

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. EPCRA-10-2025-0122
	)	
PCC STRUCTURALS, INC.	)	CONSENT AGREEMENT
PORTLAND, OREGON	)	
	)	
Respondent	)	
	)	
	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045.

1.2. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and PCC Structurals, Inc. (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA,

42 U.S.C. § 11045, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of EPCRA together with the specific provisions of EPCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Under Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. §§ 372.22 and 372.30, the owner or operator of a facility covered by Section 313 must submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 ("Form R") for each toxic chemical referenced in Section 313(c) of EPCRA and listed in 40 C.F.R. § 372.65 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical threshold specified in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, and 372.28.

3.2. Under 40 C.F.R. § 372.22, a facility that meets each of the following criteria in a calendar year is a covered facility for that calendar year and must report under 40 C.F.R. § 372.30 by July 1 of the following year:

- a. The facility has 10 or more full-time employees;
- b. The facility is in a Standard Industrial Classification ("SIC") major group or industry code or North American Industry Classification System ("NAICS") code listed in 40 C.F.R. §§ 372.22(b) and 372.23; and

c. The facility manufactured, imported, processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. §§ 372.25, 372.27, or 372.28.

3.3. The toxic chemicals which are subject to the reporting requirement of 40 C.F.R. § 372.30 are listed in 40 C.F.R. § 372.65.

3.4. Hydrogen fluoride is a toxic chemical listed in 40 C.F.R. § 372.65. The threshold quantity for hydrogen fluoride reporting is 10,000 pounds otherwise used during the year, as set forth in 40 C.F.R. § 372.25.

3.5. Nitrate compounds are a chemical category listed in 40 C.F.R. § 372.65. The threshold quantity for hydrogen fluoride reporting is 25,000 pounds manufactured or processed during the year, as set forth in 40 C.F.R. § 372.25.

3.6. Nitric acid is a toxic chemical listed in 40 C.F.R. § 372.65. The threshold quantity for hydrogen fluoride reporting is 10,000 pounds otherwise used during the year, as set forth in 40 C.F.R. § 372.25.

3.7. Respondent is the owner and operator of a facility called the Large Parts Campus located at 4600 SE Harney Drive in Portland, Oregon and another facility called the Mcloughlin Annex located at 2770 SE Mailwell Drive in Portland, Oregon (the "Facilities").

3.8. During calendar years 2019, 2020, 2021, and 2022, the Facilities each had 10 or more full-time employees.

3.9. The Facilities are included in NAICS code 331529, which is included in the list of covered industry codes in 40 C.F.R. § 372.23.

3.10. From September 25 through 27, 2023, EPA Region 10 performed an EPCRA Section 313 compliance inspection at the Facilities.

Mcloughlin Annex

3.11. Respondent otherwise used hydrogen fluoride at the Mcloughlin Annex in excess of the threshold quantity during calendar years 2019 and 2021.

3.12. Respondent failed to submit a Form R for hydrogen fluoride at the Mcloughlin Annex in a timely manner for calendar years 2019 and 2021 and therefore violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on two occasions.

3.13. Respondent manufactured or processed nitrate compounds at the Mcloughlin Annex in excess of the threshold quantity during calendar years 2019 and 2021.

3.14. Respondent failed to submit a Form R for nitrate compounds at the Mcloughlin Annex in a timely manner for calendar years 2019 and 2021 and therefore violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on two occasions.

3.15. Respondent otherwise used nitric acid at the Mcloughlin Annex in excess of the threshold quantity during calendar years 2019, 2020, and 2021.

3.16. Respondent failed to submit a Form R for nitric acid at the Mcloughlin Annex in a timely manner for calendar years 2019, 2020, and 2021 and therefore violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 on three occasions.

Large Parts Campus

3.17. Respondent manufactured, processed, or otherwise used hydrogen fluoride and nitrate compounds, at the Large Parts Campus in excess of the threshold quantities during calendar years 2020 and 2022.

3.18. Respondent manufactured, processed, or otherwise used nitric acid, at the Large Parts Campus in excess of the threshold quantities during calendar year 2022.

3.19. Respondent failed to accurately and completely document the releases, disposal, and other waste management of hydrogen fluoride and nitrate compounds at the Large Parts Campus in Form Rs submitted for the calendar year 2020, and of hydrogen fluoride, nitrate compounds, and nitric acid for the calendar year 2022, and therefore violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.85 on five occasions.

3.20. Under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$71,000 for each such violation. In accordance with Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day a violation of Section 313 of EPCRA, 42 U.S.C. § 11023 continues constitutes a separate violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$279,167 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve a copy of proof of payment, on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Alexander Liebert
U.S. Environmental Protection Agency
Region 10
Liebert.Alexander@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall also be responsible for payment of the following amounts:

a. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at Henderson.Jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

4.11. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.12. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III, and is currently in compliance with all applicable EPCRA requirements at each of the facilities under its control.

4.13. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.14. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.15. By signing this Consent 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.

4.16. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.17. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.18. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

10/21/25

FOR RESPONDENT:

A handwritten signature in blue ink, appearing to read 'Nathan Aman', is written over a horizontal line.

NATHAN AMAN, Vice President, Finance
PCC Structurals, INC.

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. EPCRA- 10-2025-0122
	)	
PCC STRUCTURALS, INC,	)	FINAL ORDER
FACILITIES AT: 4600 SE Harney Drive	)	
AND 2770 SE MAILL WELL DRIVE,	)	
PORTLAND, OREGON	)	
	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under EPCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall 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 does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: PCC STRUCTURALS, INC, Docket No.: EPCRA-10-2025-0122**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Alexander DerGarabedian, Attorney-Advisor
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
DerGarabedian.alexander@epa.gov

Geoffrey Tichenor
Attorney
PCC Structurals, INC.
4600 SE Harney Drive and 2770 SE Mailwell Drive,
Portland, Oregon
geoffrey.tichenor@stoel.com

Regional Hearing Clerk
EPA Region 10