

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 22, 2025

12:51 pm

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:
	:
Viant Collegeville, LLC	: DOCKET NO.: RCRA-03-2025-0085
200 West 7 th Street	:
Collegeville, Pennsylvania 19426	: CONSENT AGREEMENT AND FINAL ORDER
	:
Respondent.	: Proceeding under Section 3008 of the Resource
	: Conservation and Recovery Act, as amended, 42
Viant Collegeville	: U.S.C. § 6928
200 West 7 th Street	:
Collegeville, Pennsylvania 19426	:
	:
	:
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 Viant Collegeville, 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, 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 December 20, 2023, 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. PAD002344463) located at 200 West 7th Street, Collegeville, PA 194262 ("Facility"), that is a custom manufacturer of small-diameter metal tubing for medical, industrial and military/government uses. Tubes may undergo seam-welding, drawing, annealing, and surface treatment. Prior to annealing, flushing and degreasing using mostly Oxsol (Parachlorobenzotrifluoride solvent) and trichloroethylene ("TCE") is conducted. Primary hazardous waste consists of still bottoms from solvent recovery, solvent-contaminated debris, and non-recoverable waste solvent such as used acetone or acid-contaminated solvent batches. 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 foreign business corporation registered to conduct business in the Commonwealth of Pennsylvania 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 14, 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 with EPA Hazardous Waste Number(s) D001,

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 August 15-16, 2023, EPA representatives conducted a Compliance Evaluation Inspection (“Inspection”) at the Facility to determine compliance with the applicable hazardous waste regulations. An Inspection Report dated October 5, 2023 was produced and was provided to the Respondent.
19. On September 11, 2024, EPA representatives sent Respondent a Notice to Show Cause and opportunity to confer letter (“SC Letter”).
20. Based on the August 15-16, 2023 Inspection, as well as information provided by Respondent in response to the SC Letter, EPA alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. § 6921- 6939g, its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and 270 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 1

Operating a hazardous waste storage 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 storage facility from operating without a permit or valid exemption to the permitting requirement.
23. At the time of the August 15-16, 2023 CEI, Respondent did not have a permit to operate a hazardous waste storage 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

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.

24. Based on its observations at the time of the August 15-16, 2023 CEI, Complainant alleges that Respondent failed to meet the following conditions of the generator permit exemption:
- a. 25 Pa. Code §§ 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2)& (3), when it failed to ensure the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and that while being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste” for the following containers:
 - i. One (1) 15-gallon can of Oxsol in the Oxsol Flusher Area of Plant 2 (“OFA”) was not labeled or marked clearly as “Hazardous Waste” or with the contents;
 - ii. Two (2) 55-gallon hazardous waste drums were stored together in the OFA and were not labeled with accumulation start dates;
 - iii. One (1) 55-gallon hazardous waste drum in Plant 1 VS1 Flush House contained waste generated from areas outside of the room not labeled with an accumulation start date;
 - iv. Two (2) 55-gallon hazardous waste drums stored together in ID/OD Coating area, considered satellite accumulation by the Respondent and not marked with accumulation start dates;
 - v. Three (3) 55-gallon hazardous waste drums stored together in Plant 1 Degreaser Area not marked with accumulation start dates. One of these drums also contained waste generated in an adjacent room;
 - vi. Two (2) 4-liter hazardous waste containers in the Metlab not labeled as hazardous waste or with their contents or marked with accumulation start dates;
 - vii. Three (3) 5-gallon hazardous waste containers stored in “satellite” accumulation area outside of the room where they were generated (Nitinol Secondary Processing room) not marked with accumulation start dates.
 - b. 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 and document daily hazardous waste tank inspections.
 - c. 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. § 265.1063(d), when it failed to determine whether equipment contains or contacts a hazardous waste with 10% or more organic concentration
 - 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 nineteen

