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REGIONAL HEARING CLERK
EPA REGION VI

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

Printpack, Inc.

RESPONDENT

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Consent Agreement and Final Order
USEPA Docket No. RCRA-06-2023-0935

CONSENT AGREEMENT AND FINAL ORDER
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Printpack, Inc. ("Respondent" or "Printpack") and concerns the facility located at 2005 S Great Southwest Pkwy Grand Prairie, TX 75051 ("Facility").
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)¹.
3. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and

¹ On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Texas' published version. The corresponding C.F.R. citations are also provided.

- conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
4. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claim in the CAFO.
 5. The CAFO resolves only those violations which are alleged herein.
 6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

JURISDICTION

7. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is a corporation authorized to do business in the State of Texas.

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10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 Texas Admin. Code § 335.2(25), [40 C.F.R. § 260.10].
11. The Facility is a manufacturer of printed plastic packaging.
12. The Facility is a "facility" within the meaning of 30 Texas Admin. Code § 335.1(60) [40 C.F.R. § 260.10].
13. At all times relevant to this CAFO, the Respondent owned and operated the Facility. The facility is currently owned and operated by Printpack, Inc. The current owner accepts responsibility for the findings and agrees to the terms and conditions in this CAFO.
14. From September 20 through 21 and September 29 through 30, EPA conducted an onsite inspection of the Facility to determine the Respondent's compliance with RCRA as a generator of hazardous waste.
15. EPA discovered that Respondent generated, and offered for transport and treatment, hazardous wastes as defined in 30 Texas Admin. Code § 335.1(70), [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33].
16. Based on its review, EPA determined that Respondent generated the hazardous waste streams in quantities that exceeded the threshold amount of 1000 kilograms of non-acute hazardous waste in a month, corresponding to Large Quantity Generator (LQG) status under 30 Texas Admin. Code, Chapter 335, Subchapter C, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
17. Respondent is a "generator" of "hazardous waste" as those terms are defined in 30 Texas Admin. Code §§ 335.1(66) & (70) [40 C.F.R. § 260.10].

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18. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code § 335, Subchapter C, [40 C.F.R Part 262].
19. The EPA submitted to Respondent on March 30, 2023, a Notice of Potential Violation and Opportunity to Confer (“Notice”). The EPA conferred with Respondent on May 04, 2023, regarding the violations herein and to provide the Respondent an opportunity to submit additional information or materials. In response to EPA’s request, Respondent submitted additional information and materials on or about May 17, 2023.

EPA Findings of Violation

Claims 1. Failure to Meet the Standards of a Large Quantity Generator

20. The allegations in Paragraphs 1-19 are realleged and incorporated herein by reference.
21. Pursuant to 30 Texas Admin. Code § 335.53(a)(1)(C)(iii), [40 C.F.R. § 262.13], any person who generates 1000 kilograms or more of hazardous waste in any given calendar month is a Large Quantity Generator of hazardous waste and is subject to the applicable requirements of 30 Texas Admin. Code § 335.53(a)(1)(C) [40 C.F.R. § 262.17].
22. Pursuant to 30 Texas Admin. Code § 335.53(f) [40 C.F.R. §262.17(a)(5)(ii)(A)], a large quantity generator accumulating hazardous waste in tanks must mark or label its tanks with the words “Hazardous Waste”; (B) mark or label its tanks with an indication of the hazards contents; hazard communication consistent with the Department of Transportation requirements at 49 CFR 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704.

23. Pursuant to 30 Texas Admin. Code § 335.53(d) [40 C.F.R. §262.15(a)(4)], a satellite accumulation container holding hazardous waste must be closed at all times during accumulation, except: (i) when adding, removing, or consolidating waste; or (ii) when temporary venting of container is necessary for the proper operation of equipment or to prevent dangerous situations, such as a build-up of extreme pressure.
24. During the inspection, EPA discovered two open or unsecured satellite accumulation drums while waste was not being added to them.
25. During the inspection, EPA also identified a hazardous waste tank that was missing hazardous waste labeling or had incomplete/inaccurate labels. Also, EPA identified a hazardous waste container that was open and unlabeled during the inspection.
26. While operating the Facility as a Large Quantity Generator of hazardous waste, Respondent failed to comply with one or more of the requirements for Large Quantity Generators under 30 Texas Admin. Code, Chapter 335, Subchapter C [40 C.F.R. § 262.17(a)(5)(ii)(A) and 262.15(a)(4)].

