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U.S. EPA REGION 5
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	**Docket No. TSCA-05-2026-0035**
	)	
Hydrodec of North America, LLC	)	**Consent Agreement and Final**
Canton, Ohio	)	**Under Section 16(a) of the Toxic**
	)	**Substances Control Act,**
	)	**15 U.S.C §2615 (a)**
Respondent.	)	
	)	

Consent Agreement and Final Order

Preliminary Statement

1. This is a civil administrative action instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C §2615(a), and Sections 22.1(a)(5), 22.13(b), 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.1(a)(5), 22.13(b), and 22.18(b)(2) and (3).

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.

3. Respondent is Hydrodec of North America LLC (Respondent), a mineral oil refining facility registered and doing business in the State of Ohio, with a place of business at 2021 Steinway Boulevard SE, Canton, Ohio 44707.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Jurisdiction for this action is conferred upon the EPA by Section 16 of TSCA, 42 U.S.C. § 2615(a).

8. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

9. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

10. 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 waive any right to challenge the lawfulness of the final order accompanying the consent agreement.

Statutory and Regulatory Background

11. Pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), the EPA promulgated regulations governing PCBs at 40 C.F.R. Part 761.

12. Section 15 of TSCA makes it unlawful for any person to fail or refuse to comply with any rule promulgated or order issued under Section 2604 or 2605 of TSCA. TSCA Section 15(1), 15 U.S.C. § 2614(1).

13. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the EPA to assess a civil penalty for each violation of Section 15 of TSCA, 15 U.S.C. § 2614.

14. "Person" means any natural or judicial person including any individual, corporation, partnership, or association; any State or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government. 40 C.F.R. § 761.3.

15. "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which

contains such substance. 40 C.F.R. § 761.3.

16. “PCB Article Container” means any package, can, bottle, bag, barrel, drum, tank, or other device used to contain PCB Articles or PCB Equipment, and whose surface(s) has not been in direct contact with PCBs. 40 C.F.R. § 761.3.

17. "PCB container" means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs. 40 C.F.R. § 761.3.

18. “PCB Item" means any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs. 40 C.F.R. § 761.3.

19. “PCB-contaminated electrical equipment" means any electrical equipment including, but not limited to, transformers, capacitors, and voltage regulators that contains PCBs at concentrations of greater than 50 but less than 500 ppm in the contaminating fluid. 40 C.F.R. § 761.3.

20. “PCB Transformer” means any transformer that contains 500 ppm or greater PCBs. 40 C.F.R. § 761.3

21. “PCB waste(s)” means those PCBs and PCB Items that are subject to the disposal requirements of Subpart D of 40 C.F.R. Part 761. 40 C.F.R. § 761.3.

22. “Generator of PCB waste” means any person whose act or process produces PCBs that are regulated for disposal under Subpart D of 40 C.F.R. Part 761, or whose act first causes PCBs or PCB Items to become subject to the disposal requirements of Subpart D of 40 C.F.R. Part 761, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated and therefore is subject to the disposal requirements of Subpart D of 40 C.F.R. Part 761. 40 C.F.R. § 761.3.

23. “Commercial storer of PCB waste” means the owner or operator of each facility that is subject to the PCB storage unit standards of 40 C.F.R. § 761.65(b)(1) or (c)(7) or meets the

alternate storage criteria of 40 C.F.R. § 761.65(b)(2), and who engages in storage activities involving either PCB waste generated by others or that was removed while servicing the equipment owned by others and brokered for disposal.

24. "Disposer of PCB waste" means any person who owns or operates a facility approved by the EPA for the disposal of PCB waste which is regulated for disposal under the requirements of 40 C.F.R. Part 761 Subpart D.

25. "Storage for disposal" means temporary storage of PCBs that have been designated for disposal. 40 C.F.R. § 761.3.

26. "Disposal" means to intentionally or accidentally discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB items, including spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items. 40 C.F.R. § 761.3.

27. 40 C.F.R. Part 761 applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs or PCB Items. 40 C.F.R. § 761.1(b)(1).

28. The PCB rule at 40 C.F.R. § 761.2(a)(2) requires a person to assume that mineral oil-filled electrical equipment manufactured before July 2, 1979, whose PCB concentration is not established, contains PCBs greater than or equal to 50 ppm but less than 500 ppm.

