

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 29, 2025

7:18 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:
	:
Arcos Industries, LLC	: DOCKET NO.: RCRA-03-2025-0162
394 Arcos Drive	:
Mount Carmel, Pennsylvania 17851	: CONSENT AGREEMENT AND FINAL ORDER
	:
Respondent.	: Proceeding under Section 3008 of the Resource
	: Conservation and Recovery Act, as amended, 42
Arcos Industries, LLC	: U.S.C. § 6928
394 Arcos Drive	:
Mount Carmel, Pennsylvania 17851	:
	:
	:
Facility.	:
	:

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 3 ("Complainant") and Arcos Industries, LLC ("Respondent") (collectively the "Parties"), pursuant to Section 3008 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" or the "Act"), 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 of RCRA, 42 U.S.C. § 6928, which 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. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by letter sent on May 7, 2024, the EPA notified the Pennsylvania Department of Environmental Protection (“PADEP”) of the 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.
12. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. 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.
14. 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 Regulations citations used herein are to the 2005 Federal regulations, when referring to the Federal regulations incorporated by the Pennsylvania regulations.
15. Respondent owns and operates a facility (RCRA ID No. PAD045388972) located at 394 Arcos Drive, Mount Carmel, PA 17851 ("Facility"), that manufactures welding and soldering consumables for customers such as the U.S. military and the auto industry. The wastes generated at the time of the Inspection (referenced in Paragraph 18, below) consisted of acid wastewater, caustic waste, evaporator sludge, spent solvents, and waste aerosol cans. Respondent reports to PADEP as a large quantity generator ("LQG"). Respondent does not maintain a RCRA Hazardous Waste permit.
16. Complainant alleges that, at all times relevant to the allegations described in this Consent Agreement, Respondent was and continues to be a corporation registered to conduct business in the state of Ohio 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 Consent Agreement, the "operator" and the "owner" of a "facility," described in Paragraph 15, as the terms "owner" and "operator" are 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.
17. Complainant alleges that, at all times relevant to the allegations described in this Consent Agreement, Respondent "stored" "hazardous waste" at the Facility, including but not limited to flammable solvent waste and caustic waste with EPA Hazardous Waste Number(s) D001, D035, F005, D002, and D007 as the term "storage" is defined in 25 Pa. Code § 260a.10, and the term "hazardous waste" is defined in 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10.

18. On September 27-28, 2022, EPA representatives conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations. An Inspection Report dated December 7, 2022 was produced and was provided to the Respondent.
19. On October 25, 2024, EPA representatives sent Respondent a Notice to Show Cause and opportunity to confer letter (“SC Letter”).
20. Based on the September 27-28, 2022 Inspection, as well as information provided by Respondent in response to the SC Letter, EPA concludes that Respondent has violated certain federally authorized PaHWR Regulations and requirements, as enumerated below.

Count 1

Operating a hazardous waste treatment, storage, and/or disposal facility without a permit, interim status, or valid exemption to the permitting requirement

21. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
22. 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), prohibit an owner or operator of a hazardous waste treatment, storage, and/or disposal facility from operating without a permit or valid exemption to the permitting requirement.
23. At the time of the September 27-28, 2022 Inspection, Respondent did not have a permit to operate a hazardous waste treatment, storage, and/or disposal facility and Complainant alleges that Respondent did not meet the conditions of the generator permit exemption requirements codified at 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34.¹
24. Based on its observations at the time of the Inspection, Complainant alleges that Respondent failed to meet the following conditions of the generator permit exemption:

¹ On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017, pursuant to a regulation known as the Hazardous Waste Generator Improvement Rule (the “HWGIR”). 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. The Commonwealth of Pennsylvania has incorporated by reference the EPA HWGIR re-codification, with minor amendments. EPA has not yet approved these revisions to the PaHWR. Accordingly, this Consent Agreement references authorized regulations previously found at 40 C.F.R. § 262.34 and 25 Pa. Code § 262a.34, rather than the current regulations found at 40 C.F.R. § 262.17 and 25 Pa. Code § 262a.17, respectively.

