

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Johnstown, Pennsylvania, Tank/Container Manufacturer Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Johnstown Tube Laser, LLC, (doing business as Environmental Tank & Container) (“Johnstown”) entered into a Consent Agreement (“CA”) addressing alleged violations of the Pennsylvania Hazardous Waste Regulations. See Docket No. RCRA-03-2022-0048.

The CA provides that Johnstown is the owner and operator of a facility (“Facility”) located in Johnstown, Pennsylvania.

Johnstown is stated to have submitted a Notice of Hazardous Waste Activity for the Facility to the Pennsylvania Department of Environmental Protection and to EPA, Region III, pursuant to Section 3010 of RCRA on May 7, 2013. Such Notice of Hazardous Waste Activity is stated to have identified the Facility as a generator of hazardous waste.

At least from January 2017, at all times relevant to the alleged violations, until December 2020, Johnstown is stated to be and have been a generator of solid waste and hazardous waste and engaged in the temporary storage in containers at the Facility of F003, U002 and U239 hazardous wastes. Further, it is stated that although Johnstown reported in its Notice of Hazardous Waste Activity that the Facility was a very small quantity generator, from at least January 2017 through December 2020 the Facility was a large quantity generator of hazardous waste.

EPA Region III is stated to have sent an Information Request Letter (“IRL”) to Johnstown on December 15, 2020. Johnstown is stated to have responded to the IRL on January 29, 2021.

The agency is stated to have concluded based on the information provided by Johnstown that the Facility violated certain requirements and provisions of RCRA Subtitle C and federally-authorized Pennsylvania Hazardous Waste Regulations.

The alleged violations are stated to have included:

- Operation without a Permit or Interim Status
- Failure to provide a written job description for each position at the Facility related to hazardous waste management

- Failure to provide annual review of initial hazardous waste training
- Failure to submit a biennial report by March 1 of each even numbered year

The CA assesses a civil penalty of \$20,473.

A copy of the CA can be downloaded [here](#).