employees with annual refresher RCRA training in calendar years 2021 and/or 2022 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. § 265.16(d)(1)&(2), when it failed to maintain a list employees required to have RCRA training. The EPA also observed that three (3) of eight (8) job descriptions provided did not mention hazardous waste responsibilities or requirements.
 - f. 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. § 265.31, when it failed to maintain the facility to prevent a release as a 3-foot-long crack in the secondary containment pad underneath the working and new solvent tanks was observed during the August 15-16, 2023 CEI.
 - g. 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. § 265.52(d) and (f), when Respondent failed to have in its Facility contingency plan “emergency coordinators” nor have evacuation diagrams or route maps as required in case evacuation is needed.
25. Complainant alleges that at the time of the August 15-16, 2023 Inspection, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), by operating a hazardous waste storage 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 August 15-16, 2023 Inspection, the EPA observed that there were aerosol cans disposed in the trash that Complainant alleges were without hazardous waste determinations. The Inspection also noted that the following wastes were

observed to have what Complainant alleges were inadequate hazardous waste determinations or lacked them completely:

- a. One (1) 55-gallon drum in “COE” pad-printing area smelled of solvents but was labeled as non-Hazardous Waste “Ink Debris;”
 - b. One (1) Horizontal drum of a hazardous ingredient was observed in ID/OD Coating area, with resinous material leaking from drum tap into an open and unlabeled tote and can below;
 - c. Several discrepancies were observed regarding offsite shipments of ECM tank “Waste Oxidizing Liquid” in that waste codes on eManifest (D001, D007 chromium, D008 lead) differed from paper manifests (D001 & D007 only). D008 code sometimes applied to both shipments on both sets of manifests, yet the Respondent claims no lead is present. The Facility’s 2019 Biennial Report includes codes D001, D006 (cadmium) and D007, yet the Facility’s 2021 Biennial Report applies only D001 & D007 waste codes; and
 - d. No laboratory analyses had been conducted of the major waste streams including the Facility’s wastewater treatment sludge and sandblast grit.
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 August 15-16, 2023 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 signed manifests at the Facility or file exception reports

32. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
33. 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R § 262.42(a)(2), requires that a generator who has failed to receive a signed copy of a manifest from a treatment, storage and disposal facility must file an exception report to the regional EPA Administrator.
34. At the time of the August 15-16, 2023 Inspection, the EPA observed Respondent did not have copies signed by the treatment, storage and disposal facility for four (4) manifests

dating from March to July of 2023. Respondent did not file an exception report for any of these manifests. These signed manifests were later retrieved by the Facility from an offsite source after the Inspection. The manifests included: Manifest #002126142VES for a June 19, 2023 shipment; Manifest #002045142VES for a May 3, 2023 shipment; and Manifest #002045139VES for a May 27, 2023 shipment.

35. Complainant alleges that at the time of the August 15-16, 2023 Inspection, Respondent violated Pa. Code § 262a.10, which incorporates by reference 40 C.F.R § 262.42(a)(2), when it failed to file exception reports to the regional EPA Administrator when it failed to receive a signed copy of three (3) separate manifests from a treatment, storage and disposal facility, as noted above.
36. In failing to comply with 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R § 262.42(a)(2), 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 provide RCRA training

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. § 264.16(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.
39. At the time of the August 15-16, 2023 Inspection, the Respondent provided training documentation that Complainant alleges indicated that Respondent did not provide RCRA initial and annual refresher training for 19 employees at the Facility. Specifically: four (4) employees for 2021; eight (8) employees in 2022; and seven (7) employees in 2021 and 2022 at the Facility did not receive annual RCRA training; and all 19 employees did not complete initial RCRA training at the Facility.
40. 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 19 employees at the Facility with initial RCRA training and/or annual RCRA training in calendar years 2021 and 2022, as specified above.

41. 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 5

Failure to maintain RCRA hazardous waste management documents

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(d)(1) & (2), requires that the owner or operator must maintain at the Facility documents including job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job and a written job description for each position at the facility related to hazardous waste management. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.
44. At the time of the August 15-16, 2023 Inspection, the EPA observed that Respondent failed to maintain RCRA written job descriptions at the Facility insofar as no listing was provided or maintained that contained the employees that were required to have RCRA training and three (3) of eight (8) job descriptions made no mention of the hazardous waste responsibilities or qualifications for a job that related to hazardous waste management at the Facility.
45. Complainant alleges that at the time of the August 15-16, 2023 Inspection, Respondent violated Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d)(1) & (2), when it failed to maintain adequate written job titles and job descriptions as described in the paragraph above.
46. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.16(d)(1) & (2), 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 maintain the Facility to prevent a release

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. § 264.31, requires that facilities must 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.

