Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Allentown, Pennsylvania Coil Coating Facility Enter into Consent Agreement

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

02/04/2025

The United States Environmental Protection Agency ("EPA") and Vorteq Coil Finishers, LLC ("Vorteq") entered into a January 22nd Consent Agreement ("CA") addressing alleged violations of the Resource Conservation and Recovery Act ("RCRA") Hazardous Waste Regulations. See Docket No. RCRA-03-2025-0044.

Vorteq operates a facility in Allentown, Pennsylvania that includes a coil coating operation.

The facility includes a coil coater of cold rolled steel, galvanized steel and aluminum, which is used in construction of street signs, downspouts, and metal roofs.

The facility has since at least 1980 generated hazardous waste as that term is defined in 40 C.F.R. § 261.3. It is stated to have initially notified as a large quantity generator and reports as a large quantity generator.

EPA is stated to have conducted a RCRA Compliance Evaluation Inspection ("CEI") at the facility on May 24, 2023. Vorteq provided supplemental information to EPA on June 7, 2024, and November 13, 2024.

The CA alleges the following violations:

1. Operation of a Hazardous Waste Storage Facility without a Permit or Interim Status.
    1. Failure to Properly Label and/or Date Containers of Hazardous Waste.
    2. Failure to Properly Operate the Facility.
    3. Failure to Designate a Primary Emergency Coordinator in the Facility's Contingency Plan.
    4. Failure to Keep a Container of Hazardous Waste Closed, Except When It Is Necessary to Add or Remove Waste
2. Failure to Make a Waste Determination.
3. Failure to Properly Operate the Facility.
4. Failure to Keep a Container of Hazardous Waste Closed, Except When It Is Necessary to Add or Remove Waste.
5. Failure to Maintain Required Aisle Space.

6. Failure to Conduct Weekly Inspections of Hazardous Waste Central Accumulation Areas.
7. Failure to Designate a Primary Emergency Coordinator in the Facility's Contingency Plan.
8. Failure to Properly Store Universal Waste Lamps.
9. Failure to Properly Label or Mark Each Lamp or a Container or Package in Which Such Lamps Are Contained.
10. Failure to Demonstrate the Length of Time that the Universal Waste has been Accumulated for the Date if Becomes a Waste or is Received.

The CA assesses a civil penalty of $174,829.00.

A copy of the CA can be downloaded here.