

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Received by
EPA Region 1
Hearing Clerk

_____)	
IN THE MATTER OF:)	
)	EPA Docket No. RCRA-01-2023-0013
Precise Packaging, LLC)	
300 Rigenbach Road)	
Fall River, MA 02720,)	CONSENT AGREEMENT
)	AND
Respondent)	FINAL ORDER
)	
Proceeding under Section 3008(a))	
Resource Conservation and Recovery)	
Act, 42 U.S.C. § 6928(a))	
_____)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, alleges that Precise Packaging, LLC (“Precise Packaging” or “Respondent”) has violated the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901–6987, and the Massachusetts hazardous waste management regulations set forth at 310 C.M.R. 30.001, *et seq.* EPA Region 1 (“Complainant”) and Precise Packaging (together, the “Parties”) have agreed to settle this matter through this Consent Agreement and Final Order (“CAFO”). EPA’s procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice (“Consolidated Rules”) at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to the Commonwealth of Massachusetts pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and

that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. Precise Packaging is a Delaware limited liability company that owns and operates an aerosol and liquid product manufacturing plant at 300 Riggenbach Road in Fall River, Massachusetts (the “Facility”).

5. On July 16, 2021, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9604, EPA sent Precise Packaging a request for information.

6. On August 11, 2021, Precise Packaging responded to EPA’s request for information by providing EPA with written narrative descriptions of the Facility’s hazardous waste operations with supporting documentation.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste (“TSDFs”).

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

9. On January 24, 1985, EPA granted Massachusetts authorization to implement its

base hazardous waste management program. *See* 50 Fed. Reg. 3344-01 (Jan. 24, 1985). This authorization became effective on February 7, 1985. EPA subsequently granted authorization for changes to Massachusetts’s program in 1998, 1999, 2004, 2008, and 2010.

10. The Massachusetts Department of Environmental Protection (“MassDEP”) administers the Massachusetts hazardous waste program through Massachusetts hazardous waste regulations codified at 310 C.M.R. 30.001, *et seq.*

11. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

12. Pursuant to Sections 3006(g) and 3008(a) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

13. Pursuant to the Civil Penalties Inflation Adjustment Act of 1990 (“CPIAA”), as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the CPIAA’s implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occurred from January 13, 2009 through November 2, 2015 are subject to penalties of up to \$37,500 per day for each violation, while violations that occur after November 2, 2015, are currently subject to penalties of up to \$81,540 per day for each violation. *See* 87 Fed. Reg. 1676, 1679 (Jan. 12, 2022).

B. General Allegations

14. Respondent is a corporation and a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10. At all times relevant to the

allegations set forth in this CAFO, Respondent has been the “owner” and “operator” of the Facility as defined in 310 C.M.R. 30.010.

15. At all times relevant to the allegations set forth in this CAFO, the Facility has generated “hazardous wastes” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 310 C.M.R. 30.010.

16. From May 10, 2019 to July 12, 2021, Respondent generated hazardous waste¹ at the Facility and stored it in 55-gallon metal drums, located in satellite accumulation areas and a waste storage area at the Facility. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent was a “generator” of hazardous wastes at the Facility as defined in 310 C.M.R. 30.010.

17. Between May 10, 2019 to July 12, 2021, Respondent accumulated more than 6,000 kilograms of hazardous waste at the Facility at numerous points. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent was a “large quantity generator” of hazardous wastes at the Facility as defined in 310 C.M.R. 30.340(1).

18. Respondent has never applied for a permit for the treatment, storage, or disposal of hazardous wastes at the Facility.

19. In order to store hazardous waste for 90 days or less without obtaining a permit or obtaining interim status, Respondent’s Facility must comply with the conditions found in the applicable provisions of 310 C.M.R. 30.340(4).

¹ Specifically, during the relevant period, Respondent generated flammable ethanol flush and aerosol waste, which correspond to EPA waste code D001.

C. RCRA Violations

I. Failure to Notify as Large Quantity Generator

20. As alleged in Paragraphs 14 through 19 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility as defined in 310 C.M.R. 30.340(1).

21. Respondent previously notified the MassDEP of its status as a “small quantity generator” of hazardous waste at the Facility on April 2, 2017. *See* 310 C.M.R. 30.351.

22. “Small quantity generators” that become “large quantity generators” are required to promptly submit a written change of status notification to MassDEP. *See* 310 C.M.R. 30.303(3)(a).