Factual Allegations and Alleged Violations

29. Respondent is a corporation and is therefore a "person" as defined at 40 C.F.R § 761.3.

30. Respondent is the "owner" or "operator," of the facility located at 2021 Steinway Boulevard SE, Canton, Ohio 44707 (the Facility). The Facility includes all contiguous land, structures, other appurtenances and improvements used for the treatment, storage, or disposal of PCB waste.

31. On June 16, 2017, Respondent submitted to the EPA an application for a Federal TSCA PCB Alternative Treatment and Commercial Storage Approval (TSCA PCB Approval

Application).

32. On January 8, 2018, the EPA granted Respondent a Federal TSCA PCB Alternative Treatment and Commercial Storage Approval (TSCA PCB Approval).

33. The EPA modified the TSCA PCB Approval on June 22, 2021 and November 11, 2021.

34. Respondent is a "Commercial storer of PCB waste" as approved on January 8, 2018, in accordance with 40 C.F.R. § 761.65(d) and as amended June 22, 2021, and November 11, 2021.

35. Respondent is a "Disposer of PCB waste" using an alternative treatment method as approved on January 8, 2018 pursuant to 40 C.F.R. § 761.60(e) and as amended June 22, 2021 and November 11, 2021.

36. The Facility is registered as a PCB generator with onsite generation and storage under U.S. EPA identification number OHR000143263.

37. As a person who manufactures, processes, distributes in commerce, uses, or disposes of PCBs or PCB Items, Respondent is subject to the prohibitions and requirements of 40 C.F.R. Part 761.

38. On May 14, 2024, EPA inspectors conducted an inspection of the Facility pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, to determine Respondent's compliance with the PCB regulations (the Inspection).

39. During the Inspection, the EPA inspectors observed Respondent's permitted storage areas for PCB waste and buildings and operations pertaining to PCB waste handling and disposal for compliance with the Respondent's TSCA PCB Approval.

40. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB articles in areas outside of the approved PCB storage areas—Dike C (PCB Building) and Building A—which did not conform to the storage requirements of 40 C.F.R. § 761.65(b).

41. At the time of the Inspection, the EPA inspectors observed that the PCB items and PCB storage areas were not marked with the Large PCB Mark—M_L at 40 C.F.R. § 761.45(a).

42. At the time of the Inspection, the EPA inspectors observed that the Respondent did not have removal from service for disposal dates on PCB Items.

43. At the time of the Inspection, the EPA inspectors observed PCB containers and PCB Items other than those authorized under the TSCA PCB Approval.

44. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB containers not wholly within pallet edges, that PCB containers were open when waste was not being added or removed from the containers, and that there was less than 24 inches of aisle space between pallets within approved PCB storage areas.

45. During the Inspection, the EPA inspectors requested that Respondent provide for their review certain records including the annual document logs and annual records which include manifests, certificates of disposal, and records of inspection for the storage area.

46. At the time of the Inspection, Respondent was unable to make available for inspection ten records for inspection of the storage area for the time periods between 2021 and 2024 when PCB and PCB-contaminated items were held for storage for disposal.

47. During the Inspection, the EPA inspectors requested that Respondent provide certain follow-up documents and records, including annual documents logs, manifests, and inspection records.

Count 1 – Storage for Disposal Building A

48. Paragraphs 7–47 of this CAFO are incorporated by reference as though set forth here in full.

49. The PCB rule at 40 C.F.R. § 761.65 applies to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater.

50. The PCB rule at 40 C.F.R. § 761.65(b)(1)(i) requires owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal to have storage

units with adequate roof and walls to prevent rainwater from reaching the stored PCBs and PCB Items.

51. The PCB rule at 40 C.F.R. § 761.65(b)(1)(ii) requires owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal to have storage units with an adequate floor that has continuous curbing with a minimum six inch high curb that provides a containment volume equal to at least two times the internal volume of the largest PCB Articles or PCB Containers stored there, whichever is greater.

52. The PCB rule at 40 C.F.R. § 761. 65(b)(1)(iii) requires owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal to have storage units without drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.

53. The PCB rule at 40 C.F.R. § 761.65(b)(1)(iv) requires owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal to have storage units with floors and curbing constructed of Portland cement, concrete, or a continuous, smooth, non-porous surface as defined at 40 C.F.R. § 761.3, which prevents or minimizes penetration of PCBs.