- a. 25 Pa. Code §§ 262a.10, which incorporates by reference 40 C.F.R. §§ 262.34(a)(3), when it failed to mark hazardous waste containers with the words “Hazardous Waste;” and
 - b. 25 Pa. Code §§ 262a.10, which incorporates by reference 40 C.F.R. §§ 262.34(c), when it accumulated hazardous waste on-site for greater than 90 days.
 - i. At the Inspection, one (1) 55-gallon container of waste kerosene in the Maintenance Area was labeled as “universal waste” and not as “Hazardous Waste” or with the contents.
 - c. 25 Pa. Code §§ 262a.10, which incorporates by reference 40 C.F.R. §§ 262.34(c)(1)(ii), when it failed to mark accumulated hazardous waste in satellite accumulation areas with the words “Hazardous Waste.”
 - i. At the Inspection, one (1) 5-gallon bucket of isopropyl alcohol waste (D001) in a satellite accumulation area was not labeled as “Hazardous Waste.”
 - d. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and, by further reference 40 C.F.R. § 265.16(c), when it failed to provide employees with annual refresher RCRA training for calendar years 2020 through 2024 at the Facility.
 - e. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(4) and, by further reference 40 C.F.R. § 265.193(e)(1), when it failed to maintain adequate secondary containment for its non-exempt hazardous wastewater treatment tank (Tank #1).
 - f. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii) and, by further reference 40 C.F.R. § 265.195, when it failed to conduct daily hazardous waste tank inspections for the two hazardous waste tanks containing caustic wash water, the evaporator sludge tank, and the non-exempt wastewater treatment hazardous waste tank (Tank #1) at the Facility.
 - g. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(1)(ii), by further reference 40 C.F.R. § 265.192 when Respondent failed to obtain an assessment by a professional engineer for the two hazardous waste tanks containing caustic wash water, the evaporator sludge hazardous waste tank, and the non-exempt wastewater treatment hazardous waste tank (Tank #1).
25. Complainant alleges that at the time of the Inspection, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous

waste treatment, storage, and/or disposal facility without a permit, interim status, or valid exemption to the permitting requirement.

26. In failing to comply with 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), Complainant alleges that Respondent violated RCRA Section 3005(a) and (e), 42 U.S.C. § 6925(a) and (e), and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to conduct hazardous waste determinations

27. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
28. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, any “person who generates a solid waste . . . must determine if that waste is a hazardous waste.”
29. At the time of the September 27-28, 2022 Inspection, the EPA observed in-use aerosol cans. The Respondent stated that they were unsure how waste aerosol cans are disposed of or that they are disposed intact in the regular trash as nonhazardous waste. The Inspection also noted that corn cob particles were being disposed as part of the refractory waste stream. The refractory waste stream analysis and waste determination did not include the corn cob particle waste.
30. Complainant alleges that Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, at the time of the September 27-28, 2022 Inspection by generating solid waste and failing to make a determination as to whether that waste is a hazardous waste.
31. In failing to comply with 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.11, Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3

Failure to maintain secondary containment for hazardous waste tank

32. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
33. 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193, specifically 40 C.F.R. § 264.193(e)(1)(i), requires that secondary containment be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.

34. At the time of the September 27-28, 2022 Inspection, the EPA observed the Respondent's non-exempt wastewater treatment hazardous waste tank (Tank #1) at the Facility did not have secondary containment that meets the requirements of 40 C.F.R. § 264.193.
35. Complainant alleges that at the time of the September 27-28, 2022 Inspection, Respondent violated Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193, specifically 40 C.F.R. § 264.193(e)(1)(i), when it failed to have secondary containment that meets the requirements of 40 C.F.R. § 264.193 beneath the non-exempt wastewater treatment hazardous waste tank (Tank #1) at the Facility.
36. In failing to comply with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193, Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4