49. At the time of the August 15-16, 2023 Inspection, the EPA observed a 3-foot-long crack in the secondary containment pad where the working and new solvent tanks were located at the Facility.
50. Complainant alleges that at the time of the August 15-16, 2023 Inspection, Respondent violated Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.31 when it failed to maintain the facility to minimize the possibility of an unplanned release of hazardous waste or hazardous waste constituents to the soil by having a 3-foot-long crack in the secondary containment pad where the working and new solvent tanks were located at the Facility.
51. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.31, 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 maintain adequate contingency plan

52. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
53. 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(d) & (f), requires that a contingency plan must (in relevant part): (d) list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates; and (f) include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).
54. At the time of the August 15-16, 2023 Inspection, the EPA observed that Respondent failed to maintain a contingency plan that contained the following: updated contact information for Emergency Coordinators as it referred only to "Incident Commanders" and failed to include an evacuation diagram and route maps. Evacuation diagrams and route maps were posted independently in certain areas of the Facility, however.

55. Complainant alleges that at the time of the August 15-16, 2023 Inspection, Respondent violated 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(d) and (f), by failing to maintain an adequate contingency plan, as described in the paragraph above.
56. In failing to comply with 25 Pa. Code 264a.1(a), which incorporates by reference 40 C.F.R. § 264.52(d) & (f), Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 8

Failure to conduct daily hazardous waste tank inspections

57. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
58. 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.”
59. At the time of the August 15-16, 2023 Inspection, the EPA observed that Respondent had failed to conduct and document daily inspections for a 2,000-gallon hazardous waste tank in the Fabrication Building at the Facility. The Respondent stated that the maintenance crew conducted weekly inspections, but documentation provided shows some inspections conducted weekly, and some conducted monthly.
60. Complainant alleges that at the time of the August 15-16, 2023 Inspection 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 the 2,000-gallon hazardous waste tank in the Fabrication building at the Facility.
61. 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 9

Failure to determine whether equipment contains or contacts a hazardous waste with 10% of more organic concentration

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

63. 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.1063(d), requires that an owner or operator of a facility “must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using one of the methods found in 40 C.F.R. § 264.1063(d)(1)-(3) (“Subpart BB analysis”).
64. At the time of the August 15-16, 2023 Inspection, the EPA observed that Respondent had not conducted a Subpart BB analysis applicability determination for equipment associated with the 55-gallon drums collecting bottoms from trichloroethylene (“TCE”), a volatile organic compound used as a solvent, particularly for degreasing metal parts, stills in the Plant 2 basement and the Plant 1 Degreaser area. Subsequently, the Facility has not monitored at least two valves associated with the Plant 2 TCE still and at least one valve associated with the Plant 1 TCE still.
65. Complainant alleges that at the time of the August 15-16, 2023 Inspection Respondent violated 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.1063(d), because it failed to make a determination for equipment that contains or contacts a hazardous waste with 10% of more organic concentration, as detailed above.
66. In failing to comply with 25 Pa. Code § 264a.1(a), which incorporates by reference 40 C.F.R. § 264.1063(d), Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 10

Storage of Universal Waste containers for over one year

67. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
68. 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.15(a), states that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler.
69. At the time of the August 15-16, 2023 Inspection, the EPA observed one (1) 5-gallon container of Universal Waste batteries in the hazardous waste accumulation area at the Facility dated April 27, 2022.
70. Complainant alleges that at the time of the August 15-16, 2023 Inspection Respondent violated 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.15(a), because it stored one (1) 5-gallon Universal Waste container in the hazardous waste accumulation area at the Facility for more than a year from the date the universal waste was generated.

