOC is intended to address the alleged violations described herein. 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. The EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §§ 1251 – 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
11. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or 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 Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251 – 1389, or any regulations promulgated thereunder.
12. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 – 706.

13. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
14. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
15. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
16. 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 AOC 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.

III. STATUTORY AND REGULATORY BACKGROUND

17. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with, among other things, a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the CWA, 33 U.S.C. § 1342.
18. Section 402(a) of the CWA, 33 U.S.C. § 1342(a) provides that the Administrator of EPA, or a state upon approval by the EPA, may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.
19. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA authorized PADEP to issue NPDES permits in the Commonwealth of Pennsylvania.

20. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation, 40 C.F.R. § 122.26(a)(1)(ii), require facilities discharging stormwater associated with industrial activity to obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of stormwater associated with industrial activity must apply for an individual permit or seek coverage under a general permit.
21. 40 C.F.R. § 122.2 defines “Pollutant” as “dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” *See also* 33 U.S.C. § 1362(6).
22. 40 C.F.R. § 122.2 defines “the discharge of a pollutant” as: “any addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source,’ This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by a man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.”
23. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are “point sources” subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
24. 40 C.F.R. § 122.26(b)(13) defines the term “Storm water” as “storm water runoff, snow melt runoff, and surface runoff and drainage.”
25. 40 C.F.R. § 122.26(b)(14) defines “Storm water discharge associated with industrial activity” as “the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant” and “includes, but is not limited to, storm water discharges from industrial plant yards . . . ; material handling sites; refuse sites; sites used for the application or disposal of process waste waters . . . ; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products.”
26. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within Pennsylvania for NPDES permit violations.

IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS

27. PADEP issued a General Permit for Discharges of Stormwater Associated with Industrial Activity (Discharge Permit No. PAG-03, hereinafter referred to as “the Permit”) effective March 24, 2023. PADEP granted Respondent coverage under the Permit on June 25, 2024 (NPDES Permit No. PAG033809). The Permit expires on March 23, 2028. Discharges from Respondent’s facility are therefore subject to terms and conditions of the Permit.
28. Respondent is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
29. At all times relevant herein, upon information and belief, Respondent has owned or operated, and continues to own and operate, a sheet and tile vinyl flooring manufacturing plant (the “Facility”) located at 1067 Dillerville Road, Lancaster, Pennsylvania 17603.
30. At all times relevant herein, upon information and belief, Respondent was engaging in “industrial activity” at the Facility, within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).
31. At all times relevant herein, upon information and belief, Respondent discharged stormwater and/or authorized non-stormwater through outfalls identified in its Permit into the Conestoga River, a Traditional Navigable Water. The Conestoga River is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
32. On December 6, 2023, representatives from the EPA, Region 3 conducted an onsite compliance evaluation inspection (“Inspection”). The combined findings of the onsite inspection were incorporated into an Inspection Report finalized on March 12, 2024, and transmitted to Respondent on March 12, 2024.
33. The EPA sent a Notice to Show Cause to Respondent on July 18, 2024.
34. On September 5, 2024, Respondent submitted a response to the Notice to Show Cause. Following additional correspondence, on September 11, 2024, the EPA and Respondent, with counsel, met and conferred regarding Respondent’s compliance, and Respondent provided further information.

Count 1

Failure to Minimize the Potential for Leaks, Spills, and Other Releases

35. Part C.II.G of the Permit requires the permittee to minimize the potential for leaks, spills and other releases that may be exposed to storm water.
36. At the Inspection, the EPA observed various instances at Respondent's Facility, in particular near the Facility's incinerator, where Respondent failed to minimize the potential for leaks, spills, and other releases that may be exposed to storm water. The EPA observed black material around the incinerator structure from an apparent leak along with black staining under the incinerator near a storm drain inlet. The EPA also observed several buckets with absorbent pads and residual content from the incinerator underneath the unit.
37. In supplemental information the Respondent provided to the EPA on March 23, 2025, it appears Respondent has cleaned the staining and black material at the incinerator and installed larger buckets with a secondary containment tray underneath the unit. Respondent also provided information about planned upgrades and repairs to the incinerator that will prevent leaks and spills.
38. By allowing black residue to accumulate, black staining to accumulate near a storm drain inlet, and by utilizing buckets to catch potential leaks from the incinerator, Respondent allegedly violated Part C.II.G of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.