23. At all times relevant to the allegations set forth in this CAFO, Respondent failed to notify MassDEP of the fact that it had become a “large quantity generator” of hazardous waste at the Facility.

24. Accordingly, Respondent violated 310 C.M.R. 30.303(3)(a).

II. Failure to Have a Hazardous Waste Training Program

25. As alleged in Paragraphs 14 through 19 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility, as defined in 310 C.M.R. 30.340(1).

26. Large quantity generators are required to provide initial training and annual refresher training regarding hazardous waste management procedures to employees tasked with hazardous waste management, and large quantity generators are also required to maintain training plans and employee training records available on-site for inspection. *See* 310 C.M.R. 30.516, as referenced by 310 C.M.R. 30.341(1)(a).

27. At all times relevant to the allegations set forth in this CAFO, Respondent failed to provide annual refresher training regarding hazardous waste management procedures to two of the employees tasked with hazardous waste management at the Facility.

28. Accordingly, Respondent did not comply with 310 C.M.R. 30.516, as referenced by 310 C.M.R. 30.341(1)(a), and therefore, Respondent also failed to comply with 310 C.M.R. 30.340(4)(a), which incorporates 310 C.M.R. 30.341(1)(a) by reference. By failing to comply with 310 C.M.R. 30.516, as referenced by 310 C.M.R. 30.341(1)(a) and 310 C.M.R. 30.340(4)(a), Respondent failed to meet the accumulation conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and 310 C.M.R. 30.801. Because Respondent did not have a permit for the Facility, Respondent violated Section 3005 of RCRA and 310 C.M.R. 30.801.

III. Failure to Maintain a Complete Hazardous Waste Contingency Plan

29. As alleged in Paragraphs 14 through 19 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility, as defined in 310 C.M.R. 30.340(1).

30. Large quantity generators are required to maintain contingency plans that are designed to prevent and to minimize hazards to public health, safety, or welfare or the environment from fires, explosions, spills, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water. *See* 310 C.M.R. 30.521, 30.522, 30.523, as referenced by 310 C.M.R. 30.341(1)(b)–(d).

31. At all times relevant to the allegations set forth in this CAFO, Respondent maintained an emergency action plan that outlined planned responses to various emergency scenarios at the Facility. However, Respondent’s emergency action plan did not meet the

requirements of 310 C.M.R. 30.341(1)(b)–(d), which incorporates 310 C.M.R. 30.521, 30.522, and 30.523 by reference.

32. Accordingly, Respondent did not comply with 310 C.M.R. 30.521, 30.522, and 30.523, as referenced by 310 C.M.R. 30.341(1)(b)–(d), and therefore, Respondent also did not comply with 310 C.M.R. 30.340(4)(a), which incorporates 310 C.M.R. 30.341(1)(b)–(d) by reference. By failing to comply with 310 C.M.R. 30.521, 30.522, and 30.523, as referenced by 310 C.M.R. 30.341(1)(b)–(d) and 310 C.M.R. 30.340(4)(a), Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and 310 C.M.R. 30.801. Because Respondent did not have a permit for the Facility, Respondent violated Section 3005 of RCRA and 310 C.M.R. 30.801.

IV. Failure to Submit Biennial Report

33. As alleged in Paragraphs 14 through 19 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous waste at the Facility as defined in 40 C.F.R. § 260.10 and 310 C.M.R. 30.340(1).

34. At all times relevant to the allegations set forth in this CAFO, Respondent utilized third party transport companies to transfer hazardous waste to TSDFs for storage or disposal.

35. Large quantity generators that transfer or offer for transport any hazardous waste offsite are required to submit a Biennial Report covering activities in the previous calendar year to the Commissioner of the MassDEP on the first day of March in every even-numbered year. *See* 310 C.M.R. 30.332(1).

36. At all times relevant to the allegations set forth in this CAFO, Respondent failed to submit a Biennial Report to the Commissioner of the MassDEP.

37. Accordingly, Respondent violated 310 C.M.R. 30.332(1).

V. Failure to Conduct Weekly Inspections of Hazardous Waste Containers

38. As alleged in Paragraphs 14 through 19 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous waste at the Facility as defined in 310 C.M.R. 30.340(1).