Failure to conduct daily inspection of hazardous waste tanks

37. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
38. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.195(b), requires in pertinent part, the owner or operator must inspect "once each operating day" above ground portions of hazardous waste tank systems to detect corrosion or releases of waste. This section also states that all owners or operators of tank systems must inspect the construction materials and "the area immediately surrounding the externally accessible portion of the tank system."
39. At the time of the September 27-28, 2022 Inspection, the EPA observed that Respondent had failed to conduct and document daily inspections for the two hazardous waste tanks (1,500-gallons and 2,500-gallons in size) containing waste caustic solution or caustic wash water (D002, D007), the evaporator sludge hazardous waste tank, and the nonexempt wastewater treatment hazardous waste tank (Tank #1), all containing D002, D007 hazardous waste. Documentation of daily inspections was missing approximately 10 times per each month from 2020 through the Inspection in 2022.
40. Complainant alleges that from January 2020 – April 26, 2025, Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.195(b), because it failed to conduct inspections once each operating day of its hazardous waste tanks described in Paragraph 39, above at the Facility.

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

Count 5
Failure to conduct annual RCRA training

42. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
43. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(a) and (c), requires that facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with RCRA within six months after the date of their employment or assignment to a facility, or to a new position at a facility. Employees must not work in unsupervised positions until they have completed these training requirements. Thereafter, the facility personnel must take part in an annual review of the initial training.
44. At the time of the September 27-28, 2022 Inspection, the Respondent provided training documentation that Complainant alleges indicated that Respondent did not provide annual RCRA refresher training for any employees at the Facility from January 2020 through September 2022. Follow up information received showed that the Respondent did not provide any hazardous waste training to its employees from January 2020 through November 2024. Hazardous waste training was provided to some of the required employees in December of 2024 and the remaining required employees in January of 2025.
45. Complainant alleges that Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(a) and (c), by failing to provide any employees at the Facility with annual RCRA training in calendar years 2020, 2021, 2022, 2023, and 2024 as specified above.
46. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 CFR § 264.16(a) and (c), Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 6
Failure to obtain professional engineer assessment

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

48. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.192(a), operators or owners of new tank systems must obtain a “written assessment, reviewed and certified by an independent, qualified registered professional engineer. . . .” A “new tank system” is any tank or tank component that was installed on or after January 16, 1993. (25 Pa. Code § 260a.10.) The two hazardous waste tanks (1,500-gallons and 2,500-gallons in size) containing waste caustic solution or caustic wash water (D002, D007), the evaporator sludge hazardous waste tank, and the nonexempt wastewater treatment hazardous waste tank (Tank #1) were installed on or after January 16, 1993 and are “new tank systems.”
49. Complainant alleges that at the time of the September 27-28, 2022 Inspection, Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.192(a), when the EPA observed that the Respondent had not obtained a written assessment, reviewed and certified by a Professional Engineer for the two hazardous waste tanks (1,500-gallons and 2,500-gallons in size) containing waste caustic solution or caustic wash water (D002, D007), the evaporator sludge hazardous waste tank, and the nonexempt wastewater treatment hazardous waste tank (Tank #1). The required written assessment, as reviewed and certified by a Professional Engineer, was completed for the tanks on May 14, 2025. The Respondent submitted the written assessment to the Complainant on May 27, 2025.
50. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.192(a) and (g), Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 7

Failure to report all hazardous waste streams in Biennial Reports

51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
52. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, any generator of hazardous waste that ships hazardous waste to an off-site treatment facility must submit a Biennial Report by March 1 of each even numbered year. This report, among other things, must include a “description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site....”).
53. As a generator of hazardous waste who ships that waste off-site, the Respondent was required to submit a Biennial Report by March 1 of each even numbered year. At the time of the September 27-28, 2022 Inspection EPA observed that the Respondent’s 2021 Biennial Report (submitted on January 26, 2022) did not include the following waste streams that were documented on 2021 hazardous waste manifests at the

Facility: D001, D004, D035, D039, F005. The EPA also noted that the 2019 Biennial Report (submitted on February 3, 2020) did not include the following waste streams that were documented on 2019 hazardous waste manifests at the Facility: D001, D004, D035, D039.