Count 2

Failure to Maintain Good Housekeeping

39. Part C.II.E of the Permit requires the permittee to perform good housekeeping measures including implementing "a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater." The Permit further provides that the cleaning and maintenance program must encompass areas where material loading and unloading, storage, handling, and processing occur.
40. During the Inspection, the EPA observed the following in areas susceptible to contact with stormwater:
 - a. Manholes located with a gray residue around them located along building 94, where the Facility conducts luxury residential and commercial vinyl tile operations.

- b. A storm drain inlet with residue on the ground leading up to the structure, located outside of Garage 201-A.
 - c. A white residue material both inside and outside of Building 95A, where pallets of packed residential sheet vinyl were ready to be shipped.
 - d. A white residue on the ground by totes outside of Building 57. The EPA also observed a leak of PVC plastisol on the ground in front of a Conex Box in the alleyway of Building 57.
 - e. A white residue on the ground in front of Silo 5102, one of four 54,000-pound silos containing PVC resin outside of Building 100.
41. Supplemental information provided by Respondent at an Opportunity to Confer meeting on March 11, 2025, indicates that the PVC plastisol leak in the alleyway of Building 57 was an old spill where Respondent cleaned up and mitigated the spill and the remaining residue could not be removed.
42. By failing to keep onsite locations free of staining and debris, Respondent allegedly violated Part C.II.E of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and the CWA.

V. COMPLIANCE ORDER

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

43. Respondent shall take any and all steps necessary to comply fully with the Permit as soon as practicable. Such steps include the activities outlined in this section.
44. Standard Operating Procedure (“SOP”) — Good Housekeeping. Within ninety (90) calendar days following the Effective Date of this Order, Respondent shall:
- a. Submit a written Standard Operating Procedure that addresses Part C.II.E of the Permit and required good housekeeping measures to the EPA for approval. The Standard Operating Procedure shall develop and implement a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate that minimizes the discharge of pollutants in stormwater. The Standard Operating Procedure shall encompass, as appropriate, areas where material loading, unloading, storage, handling, and processing occur.

- b. The EPA will in writing: (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
 - i. If the submission is accepted, Respondent shall begin implementation of the SOPs as approved.
 - ii. If the submission is conditionally accepted or accepted in part, Respondent shall, upon written direction from EPA, begin implementation of the accepted portions of the SOPs.
 - iii. If the submission is unacceptable in whole or in part, Respondent shall, within 30 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the SOPs, or any unacceptable portion thereof, for approval, in accordance with the Procedures for Submissions. If the resubmission is accepted in whole or in part, Respondent shall begin implementation of the newly approved SOPs.
 - c. Submit updates and applicable records on implementation of the Good Housekeeping SOPs to EPA with the quarterly progress reports.
45. Standard Operating Procedure (“SOP”) — Minimizing Spills, Leaks, and Other Releases. Within ninety (90) calendar days following the Effective Date of this Order, Respondent shall:
- a. Submit a written Standard Operating Procedure that addresses Part C.II.G of the Permit, specifically regarding minimizing the potential for spills, leaks, and other releases that may be exposed to stormwater from the Facility’s incinerator, to the EPA for approval.
 - b. The EPA will in writing: (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
 - i. If the submission is accepted, Respondent shall begin implementation of the SOPs as approved.
 - ii. If the submission is conditionally accepted or accepted in part, Respondent shall, upon written direction from EPA, begin implementation of the accepted portions of the SOPs.
 - iii. If the submission is unacceptable in whole or in part, Respondent shall, within 30 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the SOPs, or any unacceptable

portion thereof, for approval, in accordance with the Procedures for Submissions. If the resubmission is accepted in whole or in part, Respondent shall begin implementation of the newly approved SOPs.

