

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. RCRA-05-2023-0006
)	
)	
Color Communications LLC)	EXPEDITED SETTLEMENT
4100 and 4242 West Filmore Street)	AGREEMENT AND
Chicago, Illinois)	FINAL ORDER
EPA ID. Nos. ILD000171546 and ILD059420877)	
)	
Respondent)	
)	
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)	

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Color Communications LLC (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$6,750.

2. EPA inspected Color Communications LLC on May 2, 2022. Complainant has determined that Respondent violated the following sections of RCRA, 42 U.S.C. § 6901 *et seq.*, and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35 Part 720 *et seq.*, at Respondent’s facilities located at 4100 and 4242 West Filmore Street, Chicago, Illinois (the “Facilities”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(a), including, but not limited to, clearly marking each container holding hazardous waste with the date upon which each period of accumulation begins. *See* Ill. Admin. Code tit. 35 § 722.134(a)(2) At the time of the inspection, two containers of hazardous waste flammable liquids located in the 4100 West Filmore facility were not clearly marked with the date upon which the period of accumulation began and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a)

because it failed to comply with the conditions for an exemption as described above.

- b. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit. 35 §§ 725.116(c) and (d)(4), facility personnel must successfully complete an annual review of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA and document this training. At the time of the inspection, the last record of employee hazardous waste procedures annual training was May 5, 2019. Respondent's failure to provide annual training in 2020 and 2021 and have documentation of such training violated Ill. Admin. Code tit. 35 §§ 725.116(c) and (d)(4).
 - c. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit 35 § 725.153(b), a generator of hazardous waste must submit a copy of its contingency plan (and all revisions) to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility. At the time of the inspection, Respondent had no records of providing the revised contingency plan to the local fire department, police department, and hospital. Respondent's failure to comply with this requirement violated Ill. Admin. Code tit 35 § 725.153(b).
 - d. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit 35 § 725.273(a) a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. At the time of the inspection, one container of acetone waste at the 4242 W. Filmore Facility and two containers of waste flammable liquids at the 4100 W. Filmore Facility were left open when waste was not being added or removed. Respondent's failure to close three containers holding hazardous waste during storage when it was not necessary to add or remove waste violated Ill. Admin. Code tit. 35 § 725.273(a).
3. EPA and Respondent agree that settlement of this matter for a civil penalty of six thousand and seven hundred and fifty dollars (\$6,750) is in the public interest.
 4. 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).
 5. EPA provided notice of commencement of this action to the state of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
7. 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 9.
8. Respondent shall pay a civil penalty of six thousand and seven hundred and fifty dollars (\$6,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of civil penalty may be made online at www.pay.gov. To pay online at www.pay.gov use the Search Public Forms option and enter 'sfo 1.1' in the search field then open form and complete required fields. If Respondent is unable to pay the penalty online at www.pay.gov, contact Todd Brown at brown.todd@epa.gov to make alternative arrangements.
9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Todd Brown
Inspector
U.S. Environmental Protection Agency, Region 5
brown.todd@epa.gov
r5lecab@epa.gov

Andre Daugavietis
Office of Regional Counsel
U.S. EPA, Region 5
daugavietis.andre@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. 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.

12. 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.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. 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: daugavietis.andre@epa.gov (for Complainant), and bobkes@ccicolor.com (for Respondent).
16. Respondent understands that the expedited settlement agreement and final order will become publicly available upon filing.

IT IS SO AGREED,

Robert Kester
Name (print)

COO
Title (print)

Robert E Kester
Signature

8/7/2023
Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement Compliance and Assurance Division

In the Matter of:
Color Communications LLC
Docket Number: RCRA-05-2023-0006

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:

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