

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Trivium Packaging USA, Inc.

Respondent,

Trivium Packaging USA, Inc.
5022 Hollins Rd.
Roanoke, VA 24019,

Facility

) DOCKET NO.: RCRA-03-2026-0194

)
)
) EXPEDITED SETTLEMENT AGREEMENT AND
) FINAL ORDER

)
) Proceeding under Section
) 3008(a) and (g) of the Resource
) Conservation and Recovery Act, as
) amended, 42 U.S.C. § 6928(a) and (g)

EXPEDITED SETTLEMENT AGREEMENT

1. Trivium Packaging USA, Inc. ("Respondent"), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6928(a) and (g), and 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 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the Commonwealth of Virginia to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Virginia Hazardous Waste Management Regulations ("VaHWMR"), codified at 9 VAC-20-60-12 through 9 VAC-20-60-1420, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA last authorized revisions to the VaHWMR on December 19, 2022, including incorporation by reference of the federal regulations which were in effect as of February 22, 2019. The Code of Federal Regulation citations used herein are to the 2019 Federal regulations in place as of February 22, 2019,

when referring to the Federal regulations incorporated by the Virginia regulations.

4. On March 12, 2026, EPA sent a letter to Virginia, through the Virginia Department of Environmental Quality (“VADEQ”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 5022 Hollins Rd., Roanoke, VA 24019 (“Facility”), Respondent manufactures recyclable metal packaging for various applications and commercial products, such as food, beverages, and pet food, and generates hazardous waste in the form of ignitable excess coating material (D001) from the inside lacquering process of the 2-piece cans. On September 14, 2013, Respondent initially submitted a notification to VADEQ that the Facility was a small quantity generator (“SQG”) of hazardous waste, and VADEQ assigned RCRA ID No. VAR000527853 to the Facility. On February 5, 2016, Respondent notified VADEQ that the Facility was now a large quantity generator (“LQG”) of hazardous waste.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a Corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 9 VAC 20-60-260.A, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” waste ignitable excess coating material (D001) from the inside lacquering process of the 2-piece cans, which is “hazardous waste” at the Facility, as the terms “stored,” and “hazardous waste” are defined in 40 C.F.R. § 260.10, as incorporated by reference in 9 VAC 20-60-260.A.
8. On July 8, 2025, and July 9, 2025, an EPA representative conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized Virginia Hazardous Waste Management Regulations (“VaHWMR”) codified at 9 VAC 20-60-12, et seq.
10. Complainant has identified the following violations at the Facility:
 - a. On at least July 8, 2025, and July 9, 2025, Respondent operated the Facility without a permit or interim status, in violation of 9 VAC 20-60-270.A, which incorporates 40 C.F.R. § 270.1(b) by reference. At the time of the inspection, Respondent failed to

comply with the conditions for the temporary storage of hazardous waste by a generator that are required pursuant to 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17, and therefore failed to qualify for an exemption from the permitting/interim status requirements. The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at 9 VAC 20-60-262:

- (1) Respondent failed to mark or label a container of hazardous waste with the date upon which each period of accumulation begins clearly visible for inspection on each container, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17 (a)(5)(i)(C).
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, in the hazardous waste central accumulation area, the inspector observed the accumulation start date on one (1) of the hazardous waste containers labeled as “D001, D026”, and “Waste Aqueous Lacque”, was illegible.
- (2) Respondent failed to submit a quick reference guide of the contingency plan to the 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), as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17 (a)(6) and 40 C.F.R. § 262.262 (b).
 - A. During the review of Trivium Packaging’s records, the Facility indicated that a quick reference guide was in the process of being drafted, and was not ready to be shared with local emergency service organizations.
- (3) Respondent failed to maintain and operate a facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17 (a)(6) and 40 C.F.R. § 262.251.
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, the inspector observed spilled hazardous waste ignitable (D001) can coating material on the hazardous waste satellite accumulation containers and on the floor around the containers at the 2-piece can production lines 2A, 2B, 3A, and 3B.

