



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural and Historic Resources

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Director

**DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSENT ORDER
ISSUED TO
Hardide Coatings, Inc.
FOR
Hardide Coatings**

EPA ID Number: VAR000531467

Handler Category: Small Quantity Generator

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455 for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable permit and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms used in this Consent Order have the meanings assigned to them in Va. Code § 10.1-1182 *et seq.*, § 10.1-1400 *et seq.*, 9 VAC 20-60-12 *et seq.*, Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the Virginia Hazardous Waste Management Regulation (VHWMR) incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Consent Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.

SECTION C: Findings of Fact and Conclusions of Law

Responsible Party	Hardide Coatings, Inc.					
Facility Name	Hardide Coatings					
Facility Address	Street Address	444 Hollie Drive				
	City/County	Martinsville			Virginia	Zip Code
Inspection Date	5/15/2025			NOV Date	7/9/2025	
The Responsible Party is a “person” within the meaning of Va. Code § 10.1-1455.						

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	Failure to make an accurate hazardous waste determination. 9 VAC 20-60-262 40 CFR §262.11	\$ 0.00		\$ 0.00
		# of Violations		
	Failure to properly determine hazardous waste generator status. 9 VAC 20-60-262 40 CFR §262.13	\$ 0.00		\$ 0.00
		# of Violations		
	Failure to submit an EPA Form 8700-12 and/or obtain an EPA identification number and/or notify/re-notify when applicable. 9 VAC 20-60-262, 273, 315, 1505 40 CFR §262.18, §273	\$ 0.00		\$ 0.00
		# of Violations		
	Failure to properly dispose of hazardous waste. 9 VAC 20-60-262 40 CFR §262.10, §262.14, §262.18, §262 Subpart B	\$ 0.00		\$ 0.00
		# of Violations		
✓	Failure to comply with Satellite Accumulation Area/ Central Accumulation Area/ Universal Waste Requirements. 9 VAC 20-60-262, 273 40 CFR §262.15, §262.16, §262.17, §273.15	3307		\$ 3,307.00
		# of Violations	1	
✓	Failure to properly manage waste. 9 VAC 20-60-262, 273 40 CFR §262.14, §262.15, §262.16, §262.17, §273.13, §273.14, §273.15	3307		\$ 3,307.00
		# of Violations	1	
✓	Failure to comply with contingency plan/emergency plan requirements. 9 VAC 20-60-262 40 CFR §262 Subpart M	3307		\$ 3,307.00
		# of Violations	1	
	Failure to comply with training requirements. 9 VAC 20-60-262, 1505 40 CFR §262.16, §262.17	\$ 0.00		\$ 0.00
		# of Violations		
	Failure to comply with land disposal restrictions requirements. 9 VAC 20-60-268 40 CFR §268	\$ 0.00		\$ 0.00
		# of Violations		
	Failure to accurately complete, submit, or maintain documentation. 9 VAC 20-60-262, 1283, 1284, 1285 40 CFR §262.16, §262.17, §262.20, §262.40, §262.41, §262.42, §265, §268	\$ 0.00		\$ 0.00
		# of Violations		
	Other:	\$ 0.00		\$ 0.00
		# of violations		
Violations and Frequency Subtotal				\$ 9,921.00

Aggravating Factors		
	Additional Civil Charge Assessment	Subtotal
Degree of Culpability	Moderate	\$ 2,480.25
Consent Order in another media Program within 36 months	No	\$ 0.00
Consent Order in the same media program within 36 months	No	\$ 0.00
Aggravating Factors Subtotal		\$ 2,480.25
Civil Charge Subtotal and Aggravating Factor Subtotal		\$ 12,401.25
Cooperativeness and Quick Settlement	30%	-\$ 3,720.38
Economic Benefit of Noncompliance	No	
In accordance with 62.1-44.15(8e), the Responsible Party's Ability to Pay was evaluated and it was determined that there is an ability to pay.	Yes	
Total Civil Charge		\$ 8,680.88
Based on the observations and legal requirements cited above, the Department concludes that the Responsible Party has violated Va. Code and Regulations as identified herein.		

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders the Responsible Party, and the Responsible Party agrees to:

- ☒ Perform the actions described in Appendix A of this Consent Order; and
- ☒ Pay the total civil charge of \$ 8,680.88 in settlement of the violations cited in this Consent Order in accordance with the following:
 - ☒ Within 30 days of the effective date of the Consent Order.