- c. Submit updates and applicable records on implementation of the Minimizing Spills, Leaks, and Other Releases SOPs to EPA with the quarterly progress reports.
46. Residue/Staining Evaluation and Clean Up Plan. Within one hundred and fifty (150) calendar days of the effective Date of this Order, Respondent shall:
- a. Submit to the EPA an evaluation of all existing residue and/or ground staining from industrial activities at the Facility that has the potential to come into contact with stormwater.
 - b. Develop a Clean Up Plan to identify and remove any residue/staining that has the potential to contribute to a stormwater discharge. This Plan shall contain photographs of the existing residue/staining, a description of the process and schedule to remove the residue/staining, and photographs of the residue/staining after clean up.
 - c. If Respondent deems any existing residue and/or staining is inert and cannot be removed, then Respondent shall identify this residue/staining in the Clean Up Plan. Respondent shall continue to monitor this residue/staining and submit photographic documentation quarterly to the EPA of that residue/staining to demonstrate that it is not discharging, for one year from the Effective Date of this Order as part of the quarterly progress reports.
47. Respondent shall submit to the EPA quarterly progress reports until this Order is terminated. These reports shall be submitted in accordance with Section VI (Procedures for Submission) below. The quarterly progress reports shall be due by March 31, June 30, September 30, and December 31 of each year, and shall include, at a minimum:
- a. Activities completed during the reporting period;
 - b. Dates by which the activities were completed;
 - c. Any barriers to the timely completion of activities encountered; and
 - d. Activities currently in progress.
 - e. Updates on implementation of the SOPs pursuant to Paragraphs 44 and 45.

VI. PROCEDURES FOR SUBMISSIONS

- 48. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____
 Printed Name: _____
 Title: _____
 Date: _____

- 49. Respondent may assert a business confidentiality claim covering part of all the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.
- 50. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this ACO via email to:

Brian Tolton
 Enforcement and Compliance Assurance Division
 U.S. EPA, Region 3
 Philadelphia, PA 19103
Tolton.Brian@epa.gov

AND

R3_ORC_mailbox@epa.gov

Attn: Amy Stevens

Any information that is submitted electronically shall be submitted in a widely recognized electronic format.

VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

51. Upon completion of all items required by this Order and a determination of completeness of each item, Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this Order. Such a certification and request shall include:
 - a. A certification that Respondent has maintained compliance with this AOC for the term of this AOC; and
 - b. All necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section V (Compliance Order) of this AOC.
52. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA determines that any requirement has not been completed and implemented in accordance with this Order, the EPA will notify the Respondent in writing, provide a written summary of such deficiencies, and require Respondent to modify its actions as appropriate to correct such deficiencies. If so required, the EPA may also require the Respondent to submit a revised Certification of Compliance and Request for Termination of this Order.
53. If, following the review of any Certification of Compliance and Request for Termination of this AOC, the EPA agrees that Respondent has adequately complied with all requirements of this AOC, then the EPA, may, in its unreviewable discretion, provide written notification of termination of this AOC.
54. The EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.

VIII. AOC MODIFICATIONS

55. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to the EPA and shall be subject to review and approval by the EPA, in its sole and unreviewable discretion. Respondent's submission of a written

request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

IX. EFFECTIVE DATE

56. This AOC will become effective upon the Respondent's receipt of a fully executed copy of this AOC.

AHF PRODUCTS, LLC

Date: 1/12/20

By: 

Name: Timothy J. Nieman, Esq.

Title: Secretary and General Counsel

SO ORDERED

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____
[Digital Signature and Date]
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
(dated via electronic timestamp)



REGION 3

PHILADELPHIA, PA 19103

In the Matter of: :

AHF Products, LLC : **U.S. EPA Docket No. CWA-03-2026-0006DN**

1067 Dillerville Road : :

Lancaster, Pennsylvania 17603 : **ADMINISTRATIVE ORDER ON CONSENT**

Respondent. : **PURSUANT TO 33 U.S.C. § 1319(a)**

AHF Products, LLC, Lancaster : :

Facility : :

1067 Dillerville Road : :

Lancaster, Pennsylvania 17603, : :

NPDES Permit No. PAG033809 : :

Facility. :

CERTIFICATE OF SERVICE

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

Copies served via UPS and email to:

Patrick Nolan, Plant Manager
AHF Products, LLC
1067 Dillerville Road
Lancaster, Pennsylvania 17603
Patrick.nolan@ahfproducts.com

Theresa Kinsinger
AHF Products, LLC
3840 Hempland Road
Mountville, PA 17554
Theresa.kinsinger@ahfproducts.com

Copies served via email to:

Amy Stevens
Assistant Regional Counsel
U.S. EPA, Region 3
Stevens.amy@epa.gov

Brian Tolton
U.S. EPA, Region 3
Tolton.brian@epa.gov

By: _____
[Digital Signature and Date]
Regional Hearing Clerk
U.S. EPA, Region 3