

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103



**In the Matter of:** :  
 :  
**Alloy Surfaces Company, Inc.** : **DOCKET NO.: RCRA-03-2023-0123**  
**121 N. Commerce Drive** :  
**Aston, PA 19014** : **CONSENT AGREEMENT AND FINAL**  
 : **ORDER**  
**Respondent.** :  
 : **Proceeding under Section 3008(a) and (g) of**  
**Alloy Surfaces Company, Inc.** : **the Resource Conservation and Recovery Act,**  
**121 N. Commerce Drive** : **as amended, 42 U.S.C. § 6928(a) and (g)**  
**Aston, PA 19014** :  
 :  
**Facility.** :  
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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Alloy Surfaces Company, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by, *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Resource Conservation and Recovery Act (“RCRA” or the “Act”) for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

### **JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter sent via electronic mail on June 15, 2020, EPA notified the Pennsylvania Department of Environmental Protection (“PADEP”) of EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

### **GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized Pennsylvania 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 Pennsylvania Hazardous Waste Management Regulations ("PaHWR"), 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, 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 Pennsylvania hazardous waste regulations on June 29, 2009, including incorporation by reference of the federal regulations which were in effect as of October 12, 2005. The Code of Federal Regulation citations used herein are to the 2005 Federal regulations, when referring to the Federal regulations incorporated by the Pennsylvania regulations.
14. Respondent operates a facility located at 121 N. Commerce Drive, Aston, Pennsylvania (the "Facility") where Respondent manufactures infrared countermeasures that are designed to protect air and naval platforms from missile threats. The Facility is owned by ASC Realty, LLC, which is wholly owned by Respondent. On October 2, 1998, Respondent submitted a notification to PADEP that the Facility was generating hazardous waste and reporting as a large quantity generator ("LQG"). In response, PADEP assigned RCRA ID number PAR000036327 to the Facility.
15. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation organized under the laws of the State of Delaware and is therefore a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10. Respondent was, at all times relevant to the allegations in this Agreement, the "operator" of a "facility," described in Paragraph 14, as the term "operator" is defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, and the term "facility" is defined in 25 Pa. Code § 260a.10.
16. At all times relevant to the allegations described in this Agreement, Complainant alleges that Respondent "generated" "hazardous waste" at the Facility, including but not limited to ignitable, corrosive, and reactive hazardous waste, with EPA Hazardous Waste Number(s) D001, D002, and D003, as the terms "generate" and "hazardous waste" are defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.
17. On May 15, 2019, EPA representatives conducted a Compliance Evaluation Inspection, and on December 3, 2019, EPA representatives conducted a Case Development Inspection (together, the "Inspections") at the Facility to determine compliance with the applicable hazardous waste regulations.
18. Based on the observations during the Inspections, Complainant alleges that Respondent failed to comply with specific requirements of RCRA Subtitle C, 42 U.S.C. § 6921-6939g, its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized Pennsylvania hazardous waste management regulations set forth at 25 Pa. Code Ch. 260a-266a, 266b, and 268a-270a, as enumerated below.

**Count I**

**Operating a hazardous waste storage facility without a permit or valid exemption to the permitting requirement**

19. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
20. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), prohibit an owner or operator of a hazardous waste storage facility from operating without a permit or valid exemption to the permitting requirement.
21. Respondent had attempted to meet the conditions of the generator permit exemption codified at 25 Pa. Code § 262a.1, which incorporates by reference 40 C.F.R. § 262.34.<sup>1</sup>
22. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), states, in pertinent part, that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: (1) the waste is placed in containers and the generator complies with the applicable requirements of 25 Pa. Code § 265a.1, which incorporates by reference subparts I in 40 C.F.R. Part 265; (2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; (3) each container is labeled or marked clearly with the words, “Hazardous Waste”; and (4) the generator complies with the requirements for owners and operators in 25 Pa. Code § 265a.1, which incorporates by reference subparts C and D in 40 C.F.R. Part 265.
23. 25 Pa. Code § 265.1a, which incorporates by reference 40 C.F.R. § 265.52(e)), requires owners and operators of a hazardous waste storage facility to list the location of all emergency equipment at the facility in the contingency plan.
24. Complainant alleges that:
  - a. From at least December 3, 2019 until February 22, 2023, Respondent stored Nalgene containers of D003 hazardous waste which were not marked with a date upon which each period of accumulation began while in storage at the Facility as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2).
  - b. From at least December 3, 2019 until February 22, 2023, Respondent stored Nalgene containers of D003 hazardous waste at the Facility which were not