54. The PCB rule at 40 C.F.R. § 761.65(b)(2) prohibits any person from storing PCBs and PCB Items designated for disposal in a storage unit other than one approved pursuant to paragraph (d) of 40 C.F.R. § 761.65 or meeting the design requirements of paragraph (b) of 40 C.F.R. § 761.65.

55. On June 22, 2021, Respondent received approval for a minor modification to Condition 16(a) of the TSCA PCB Approval authorizing storage of PCB-contaminated oil and PCB articles at or below specified capacity limits in PCB Storage Areas—Dike C (PCB Building) and Building A—meeting the requirements of 40 C.F.R. § 761.65(b)(1).

56. Condition 16(a) of the TSCA PCB Approval authorizes Respondent to store 55-gallon drums, totes, and PCB articles (transformers) containing PCB-contaminated oil and waste up to

880 gallons in the designated Building A PCB storage area as defined in the TSCA PCB Approval Application.

57. Condition 16(c) of the TSCA PCB Approval requires Respondent to maintain its PCB container/tank storage units in accordance with the specifications in the TSCA PCB Approval Application and to meet the requirements of 40 C.F.R. § 761.65(b)(1). The Building A PCB storage area, as described in the TSCA PCB Approval Application, is a poured concrete block containment with dimensions of 9.5' x 9.5' x 7.5' with a total volume of 422 gallons. PCB items are supported on racks above the containment area and covered by the Building A roof.

58. At the time of the Inspection, the EPA inspectors observed that Respondent was storing eleven PCB articles (non-transformers), three PCB transformers, and one PCB 55-gallon container designated for disposal outside the designed PCB storage area located in Building A.

59. The EPA inspectors observed that Respondent was storing the PCB Items referenced in Paragraph 58 directly on the floor of Building A. The 55-gallon container was located in a secondary containment not identified in the TSCA PCB Approval Application.

60. The PCB Items referenced in Paragraph 58 contained an estimated 1,881 gallons of PCBs and PCB-contaminated oil, not including the volume of PCB containers the inspectors observed in the designated Building A PCB storage area.

61. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCBs or PCB Items designated for disposal in an area not designated in the TSCA PCB Approval and without an adequate floor having continuous curbing constructed of concrete or a continuous, smooth, non-porous surface.

62. Respondent's failure to store PCB Items designated for disposal in a storage unit complying with the requirements of 40 C.F.R. § 761.65(b)(1) constitutes a violation of 40 C.F.R. § 761.65(b), TSCA PCB Approval conditions 16(a) and (c), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 2 – Storage for Disposal Building F

63. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

64. Condition 16(d) of the TSCA PCB Approval authorizes Respondent to store PCBs in container storage units and in tank units, as specified in Condition 16(a).

65. At the time of the Inspection, the EPA inspectors observed that Respondent was storing fifteen PCB Articles (non-transformers) designated for disposal outside the PCB storage areas identified in the TSCA PCB Approval Application as authorized in the TSCA PCB Approval.

66. The EPA inspectors observed that the PCB Items referenced in Paragraph 65 were stored directly on the floor of Building F around the exterior wall.

67. The PCB Items referenced in Paragraph 65 contained an estimated 150 gallons of PCB-contaminated oil.

68. At the time of the Inspection, that EPA inspectors observed that Respondent was storing PCB Items designated for disposal outside the PCB storage area identified in the TSCA PCB Approval Application and without an adequate floor having continuous curbing constructed of concrete or a continuous, smooth, non-porous surface.

69. Respondent's failure to store PCB Items designated for disposal in a storage unit complying with the requirements of 40 C.F.R. § 761.65(b)(1) constitutes a violation of 40 C.F.R. § 761.65(b), TSCA PCB Approval conditions 16(a), (c) and (d), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 3 – Storage for Disposal Building G

70. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

71. At the time of the Inspection, the EPA inspectors observed that Respondent was storing one PCB 55-gallon container and one PCB 10-gallon bucket designated for disposal outside the

PCB storage areas identified in the TSCA PCB Approval Application. The 10-gallon bucket was placed on top of the secondary containment curbing while the 55-gallon container was placed on a pallet on a containment tray.

