

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

**FILED**

Sep 09, 2025

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U.S. EPA REGION 5  
HEARING CLERK

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| <b>IN THE MATTER OF:</b>                       | ) | Docket No.: RCRA-05-2025-0033 |
|  | ) |                               |
|  | ) |                               |
| <b>Kalamazoo Metal Finishers, Incorporated</b> | ) |                               |
| <b>2019 Glendenning Road</b>                   | ) | <b>EXPEDITED SETTLEMENT</b>   |
| <b>Kalamazoo, Michigan 49001</b>               | ) | <b>AGREEMENT AND</b>          |
| <b>EPA ID No.: MID101645174</b>                | ) | <b>FINAL ORDER</b>            |
|  | ) |                               |
| <b>Respondent</b>                              | ) |                               |

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**EXPEDITED SETTLEMENT AGREEMENT**

1. The Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and Kalamazoo Metal Finishers, Incorporated ("Respondent"), enter into this Resource Conservation and Recovery Act ("RCRA") Expedited Settlement Agreement ("ESA" or "Agreement") to settle the civil violations set forth in this Agreement for a penalty of eighteen thousand seven hundred fifty dollars (\$18,750).
2. EPA inspected the Kalamazoo Metal Finishers, Incorporated facility<sup>1</sup> located at 2019 Glendenning Road, Kalamazoo, Michigan (the "Facility") on March 11-12, 2025 (the "Inspection"), and reviewed information Respondent provided to EPA on March 20, 2025, April 7, 2025, May 27, 2025, July 1, 2025, and July 15, 2025.
3. Complainant has determined that Respondent violated the following sections of RCRA, and the authorized Michigan hazardous waste management program,<sup>2</sup> Michigan Administrative Code ("MAC"), Part 111, at Respondent's Facility:
  - i. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. Pursuant to MAC Rule 299.9307(2), a large quantity generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements MAC Rules 299.9601 - 9640 and the permit

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<sup>1</sup>For each calendar year relevant to this ESA, the Facility generated more than 1,000 kg of hazardous waste in a calendar month and is accordingly a "large quantity generator" of hazardous waste.

<sup>2</sup> See Mich. Admin. Code R 299. EPA is enforcing Michigan hazardous waste management program requirements as approved and authorized by the United States on October 30, 1986 (see 51 FR 36804-36805) and the revisions to the hazardous waste program as approved and authorized by the United States through June 15, 2022 (see 87 FR 36074).

requirements of MAC Rule 299.9502, 299.9508, 299.9510, unless the generator has been granted an extension to the 90-day period.<sup>3</sup>

- a. On March 11, 2025, one container at the Facility was marked with an accumulation date indicating that it had been stored for 599 days.
  - b. At the time of Inspection, Respondent's records showed that a roll-off box of F006 filter cake had been stored at the Facility for 93 days.
  - c. Respondent accordingly stored hazardous waste without a permit or interim status for more than 90 days in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of MAC Rules 299.9502(1) and 299.9510.
- ii. MAC Rule 299.9307(1) authorizes a large quantity generator of hazardous waste to accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in MAC Rule 299.9307(1) ("Generator Exemption Conditions"). EPA has determined that Respondent failed to comply with the following Generator Exemption Conditions:
- a. MAC Rule 299.9307(1)(b)(i)(I)(III) requires a large quantity generator to clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.
    - At the time of the Inspection, 10 hazardous waste containers in the wastewater treatment ("WWT") area and 18 hazardous waste containers in the Small Batch Treatment Area were not clearly marked with the date upon which the period of accumulation began.
  - b. MAC Rule 299.9307(1)(b)(i)(I)(I) and (II) require a large quantity generator to label or clearly mark each container holding hazardous waste with the words "Hazardous Waste," a description of the waste or the hazardous waste number, and an indication of the hazards of the contents.
    - At the time of the Inspection, 17 containers of hazardous waste in the WWT Area and 18 containers of hazardous waste in the Small Batch Treatment Area were missing the required labeling.
  - c. MAC Rule 299.9307(1)(b)(i)(D) requires a large quantity generator to keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.
    - At the time of the Inspection, two containers in the WWT Area and 19 containers in the Small Batch Treatment Area holding hazardous waste were not properly closed during time periods when waste was not being added or removed.
  - d. MAC Rule 299.9307(1)(b)(i)(F) requires that a generator must, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.
    - At the time of the Inspection, Respondent had not consistently performed weekly central accumulation area inspections.

