

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGION 1

IN THE MATTER OF: )  
 )  
Eastern Packaging, Incorporated )  
283 Lowell Street )  
Lawrence, MA 01840 )  
 )  
Proceeding under Section 3008(a) of )  
Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )  
 )

Received by  
EPA Region 1  
Hearing Clerk  
  
**Docket No. RCRA-01-2023-0063**

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. By copy of this agreement, EPA is providing the Massachusetts Department of Environmental Protection with notice of the referenced alleged violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Eastern Packaging, Incorporated ("Respondent") is the owner or operator of the facility located at 283 Lowell Street, Lawrence, MA ("Facility"). EPA conducted a compliance evaluation inspection at the Facility on August 25, 2022. EPA alleges that Respondent violated the following requirements of RCRA and the EPA approved and authorized Massachusetts hazardous waste management program set forth at 310 C.M.R. 30.000 *et seq.*:
  - a. Failure to provide facility personnel assigned to the management of hazardous waste with a program of instruction or on-the-job training that teaches them how to perform their duties and to ensure the training is directed by a person trained in hazardous waste management procedures, including contingency plan implementation, as required by, 310 C.M.R. 30.341(1)(a), which references 310 C.M.R. 30.516(1).
  - b. Failure to prepare an adequate personnel training plan that includes instruction which teaches facility personnel hazardous waste management procedures, as required by 310 C.M.R. 30.341(1)(a), which references 310 C.M.R. 30.516(2)(a).
  - c. Failure to store containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line or obtain a written approval from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to

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occur within this restricted area, as required by 310 C.M.R. 30.342(1)(f), which references 310 CMR 30.688(1).

d. Failure to operate and maintain a hazardous waste management unit to prevent and minimize the threat of a release of hazardous waste, as required by 310 C.M.R. 30.341(1)(e)(1).

e. Failure to distribute a copy of the contingency plan, and all revisions of the plan, to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, and state and local emergency response teams that may be called upon to provide emergency services, as required by 310 C.M.R. 30.341(1)(c).

f. Failure to list the address of the emergency coordinator in the contingency plan, as required by 310 C.M.R. 30.341(1)(b)(5).

g. Failure to use only one container per waste stream at any one time for each specific point of generation, as required by 310 C.M.R. 30.340(6)(c).

h. Failure to clearly mark and distinguish all areas where hazardous wastes are accumulated, as required by 310 C.M.R. 30.341(5).

i. Failure to determine whether a waste is hazardous, as required by 310 C.M.R. 30.302

j. Failure to clearly mark and label each container in which hazardous waste is being accumulated throughout the period of accumulation with the words, "Hazardous Waste"; the hazardous waste(s) identified in words; and the type of hazard(s) associated with the waste(s) indicated in words, as required by 310 C.M.R. 30.341(2)(a) through (c).

k. Failure to mark the date of accumulation on each container in which hazardous waste is being accumulated, as required by 310 C.M.R. 30.341(2)(d).

i. Failure to place a "No Smoking" sign where ignitable waste is handled, as required by 310 C.M.R. 30.341(1)(f), which references 310 C.M.R. 30.560(2).

4. EPA and Respondent agree that settlement of this matter for a civil penalty of fifteen thousand dollars (\$15,000) is in the public interest.

In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b)

of RCRA; and (7) consents to electronic service of the filed ESA.

In addition, if the Respondent is a Federal agency, the Respondent waives its rights to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.

- a. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- b. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
- c. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- d. Each party shall bear its own costs and fees, if any.
- e. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

### **FINAL ORDER**

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

- 1) Respondent shall pay a civil penalty of fifteen thousand dollars (\$15,000) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
- 2) A notice of the penalty payment and a copy of the check or electronic transfer confirmation copy of the certified or cashier's check or other information confirming payment shall be simultaneously sent via e-mail to the following:

Wanda Santiago, Regional Hearing Clerk  
EPA, Region 1  
r1\_hearing\_clerk\_filings@epa.gov

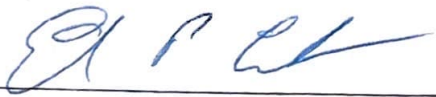
Lisa Papetti, Environmental Engineer  
EPA, Region 1  
papetti.lisa@epa.gov

- 3) No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
- 4) This Expedited Settlement Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region1. Unless otherwise stated, all time periods state herein shall be calculated in calendar days from such date.
- 5) Complainant and Respondent, by entering into this CAFO, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the following address: [epc@easternpackaginginc.com](mailto:epc@easternpackaginginc.com). Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

IT IS SO AGREED,

Erik Curtis  
Name (print)

President  
Title (print)

  
Signature

Date: 8/17/2023

APPROVED BY EPA:

**JAMES CHOW** Digitally signed by JAMES CHOW  
Date: 2023.08.18 15:56:48 -04'00'

\_\_\_\_\_  
James Chow, Acting Director  
Enforcement and Compliance Assurance Division  
EPA, Region 1

Date: \_\_\_\_\_

IT IS SO ORDERED:

\_\_\_\_\_  
LeAnn Jensen  
Regional Judicial Officer  
EPA, Region 1

Date: \_\_\_\_\_