

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

2016 MAY 23 AM 9:59

IN THE MATTER OF: )  
)  
PAS Technologies Inc., ) **CONSENT AGREEMENT**  
) **AND FINAL ORDER**  
Respondent )  
) Docket No. RCRA-07-2016-0025  
)  
Proceeding under Sections 3008(a) and (g) )  
of the Resource Conservation and )  
Recovery Act as amended, 42 U.S.C. §§ )  
6928(a) and (g) )

### **I. PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and PAS Technologies Inc. (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

### **II. ALLEGATIONS**

#### **Jurisdiction**

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6928(a) and (g), and in accordance with the Consolidated Rules of Practice. This authority has been delegated by the Administrator of EPA to the Regional Administrator and further delegated to the Director of the Air and Waste Management Division.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C § 6925, standards for performing hazardous waste determinations (40 C.F.R. Part 261), and the standards for universal waste management (40 C.F.R. Part 273).

**Parties**

3. Complainant is the Director of the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of EPA.

4. Respondent is PAS Technologies Inc., a corporation authorized to operate under the laws of Missouri.

**Statutory and Regulatory Framework**

5. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19. For violations that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized. Based upon the facts alleged in this Consent Agreement and Final Order and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

7. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 10 C.S.R. 25-4.261, which incorporate by reference 40 C.F.R. Part 261.

8. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S. Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

9. The regulations at 10 C.S.R. 25-262, which incorporate by reference 40 C.F.R. § 262.34(a), state that a generator may accumulate hazardous waste on-site for ninety days (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to store hazardous waste at its facility for any length of time.

### **General Factual Background**

10. Respondent is a corporation and authorized to conduct business within the State of Missouri. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

11. Relevant to this Consent Agreement and Final Order, Respondent's facility is located at 1234 Atlantic Street, North Kansas City, Missouri. Respondent repairs and refurbishes aircraft engine parts for the aviation industry and repairs and refurbishes valves for the oil and gas industry. Respondent employs approximately 118 people at this facility.

12. On or about July 16, 2015, Respondent updated its notification to EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a Large Quantity Generator (LQG) of hazardous waste. LQGs generate 1,000 kilograms per month or more of hazardous waste, or more than 1 kilogram per month of acutely hazardous waste.

13. On or about May 11-12, 2015, an EPA inspector conducted a RCRA Compliance Evaluation Inspection (hereinafter "the inspection") of the hazardous waste management practices at Respondent's facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a large quantity generator of hazardous waste, a small quantity handler of universal waste, and used oil generator.

14. Respondent has been assigned the following EPA ID Number: MOD000474361.

15. At the time of the inspection, solid wastes generated or present at the facility included, but are not limited to:

- a. One 3-gallon container of paint related material in the airfoil paint booth;
- b. Four 1-gallon containers labeled with the words "Earth Ground High Solid" (also known as Eclipse High Solids Polyurethane Enamel) in the hazardous waste accumulation area;
- c. One 1-quart container of waste solvent based paint in the hazardous waste accumulation area;
- d. One 2-quart container of zinc chromate primer in the hazardous waste accumulation area; and
- e. Four 1-ounce containers of solvent in the hazardous waste accumulation area.

16. At the time of the inspection, the following hazardous wastes were present:

- a. One 3-gallon container of paint related material in the airfoil paint booth. This waste stream is D007, D008, D010, F003 and F005 hazardous waste;
- b. Four 1-gallon containers labeled with the words "Earth Ground High Solid" (also known as Eclipse High Solids Polyurethane Enamel) in the hazardous waste accumulation area. This waste stream is D001, F003 and

- F005 hazardous waste;
- c. One 1-quart container of waste solvent based paint in the hazardous waste accumulation area. This waste stream was shipped off as hazardous waste in a lab pack;
- d. One 2-quart container of zinc chromate primer in the hazardous waste accumulation area. This waste stream is U239 and D007 hazardous waste; and
- e. Four 1-ounce containers of solvent in the hazardous waste accumulation area. This waste stream was shipped off as hazardous waste in a lab pack.

17. At the time of the inspection, the following universal waste containers were present:

- a. One cardboard box storing 14 spent 4-foot lamps;
- b. One cardboard box storing 8 spent metal halide lamps;
- c. One cardboard box storing 6 spent metal halide lamps;
- d. One cardboard box storing 23 waste lamps; and
- e. One cardboard box storing 15 spent nickel-cadmium batteries.