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<sup>3</sup> At no time prior to March 11, 2025, had Respondent obtained a permit, interim status or an extension of the 90-day period to store hazardous waste on-site.

- e. MAC Rule 299.9307(1)(f) requires that a generator must ensure personnel complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulation.
  - At the time of the inspection, only two of Respondent's personnel had completed the required training. Other personnel who were performing inspections, or generating and handling hazardous waste, and another who was listed as an emergency coordinator in Respondent's Contingency Plan had not received the required training.
- iii. Pursuant to MAC Rule 299.9305(1)(d), a generator may accumulate as much as 55-gallons of non-acute hazardous waste in a satellite accumulation area ("SAA") if the generator keeps the SAA container closed at all times during accumulation, except to add, remove, or consolidate waste.
  - At the time of inspection, one SAA container in the lab was not closed and waste was not being added, removed or consolidated, in violation of MAC Rule 299.9305(1)(d).
- iv. Pursuant to MAC Rule 299.9305(1)(e), a generator may accumulate as much as 55-gallons of non-acute hazardous waste in a satellite accumulation area if the generator labels its container with the words "Hazardous Waste" and a description of the waste or the hazardous waste number and an indication of the hazards of the contents.
  - At the time of the inspection, an SAA container in the lab was missing the required labeling, in violation of MAC Rule 299.9305(1)(e).
- v. MAC Rule 299.9302(1) requires a generator to accurately determine whether its waste is hazardous.
  - At the time of the inspection, Respondent had not made a determination as to whether waste from a leak in the filter press was hazardous. Respondent's failure to make a hazardous waste determination violated MAC Rule 299.9302(1).
- vi. MAC Rule 299.9307(1)(c) requires a generator to comply with 40 C.F.R. 262 Subpart M, 40 C.F.R. §§ 262.250 – 262.265.
  - a. 40 C.F.R. 262.255 requires a generator to maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill equipment, and decontamination equipment to any area of facility operation in an emergency.
    - At the time of the inspection, Respondent did not maintain sufficient aisle space between drums of hazardous waste, thereby violating Mich. Admin. Code 299.9307(1)(c) and 40 C.F.R. 262.255.
  - b. Pursuant to 40 C.F.R. § 262.251, a generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release. At the time of the inspection, Respondent had not remediated a spill of hazardous waste in the facility, thereby violating MAC Rule 299.9307(1)(c) and 40 C.F.R. § 262.251.

- c. 40 C.F.R. §§ 262.256 – 262.263 set forth the requirements for emergency coordination, a generator's contingency plan and the contingency plan quick reference guide.
- i. 40 C.F.R. § 262.256(a) and (b) require a generator to attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, and maintain records documenting the arrangements or attempts to make such arrangements.
- At the time of inspection, Respondent's contingency plan listed arrangements with the Kalamazoo Fire Marshall and Bronson Hospital in Kalamazoo, MI, but no documentation of these arrangements was provided. The Plan lists the local emergency response team and State as being notified in emergencies, but no documentation of agreements was present. The lack of arrangements with local emergency response agencies violates 40 C.F.R. § 262.256(a) and (b).
- ii. Under 40 C.F.R. § 262.261(f), a generator's contingency plan must include an employee evacuation plan which must describe signal(s) to be used to begin evacuation, evacuation routes, and alternative evacuation routes.
- At the time of inspection, Respondent's contingency plan did not include these descriptions, thus violating 40 C.F.R. § 262.261(f).
- iii. Under 40 C.F.R. § 262.262(a), a generator must submit a copy of the contingency plan and all revisions to all local emergency responders (*i.e.*, police, departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services) and the Local Emergency Planning Committee, as appropriate.
- At the time of inspection, Respondent did not maintain documentation of the plan and all revisions being submitted to all local emergency responders and the Local Emergency Planning Committee, in violation of 40 C.F.R. § 262.262(a).
- iv. 40 C.F.R. § 262.262(b)(4) requires a generator to have a Contingency Plan Quick Reference Guide which includes a map of the facility showing where hazardous wastes are generated, accumulated, and treated.
- At the time of inspection, the map in Respondent's Contingency Plan Quick Reference Guide did not include the locations of generation and accumulation of hazardous wastes, in violation of 40 C.F.R. § 262.262(b)(4).
- v. 40 C.F.R. § 262.262(b)(5) requires a generator to have a Contingency Plan Quick Reference Guide which includes a street map of the facility in relation to surrounding businesses, schools, and residential areas.
- At the time of inspection, the Respondent's Contingency Plan Quick Reference Guide did not include such a street map, thus violating 40 C.F.R. § 262.262(b)(5).