72. The PCB Items referenced in Paragraph 71 contained an estimated 60 gallons of PCBs.

73. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB containers designated for disposal in an area not identified in the TSCA PCB Approval Application and without an adequate floor having continuous curbing constructed of concrete or a continuous, smooth, non-porous surface.

74. Respondent's failure to store PCB Items designated for disposal in a storage unit complying with the requirements of 40 C.F.R. § 761.65(b)(1) constitutes a violation of 40 C.F.R. § 761.65(b), TSCA PCB Approval conditions 16(a), (c) and (d), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 4 – Storage Area Markings Building A

75. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

76. The PCB rule at 40 C.F.R. § 761.40(a)(10) requires that each storage area used to store PCBs and PCB Items for disposal be marked with the M_L label as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

77. Condition 16(e)(1) of the TSCA PCB Approval requires that the approved PCB storage areas identified in Condition 16(a) of the TSCA PCB Approval be marked as required in 40 C.F.R. § 761.40(a)(10).

78. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB Items designated for disposal with concentrations of 50 ppm PCBs or greater in Building A: a PCB storage area identified in the TSCA PCB Approval Application.

79. At the time of the Inspection, the EPA inspectors observed that there was no M_L label marking the PCB storage area in Building A.

80. Respondent's failure to mark its PCB Items and storage area with the M_L label illustrated in Figure 1 of 40 C.F.R. § 761.45(a) as required by 40 C.F.R. § 761.40(a)(10) constitutes a violation of 40 C.F.R. § 761.40(a), TSCA PCB Approval Condition 16(e)(1), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 5 – Storage Area Markings Building F & G

81. Paragraphs 7–57 and 76–77 of this CAFO are incorporated by reference as though set forth here in full.

82. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB Items designated for disposal with concentrations of 50 ppm PCBs or greater in Buildings F and G.

83. At the time of the Inspection, the EPA inspectors observed that there were no M_L labels marking the areas in which Respondent was storing PCB Items designated for disposal in Buildings F and G.

84. Respondent's failure to mark its PCB Items and storage areas with the M_L label illustrated in Figure 1 of 40 C.F.R. § 761.45(a) as required by 40 C.F.R. § 761.40(a)(10) constitutes a violation of 40 C.F.R. § 761.40(a) and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 6 – Storage Area Marking Outside Rolloff Container

85. Paragraphs 7–57 and 76–77 are incorporated by reference as though set forth here in full.

86. The PCB rule at 40 C.F.R. § 761.40(a)(1) requires that PCB Containers be marked with the M_L label as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

87. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB Items designated for disposal with concentrations of 500 ppm PCBs or greater in a roll-off container located outside of the Approved PCB Storage Area—PCB Building—designated in Condition 16(a) of the TSCA PCB Approval and identified in the TSCA PCB Approval Application.

88. At the time of the Inspection, the EPA inspectors observed that there were no M_L labels marking the roll-off container referenced in Paragraph 87 or the area where the aforementioned container was located.

89. Respondent's failure to mark its PCB Items and storage area with the M_L label illustrated in Figure 1 of 40 C.F.R. § 761.45(a) as required by 40 C.F.R. § 761.40(a)(1) and (10) constitutes a violation of 40 C.F.R. § 761.40(a) and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 7 - Inspection of Storage for Disposal

90. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

91. The PCB rule at 40 C.F.R. § 761.65(c)(5) requires that all PCB Items in storage be checked for leaks at least once every 30 days, and that records of these inspections be maintained in accordance with 40 C.F.R. § 761.180(a) and (b).

92. Condition 16(j) of the TSCA PCB Approval requires that all PCB containers stored within the PCB container storage units and all PCB storage tanks be checked for leaks at least once every 30 days and that records of these inspections be maintained in accordance with 40 C.F.R. § 761.180(a) and (b).

93. Condition 16(j) of the TSCA PCB Approval requires that the condition of floor, joints, and curbing in each of the approved PCB container storage units and storage tank enclosures be inspected at least once every 30 days.

94. At the time of the Inspection, the EPA inspectors observed that Respondent had PCB containers and items in storage for disposal in TSCA PCB Approved storage areas Building A and Dike C, along with PCB items outside the TSCA PCB Approved storage areas in Building A, F, and G.