### **Violations**

18. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

#### **Count 1**

#### **Failure to Conduct Hazardous Waste Determinations**

19. Complainant hereby incorporates the allegations contained in Paragraphs 10 through 17 above, as if fully set forth herein.

20. Pursuant to 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.11 by reference, a generator of solid waste, as defined in 40 C.F.R. §§ 260.10 and 261.2, must determine if a waste is a hazardous waste using methods prescribed in the regulations.

21. At the time of the inspection, it was determined that Respondent was generating the following solid waste streams:

- a. One 3-gallon container of paint related material in the airfoil paint booth. This waste stream is D007, D008, D010, F003 and F005 hazardous waste;
- b. Four 1-gallon containers labeled with the words "Earth Ground High Solid" (also known as Eclipse High Solids Polyurethane Enamel) in the hazardous waste accumulation area. This waste stream is D001, F003 and F005 hazardous waste;
- c. One 1-quart container of waste solvent based paint in the hazardous waste accumulation area. This waste stream was shipped as hazardous waste in a lab pack;

- d. One 2-quart container of zinc chromate primer in the hazardous waste accumulation area. This waste stream is U239 and D007 hazardous waste; and
- e. Four 1-ounce containers of solvent in the hazardous waste accumulation area. This waste stream was shipped off as hazardous waste in a lab pack.

22. At the time of the inspection, Respondent had not conducted hazardous waste determinations on any of the solid waste streams described in Paragraph 21 above.

23. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 10 C.S.R. 25-5.262 which incorporates 40 C.F.R. § 262.11 by reference.

**Count 2**  
**Operating as a Treatment, Storage or Disposal Facility**  
**Without a RCRA Permit or RCRA Interim Status**

24. Complainant hereby incorporates the allegations contained in Paragraphs 10 through 17 above, as if fully set forth herein.

25. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S. Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

26. At the time of the inspection, Respondent did not have a permit or interim status for its facility.

27. The regulations at 10 C.S.R. 25-5.262, which incorporate 40 C.F.R. § 262.34(a) by reference, state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to store hazardous waste at its facility for any length of time. Respondent failed to comply with the following conditions:

**Generator Requirements**

*Failure to date hazardous waste accumulation containers*

28. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(2) by reference, requires generators to clearly mark the date upon which each period of accumulation began on each container.

29. At the time of the inspection, one 55-gallon drum of waste sodium hydroxide solution in the hazardous waste accumulation area was not marked with the date upon which accumulation began.

*Failure to describe arrangements with local emergency agencies in the contingency plan*

30. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(4) by reference, requires, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, 40 C.F.R. § 265.16, and 40 C.F.R. § 268.7(a)(4).

31. Pursuant to 40 C.F.R. § 265.52(c), as found in 40 C.F.R. Part 265 Subpart D, the owner or operator must prepare a contingency plan which describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

32. At the time of the inspection, the contingency plan for Respondent's facility failed to describe arrangements agreed to by local emergency agencies to coordinate emergency services.

*Failure to submit a copy of contingency plan to local agencies*

33. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(4) by reference, requires, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, 40 C.F.R. § 265.16, and 40 C.F.R. § 268.7(a)(4).

34. Pursuant to 40 C.F.R. § 265.53(b), as found in 40 C.F.R. Part 265 Subpart D, the owner or operator must submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

35. At the time of the inspection, the facility had not submitted a copy of its contingency plan to the local emergency agencies.

*Failure to list location and capabilities of emergency equipment in contingency plan*

36. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(4) by reference, requires, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, 40 C.F.R. § 265.16, and 40 C.F.R. § 268.7(a)(4).

37. Pursuant to 40 C.F.R. § 265.52(e), as found in 40 C.F.R. Part 265 Subpart D, the contingency plan must include a list of the emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The plan must include the location and physical description of each item on the list and a brief outline of its capabilities.

38. At the time of the inspection Respondent's contingency plan failed to list the location and capabilities of emergency equipment.

*Failure to include contingency plan implementation with hazardous waste management training*

39. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(a)(4) by reference, requires, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, 40 C.F.R. § 265.16, and 40 C.F.R. § 268.7(a)(4).

40. Pursuant to 40 C.F.R. § 265.16(a)(2), the facility personnel training program must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

41. At the time of the inspection, Respondent's annual hazardous waste management training plan failed to include contingency plan implementation.