54. Complainant alleges that Respondent violated 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, by failing to report all hazardous waste streams generated by the Facility in their 2019 and 2021 Biennial Reports, as described in the paragraph above. Respondent corrected the Biennial Report submissions with the Pennsylvania Department of Environmental Protection on February 28, 2025.
55. In failing to comply with 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.41, Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

56. In settlement of the 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 **ONE HUNDRED FORTY-ONE THOUSAND SEVEN HUNDRED SEVENTY-EIGHT DOLLARS (\$141,778.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
57. In determining the amount of the civil penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined that an appropriate penalty to settle this action is \$141,778.00.
58. Respondent agrees to pay a civil penalty in the amount of \$141,778.00 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
59. 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>. Any checks should be made payable to "Treasurer, United States of America." *However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA's How to Make a Payment website](#) and will not pay with a paper check.*
60. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, EPA Docket No. RCRA-03-2025-0162;
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Ryan Knapick
Assistant Regional Counsel
U.S. EPA, Region 3 (3RC40)
knapick.ryan@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

"Proof of Payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

61. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service ("IRS") large corporate underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, EPA will assess a charge to cover

the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

62. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

63. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

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

65. 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).

66. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: knapick.ryan@epa.gov (for Complainant), and ls lone@mdllp.net (for Respondent).
67. 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, 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, then Respondent, using the same email address identified in the preceding sub-paragraph, 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 the Final Order per Paragraph 74 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

68. 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.
69. 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.
70. Respondent certifies to the 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

71. 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 the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This 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

72. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and

Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. 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). The 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

73. 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

74. The Effective Date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, 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

75. 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: **Arcos Industries, LLC**

Date: 9.22.25

By:

[REDACTED]
Marie Olberding
Chief Financial Officer

For the Complainant: **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 3**

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting 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: **ANDREA BAIN** Digitally signed by
ANDREA BAIN
Date: 2025.09.24
09:07:52 -04'00'
[Digital Signature and Date]
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **Knapick, Ryan** Digitally signed by
Knapick, Ryan
Date: 2025.09.23
13:43:29 -04'00'
[Digital Signature and Date]
Ryan Knapick
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 29, 2025

7:19 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:	
	:	
Arcos Industries, LLC	:	DOCKET NO.: RCRA-03-2025-0162
394 Arcos Drive.	:	
Mount Carmel, PA 17851	:	
	:	
Respondent.	:	Proceeding under Section 3008 of the Resource
	:	Conservation and Recovery Act, as amended,
	:	42 U.S.C. § 6928
Arcos Industries, LLC	:	
394 Arcos Drive.	:	
Mount Carmel, PA 17851	:	
	:	
Facility.	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Arcos Industries, LLC, 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.

NOW, THEREFORE, PURSUANT TO Section 3008 of RCRA, as amended, 42 U.S.C. Section 6928 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 **ONE HUNDRED FORTY-ONE THOUSAND SEVEN HUNDRED SEVENTY-EIGHT DOLLARS (\$141,778.00)**, 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 foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 9/26/25

By:

**DONZETTA
THOMAS**

Digitally signed by
DONZETTA THOMAS
Date: 2025.09.26
08:55:22 -04'00'

Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
	:	
Arcos Industries, LLC	:	DOCKET NO.: RCRA-03-2025-0162
394 Arcos Drive.	:	
Mount Carmel, PA 17851	:	Proceeding under Section 3008 of the Resource
	:	Conservation and Recovery Act, as amended, 42
Respondent.	:	U.S.C. § 6928
	:	
Arcos Industries, LLC	:	
394 Arcos Drive.	:	
Mount Carmel, PA 17851	:	
	:	
Facility.	:	
	:	

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:

Lee A. Slone, Esq.
McMahon DeGulis LLP
ls lone@mdl lp.net

Copies served via email to:

Ryan Knapick
Assistant Regional Counsel
U.S. EPA, Region 3
knapick.ryan@epa.gov

Rebecca Serfass
Senior Enforcement Officer/Inspector
U.S. EPA, Region 3
serfass.rebecca@epa.gov

Date: 9/29/25

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.09.29 07:22:20 -0400

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