- vi. 40 C.F.R. § 262.262(b)(6) requires a generator to have a Contingency Plan Quick Reference Guide which includes the locations of water supply (*e.g.* fire hydrant and its flow rate).
    - At the time of inspection, the Respondent's Contingency Plan Quick Reference Guide did not include water supply locations, thus violating 40 C.F.R. § 262.262(b)(6).
  - vii. MAC Rule 299.9810(3) requires a generator to, *inter alia*, comply with 40 C.F.R. § 279.22.<sup>4</sup> 40 C.F.R. § 279.22(c)(1) requires a generator to label or clearly mark containers used to store used oil with the words "Used Oil."
    - At the time of the inspection, Respondent did not label or clearly mark all containers used to store used oil with the words "Used Oil," in violation of MAC Rule 299.9810(3) and 40 C.F.R. § 279.22(c)(1).
  - viii. MAC Rule 299.9228(4)(a) requires a universal waste "small quantity handler" to, *inter alia*, comply with 40 C.F.R. § 273.18(a), which prohibits a small quantity handler of universal waste from sending universal waste or taking universal waste to a place other than another universal waste handler, destination facility, or a foreign destination.
    - At the time of inspection, Respondent stated that universal waste aerosol cans containing lubricants were placed into general trash, thus violating MAC Rule 299.9228(4)(a) and 40 C.F.R. § 273.18(a).<sup>5</sup>
4. EPA and Respondent agree that settlement of this matter for a civil penalty of eighteen thousand seven hundred fifty dollars (\$18,750) is in the public interest.
  5. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2) – (3).
  6. EPA provided notice of commencement of this action to the state of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
  7. 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 as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the ESA.

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<sup>4</sup> MAC Rule 299.9810(3) does not require compliance with 40 C.F.R. § 279.22(a).

<sup>5</sup> At all times relevant to this Agreement, Respondent was a "small quantity generator" of universal waste, as that term is defined in 40 C.F.R. § 273.9.

8. 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 has paid the civil penalty in accordance with paragraph 8.
9. Respondent shall have paid a civil penalty of eighteen thousand seven hundred fifty dollars (\$18,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website:  
<https://www.epa.gov/financial/makepayment>. For additional instructions see:  
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
10. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Shawn Cole  
Land Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[Cole.Shawn@epa.gov](mailto:Cole.Shawn@epa.gov) and  
[R5LEcab@epa.gov](mailto:R5LEcab@epa.gov)

John Matson  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[Matson.John@epa.gov](mailto:Matson.John@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

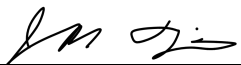
11. The civil penalty is not deductible for federal tax purposes.
12. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.

14. Each party shall bear its own costs and fees, if any.
15. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
16. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: [Matson.John@epa.gov](mailto:Matson.John@epa.gov) (for Complainant), and [quality@kmfi.com](mailto:quality@kmfi.com) (for Respondent).
17. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title (print)

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

APPROVED BY EPA:

\_\_\_\_\_  
Carolyn Persoon  
Acting Division Director  
U.S. EPA Region 5 Enforcement and Compliance Assurance Division

**In the Matter of:**  
**Kalamazoo Metal Finishers, Incorporated**  
**Docket No.: RCRA-05-2025-0033**

**FINAL ORDER**

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

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Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5