- (4) Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes, as required by 9 VAC 20-60-262 which incorporates by reference 40 C.F.R. § 262.17 (a)(6) and 40 C.F.R. § 262.255.
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, the inspector observed that the aisle space between the rows of palletized containers in the Facility's hazardous waste central accumulation area was not sufficient for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.
- (5) Respondent failed to inspect, at least weekly, areas where hazardous waste containers are stored, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17 (a)(1)(v).
 - A. During the review of Trivium Packaging's weekly hazardous waste accumulation area inspection logs, during the July 8, 2025, through July 9, 2025, compliance evaluation inspection, the inspector did not observe records of inspections having been conducted for two consecutive weekly periods between 12/06/2024 and 01/06/2025.
- (6) Respondent failed to attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.17 (a)(6) and 40 C.F.R. § 262.256 (a).
 - A. During the review of Trivium Packaging's weekly hazardous waste accumulation area inspection logs, during the July 8, 2025, through July 9, 2025, compliance evaluation inspection, the inspector did not observe documentation to demonstrate that the contingency plan had been provided to local emergency service organizations.
- (7) Respondent failed to provide an annual review of the initial training that ensures that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems as required under 9 VAC 20-60-262, which incorporates by reference 40 CFR § 262.17 (a)(7)(iii).
 - A. During the review of Trivium Packaging's training records, during the

July 8, 2025, through July 9, 2025, compliance evaluation inspection, the inspector did not observe records of an annual review of the initial training provided to 11 personnel for several periods within the required three (3) year retention period.

- b. Respondent failed to inspect, at least weekly, areas where hazardous waste containers are stored, as required by 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.174. See violation under paragraph 10.a.5. above.
 - c. Respondent failed to maintain and operate a facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.31. See violation under paragraph 10.a.3. above.
 - d. Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes, as required by 9 VAC 20-60-264 which incorporates by reference 40 C.F.R. § 264.35. See violation under paragraph 10.a.4. above.
 - e. Respondent failed to attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, as required by 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 262.37. See violation under paragraph 10.a.6. above.
 - f. Respondent failed to provide an annual review of the initial training that ensures that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems as required under 9 VAC 20-60-264, which incorporates by reference 40 CFR § 264.16 (c). See violation under paragraph 10.a.7. above.
 - g. Respondent failed to submit an Exception Report to the EPA Regional Administrator for Region 3 for not receiving a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter, as required by 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.42 (a)(2).
- (1) During the review of the Facility's hazardous waste manifest records, during the July 8, 2025, through July 9, 2025, compliance evaluation inspection, the Inspector did not observe the signed copies of four (4) manifests from the

respective designated facility.

- h. Universal Waste Violations
 - (1) Respondent failed to keep containers of universal waste lamps closed at all times, as required by 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.13 (d)(1).
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, in the Electrical Shop, the Inspector observed 10 open cardboard box containers filled with used fluorescent lamps.
 - (2) Respondent failed to label or mark a container or package, in which universal waste lamps are contained, clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s),” as required by 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.14 (e).
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, in the Electrical Shop, the Inspector observed 10 open cardboard box containers filled with used fluorescent lamps that were not marked clearly with one of the required phrases.
 - (3) Respondent failed to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste, as required by 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.15 (c).
 - A. During the walkthrough portion of the July 8, 2025, through July 9, 2025, compliance evaluation inspection, in the Electrical Shop, the Inspector observed 10 open cardboard box containers filled with used fluorescent lamps for which the Facility could not provide information on when the used lamps first became a waste.
- 11. Complainant and Respondent agree that settlement of this matter for a total penalty of **EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$18,750.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
- 12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$18,750.00** (the Assessed Penalty). Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.

13. Within 24 hours of payment, Respondent shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Eric Greenwood, Inspector/Enforcement Officer (3ED22)
U.S. EPA, Region 3
greenwood.eric@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. 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) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. By signing this Agreement, Respondent 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 Agreement.

18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Trivium Packaging USA, Inc.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: greenwood.eric@epa.gov (for Complainant), and Chelsea.Shinneman@triviumpackaging.com (for Respondent).
23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Trivium Packaging USA, Inc.

Date: _____

By: _____

~~Chelsea Shinneman~~

~~Environmental, Health & Safety (EHS) Manager~~

Brian Vondran
Senior Director of Finance F&S NA

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Acting Director

Enforcement and Compliance Assurance Division

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

IN THE MATTER OF:	:	DOCKET NO.: RCRA-03-2026-0194
	:	
Trivium Packaging USA, Inc.	:	EXPEDITED SETTLEMENT AGREEMENT AND
	:	FINAL ORDER
Respondent,	:	
	:	Proceeding under Section 3008(a) and (g) of
	:	the Resource and Recovery Act, as amended,
Trivium Packaging USA, Inc.	:	42 U.S.C. § 6928(a) and (g)
5022 Hollins Rd.	:	
Roanoke, VA 24019,	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Chelsea Shinneman, Environmental, Health & Safety (EHS) Manager
Trivium Packaging USA, Inc.
chelsea.shinneman@triviumpackaging.com
5022 Hollins Rd.
Roanoke, VA 24019

Eric Greenwood
Inspector/Enforcement Officer
U.S. EPA, Region 3
greenwood.eric@epa.gov

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3