

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



**In the Matter of:** :  
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**Tech Met, Inc.** : **U.S. EPA Docket No. RCRA-03-2024-0073**  
**15 Allegheny Square** :   
**Glassport, PA 15045** : **Proceeding under Section 3008(a) and (g) of the**  
: **Resource Conservation and Recovery Act, 42**  
**Respondent.** : **U.S.C. Section 6928(a) and (g)**  
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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Tech Met, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), 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. Section 3008(A)(1) of RCRA, 42 U.S.C. Section 6928(A)(1) 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 RCRA 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. EPA has given the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (“PADEP”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

#### **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. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the Pennsylvania Hazardous Waste Management Program), implemented through the Pennsylvania Hazardous Waste Management Regulations (“PAHWMR”), in lieu of the federal hazardous waste management program authorized under RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939(g). Effective January 30, 1986, the Pennsylvania Hazardous Waste Management Program was authorized by the EPA pursuant to Section 3006(b) of RCR, 42 U.S.C. § 6926(b) and

40 C.F.R. Part 271, Subpart A, and the PAHWMR thereby became requirements of RCRA Subtitle C and enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). See 51 Fed. Reg. 1791 (January 15, 1986), 65 Fed. Reg. 57734 (September 26, 2000), 69 Fed. Reg. 2674 (January 20, 2004) and 74 Fed. Reg. 19453 (April 29, 2009). EPA authorized the PAHWMR that incorporate, with certain exceptions, specific provisions of Title 40 of Code of Federal Regulations by reference that were in effect as of October 12, 2005.

14. Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania.
15. Respondent is a “person” as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10.
16. Respondent’s facility is comprised of two buildings located at 15 and 33 Allegheny Square (the “15 Building” and the “33 Building”), Glassport, PA 15045 (“the Facility”). The Facility performs chemical milling and surface finishing on aluminum, titanium, or stainless-steel parts. In the 15 Building, Respondent processes titanium plates and ferrous metal parts, dipping the parts into acid tanks, rinsing them and drying them. The 15 Building also contains a Dip Coating Room where masked parts are dipped into a tank of Ad-coat 818 and perchloroethylene and then hung to dry over a plastic liner.
17. Respondent is, and at all times relevant to the violations alleged herein was, the “operator” of the Facility as the terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1.
18. Respondent is a “generator” of “solid wastes” and “hazardous wastes,” and has engaged in the “Storage” in “containers” at the Facility of hazardous wastes as those terms are defined in 25 Pa. Code § 260a.10 and 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1.
19. At all times relevant to the allegations set forth in this Consent Agreement and Final Order, the Facility identified as a Large Quantity Generator (“LQG”) of hazardous waste, as the term is defined in 40 C.F.R. § 260.10, as incorporated by reference by 25 Pa. Code § 260a.1. The Facility operates under the generator permit exemption in lieu of holding a RCRA Subtitle C Permit for the treatment, storage or disposal of hazardous waste at the Facility.
20. On September 21 and 22, 2021, EPA conducted a compliance evaluation inspection of the Facility (the “Inspection”) to determine Respondent’s compliance with RCRA Subtitle C and the PAHWMR.

21. On April 22, 2022, EPA sent an Information Request Letter (“IRL”) to Respondent. On June 1, 2022, Respondent responded.
22. Based on EPA’s findings during the Inspection and information Respondent provided to EPA, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and the PAHWMR.

**Count I**  
**Operating Without a Permit or Interim Status**

23. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
24. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), a person may not own or operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility or has qualified for interim status for the facility.
25. Respondent did not have a hazardous waste permit pursuant to 40 C.F.R. § 270.1(b), which 25 Pa. Code § 270a.1 incorporates by reference, nor interim status pursuant to 40 C.F.R. § 265.1(b), which 25 Pa. Code § 265a.1 incorporates by reference, at any time during the period when violations are alleged.
26. At the time of the Inspection, EPA observed the following deficiencies in Respondent’s LQG management practices, as detailed in the subsections below. In failing to comply with Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**A. Failure to Mark Containers with the Accumulation Start Date**

27. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), with exceptions not relevant herein, provides that a generator who generates greater than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 262.34(a)(2). 40 C.F.R. § 262.34(a)(2) requires that “[t]he date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.”