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<sup>1</sup> On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17. PaHWR has not adopted by reference the new re-codified generator exemption found at 40 C.F.R. §§ 262.15 – 262.17.

- labeled or marked clearly with the words, “Hazardous Waste” as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3).
- c. From at least December 3, 2019 until February 22, 2023, Respondent stored three (3) metal hopper containers of D003 hazardous waste at the Facility which were not labeled or marked clearly with the words, “Hazardous Waste” as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3).
  - d. From at least December 3, 2019 until February 22, 2023, Respondent stored bins and cages containing D003 hazardous waste at the Facility which were not labeled or marked clearly with the words, “Hazardous Waste” as required by 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3).
  - e. On May 15, 2019, Respondent’s contingency plan did not include the location of each fire extinguisher and each fire alarm box at the Facility as required by 25 Pa. Code § 265.1a, which incorporates by reference 40 C.F.R. § 265.52(e).
  - f. From at least December 3, 2019 until February 22, 2023, Respondent stored D003 hazardous waste in three (3) open containers outdoors at the Facility in violation of 25 Pa. Code § 265a.1, which incorporates by reference subparts I in 40 C.F.R. Part 265, specifically 40 C.F.R. §§ 265.173.
  - g. From at least December 3, 2019 until February 22, 2023, Respondent did not have a hazardous waste permit or interim status to operate a hazardous treatment, storage and disposal facility.
25. Complainant alleges that Respondent failed to meet the conditions set forth in Paragraphs 22 and 23, and therefore did not qualify for the generator permit exemption.
26. At the time of the Inspection on May 15, 2019 and from at least December 3, 2019 through February 22, 2023, Respondent is alleged to have violated 42 U.S.C. § 6925(a) and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste treatment, storage and disposal facility without a permit or valid exemption to the permitting requirement.
27. Complainant alleges that Respondent failed to comply with 42 U.S.C. § 6925(a) and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and that therefore Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

## **Count II**

### **Failure to keep containers of hazardous waste closed**

28. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

29. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), requires the owner or operator of a hazardous waste storage facility to maintain containers holding hazardous waste always closed during storage, except when it is necessary to add or remove waste.
30. From at least December 3, 2019 through February 22, 2023, Respondent is alleged to have stored D003 hazardous waste in three (3) open containers outdoors at the Facility.
31. Complainant alleges that, from at least December 3, 2019 through February 22, 2023, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by storing D003 hazardous waste in three (3) open containers outdoors at the Facility.
32. Complainant alleges that Respondent failed to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), and that therefore Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

**Count III**  
**Failure to maintain and operate a facility**

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. 25 Pa. Code § 264a.1, which incorporates by reference the requirements for facilities that store, treat or dispose of hazardous waste of 40 C.F.R. § 264.31, requires facilities to be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
35. Complainant alleges that, during the Inspection on May 15, 2019 and from at least December 3, 2019 through February 22, 2023, Respondent placed D003 hazardous waste in open containers to open burn hazardous waste material or hazardous waste constituents to the air at the Facility.
36. Complainant alleges that, at the time of the Inspection on May 15, 2019 and from at least December 3, 2019 through February 22, 2023, Respondent failed to maintain and operate the Facility in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment from the open burning of D003 hazardous waste at the Facility.