Claims 2. Failure to Comply with Air Emissions Standards for Equipment Leaks

27. The allegations in Paragraphs 1-19 are realleged and incorporated herein by reference.
28. Pursuant to 30 Texas Admin. Code § 335.112(a)(20) [40 C.F.R § 265 Subpart BB], certain air emissions standards apply to persons that generate hazardous waste. Pursuant to 40 C.F.R. § 265.1060(a), owners and operators of closed vent systems are required to comply with the requirements set forth at 40 C.F.R. § 265.1033, which requires that an owner or operator shall repair all detected defects for detectable emissions, as applicable to 40 C.F.R. § 265.1033(k)(3)(i).

29. During the inspection, EPA identified a 20,000-ppm leak in ancillary piping to a storage tank in hazardous waste service.
30. During the inspection, EPA also identified an open-ended line from a storage tank in hazardous waste service.
31. Respondent failed to comply with one or more of the requirements for piping and equipment on closed vent systems in hazardous waste service, as applicable to 30 Texas Admin. Code § 335.112(a)(20) [40 C.F.R. § 265 Subpart BB].

COMPLIANCE ORDER

32. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within thirty (30) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:

- A. Respondent shall certify that it has accurately and adequately complied with RCRA and that it is properly monitoring and maintaining hazardous waste tanks and containers at the Printpack facility in pursuant to 40 C.F.R. § 262.17(a)(5)(ii)(A) and 262.15(a)(4).
- B. Respondent shall certify that it is properly monitoring the piping and equipment for potential hazardous waste emissions from hazardous waste tanks pursuant to 40 C.F.R. § 265 Subpart BB.

33. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

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Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECD-SR)
ATTN: Erin Young-Dahl
Dallas, Texas 75270-2102

Where required, notice shall be sent electronically by email to Enforcement Officer Erin Young-Dahl, respectively at youngdahl.erin@epa.gov or at 214-665-3166.

TERMS OF SETTLEMENT

A. Penalty Provisions

34. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of **twenty thousand eight hundred sixty-four dollars (\$20,864)**.
35. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.
36. The EPA web address, <https://www.epa.gov/financial/additional-instructions-making-payments-epa>, provides a list of options available for transmitting payment of penalties.

Options for payment include:

- A. Electronic payments via Pay.gov. <https://www.pay.gov/public/form/start/11751879>

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B. Remittance by Regular Mail, U.S. Postal Mail (including certified mail) or U.S.

Postal Service Express Mail. The check should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197-9000

C. Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank
Government Lockbox 979078
U.S. EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
314-418-1028

D. Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (**In the Matter of Printpack, Inc., Docket No. RCRA-06-2023-0935**) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

37. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (ORC)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

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U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECD-SR)
ATTN: Erin Young-Dahl
Dallas, Texas 75270-2102

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

38. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
39. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.
40. 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), performance of

the Compliance Order and payment of the civil penalty are restitution, remediation, or required to come into compliance with the law.

B. Costs

41. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

Termination and Satisfaction

42. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section V (Compliance Order). Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

D. Effective Date of Settlement

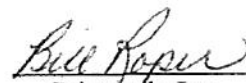
43. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

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THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

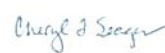
Date: 8/2/23



Printpack, Inc.

FOR THE COMPLAINANT:

Date: August 7, 2023



Digitally signed by CHERYL SEAGER
Date: 2023.08.07 11:58:44 -05'00'
Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

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FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (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. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: _____

**THOMAS
RUCKI**

Thomas Rucki
Regional Judicial Officer

Digitally signed by THOMAS RUCKI
DN: c=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=THOMAS RUCKI
c.9.2342.19200350.102.1.148801003655804
Date: 2023.08.08 12:15:21 -0400

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CERTIFICATE OF SERVICE

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

Copy via Email to Complainant:

mcdonald.ashley@epa.gov

Copy via Email to Respondent:

bcullom@printpack.com

LORI
JACKSON

Digitally signed by LORI JACKSON
DN: cn=US, ou=U.S. Government,
ou=Environmental Protection Agency, c=US
JACKSON,
0.9.2342.19200300.100.1.1+68001003655539
Date: 2023.08.08 14:28:48 -0500

Ms. Lori Jackson
Paralegal