39. Large quantity generators are required to conduct weekly inspections of containers that hold hazardous waste being accumulated for 90 days or less, record the outcome of the inspections, and retain the resulting records for at least three years. *See* 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(1)(d).

40. At all times relevant to the allegations set forth in this CAFO, Respondent failed to conduct weekly inspections of the containers that held hazardous waste being accumulated for 90 days or less at the Facility. Specifically, Respondent conducted only monthly inspections of the satellite accumulation areas and the waste storage area that contained the 55-gallon metal drums in which hazardous waste was located.

41. Accordingly, Respondent did not comply with 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(1)(d), and therefore, Respondent also did not comply with 310 C.M.R. 30.340(4)(b), which incorporates 310 C.M.R. 30.342(1)(d) by reference. By failing to comply with 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(1)(d) and 310 C.M.R. 30.340(4)(b), Respondent failed to meet the storage conditions for generators and was required to have a permit pursuant to section 3005 of RCRA and 310 C.M.R. 30.801. Because Respondent did not have a permit for the Facility, Respondent violated Section 3005 of RCRA and 310 C.M.R. 30.801.

IV. GENERAL TERMS

42. The terms of this CAFO shall apply to and be binding on Complainant and on Respondent, its successors, and its assigns.

43. For the purposes of this proceeding, Respondent admits that Complainant has jurisdiction over the subject matter described in this CAFO and that the CAFO states claims upon which relief can be granted against Respondent. Respondent neither admits nor denies the factual allegations contained in Section III.C of this CAFO. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO or to appeal the CAFO's Final Order.

44. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any conditions specified in this CAFO.

45. All notices and submissions required by this CAFO shall be sent to:

For Complainant:

Christopher P. Milione
Attorney-Advisor
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code 4-3
Boston, Massachusetts 02109-3912
milione.christopher@epa.gov

and

Conor O'Brien
Life Scientist
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code 5-MO
Boston, Massachusetts 02109-3912
obrien.conor@epa.gov

For Respondent:

Jessica Nolan
General Counsel
PLZ Corp
2651 Warrenville Road, Suite 300
Downers Grove, Illinois 60515
jessica.nolan@plzcorp.com

and

Joseph Donado
Senior Counsel
PLZ Corp
2651 Warrenville Road, Suite 300
Downers Grove, Illinois 60515
joe.donado@plzcorp.com

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

46. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Massachusetts regulations cited in Section III above.

47. Respondent certifies that it has completed the following RCRA compliance actions at the Facility:

- a. In accordance with 310 C.M.R. 30.303(3)(a), Respondent has notified MassDEP of its status as a large quantity generator;
- b. In accordance with 310 C.M.R. 30.332(1), Respondent has taken steps to ensure that Respondent will submit a Biennial Report covering activities in the previous calendar year to the Commissioner of the MassDEP by the first day of March in every even-numbered year.

48. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it has applied for a permit for the Facility pursuant to Section 3005 of RCRA and 310 C.M.R. 30.801:

c. In accordance with 310 C.M.R. 30.516, as referenced by 310 C.M.R.

30.341(1)(a), Respondent has provided refresher hazardous waste training to the Precise Packaging employees who are currently responsible for handling and/or managing hazardous waste, and Respondent is maintaining a copy of the relevant training plan and training records on-site;

d. In accordance with 310 C.M.R. 30.521-523, as referenced by 310 C.M.R.

30.341(1)(b)–(d), Respondent has developed and is maintaining a contingency plan for the Facility that is designed to prevent and to minimize hazards to public health, safety, or welfare, or the environment from fires, explosions, spills, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water, and Respondent has distributed the contingency plan to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency services;

e. In accordance with 310 C.M.R. 30.686, as referenced by 310 C.M.R.

30.342(1)(d), Respondent has begun conducting weekly inspections of all areas where hazardous waste is accumulated for 90 days or less, and Respondent is recording those inspections in a log or summary and keeping the records of each inspection for at least three years from the date of inspection or until final closure

pursuant to 310 C.M.R. 30.342(1)(g), whichever period is longer.

VI. CIVIL PENALTY

49. Respondent shall pay a civil penalty of \$43,877. EPA Region 1 has determined, consistent with statutory penalty criteria and applicable policies, and in conjunction with Respondent's agreement to perform a Supplemental Environmental Project ("SEP"), that this is an appropriate settlement penalty based on the nature of the alleged violations and other relevant factors.