28. At the time of the Inspection, EPA inspectors observed the following containers: Two open containers of hazardous waste labeled as “Acid Rinse Waste” in the Chem Labs, which were not clearly marked as hazardous waste and did not have visible accumulation start dates; and an open 55-gallon container labeled as “reclaimed perchloroethylene” in the 15 Building on the ground level below the wet scrubber located on the mezzanine level.

**B. Failure to Label Containers of Hazardous Waste with the Words “Hazardous Waste”**

29. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), with exceptions not relevant herein, provides that a generator who generates greater than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 262.34(a)(3). 40 C.F.R. § 262.34(a)(3) requires that, “While being accumulated on site, each container and tank is labeled or marked clearly with the words, ‘Hazardous Waste.’”
30. At the time of the Inspection, EPA inspectors observed the following containers: Two open containers of hazardous waste labeled as “Acid Rinse Waste” in the Chem Labs, which were not marked clearly with the words “Hazardous Waste”; and an open 55-gallon container labeled only as “reclaimed perchloroethylene” in the 15 Building on the ground level below the wet scrubber located on the mezzanine level.

**C. Failure to Keep Containers of Hazardous Waste Closed**

31. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(i), provides that a generator who generates greater than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste in containers on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. Part 265. 40 C.F.R. § 265.173(a), provides that, “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
32. At the time of the Inspection, EPA inspectors observed the following containers: (a) Two open containers of hazardous waste labeled as “Acid Rinse Waste” in the Chem Labs, which were not closed while not in use; and (b) an open 55-gallon container labeled as “reclaimed perchloroethylene” in the 15 Building on the ground level below the wet scrubber located on the mezzanine level; according to Tech Met, the substance in this container may be used as part of a process and was not a waste in storage at that time.

**D. Failure to Keep a Written Assessment by a Professional Engineer for Hazardous Waste Storage Tanks on File**

33. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a generator who generates greater than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. Part 265. 40 C.F.R. § 265.192(a), requires owners or operators of new tank systems to submit “a written assessment, reviewed and certified by a qualified Professional Engineer . . . attesting that the tank has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.”
34. 25 Pa. Code § 265a.1 incorporates by reference 40 C.F.R. § 265.192(g), which requires that “[t]he owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (b) through (f) of this section, that attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (b) and (d) of this section, were performed. These written statements must also include the certification statement as required in § 270.11(d) of this chapter.”
35. 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, defines a “new tank system” as a tank system “that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986,” or in some cases, “for which construction commences after July 14, 1986.”
36. At the time of the Inspection, EPA inspectors observed a 3,900-gallon and 6,150-gallon tank of hazardous waste that qualify as “new tank systems” pursuant to 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10, described further below in Count III. Respondent did not have a written assessment by a Professional Engineer on file from the date of the inspection until May 20, 2022 for either hazardous waste tank.

**E. Failure to Perform Hazardous Waste Tank Inspections**

37. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), provides that a generator who generates greater than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste in tanks on-site for 90 days or less without a permit or without having interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. Part 265. 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.195(a)(iii), provides that, “The owner or operator must inspect . . . at least once each operating day data gathered from monitoring and leak detection equipment . . . to ensure that the tank system is being

operated according to its design.”

38. Based on EPA’s review of the Facility’s inspection records during the Inspection, and later clarified in the Facility’s response to the April 22, 2022 Information Request Letter, Tech Met was missing 46 daily inspections on the following dates:

9/22/18, 9/29/18, 10/6/18, 10/13/18, 10/20/18, 10/27/18, 11/3/18, 11/10/18, 11/11/18, 11/17/18, 11/18/18, 11/22/18, 11/24/18, 11/25/18, 12/1/18, 12/2/18, 12/8/18, 12/9/18, 12/15/18, 12/16/18, 12/20/18, 9/17/19, 9/18/19, 9/14/19, 9/15/19, 9/21/19, 9/22/19, 9/28/19, 9/29/19, 10/5/19, 10/6/19, 10/12/19, 10/13/19, 10/19/19, 10/20/19, 10/26/19, 10/27/19, 11/2/19, 11/3/19, 12/30/19, 12/31/19, 1/1/20, 9/11/21, 9/12/21, 9/18/21, 9/19/21.

