

FILED

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK REGION 6
EPA REGION VI DALLAS, TEXAS 75270

In the Matter of

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Cummins Natural Gas

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Docket No. RCRA-06-2025-0991

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Engines, Inc. Respondent.

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EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 ("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. By copy of this letter, EPA is providing the state of New Mexico with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).

3. Cummins Natural Gas Engines, Inc. ("Cummins" or "Respondent") is the owner or operator of the facility at 409 South Norris Street, Clovis, New Mexico 88101 (the "Facility"). EPA alleges that Respondent violated the following requirements of the RCRA and the EPA approved and authorized New Mexico hazardous waste management programs:

- a. *Notification Requirements.* Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator or authorized State a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes

handled by such person. No identified or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a). Respondent did not file with the Administrator a subsequent notification to accurately state the general description of its hazardous waste activities and its generation and management of hazardous waste during 2021-2025, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a). At all times relevant to this order, Respondent failed to comply with its notification requirements in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

b. *Failure to Operate within Its Stated Generator Status.* EPA determined that Respondent either operated as a very small quantity generator ("VSQG") and/or considered itself to be a VSQG. Pursuant to New Mexico Administrative Code ("MNAC") 20.4.1.300 [40 C.F.R. § 262.14], as long as a VSQG generator complies with the applicable requirements under NMAC 20.4.1.300 [40 C.F.R. § 262.14] generator's hazardous waste is not subject to regulation under NMAC 20.4.1.300-20.4.1.801, 40 C.F.R. Parts 262 through 268 and 270. On one or more occasions in years 2021-2025, Respondent exceeded the VSQG status and for the period such hazardous waste remained onsite, operated as a small quantity generator ("SQG") in violation of one or more of the requirements for an SQG under 40 C.F.R. Parts 262 through 268 and 270. At all times relevant to this order, Respondent failed to comply with the SQG requirements in violation of 40 C.F.R. 262 through 268 and 270.

4. EPA and Respondent agree that settlement of this matter for a civil penalty of \$7,500 is in the public interest.

5. EPA and Respondent agree that Respondent has submitted documentation demonstrating compliance with the requirements included in Paragraph 3 of this Agreement.

6. 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.

7. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$7,500 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.

8. Within 24 hours of payment, email proof of payment (e.g., a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements), including Respondent's name, complete address, and docket number to the following:

Dale Thrush
U.S. EPA, Region 6
Thrush.Dale@epa.gov

U.S. EPA, Region 6 Hearing Clerk
Vaughn.Lorena@epa.gov

U.S. Environmental Protection Agency Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

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

10. 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.

11. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected, and Respondent has submitted true and accurate documentation of such correction.

12. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

13. Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. EPA reserves all of its rights to take an 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. This Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.
17. EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Agreement by email to the following:
To EPA: Murdock.Russell@epa.gov and Thrush.Dale@epa.gov
To Respondent: Scott.D.Odom@cummins.com

RESPONDENT:
CUMMINS NATURAL GAS ENGINES, INC.

Date: 10/20/2025

Signature



Name

Scott Odom

Title

PLANT MANAGER

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: October 23, 2025

Cheryl T. Seager
Director
Enforcement
and Compliance Assurance Division
U.S. EPA, Region 6

Digitally signed by
CHERYL SEAGER
Date: 2025.10.23
13:03:14 -05'00'

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Expedited Settlement Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Ryland,
Renea

Digitally signed by
Ryland, Renea
Date: 2025.10.28
16:11:20 -05'00'

Thomas Rucki
Regional Judicial Officer, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses below:

Copy via Email to Complainant:

Russell Murdock
U.S. EPA, Region 6
Murdock.Russell@epa.gov

Dale Thrush
U.S. EPA, Region 6
Thrush.Dale@epa.gov

Copy via Email to Respondent:

Scott D. Odom
Plant Manager
Cummins Natural Gas Engines, Inc.
409 South Norris Street
Clovis, NM 88101
Scott.d.odom@cummins.com

**RUSSELL
MURDOCK**

Digitally signed by
RUSSELL MURDOCK
Date: 2025.10.29
06:37:46 -05'00'

U.S. EPA, Region 6
Regional Hearing Clerk