50. To pay the penalty, Respondent shall pay, no later than 30 days after the effective date of this CAFO, the amount of \$43,877. If Respondent elects to use wire transfer, the transfer shall be sent through the Federal Reserve Bank of New York using the following information:

ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: US Environmental Protection Agency

If Respondent elects to use regular mail, a cashier's or certified check payable to the order of the "Treasurer, United States of America," and referencing the case name and docket number ("In the Matter of Precise Packaging, LLC, Docket No. RCRA-01-2023-0013") shall be sent to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If Respondent sends the check via express mail, the following address shall be used:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Respondent shall send a notice of the penalty payment and a copy of the check by email to R1_Hearing_Clerk_Filings@epa.gov (Wanda I. Santiago, Regional Hearing Clerk) and milione.christopher@epa.gov (Christopher P. Milione, Attorney Advisor).

51. If Respondent fails to pay the full amount of the civil penalty by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

52. All payments made pursuant to paragraphs 49–51 above are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and 26 C.F.R. § 1.162-21, and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

53. Respondent shall complete the SEP by purchasing emergency response equipment for the Fall River Fire Department, a local emergency response entity. The parties agree that this SEP is intended to secure significant environmental and public health protection and benefits and will protect workers, emergency responders, and the community by ensuring that emergency responders have the equipment necessary to adequately detect and respond to hazardous-waste-related emergencies. This project is further described in and shall be implemented in accordance with the Scope of Work attached to and hereby incorporated into this CAFO as Attachment A (the “SOW”).

54. The SEP is consistent with applicable EPA policy and guidelines, specifically, EPA's 2015 Update to the 1998 Supplemental Environmental Projects Policy (March 10, 2015).

55. The SEP advances at least one of the objectives of RCRA by enhancing the Fall River Fire Department's ability to anticipate and respond to local hazardous-waste-related emergencies. The SEP is not inconsistent with RCRA. The SEP relates to the alleged violations, and is designed to reduce:

- a. The adverse impact to public health and/or the environment to which the alleged violations contribute by providing the Fall River Fire Department with equipment to more effectively respond to hazardous-waste-related emergencies, including by better detecting the kind of hazardous waste generated at the Facility; and
- b. The overall risk to public health and/or the environment potentially affected by the alleged violations by providing the Fall River Fire Department with equipment to more effectively detect and prevent hazardous-waste-related emergencies, including by better detecting the kind of hazardous waste generated at the Facility.

56. Respondent shall satisfactorily complete the SEP by March 31, 2023 ("SEP Completion Date") in accordance with the SOW. EPA may, in its sole discretion, extend the SEP completion date for good cause shown by Respondent in writing. The total expenditure for the SEP is expected to be \$57,114. Satisfactory completion of the SEP shall entail: (i) Respondent's purchase of the equipment listed in Exhibit 1 to the SOW; (ii) Respondent's delivery of the equipment to the Fall River Fire Department; (iii) Respondent's ensuring that the equipment is operational; and (iv) Respondent's expenditure of approximately \$57,114 in eligible SEP costs for purposes of carrying out the SEP in accordance with this CAFO and the

SOW. Eligible SEP costs include those listed in Exhibit 1 to the SOW. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report described below.

57. Upon completion of the SEP, Respondent shall submit a SEP Completion Report to EPA, as specified in Paragraph 59.

58. Respondent hereby certifies as follows:

- a. that all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$57,114;
- b. that, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation, and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. that the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
- d. that Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- e. that Respondent has not received and will not receive any reimbursement for any portion of the SEP from any other person or entity;
- f. that for federal income tax purposes, Respondent will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and

g. that Respondent is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent further certifies that Respondent has inquired of the Fall River Fire Department whether it is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP, and Respondent has been informed by the Fall River Fire Department that it is not a party to such a transaction.

59. At a minimum, Respondent shall submit to EPA quarterly SEP Progress Reports ninety (90) days and one hundred eighty (180) days after the effective date of this CAFO. If Respondent's 180-day SEP Progress Report fails to document that all of the equipment listed on Exhibit 1 to the SOW has been acquired, paid for, and delivered to the Fall River Fire Department, and that the equipment is fully operational, Respondent shall continue to submit quarterly SEP Progress Reports until such documentation is provided to EPA. Respondent shall submit a SEP Completion Report within thirty (30) days after 100% of the equipment listed in Exhibit 1 to the SOW has been acquired, paid for, and delivered to the Fall River Fire Department, and the equipment is fully installed and operational. The SEP Completion Report shall, in any event, be submitted no later than April 30, 2023. The quarterly SEP Progress Reports and the SEP Completion Report shall contain the information set forth in Paragraphs 3 and 4, respectively, of the SOW.