*Satellite Accumulation*

42. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(c)(1) by reference, provides that a generator may accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with 40 C.F.R. § 262.34(a) provided the generator complies with various handling requirements. This type of accumulation is known as "satellite accumulation". At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirements:

*Failure to close satellite accumulation container*

43. 10 C.S.R. 25-5.262(1), which incorporates 40 C.F.R. § 262.34(c)(1)(i) and 40 C.F.R. § 265.173(a) by reference, allows a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

44. At the time of the inspection, a 55-gallon hazardous waste satellite accumulation container located in the carbon seal area had a partially attached funnel that was not secured to the drum and the funnel was observed to be open.

45. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 24 through 44 above, Respondent was not authorized to store hazardous waste at its facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of 3005 of RCRA, 42 U.S.C. § 6925.

### **Storage Over Ninety (90) Days**

46. 10 C.S.R. 25-5.262(1), which corporates 40 C.F.R. § 262.34(b) by reference, states that a generator who accumulates hazardous wastes for more than ninety (90) days is an operator of a storage facility and must comply with 40 C.F.R. Parts 264 and 265, and the permit requirements of 40 C.F.R. § 270 unless it has been granted an extension to the ninety (90) day period. Facilities classified as “Large Quantity Generators” may store hazardous waste at their facility without a permit no more than ninety (90) days.

47. At the time of the inspection, Respondent had been storing the following containers of hazardous waste for more than ninety (90) days:

- a. One 55-gallon drum of waste hydrofluoric acid in the hazardous waste accumulation area, labeled “Hazardous Waste”, and dated September 18, 2013 and September 24, 2014 respectfully; and
- b. One 55-gallon drum of waste scrubber in the hazardous waste accumulation area, labeled “Hazardous Waste”, and dated March 15, 2014.

48. By storing hazardous waste on-site for more than 90 days, Respondent was operating as a hazardous waste storage facility and subjected itself to the requirements of 40 C.F.R. Parts 264, 265 and the permit requirements of 40 C.F.R. Part 270.

49. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 40 C.F.R. § 270.1(b) require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

50. Respondent’s failure to obtain a hazardous waste storage permit is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

### **Count 3**

#### **Failure to Comply with Universal Waste Management Requirements**

51. Complainant hereby incorporates the allegations contained in Paragraphs 10 through 17 above, as if fully set forth herein.

#### *Failure to label universal waste lamp containers*

52. 10 C.S.R. 25-16.273(1), which incorporates 40 C.F.R. § 273.14(e) by reference, requires small quantity handlers of universal waste to clearly label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: “Universal Waste—Lamp(s)” or “Waste Lamp(s),” or “Used Lamp(s).”

53. At the time of the inspection, the following lamps or containers or packages were not properly labeled or marked:



- a. One cardboard box storing 14 spent 4-foot lamps;
- b. One cardboard box storing 8 spent metal halide lamps; and
- c. One cardboard box storing 6 spent metal halide lamps.

54. Respondent's failure to properly label the universal waste lamp containers described above is a violation of 40 C.F.R. § 273.14(e).

*Failure to date universal waste containers*

55. 10 C.S.R. 25-16.273(1), which incorporates 40 C.F.R. § 273.15(c)(1) by reference, requires small quantity handlers of universal waste to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

56. At the time of the inspection, Respondent failed to label the following containers with the earliest date that any universal waste in the container became a waste or was received:

- a. One cardboard box storing 14 spent 4-foot lamps;
- b. One cardboard box storing 8 spent metal halide lamps;
- c. One cardboard box storing 6 spent metal halide lamps; and
- d. One cardboard box storing 15 spent nickel-cadmium batteries.

57. Respondent's failure to label the universal waste containers described above with the earliest date that any universal waste in the container became a waste or was received is a violation of 40 C.F.R. § 273.15(c)(1).

*Failure to close universal waste containers*

58. 10 C.S.R. 25-16.273(1), which incorporates 40 C.F.R. § 273.13(d)(1) by reference, requires a small quantity handler of universal waste to manage lamps in a way that prevents releases by containing the lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

59. At the time of the inspection, Respondent failed to close the following containers or packages to prevent releases and breakage:

- a. One cardboard box storing 14 spent 4-foot lamps;
- b. One cardboard box storing 8 spent metal halide lamps;
- c. One cardboard box storing 6 spent metal halide lamps; and
- d. One cardboard box storing 23 universal waste lamps.

60. Respondent's failure to close the universal waste containers or packages described above to prevent releases and breakage is a violation of 40 C.F.R. § 273.13(d)(1).