### **Count II**

#### **Failure to Keep Containers of Hazardous Waste Closed**

39. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
40. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), provides that, “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”
41. At the time of the Inspection, EPA inspectors observed the following containers: (a) Two open containers of hazardous waste labeled as “Acid Rinse Waste” in the Chem Labs, which were not closed while not in use; and (b) an open 55-gallon container labeled as “reclaimed perchloroethylene” in the 15 Building on the ground level below the wet scrubber located on the mezzanine level; according to Tech Met, the substance in this container may be used as part of a process and was not a waste in storage at that time.
42. At the time of the Inspection, Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), by failing to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste.
43. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count III**  
**Failure to Keep a Written Assessment by a Professional Engineer**  
**for Hazardous Waste Storage Tanks on File**

44. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
45. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 260.10, defines a “new tank system” as a tank system “that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986,” or in some cases, “for which construction commences after July 14, 1986.”
46. 25 Pa. Code § 264a.1, incorporates by reference 40 C.F.R. § 264.192(a), which required owners or operators of new tank systems must submit “a written assessment, reviewed and certified by a qualified Professional Engineer . . . attesting that the tank has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.”
47. 25 Pa. Code § 264a.1 incorporates by reference 40 C.F.R. § 264.192(g), which requires that “[t]he owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (b) through (f) of this section, that attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (b) and (d) of this section, were performed. These written statements must also include the certification statement as required in § 270.11(d) of this chapter.”
48. During the Inspection, EPA observed that there were two hazardous waste tanks in the less than 90-day hazardous waste accumulation area. The first is a 3,900-gallon tank, and the second is a 6,150-gallon tank. Both are used to accumulate spent acidic process baths. The Facility did not have records of a certified written assessment from a qualified professional engineer that attested that the two tanks were installed and designed to store the contents of the tanks on file.
49. Based on information later provided by Respondent, the 3,900-gallon tank was installed in September 2012. The 6,150-gallon tank was installed in October 2018.
50. In Respondent’s reply to the April 22, 2022 IRL, it provided a certified written assessment from a qualified professional engineer that attested that the two tanks were installed and designed to store the contents of the tanks, dated May 20, 2022.
51. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.192(g), by failing to have a certified written assessment from a qualified

professional engineer that attested that the two tanks were installed and designed to store the contents of the tanks on file from the date of the inspection until May 20, 2022.

52. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.192(g), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count IV**  
**Failure to Perform Inspections for Hazardous Waste Tanks**

53. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
54. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(b), provides that, “The owner or operator must inspect at least once each operating day data gathered from monitoring and leak detection equipment . . . to ensure that the tank system is being operated according to its design.”
55. During the Inspection, EPA observed that there was staining outside of the two hazardous waste tanks, and EPA reviewed daily inspection records for the two hazardous waste tanks and noted that daily inspections were not conducted on weekends or holidays.
56. After reviewing records provided during the Inspection and in Respondent’s reply to EPA’s April 22, 2022 Information Request Letter, Respondent was missing inspection reports for daily inspections for 46 days within the three-year period beginning on September 21, 2018 on the following dates:

9/22/18, 9/29/18, 10/6/18, 10/13/18, 10/20/18, 10/27/18, 11/3/18, 11/10/18, 11/11/18, 11/17/18, 11/18/18, 11/22/18, 11/24/18, 11/25/18, 12/1/18, 12/2/18, 12/8/18, 12/9/18, 12/15/18, 12/16/18, 12/20/18, 9/17/19, 9/18/19, 9/14/19, 9/15/19, 9/21/19, 9/22/19, 9/28/19, 9/29/19, 10/5/19, 10/6/19, 10/12/19, 10/13/19, 10/19/19, 10/20/19, 10/26/19, 10/27/19, 11/2/19, 11/3/19, 12/30/19, 12/31/19, 1/1/20, 9/11/21, 9/12/21, 9/18/21, 9/19/21.