60. Respondent agrees that failure to submit the SEP Completion Report in accordance with the requirements of Paragraph 59 above, shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to Paragraph 65 below.

61. In itemizing costs in the SEP Progress Reports and the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods for which payment is being made. Canceled checks do not constitute acceptable documentation unless such checks specifically identify and itemize the individual costs of the goods for which payment is being made.

62. Respondent shall maintain legible copies of all documentation relating to the SEP and all documents or reports submitted to EPA pursuant to this CAFO for a period of three (3) years after completion of all requirements set forth in this CAFO. In all documents or reports, including, without limitation, the SEP Completion Report, submitted to EPA pursuant to this CAFO, Respondent shall certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by arranging for a representative to sign the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

63. After receipt of the SEP Completion Report described in Paragraph 59 above, EPA will notify Respondent in writing: (i) indicating that the project has been completed satisfactorily; or (ii) identifying any deficiencies in the SEP Completion Report and granting Respondent an additional thirty (30) days to correct any deficiencies; or (iii) determining that the

project has not been completed satisfactorily and seeking stipulated penalties in accordance with Paragraphs 65 through 68 below.

64. If EPA elects to exercise option (ii) in Paragraph 63 above (i.e., if EPA determines that the SEP Completion Report is deficient and EPA has not yet made a final determination about the adequacy of SEP completion itself), Respondent may correct the deficiencies within thirty (30) days or object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Completion Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements for adequate completion of the SEP imposed by EPA in its written statement. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraphs 65 through 68 below.

65. In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP described in Paragraphs 53, 56, 57, and 60 above, or any of the terms or provisions of the SOW, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- a. for failure to submit required quarterly SEP Progress Reports, and/or failure to provide the SEP Completion Report, Respondent shall pay \$300 per day for the first thirty (30) days of violation; \$500 for the next sixty (60) days of violation;

and \$750 per day for each day of violation thereafter until the deadline is achieved or the report is submitted; and

- b. for failure to satisfactorily complete the SEP as described in this CAFO and the SOW, Respondent shall pay \$500 per day for the first thirty (30) days of violation and \$1,000 per day for each day thereafter, but the total stipulated penalty in this subsection b shall not exceed \$57,114, except that any sum expended by Respondent for purchase of equipment listed in Exhibit 1 to the SOW shall be credited against the \$57,114, thereby reducing the maximum stipulated penalty in this subsection b.

66. The determination of whether the SEP has been satisfactorily completed shall be in the sole discretion of EPA.

67. Stipulated penalties as set forth in Paragraph 65 above, shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of the activity. EPA may, in its sole discretion, elect not to seek stipulated penalties or elect to compromise any portion of stipulated penalties that accrue pursuant to this CAFO.

68. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. EPA will extend the time for payment of stipulated penalties after receipt of a timely written request for such extension from Respondent, in order to allow time for any necessary appropriation of the stipulated penalty amount pursuant to state law. Method of payment of the stipulated penalty shall be in accordance with Paragraph 50 above, and interest and late charges shall be paid as stated in Paragraph 51 above.

69. Any public statement made by Respondent, oral or written, in print, film, or other media, that makes reference to the SEP shall include the following language: “This project was

undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the Resource Conservation and Recovery Act.”

70. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), the provisions in Paragraphs 46 through 48 above, are required to come into compliance with the law.

VII. EFFECT OF SETTLEMENT

71. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

72. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

73. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 71 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA. This CAFO shall not be construed to constitute EPA approval of the equipment purchased by

Respondent in connection with the SEP undertaken pursuant to this CAFO.

74. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

75. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

76. Complainant and Respondent, by entering into this Consent Agreement, 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: jessica.nolan@plzcorp.com. 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.

77. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

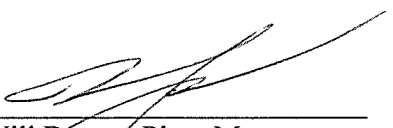
78. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

For Complainant:

Karen McGuire, Director
Enforcement and Compliance Assurance Division
EPA, Region 1

Date: _____

For Respondent:



Will Brown, Plant Manager
Precise Packaging, LLC

Date: 11/1/2023

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent, Precise Packaging, LLC is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

LeAnn Jensen
Regional Judicial Officer
EPA, Region 1

Date: _____

Attachment A
Supplemental Environmental Project (SEP) Scope of Work
(SOW) In the Matter of Precise Packaging, LLC
Docket No. RCRA 01-2023-0013

1. Description of Project:

Pursuant to this project, Precise Packaging, LLC (the “Respondent”) shall, in accordance with the schedule below, submit a purchase order for, or otherwise contract to acquire, two units of the emergency response equipment described on Exhibit 1 (the “Equipment”), and ensure delivery of the Equipment to the Fall River Fire Department. It is Respondent’s understanding that one unit will be installed into Rescue One (a fire truck) and the other installed on Marine One (a fire rescue boat) in order to enhance the Fall River Fire Department’s ability to respond to hazmat incidents in the City of Fall River, as well as Narragansett Bay and other waterways. Upon delivery of the Equipment to the Fire Department, Respondent will ensure that the Equipment is fully installed and operational.

2. Schedule:

Respondent shall complete the SEP on the following schedule:

- a. Within 30 days after the effective date of the Consent Agreement and Final Order in the above-captioned matter, Respondent shall submit a purchase order for, or otherwise contract to acquire, the Equipment.
- b. On or before March 31, 2023, depending on lead time, the Equipment shall be paid for and delivered to the Fall River Fire Department, and the equipment shall be fully installed and operational. It is Respondent’s understanding that the current lead time for the Equipment is 3-6 months, such that the outer bounds of that anticipated lead time could push the Equipment delivery date beyond March 31, 2023—should that happen Respondent will keep the EPA informed in accordance with Paragraph 3 below.

3. SEP Progress Reports:

Respondent shall submit to EPA quarterly SEP Progress Reports 90 days and 180 days after the effective date of this agreement. If Respondent's 180-day SEP Progress Report fails to document that all of the Equipment has been acquired, paid for and delivered to the appropriate local emergency response or planning entity and/or is not fully installed and operational, Respondent shall continue to submit SEP Progress Reports every 90 days until such documentation is provided to EPA. In each SEP Progress Report, Respondent shall summarize all steps taken to complete the SEP including any problems encountered, and shall provide supporting documentation to establish that it has acquired the Equipment, the costs and dates of payments made for the Equipment, the dates of delivery of the Equipment, and all steps taken to implement the Equipment into the fire departments operational procedures.

4. SEP Completion Report:

Within 30 days after all of the Equipment has been paid for, delivered, and is operational, and by April 30, 2023, in any event, Respondent shall submit to EPA a SEP Completion Report, containing the following information:

- a. Confirmation that the Equipment has been acquired and delivered to the Fall River Fire Department, and the Equipment is fully installed and operational;
- b. A detailed list, with documentation, of all costs associated with the SEP in accordance with SEP guidelines;
- c. The SEP Completion Report shall be signed and dated by the appropriate representative of Respondent and shall contain the certification language set forth in Paragraph 62 of the Consent Agreement and Final Order.

In itemizing costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. For purposes of this paragraph, "acceptable documentation" includes, without limitation, invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods for which payment was made. Canceled checks do not constitute acceptable documentation unless such checks specifically identify and itemize the individual costs of the goods for which payment is being made.

EXHIBIT 1

Equipment	Description	Qty	Sub Total	Grand Total
EnviroNics ChemProX	Handheld Chemical Detector w/CBRN, USB, Calibration Equipment Charger (includes 5 year "Guaranteed Cost of Ownership extended warranty)	2	\$28,495	\$56,990
	Tax/Shipping & Handling			\$124.00
Total				\$57,114.00
Invoices are included (All proposed costs include shipping and applicable taxes and fees)				

Description of the EnviroNics ChemProX:

- a. Hazardous chemical detection and classification.
- b. Hands on stimulation training.
- c. Remote alarm displaying chemical information and location of all ER members.
- d. Allows for unmanned network usage.
- e. This devices provides capability to respond to chemical emergencies without putting the emergency response team in harm's way.
- f. This device be utilized when responding to train derailments, motor vehicle accidents, chemical spills in local waterways, and chemical emergency response to local business.