95. At the time of the Inspection, Respondent was unable to produce and make available for inspection 10 records of inspection from the prior 30 months for its PCB Items in storage.

96. Respondent's failure to maintain and make available for inspection records of leak inspections for its PCB Items constitutes a violation of 40 C.F.R. § 761.65(c)(5) and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 8 – Dating Requirements

97. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

98. The PCB rule at 40 C.F.R. § 761.65(c)(8) requires that PCB Items be dated on the item when they are removed from service for disposal.

99. Condition 16(e)(3) of the TSCA PCB Approval requires that PCB containers/tanks be dated in accordance with § 761.65(c)(8).

100. Condition 16(h) of the TSCA PCB Approval requires that PCB containers/tanks be stored so that the required PCB labels, dates of removal from service, and other identification information can be easily read by any inspector.

101. At the time of the Inspection, the EPA inspectors observed that there were no removal from service dates on three PCB transformers, one PCB container, and thirteen PCB Items in storage for disposal.

102. Respondent's failure to date the PCB Items referenced in Paragraph 101 and to store them so that dates of removal from service and other identification information could be easily read by any inspector constitute violations of 40 C.F.R. § 761.65(c)(8), TSCA PCB Approval Conditions 16(e)(3) and 16(h), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 9 – Improper Disposal

103. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

104. The PCB rule at 40 C.F.R. § 761.50(a) requires any person storing or disposing of PCB waste to do so in accordance with subpart D of 40 C.F.R. Part 761.

105. 40 C.F.R. § 761.50(a)(4) states that spills and other uncontrolled discharges of PCBs at concentrations of equal to or greater than 50 ppm constitute the disposal of PCBs.

106. At the time of the Inspection, the EPA inspectors observed a release of less than 1 gallon of PCBs from one bushing with PCBs at concentrations of equal to or greater than 50 ppm, stored for disposal in an area in violation of 40 C.F.R. § 761.65.

107. Under 40 C.F.R. § 761.50(a)(4), the PCBs that leaked from the bushing constituted the disposal of PCBs.

108. Respondent therefore disposed of less than 5 gallons of PCB oil not in accordance with 40 C.F.R. Part 761 Subpart D.

109. Respondent's failure to dispose of PCBs in accordance with the applicable disposal requirements constitutes a violation of 40 C.F.R. §§ 761.50(a)(4) and 761.60 and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 10 – Management of PCB Containers/Tanks in Storage

110. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

111. The PCB rule at 40 C.F.R. § 761.65(c)(6) requires that any container used for storage of liquid or non-liquid PCB waste be in accordance with the requirements set forth in the DOT Hazardous Materials Regulations at 49 C.F.R. parts 171 through 180.

112. Condition 16(d) of the TSCA PCB Approval authorizes the Respondent to store PCBs in container storage units and in tank units, as specified in Condition 16(a).

113. Condition 16(d) of the TSCA PCB Approval requires that the units it references meet the requirements of 40 C.F.R. § 761.65(c)(6).

114. Condition 16(h) of the TSCA PCB Approval requires that PCB containers and tanks always be closed during storage, except when adding or removing their contents, and not be opened, handled or stored in a manner which may damage them or cause leakage.

115. At the time of the Inspection, the EPA inspectors observed that Respondent was storing PCB-containing oil in one plastic tray and two 5-gallon containers in Building A which did not meet the requirement to use 55-gallon containers under 40 C.F.R. § 761.65(c)(6).

116. At the time of the Inspection, the EPA inspectors observed that Respondent had three open containers used for PCB storage within the Building A approved PCB storage area.

117. Failure to comply with any of the TSCA PCB Approval conditions constitutes a violation of the requirement in 40 C.F.R. §§ 761.50(a) to store or dispose of PCB waste in accordance with 40 C.F.R. Part 761 Subpart D, 40 C.F.R. § § 761.60(e) and 761.65(d), and Section 15 of TSCA, 15 U.S.C. § 2614 .

Count 11 – Container Stacking and Pallet Use

118. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

119. Condition 16(g)(4) of the TSCA PCB Approval requires that any PCB containers placed on a pallet be within the pallet edges.

120. At the time of the Inspection, the EPA inspectors observed four PCB containers stored on pallets overhanging the edge of the pallets they were stored on in Buildings A and F.