71. In failing to comply with 25 Pa. Code § 266b.1(a) which incorporates by reference the required standards in 40 C.F.R. § 273.15(a), Complainant alleges that Respondent is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 11

Failure to date or track storage of container of Universal Waste

72. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
73. 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.15(c), states that a small quantity handler of 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.
74. At the time of the August 15-16, 2023 Inspection, the EPA observed one (1) 5-gallon container of Universal Waste lamps in the hazardous waste accumulation area at the Facility not dated or otherwise accounted for.
75. Complainant alleges that at the time of the August 15-16, 2023 Inspection Respondent violated 25 Pa. Code § 266b.1(a), which incorporates by reference 40 C.F.R. § 273.15(c), because it stored one (1) 5-gallon Universal Waste container of lamps in the hazardous waste accumulation area at the Facility that was not dated or otherwise accounted for.
76. In failing to comply with 25 Pa. Code § 266b.1(a) which incorporates by reference the required standards in 40 C.F.R. § 273.15(c), 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

77. 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 SEVENTY THOUSAND DOLLARS (\$170,000.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
78. 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 and May 2020 ("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.

79. Respondent agrees to pay a civil penalty in the amount of \$ 170,000 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
80. 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>.
81. 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-03-2025-0085;
 - 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):

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region 3 (3RC40)
nast.jeffrey@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.

82. 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 IRS standard 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.

83. 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.
84. 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.
85. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
86. 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).
87. The parties consent to service of the Final Order by e-mail at the following valid email addresses: nast.jeffrey@epa.gov (for Complainant), and RBender@mankogold.com (for Respondent).
88. 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 96; 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

- 89. 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.
- 90. 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.

91. 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

92. 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

93. 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

94. 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

95. 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

96. 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: **Viant Collegeville, LLC**

Date: September 9, 2025

By: _____


Anthony M. Giarde, Jr., CFO

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

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: **ANDREA BAIN** Digitally signed by ANDREA BAIN
Date: 2025.09.21 05:39:42 -04'00'

[Digital Signature and Date]
Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **JEFFREY NAST** Digitally signed by JEFFREY NAST
Date: 2025.09.10 16:02:43 -04'00'

[Digital Signature and Date]
Jeffrey S. Nast
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 22, 2025

12:51 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:	
	:	
Viant Collegeville, LLC	:	DOCKET NO.: RCRA-03-2025-0085
200 West 7 th Street.	:	
Collegeville, PA 19426	:	
	:	
Respondent.	:	Proceeding under Section 3008 of the Resource
	:	Conservation and Recovery Act, as amended,
	:	42 U.S.C. § 6928
Viant Collegeville	:	
200 West 7 th Street.	:	
Collegeville, PA 19426	:	
	:	
Facility.	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Viant Collegeville, 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.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 3008(a)(3) of the Resource Conservation and Recovery Act ("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 and May 2020 ("RCRA Penalty Policy") and the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19.

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 SEVENTY THOUSAND DOLLARS (\$170,000.00)**, 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 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.

Date: _____

By: _____

**DONZETTA
THOMAS**

Digitally signed by
DONZETTA THOMAS
Date: 2025.09.22 11:10:48
-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:	:	
	:	
Viant Collegeville, LLC	:	DOCKET NO.: RCRA-03-2025-0085
200 West 7 th Street.	:	
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	:	Conservation and Recovery Act, as amended, 42
Respondent.	:	U.S.C. § 6928
	:	
Viant Collegeville	:	
200 West 7 th Street.	:	
Collegeville, PA 19426	:	
	:	
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:

Rodd Bender, Esq.
Manko Gold Katcher Fox, LLP
RBender@mankogold.com

Copies served via email to:

Jeffrey S. Nast
Senior Assistant Regional Counsel
U.S. EPA, Region 3
nast.jeffrey@epa.gov

Steve Forostiak
Senior Enforcement Officer/Inspector
U.S. EPA, Region 3
forostiak.stephen@epa.gov

Date: 9/22/25

BEVIN
ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2025.09.22 12:52:43
-04'00'

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