☐ In accordance with the following schedule:

Due Date	Amount

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Consent Order, and the Department may demand in writing full payment by the Permittee. Within 15 days of receipt of such letter, Permittee shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Consent Order.

Payment shall be made by either credit card at www.deq.virginia.gov, check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, VA 23218

The Responsible Party shall include its Federal Employer Identification Number (FEIN), if applicable, with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Consent Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department must refer collection of moneys due under this Consent Order to the Department of Law, Responsible Party shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Consent Order with the consent of the Responsible Party for good cause shown by the Responsible Party, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order. This Consent Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Consent Order only, the Responsible Party admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Consent Order.
4. The Responsible Party consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. The Responsible Party declares it has received fair and due process under the Administrative Process Act and the Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Consent Order.
6. Failure by the Responsible Party to comply with any of the terms of this Consent Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. The Responsible Party shall be responsible for failure to comply with any of the terms and conditions of this Consent Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or

such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Consent Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.
 - e. Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Consent Order.
9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
 10. This Consent Order shall become effective upon execution by both the Director or his designee and The Responsible Party. Nevertheless, the Responsible Party agrees to be bound by any compliance date which precedes the effective date of this Consent Order.
 11. This Consent Order shall continue in effect until:
 - a. The Director or his designee terminates the Consent Order after the Responsible Party has completed all of the requirements of the Consent Order;
 - b. The Responsible Party petitions the Director or his designee to terminate the Consent Order after it has completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or
 - c. The Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to the Responsible Party.Termination of this Consent Order, or any obligation imposed in this Consent Order, shall not operate to relieve the Responsible Party from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
 12. Any plans, reports, schedules or specifications attached hereto or submitted by the Responsible Party and approved by the Department pursuant to this Consent Order are incorporated into this Consent Order. Any non-compliance with such approved documents shall be considered a violation of this Consent Order.
 13. The undersigned representative of the Responsible Party certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Consent Order and to execute and legally bind the Responsible Party to this document. Any documents to be submitted pursuant to this Consent Order shall also be submitted by a responsible official of the Responsible Party.
 14. This Consent Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Consent Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order.
 15. By its signature below, the Responsible Party voluntarily agrees to the issuance of this Consent Order.

And it is so ORDERED.

DEQ Signee Signature

Date

DEQ Signee Name (Printed)

Title

I hereby certify that I am the Responsible Party or duly appointed representative/officer of the Responsible Party.

SA Hall

Responsible Party Name (Signature)

02/09/2025

Date

SIMON HALLAM

Responsible Party Name (Printed)

FINANCE DIRECTOR

Title

DEQ Contact

Unless otherwise specified in this Order, the Responsible Party shall submit all requirements of Appendix A of this Order to:

Joseph Heller, Enforcement Specialist
VA DEQ - Blue Ridge Regional Office
901 Russell Drive, Salem, VA 24153
joseph.r.heller@deq.virginia.gov; 540-512-3268

APPENDIX A SCHEDULE OF COMPLIANCE

The Responsible Party shall take the following actions:

Correction to be Performed	Due Date
Hardide Coatings, Inc. (HCI) shall provide documentation which shows the locations of fire alarms, decontamination systems, first aid kits and evacuation routes.	1 month from the effective date of the Order
Hardide Coatings received a waste profile from VLS Recovery Services indicating that the filter cake sludge was classified as a Non-DOT Regulated material. This material was shipped under a bill of lading to VLS Lancaster LLC (PAD987266749). HCI must provide a proper waste determination for the nickel filter cake sludge, along with a plan for how this material will be managed and disposed of going forward. In addition, HCI must provide documentation of how the material (filter cake sludge) shipped under the June 5, 2025 bill of lading was ultimately disposed of.	1 month from the effective date of the Order
HCI, shall submit photographic documentation to the noted contact above of the location of safety equipment (fire extinguishers, spill equipment) in an area of hazardous waste accumulation	1 month from the effective date of the Order
HCI, shall provide DEQ an employee job title and job description records for facility personnel whose duties include RCRA hazardous waste management. In addition, a written description of the frequency and nature of both initial and ongoing training provided to facility personnel while HCI operated as a LQG from May11, 2022 to January 31, 2024.	1 month from the effective date of the Order