

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

FILED

Nov 25, 2024

10:50 am

U.S. EPA REGION 3
HEARING CLERK

IN THE MATTER OF:

HUNTINGTON PLATING, INC.
625 MONROE AVENUE
HUNTINGTON, WV 25704

Respondent,

HUNTINGTON PLATING, INC.
625 MONROE AVENUE
HUNTINGTON, WV 25704,

Facility.

)
) DOCKET NO.: RCRA-03-2025-0004
)

)
) EXPEDITED SETTLEMENT AGREEMENT AND
) FINAL ORDER
)

)
) Proceeding under Section
) 3008(a) and (g) of the Resource
) Conservation and Recovery Act, as
) amended, 42 U.S.C. § 6928(a) and (g)
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EXPEDITED SETTLEMENT AGREEMENT

1. Huntington Plating, 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 West Virginia 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 West Virginia Hazardous Waste Management Regulations ("WVHWMR"), codified at W.Va. Code R. §§ 33-20-1 through 33-20-15 and W. Va. Code R. § 45-25, 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).

4. On September 13, 2024, EPA sent a letter to West Virginia, through the West Virginia Department of Environmental Protection (“WVDEP”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 625 Monroe Avenue, Huntington, West Virginia, 25704 (“Facility”), Respondent operates an electroplating facility that repairs and replates hydraulic cylinders in addition to repairing industrial equipment. At the time of the inspection, the Facility had three (3) plating operations: nickel, silver, and chrome. Hazardous waste generated by the Facility includes, but is not limited to, spent chrome-contaminated filters, spent silver-contaminated filters, spent plating baths, and waste filter cake from on-site wastewater treatment unit. On October 3, 2022, Respondent submitted a notification to WVDEP that the Facility was a small quantity generator (“SQG”) of hazardous waste at the Facility, and WVDEP assigned RCRA ID No. WVD005004395 to 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 W.Va. Code R. § 33-20-2.1.a, 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 those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.Va. Code R. § 33-20-2.1.a.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” chrome-contaminated filters, silver-contaminated filters, silver and chrome contaminated debris (e.g., masking materials), waste chrome plating solution, wastewater treatment filter cake, waste aerosol cans, and waste lamps with EPA Hazardous Waste Codes D001, D002, D003, D007, D010, D011, F005, F006, and F007 which are “hazardous waste(s)” at the Facility, as the terms “stored” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.Va. Code R. § 33-20-2.1.a.
8. On August 23 – 24, 2023, EPA representatives conducted a Compliance Evaluation Inspection 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 260-266, 268 and 270, and the federally-authorized WVHWMR, W.Va. Code R. § 33-20-1 – 33-20-15.
10. Complainant has identified the following violations at the Facility:
 - a. On August 23 and 24, 2023, Respondent operated the Facility without a permit or interim status, in violation of WVHWMR § 33-20-11, which incorporates 40 CFR § 270.1(b) by reference. 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 W.Va. Code R. § 33-20-5.1, 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 WVHWMR § 33-20-5.1:

- (1) Respondent failed to label satellite accumulation area (“SAA”) containers with the phrase “Hazardous Waste” or with other words that identify the contents of the containers, as required by WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR § 262.34(c)(1)(ii);
 - (A) In the Machine Shop, a 55-gallon drum accumulating alkaline sludge from the caustic degreaser was not labeled with the phrase “Hazardous Waste” or with other words that identified the contents of the container.
 - (B) In the Chrome Plating area, three (3) 5-gallon buckets accumulating chrome-contaminated tape were not labeled with the phrase “Hazardous Waste” or with other words that identified the contents of the container.
- (2) Respondent failed to mark an accumulation start date on a central accumulation area (“CAA”) container, as required by WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR § 262.34(d)(4)
 - (A) In the CAA, a 55-gallon drum accumulating chrome sludge was not marked with an accumulation start date.
- (3) Respondent transferred hazardous waste from one SAA to another SAA. Pursuant to WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR § 262.34(c)(1), waste can only be accumulated in an SAA at or near the point of generation of the waste which is under control of the operator of the process generating the waste.
 - (A) Hazardous waste generated from lab operations was observed accumulated in 5-gallon carboys within in the lab. Respondent’s representative explained that carboys of hazardous waste are taken from the lab and emptied into either another 55-gallon drum that is managed as an SAA or put into the on-site wastewater treatment unit. The act of transferring hazardous waste from the lab SAA to a drum managed as an SAA causes the hazardous waste to no longer be at or near the point of generation.
- (4) Respondent failed to post emergency contact information next to landline

phones or near the CAA, as required by WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR § 262.34(d)(5)(ii).