37. Complainant alleges that Respondent failed to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.31, and that therefore Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

**Count IV**  
**Failure to maintain adequate Contingency Plan**

38. 25 Pa. Code § 264a.1, which incorporates by reference the Contingency Plan requirements of 40 C.F.R. §§ 264.51(a), 264.52, and 264.53(a), requires each facility to have a Contingency Plan, specifies the required contents of the Contingency Plan, and that a copy of the Contingency Plan must be maintained at the facility.
39. Pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52(e), the Contingency Plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
40. Complainant alleges that, at the time of the May 15, 2019 Inspection, Respondent's Contingency Plan did not specifically identify the location of each fire extinguisher and each fire alarm box located at the Facility as required by 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52(e).
41. Complainant alleges that Respondent failed to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.52(e), Respondent is therefore subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

**CIVIL PENALTY**

42. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$780,000.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
43. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy") which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

44. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, EPA Docket No. RCRA-03-2023-0123;
- b. All checks shall be made payable to the "United States Treasury";
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. Within 24 hours of payment of the civil penalty, Respondent shall send proof of payment by email to:

Louis F. Ramalho  
Senior Assistant Regional Counsel  
U.S. EPA, Region III (3RC40)  
[Ramalho.Louis@epa.gov](mailto:Ramalho.Louis@epa.gov)

and

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

Proof of payment means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to this Paragraph, in the amount due.

45. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as

specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

46. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
47. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
48. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If Payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
49. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
50. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
51. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [Ramalho.louis@epa.gov](mailto:Ramalho.louis@epa.gov) (for Complainant), and [DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com) (for Respondent).

### **GENERAL SETTLEMENT CONDITIONS**

52. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not

contain any confidential business information or personally identifiable information from Respondent.

53. Respondent certifies that any information or representation it has supplied or made to 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. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that 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.
54. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

#### **OTHER APPLICABLE LAWS**

55. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of RCRA, or any regulations promulgated thereunder.

#### **RESERVATION OF RIGHTS**

56. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

**EXECUTION /PARTIES BOUND**

57. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**EFFECTIVE DATE**

58. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

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

For Respondent: **ALLOY SURFACES COMPANY, INC.**

Date: 08/25/23

  
\_\_\_\_\_  
Gregory J. Moore  
President

For the Complainant: **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III**

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

By: \_\_\_\_\_  
[Digital Signature and Date]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
[Digital Signature and Date]  
Louis F. Ramalho  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103



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 : the Resource Conservation and Recovery  
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 Alloy Surfaces Company, Inc. :  
 121 N. Commerce Drive :  
 Aston, PA 19014 :  
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 Facility. :  
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**FINAL ORDER**

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

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein 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”).

**NOW, THEREFORE, PURSUANT TO** Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), as amended, 42 U.S.C. Section 6928(a) and (g), 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 **SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$780,000.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of subtitle C of RCRA, 42 U.S.C. § 6921-6939g, and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103-2029**

**In the Matter of:** :

**Alloy Surfaces Company, Inc.** :  
**121 N. Commerce Drive** : **DOCKET NO.: RCRA-03-2023-0123**  
**Aston, PA 19014** :

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

**Alloy Surfaces Company, Inc.** :  
**121 N. Commerce Drive** :  
**Aston, PA 19014** :

**Facility.** :

**CERTIFICATE OF SERVICE**

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

Copies served via email to:

David L. Feinberg, Esq. | Venable LLP  
Counsel for Respondent  
[DLFeinberg@Venable.com](mailto:DLFeinberg@Venable.com)

Louis F. Ramalho  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
[ramalho.louis@epa.gov](mailto:ramalho.louis@epa.gov)

Eric Greenwood  
Senior Enforcement Officer/Inspector  
U.S. EPA, Region III  
[greenwood.eric@epa.gov](mailto:greenwood.eric@epa.gov)

Date: \_\_\_\_\_

\_\_\_\_\_  
Regional Hearing Clerk, Region 3