57. Respondent violated 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(b), by failing to inspect at least one each operating day data gathered from monitoring and leak detection equipment to ensure that the tank system was being operated according to its design.

58. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(b), Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Count V**  
**Failure to Make a Hazardous Waste Determination**

59. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
60. 25 Pa. Code § 262a.10 incorporates 40 C.F.R. Part 262 by reference. Per 40 C.F.R. § 262.11, a generator must determine if that waste is a hazardous waste using the following method: (a) first determine if the waste is excluded from regulation under 40 C.F.R. § 261.4; (b) then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261; (c) For purposes of compliance with 40 C.F.R. part 268, or if the waste is not listed in subpart D of 40 C.F.R. part 261, the generator must then determine whether the waste is identified in subpart C of 40 C.F.R. part 261 by either: (1) Testing the waste according to the methods set forth in subpart C of 40 C.F.R. part 261, or according to an equivalent method approved by the Administrator under 40 C.F.R. § 260.21; or (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used. (d) If the waste is determined to be hazardous, the generator must refer to 40 C.F.R. parts 261, 264, 265, 266, 268, and 273 for possible exclusions or restrictions pertaining to management of the specific waste.
61. During the Inspection, EPA observed that the Facility used a plastic liner in the Dip Coating Room to catch excess drippings of perchloroethylene. The liner and personal protective equipment used in the dip process are discarded in the regular trash. The Facility also uses wipes with acetone to clean titanium sheets, and wipes with acetone and sometimes perchloroethylene during the masking process. The wipes are discarded in the regular trash.
62. During the Inspection, the EPA observed that the Facility had not sampled the liner, personal protective equipment, and wipes (collectively, "Dip Coating Room Materials") that came into contact with perchloroethylene to determine if the Dip Coating Room Materials would contain perchloroethylene at concentrations that would qualify the Dip Coating Room Materials as a characteristic waste.
63. Respondent violated 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.11 by reference, at the time of the Inspection, when it failed to test the waste according to the applicable methods set forth in subpart C of 40 CFR part 261 or according to an equivalent method approved by the Administrator under 40 CFR 260.21 and in accordance with 40 C.F.R. § 262.11(d)(2) as to whether the liner, protective equipment and wipes that come into contact with perchloroethylene used in the Dip Coating Room

were hazardous wastes.

64. In failing to comply with 25 Pa. Code § 262a.10, which incorporates 40 C.F.R. § 262.11 by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

**Counts VI, VII, VIII**  
**Failure to Properly Manage Universal Waste Lamps**

65. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
66. 25 Pa. Code § 266b.1(a) incorporates by references 40 C.F.R. Part 273, relating to standards for universal waste management. These standards include, but are not limited to:
- a. 40 C.F.R. § 273.13(d)(1) requires that “A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.”
  - b. 40 C.F.R. § 273.14(e) requires that “Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”
  - c. 40 C.F.R. § 273.15(c) requires a “small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”
67. During the Inspection, EPA observed universal waste lamps stored in the Maintenance Shop, including:
- a. Seventeen 4-foot waste lamps wrapped in pink bubble wrap;
  - b. Four uncontained 8-foot waste lamps;
  - c. One open container of 8-foot waste lamps; and

None of the lamps were labeled as “Universal Waste Lamps” or marked with the date upon which it became a waste or was received.