- (A) The name and telephone number of the Respondent's designated Emergency Coordinator was not observed to be posted near landline telephones or on signage near/in the CAA.
 - b. On August 23 and 24, 2023, Respondent failed to close SAA containers when not adding or removing waste, in violation of WVHWMR § 33-20-7.2, which incorporates by reference 40 CFR § 264.173(a).
 - (A) In the Machine Shop, the aforementioned 55-gallon drum accumulating liquids from punctured aerosol cans was open.
 - (B) The Chrome Plating area, aforementioned three (3) 5-gallon buckets accumulating chrome-contaminated tape were not closed.
 - c. On August 23 and 24, 2023, Respondent failed to maintain and operate the facility in a manner that minimized the possibility of a fire, explosion, or unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment, in violation of WVHWMR § 33-20-7.2, which incorporates by reference 40 CFR § 264.31.
 - (A) In the Chrome Plating area, chrome-contaminated tape and spills of hexavalent chrome were observed on the floor. Additionally, contaminated rags observed on the floor of this area were picked up by an employee and placed into the hazardous waste drum during the inspection.
 - d. On August 23 and 24, 2023, Respondent failed to retain a copy of a Land Disposal Restriction (LDR) notification for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal, in violation of WVHWMR § 33-20-10.1, which incorporates by reference 40 CFR § 268.7(a)(8).
 - (A) Manifests and LDR notifications were reviewed for shipments to Advanced Chemical Company. The LDR notifications observed failed to include the D003 hazardous wastes shipped to Advanced Chemical Company on May 11, 2023 utilizing manifest 024758291JJK.
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 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)** by one of four methods: 1) electronic funds transfer (“EFT”), 2) Automated Clearinghouse, 3) Pay.gov, or 4) a cashier’s check or certified check made out to “**United States Treasury**” with the case name, address and docket number of this Agreement (RCRA-03-2025-0004), for the amount specified above:

a. Payment of the penalty amount by EFT:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: Environmental Protection Agency

b. Payment of the penalty amount by Automated Clearinghouse (“ACH”):

U.S. Treasury REX/Cashlink ACH Receiver

ABA: 051036706
Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility
5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX): 1-866-234-5681

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- (1) You **DO NOT** need a user name and password or account.
- (2) Enter **SFO 1.1** in the form search box on the top left side of the screen.

- (3) Open the form and follow the on-screen instructions.
- (4) Select your method of payment from the "Type of Payment" drop down menu.
- (5) Based on your selection, the corresponding line will open and no longer be shaded grey.
- (6) Enter the docket number of this Agreement into the field.

- d. Payment of the penalty amount by regular U.S. Postal Service shall be sent via regular mail to:

U.S. Environmental Protection Agency
P.O. Box - Cincinnati Finance Center Box 979078
St. Louis, MO 63197-9000

- e. Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Environmental Protection Agency
Government Lock Box - Cincinnati Finance Center Box 979078
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

- f. A list of the payment methods is also provided at this website
<https://www.epa.gov/financial/makepayment>.

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:

Lindsey Douglas, Inspector (3ED22)
U.S. EPA, Region 3
Douglas.Lindsey@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. 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.
 18. 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.
 19. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
 20. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Huntington Plating, Inc.
 21. 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: Douglas.Lindsey@epa.gov (for Complainant), and Marc@huntingtonplating.com (for Respondent).
 22. 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.

23. 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

For Respondent: Huntington Plating, Inc.

Date: 11/4/2024

By: 

Name: Marc Houvouras

Title: President

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

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.

[Digital Signature and Date]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

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

FILED

Nov 25, 2024

10:51 am

U.S. EPA REGION 3
HEARING CLERK

IN THE MATTER OF:

HUNTINGTON PLATING, INC.

Respondent,

HUNTINGTON PLATING, INC.

625 MONROE AVENUE

HUNTINGTON, WV 25704,

Facility.

DOCKET NO.: RCRA-03-2025-0004

EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER

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

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondent, Huntington Plating, 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.

[Digital Signature and Date]

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
HUNTINGTON PLATING, INC.	:	
625 MONROE AVENUE	:	U.S. EPA Docket No. RCRA-03-2025-0004
HUNTINGTON, WV 25704	:	
	:	Proceeding under Section 3008(a) and (g) of the
	:	Resource Conservation and Recovery Act, as
	:	amended, 42 U.S.C. § 6928(a) and (g)
Respondent.	:	
	:	
HUNTINGTON PLATING, INC.	:	
625 MONROE AVENUE	:	
HUNTINGTON, WV 25704,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region III 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:

Marc Houvouras, Vice President
Huntington Plating Inc.
marc@huntingtonplating.com
625 Monroe Avenue
Huntington, WV 25704

Lindsey M. Douglas
Inspector
U.S. EPA, Region 3
Douglas.Lindsey@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region