121. By storing PCB containers on pallets outside the edges of the pallets, Respondent failed to comply with the requirement of Condition 16(g)(4) of the TSCA PCB Approval.

122. Failure to comply with any of the TSCA PCB Approval conditions constitutes a violation of the requirement in 40 C.F.R. § 761.50(a) to store or dispose of PCB waste in accordance with 40 C.F.R. Part 761 Subpart D, 40 C.F.R. §§ 761.60(e) and 761.65(d), and Section 15 of TSCA, 15 U.S.C. § 2614.

Count 12 – Aisle Space

123. Paragraphs 7–57 of this CAFO are incorporated by reference as though set forth here in full.

124. Condition 16(f) of the TSCA PCB Approval requires that adequate aisle space within the container/tank storage units be maintained at all times to allow access for purpose of inspection and spill response for leaking containers and that containers stored on pallets in the container storage units be stored in no more than one pallet wide when using a standard pallet size of 48 inches by 48 inches.

125. At the time of the Inspection, the EPA inspectors observed that there was not adequate aisle space within the container and tank storage units in Building A to allow access for purposes of inspection and spill response for leaking containers and that containers stored on pallets were stored in a row two standard pallets wide.

126. By failing to maintain adequate aisle space and storing containers stored on pallets in a row more than one pallet wide, Respondent failed to comply with the requirement of Condition 16(h) of the TSCA PCB Approval.

127. Failure to comply with any of the TSCA PCB Approval conditions constitutes a violation of the requirement in 40 C.F.R. § 761.50(a) to store or dispose of PCB waste in accordance with 40 C.F.R. Part 761 Subpart D, 40 C.F.R. §§ 761.60(e) and 761.65(d), and Section 15 of TSCA, 15 U.S.C. § 2614.

Civil Penalty

128. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is $144,484. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and, with respect to Respondent's ability to pay, effect on ability to continue to do business, any history of such prior violations, the degree of culpability. Complainant also considered the EPA's Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12, and 13. Respondent agrees to pay a civil penalty in the amount of $144,484 ("Assessed Penalty"), the EPA conducted an analysis of Respondent's financial information and determined Respondent has a limited ability to pay. Consequently, in accordance with applicable law, the EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

129. Respondent agrees to pay a civil penalty in the amount of $144,484 ("Assessed Penalty"). Based on Respondent's documented inability to pay claim, and in accordance applicable laws, the EPA conducted an analysis of Respondent's financial information and determined that the Assessed Penalty is an appropriate amount to settle this action, which Respondent consents to pay as follows:

a. The Assessed Penalty will be paid in 36 equal installments, in order to complete payment of the entire Assessed Penalty and interest, which is assessed at the large corporate rate. Including the Assessed Penalty and interest, the total amount that will be paid upon completion of all payments will be $159,233.42. The first payment is due within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the "Regional Hearing Clerk" ("Filing Date"). Respondent's subsequent payments shall thereafter be due in 30-day intervals from said Filing Date.

b. Respondent shall make payments in accordance with the following schedule:

Payment Number	**Payment shall be made *no later than***	**Principal Amount**	**Interest Amount**	**Total Payment Amount**
1	30 days after the Filing Date.	$4,013.44	$0.00	**$4,423.15**
2	60 days after the Filing Date.	$4,013.44	$819.41	**$4,423.15**
3	90 days after the Filing Date.	$4,013.44	$796.00	**$4,423.15**
4	120 days after the Filing Date.	$4,013.44	$772.59	**$4,423.15**
5	150 days after the Filing Date.	$4,013.44	$749.18	**$4,423.15**
6	180 days after the Filing Date.	$4,013.44	$725.76	**$4,423.15**