*Failure to label universal waste battery containers*

61. 10 C.S.R. 25-16.273(1), which incorporates 40 C.F.R. § 273.14(a) by reference, requires small quantity handlers of universal waste to clearly label or mark each battery or container or package in which such batteries are contained with one of the following phrases: “Universal Waste—Battery(ies)” or “Waste Battery(ies),” or “Used Battery(ies).”

62. At the time of the inspection, one cardboard box storing 15 spent nickel-cadmium batteries was not properly labeled or marked.

63. Respondent’s failure to properly label the universal waste battery container described above is a violation of 40 C.F.R. § 273.14(a).

**CONSENT AGREEMENT**

64. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order portion of this Consent Agreement and Final Order.

65. Respondent admits the jurisdictional allegations of this Consent Agreement and Final Order and agrees not to contest EPA’s jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this Consent Agreement and Final Order set forth below.

66. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Consent Agreement and Final Order.

67. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

68. Respondent and Complainant agree to conciliate the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and to bear their respective costs and attorney’s fees.

69. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondent’s obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

70. This Consent Agreement and Final Order addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

71. The effect of settlement described in Paragraph 70 above is conditioned upon the accuracy of Respondent’s representations to EPA, as memorialized in Paragraph 72, below, of this Consent Agreement and Final Order.

72. Respondent certifies that by signing this Consent Agreement and Final Order that to best of its knowledge, Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, and all regulations promulgated thereunder.

73. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

74. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Twenty-Three Thousand Five Hundred Fifty Dollars (\$23,550) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

75. The penalty specified in the paragraph above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

76. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty.

77. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury Tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorney fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. § 901.9(c) and (d).

78. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

#### **Effective Date**

79. This Consent Agreement and Final Order shall be effective upon filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

### **Reservation of Rights**

80. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms of the Final Order portion of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-Seven Thousand Five Hundred Dollars (\$37,500) per day per violation pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

81. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

82. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

83. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

84. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

85. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

### **FINAL ORDER**

Pursuant to the authority of Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), and according to the terms of this Consent Agreement and Final Order, IT IS HEREBY ORDERED THAT:

#### **A. Payment of Civil Penalty**

1. Within thirty (30) days of the effective date of this Consent Agreement and Final Order, Respondent will pay a civil penalty of Twenty-Three Thousand Five Hundred Fifty Dollars (\$23,550).

2. Payment of the penalty shall be made by cashier's or certified check, by wire transfer, or on-line. The payment shall reference the Docket Number on the check or wire transfer. If made by cashier's or certified check, the check shall be made payable to "Treasurer of the United States" and remitted to:

United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000.

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

3. A copy of the check, transfer, or on-line payment confirmation shall simultaneously be sent to the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219; and

Kelley Catlin, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

#### **B. Compliance Actions**

5. Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below.

6. Within thirty (30) days of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit the following documentation to EPA, in accordance with Paragraph 7 below:

- a. A copy of Respondent's Standard Operating Procedure which explains how Respondent will ensure that all wastes undergo an appropriate hazardous waste determination;
- b. A complete inventory of all current waste streams with corresponding hazardous waste determinations for each waste stream; and

- c. Documentation showing universal waste management training was provided in the twelve (12) months preceding the Effective Date of this Consent Agreement and Final Order.

7. Respondent shall submit all documentation generated to comply with the requirements as set forth in Paragraph 6 of this Final Order to the following address:

Nicole Moran, AWMD/WEMM  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

### **C. Parties Bound**

8. The Final Order portion of this Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

5/16/16  
Date

  
\_\_\_\_\_  
Becky Weber, Director  
Air and Waste Management Division

5/16/16  
Date

  
\_\_\_\_\_  
Kelley Catlin  
Office of Regional Counsel

For Respondent, PAS Technologies Inc.

5/11/2016  
Date

  
Signature

Luis A. Coreano  
Printed Name

Vice President of Operations  
Title



IT IS SO ORDERED. This Final Order shall become effective upon filing.

May 23, 2016  
Date

Karina Borrromeo  
Karina Borrromeo  
Regional Judicial Officer

IN THE MATTER Of PAS Technologies Inc., Respondent  
Docket No. RCRA-07-2016-0025

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

catlin.kelley@epa.gov

Copy by First Class Mail to Respondent:

Luis A. Coreano  
Vice President of Operations  
PAS Technologies, Inc.  
1234 Atlantic Street  
North Kansas City, Missouri 64116

Dated: 5/23/16



Kathy Robinson  
Hearing Clerk, Region 7