68. Respondent violated 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.13(d)(1) by reference, when it failed to contain the waste lamps described above in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
69. Respondent violated 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.14(e) by reference, when it failed to label the waste lamps describe above with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”
70. Respondent violated 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.15(c) by reference, when it failed to mark the accumulation date of the waste lamps describe above.
71. In failing to comply with 25 Pa. Code § 266b.1(a), which incorporates 40 C.F.R. § 273.13(d)(1), 40 C.F.R § 273.14(e), and 40 C.F.R. § 273.15(c) by reference, Respondent is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

#### **CIVIL PENALTY**

72. 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 **Forty-Five Thousand Seven-Hundred and Eighty-Five dollars (\$45,785)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
73. 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) including, the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s 1990 RCRA Civil Penalty Policy, as revised on June 2003 and May 6, 2020 (“RCRA Penalty Policy”) which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), 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.
74. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of \$45,785 to **“United States Treasury”** with the case name, address and docket number of this Consent Agreement and Final Order (RCRA-03-2024-0073), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:  
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

75. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Aviva Reinfeld  
Assistant Regional Counsel  
[reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov)

and

U.S. EPA Region 3 Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

76. 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.
77. 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).
78. **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).
79. **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.

80. **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).
81. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
82. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov) (for Complainant), and [julie.vanneman@dentons.com](mailto:julie.vanneman@dentons.com) for Respondent.
83. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, 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). 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. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:
  - 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 [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order

ratifying this Consent Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date of this Consent Agreement and Final Order, then Respondent, using the same email address identified in the preceding subparagraph, shall further:
  - i. Notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of this Consent Agreement and Final Order; and
  - ii. Provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

#### **GENERAL SETTLEMENT CONDITIONS**

84. 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.
85. 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.
86. 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**

87. 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**

88. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violation[s] 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.

**EXECUTION /PARTIES BOUND**

89. 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 their signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that they are 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**

90. 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 3, or their 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**

91. 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.

In the Matter of: Tech Met, Inc.

EPA Docket No. RCRA-03-2024-0073

For Respondent: Tech Met, Inc.

Date: 4/3/24

By:   
\_\_\_\_\_  
Roger Crawford  
Production Manger

For the Complainant:

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 3, 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 3  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
[Digital Signature and Date]  
Aviva Reinfeld  
Assistant Regional Counsel  
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103



In the Matter of: :  
: :  
Tech Met, Inc. : U.S. EPA Docket No. RCRA-03-2024-0073  
15 Allegheny Square : :  
Glassport, PA 15045 : Proceeding under Section 3008(a) and (g) of  
Respondent. : the Resource Conservation and Recovery Act,  
: 42 U.S.C. Section 6928(a) and (g)  
: :  
:

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Tech Met, 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 is based upon consideration of, *inter alia*, EPA's 1990 RCRA Civil Penalty Policy, as revised on June 2003 and May 6, 2020 ("RCRA Penalty Policy"), the statutory factors set forth in Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. § 6928(a)(3) and (g), 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.

**NOW, THEREFORE, PURSUANT TO** Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), 42 U.S.C. § 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 ***FORTY-FIVE THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS (\$45,785.00)***, 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 RCRA 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.

By: \_\_\_\_\_  
[Digital Signature and Date]  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
Tech Met, Inc.	: U.S. EPA Docket No. RCRA-03-2024-0073
15 Allegheny Square	:
Glassport, PA 15045	: Proceeding under Section 3008(a) and (g) of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. Section 6928(a) and (g)
	:
	:

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**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 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:

Roger Crawford  
Production Manager, Tech Met, Inc.  
[rcrawford@techmetinc.com](mailto:rcrawford@techmetinc.com)  
15 Allegheny Square  
Glassport, PA 15045

Julie Vanneman, Esq.  
Dentons Cohen & Grigsby  
[julie.vanneman@dentons.com](mailto:julie.vanneman@dentons.com)  
625 Liberty Ave, 5<sup>th</sup> Fl.  
Pittsburgh, PA 15222

Aviva Reinfeld, Esq.  
Assistant Regional Counsel  
U.S. EPA, Region 3  
[reinfeld.aviva@epa.gov](mailto:reinfeld.aviva@epa.gov)

Andrew Ma  
Enforcement & Compliance Assurance Division  
U.S. EPA, Region 3  
[ma.andrew@epa.gov](mailto:ma.andrew@epa.gov)

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[Digital Signature and Date]

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 3