7	210 days after the Filing Date.	$4,013.44	$702.35	**$4,423.15**
8	240 days after the Filing Date.	$4,013.44	$678.94	**$4,423.15**
9	270 days after the Filing Date.	$4,013.44	$655.53	**$4,423.15**
10	300 days after the Filing Date.	$4,013.44	$632.12	**$4,423.15**
11	330 days after the Filing Date.	$4,013.44	$608.71	**$4,423.15**
12	360 days after the Filing Date.	$4,013.44	$585.29	**$4,423.15**
13	390 days after the Filing Date.	$4,013.44	$561.88	**$4,423.15**
14	420 days after the Filing Date.	$4,013.44	$538.47	**$4,423.15**
15	450 days after the Filing Date.	$4,013.44	$515.06	**$4,423.15**
16	480 days after the Filing Date.	$4,013.44	$491.65	**$4,423.15**
17	510 days after the Filing Date.	$4,013.44	$468.24	**$4,423.15**
18	540 days after the Filing Date.	$4,013.44	$444.82	**$4,423.15**
19	570 days after the Filing Date.	$4,013.44	$421.41	**$4,423.15**
20	600 days after the Filing Date.	$4,013.44	$398.00	**$4,423.15**
21	630 days after the Filing Date.	$4,013.44	$374.59	**$4,423.15**
22	660 days after the Filing Date.	$4,013.44	$351.18	**$4,423.15**

23	690 days after the Filing Date.	$4,013.44	$327.77	**$4,423.15**
24	720 days after the Filing Date.	$4,013.44	$304.35	**$4,423.15**
25	750 days after the Filing Date.	$4,013.44	$280.94	**$4,423.15**
26	780 days after the Filing Date.	$4,013.44	$257.53	**$4,423.15**
27	810 days after the Filing Date.	$4,013.44	$234.12	**$4,423.15**
28	840 days after the Filing Date.	$4,013.44	$210.71	**$4,423.15**
29	870 days after the Filing Date.	$4,013.44	$187.29	**$4,423.15**
30	900 days after the Filing Date.	$4,013.44	$163.88	**$4,423.15**
31	930 days after the Filing Date.	$4,013.44	$140.47	**$4,423.15**
32	960 days after the Filing Date.	$4,013.44	$117.06	**$4,423.15**
33	990 days after the Filing Date.	$4,013.44	$93.65	**$4,423.15**
34	1020 days after the Filing Date.	$4,013.44	$70.24	**$4,423.15**
35	1050 days after the Filing Date.	$4,013.44	$46.82	**$4,423.15**
36	1080 days after the Filing Date.	$4,013.60	$23.41	**$4,423.17**
Total		**$144,484.00**	**$14,749.42**	**$159,233.42**

c. Notwithstanding Respondent's agreement to pay the Assessed Penalty in accordance with the installment schedule set forth above, Respondent may pay the

entire Assessed Penalty of $144,484 within thirty (30) days of the Filing Date and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with any interest and other charges accrued up to the date of such full payment.

130. 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.

131. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name and the docket number of this CAFO, TSCA-05-2026-0035,

b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
Dierich.andrea@epa.gov
and
R5lecab@epa.gov

Samuel Horowitz
Office of Regional Counsel
U.S. EPA, Region 5
Horowitz.samuel@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Division
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, 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.

132. 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 any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the effective date of this CAFO. 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 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 the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing 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 portion of the

Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

133. 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 CAFO, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:

a. Refer the debt to a credit reporting agency or a collection agency pursuant to 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, 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 the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

134. 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.

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

136. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 Milton Wise at the EPA's Cincinnati Finance Division at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and the EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

137. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: horowitz.samuel@epa.gov (for Complainant), and andy.p@hydrodec.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

138. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

139. This CAFO does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

140. This CAFO does not affect Respondent's responsibility to comply with TSCA and other applicable federal, state, local laws or permits.

141. Respondent certifies that it is complying with TSCA, 15 U.S.C. §§ 2601–2629, and the regulations at 40 C.F.R. Part 761.

142. The terms of this CAFO bind Respondent, its successors, and assigns.

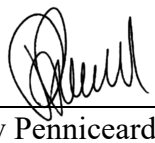
143. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

144. Each party agrees to bear its own costs and attorney's fees in this action.

145. This CAFO constitutes the entire agreement between the parties.

Hydrodec of North America LLC, Respondent

16th September 2026
Date



Mr Andrew Penniceard
Board Director
Hydrodec of North America LLC

In the Matter of:
Hydrodec of North America LLC
Docket No. TSCA-05-2026-0035

United States Environmental Protection Agency, Complainant

CAROLYN PERSOON
Digitally signed by CAROLYN PERSOON
Date: 2026.09.18 07:58:35 -05'00'

Date

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5

In the Matter of:
Hydrodec of North America LLC
Docket No. TSCA-05-2026-0035

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN COYLE Date: 2026.09.18 09:40:50 -05'00'

Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5