

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF:	)	Docket No. RCRA-10-2023-0166
	)	
Pace International LLC	)	EXPEDITED SETTLEMENT
5661 Branch Road	)	AGREEMENT AND
Wapato, Washington	)	FINAL ORDER
	)	
EPA ID Number: XJW988488052	)	
	)	
Respondent	)	
_____	)	

**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”), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
2. Pace International LLC (“Respondent”) is the owner or operator of the facility at 5661 Branch Road, Wapato, Washington 98951 (“Facility”). The EPA alleges that Respondent violated the following requirements of the RCRA.

**a. Storage of hazardous waste without a permit or interim status**

Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c) prohibit the treatment, storage or disposal of hazardous waste without a permit or interim status. The regulation at 40 C.F.R. § 262.17 allows a large quantity generator (LQG) to accumulate hazardous waste on site without a permit, provided the generator meets the conditions for exemption specified therein. Violations 1-3 below detail instances where certain permit exemption conditions were not met at the time of a November 30, 2022 inspection (“the inspection”) conducted by the EPA.

**1. Failure to conduct weekly inspections of central accumulation areas**

Pursuant to 40 C.F.R § 262.17(a)(1)(v), an LQG may accumulate hazardous waste in containers for no more than 90 days, so long as the LQG, among other things, conducts weekly inspections of central accumulation areas. As part of the inspection, the LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

At the time of EPA’s November 30, 2022 inspection, a review of the Facility’s weekly inspection records for three years from November 30, 2019 to November 30, 2022

revealed weekly accumulation area inspections were not conducted during the 22 periods listed below:

- February 2-8, 2020
- February 16-22, 2020
- March 8-14, 2020
- March 15-21, 2020
- April 19-25, 2020
- August 2-8, 2020
- September 20-26, 2020
- December 20-26, 2020
- December 27, 2020 – January 2, 2021
- October 3-9, 2021
- October 24-30, 2021
- October 31 – November 6, 2021
- December 26, 2021 – January 1, 2022
- January 9-15, 2022
- February 6-12, 2022
- March 27 – April 2, 2022
- May 22-28, 2022
- July 3-9, 2022
- September 11-17, 2022
- September 18-24, 2022
- October 9-15, 2022
- November 20-26, 2022

By failing to conduct weekly inspections during these periods of time, Respondent violated 40 C.F.R § 262.17(a)(1)(v).

## **2. Failure to comply with Preparedness, Prevention and Emergency Procedures**

40 C.F.R. § 262.17(a)(6) requires that all hazardous waste accumulation areas operated by an LQG must meet the conditions of the Preparedness, Prevention and Emergency Procedures in Subpart M of 40 C.F.R. Part 265. Subpart M, at 40 C.F.R. §262.262(b)(4), requires that the contingency plan's quick reference guide must include a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes.

At the time of EPA's November 30, 2022 inspection, a review of the Facility's Contingency Plan revealed that the quick reference guide did not include a map identifying the locations where hazardous wastes are generated or accumulated or the routes for accessing these wastes. By failing to include information required for contingency plan quick reference guide, Respondent violated 40 C.F.R. §§ 262.17(a)(6) and 262.262(b)(4).

## **3. Failure of facility personnel to take part in annual review of initial training**

40 C.F.R. § 262.17(a)(7)(iii) requires that facility personnel must take part in an annual review of the initial training required in 40 C.F.R. § 262.17(a)(7)(i).

At the time of EPA's November 30, 2022 inspection, a review of the Facility's weekly inspection records and training documentation revealed that facility personnel responsible for weekly inspections between November 30, 2019 and February 6, 2020 had expired annual hazardous waste training certificates. By these personnel failing to take part in annual review of their initial training, Respondent violated 40 C.F.R. § 262.17(a)(7)(iii).

**b. Failure to properly store universal waste**

40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste must contain any lamp 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.

At the time of EPA's November 30, 2022 inspection, the inspector observed four containers accumulating universal waste lamps that were not fully closed. By failing to properly close containers of universal waste lamps, Respondent violated 40 C.F.R. § 273.13(d)(1).

3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$5,000. The attached Penalty Calculation Worksheet is incorporated by reference.
4. 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, 42 U.S.C. § 6928(b); and (7) consents to electronic service of the filed ESA.
5. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of \$5,000 for the RCRA violations identified in this Agreement. Payments under this Agreement may be made by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

6. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10  
R10\_RHC@epa.gov

Ida Vaghefi  
U.S. Environmental Protection Agency  
Region 10  
Vaghefi.Ida@epa.gov

7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and Final Order and to execute and legally bind Respondent to it.
8. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.
11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
12. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order with the Regional Hearing Clerk for the EPA, Region 10.

IT IS SO AGREED,

**RESPONDENT:**

Name (print): Ian MacKellar

Title (print): Chief Operations Officer

Signature: 

Date: July 1, 2024

**EPA REGION 10:**

\_\_\_\_\_  
Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 10

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

**FINAL ORDER**

I hereby ratify the Expedited Settlement Agreement and incorporate it by reference. This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall be effective immediately upon filing with the Regional Hearing Clerk for the EPA, Region 10. Such filing will conclude this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED,

\_\_\_\_\_  
Richard Mednick, Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 10

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

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Pace International LLC Docket No. RCRA-10-2023-0166 was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered via electronic mail to:

Ida Vaghefi  
U.S. Environmental Protection Agency  
Region 10  
Vaghefi.Ida@epa.gov

William Osborne  
Pace International LLC  
5661 Branch Road  
Wapato, Washington 98951  
William.Osborne@paceint.com

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Salee Porter, Regional Hearing Clerk  
EPA Region 10