

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2020-0010
)	
Bemis Wisconsin, LLC)	Proceeding to Commence and Conclude
New London, WI,)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Wisconsin pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Bemis Wisconsin, LLC, (“Bemis” or “Respondent”) a Wisconsin limited liability company doing business in the State of Wisconsin.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. For the purpose of this proceeding, Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at Wis. Admin. Code Chapters NR 660 - 679 (2007) (40 C.F.R. Parts 260 – 279).

Statutory and Regulatory Background

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

13. Among other requirements, U.S. EPA promulgated regulations at 40 C.F.R. Part 270, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 3005(a), requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste to have a permit issued under that Section.

14. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Wisconsin final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3783 (January 31, 1986).

16. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, the Administrator of U.S. EPA may assess a civil penalty of up to \$99,681 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015, and where the penalties are assessed on or after February 6, 2019 but before January 13, 2020, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

17. Respondent was and is a “person” as defined by Wis. Admin. Code (WAC) § NR 660.10(90), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is the “owner” or “operator,” as those terms are defined under WAC § NR 660.10(87) and (88), and 40 C.F.R. § 260.10, of a facility located at 718 High Street, New London, Wisconsin 54961 (the Facility).

19. On June 7, 2017, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the inspection).

20. At all times relevant to this CAFO, Respondent’s Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

21. Respondent’s Facility is a “facility,” as that term is defined under WAC § NR 660.10(43)(a) and 40 C.F.R. § 260.10.

22. Respondent performs the following operations at the Facility: manufactures laminated multi-layer plastic films which are utilized in the packaging of food products; converts resin pellets to rolls of plastic film; mixtures of resins are fed to heated dies and are extruded (thin layer of material); the thin layer of material is air introduced into a cylinder, is inflated to item size and thickness, and the airflow is adjusted to blow the film; the film is then collapsed, side-slit into two rolls of film (large rolls with printing, small rolls slit down to package size), and then is wound onto cores; the film is then sent to the customer.

23. At all times relevant to this CAFO, Respondent’s processes generated waste including, but not limited to: waste ink with solvent; waste adhesive; water-based ink with solvent; waste saran; waste kintex rags; still bottoms (distillation unit associated with parts

washer); scrap film; waste rags; water-based primers; and water-based coatings.

24. On February 5, 2016, the Respondent submitted its 2015 Comprehensive Biennial Report. On February 16, 2018, the Respondent submitted its 2017 Comprehensive Biennial Report. Respondent identified itself as a Large Quantity Generator of hazardous waste at its Facility for calendar years 2015 and 2017.

25. The wastes identified in paragraph 23 were “solid waste” as that term is defined under WAC § NR 661.02 [40 C.F.R. § 261.2 and Section 1004(15) of RCRA, 42 U.S.C. §6903(15)] because they were materials that were discarded by being either treated, stored or disposed off-site or stored on-site prior to being sent off-site for treatment, storage or disposal.

26. Respondent’s processes at the facility produce several hazardous wastes identified or listed in or cause a hazardous waste to become subject to regulation under WAC Chapter NR 661. [40 C.F.R. Parts 260-270].

27. At the time of the inspection Respondent accumulated, stored, treated or managed hazardous wastes with the waste codes including but not limited to D001, D002, and F003 in satellite, storage containers, and a tank at the Facility.

28. The Respondent characterized the wastes it generated and are identified in paragraph 23 with the characteristic hazardous waste codes D001 (ignitable), D002 (corrosive), and F003 (non-halogenated solvents).

29. At all times relevant to this CAFO, Respondent stored, transported, disposed of, or otherwise handled its generated D001, D002, and F003 hazardous waste it generated from its processes in a “container”, as that term is defined under WAC ch. NR 660.10(14) and 40 C.F.R. § 260.10.

30. At all times relevant to this CAFO, Respondent stored, transported, disposed of, or

otherwise handled its generated D001 and F003 hazardous waste it generated from its processes in a “tank”, as that term is defined under WAC ch. NR 660.10(116) and 40 C.F.R. § 260.10.

31. At all times relevant to this CAFO, Respondent’s D001, D002, and F003 waste generated from its processes was a “hazardous waste” as that term is defined under WAC § NR 661.03 and 40 C.F.R. § 261.3.

32. At all times relevant to this CAFO, Respondent’s holding of the D001, D002, and F003 hazardous waste it generated from its processes in containers and a storage tank constituted hazardous waste “storage” as that term is defined under WAC § NR 661.02 and 40 C.F.R. § 261.2.

33. On or about August 1, 1980, Respondent submitted an initial Hazardous Waste Notification for the Facility. The Facility subsequently submitted documents to the Wisconsin Department of Natural Resources (WDNR) including but not limited to the 2015 and 2017 Comprehensive Biennial Reports in which it identified and/or certified that it was a large quantity generator of hazardous waste.

34. At all times relevant to this CAFO, Respondent generated more than 1,000 kilograms (2,205 pounds) of hazardous waste in a calendar month, at the Facility, and was a large quantity generator.

35. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, and the analogous Wisconsin regulations as part of the applicable state hazardous waste management program for the state of Wisconsin, or both.

36. Respondent is a “generator,” of hazardous wastes as defined under WAC § 660.10(50) and 40 C.F.R. § 260.10.

37. Respondent is a “large quantity generator,” as that term is defined under WAC § NR

660.10(70m).

38. Respondent's Facility generated and managed hazardous waste at the Facility on or before August 1, 1980.

39. A Hazardous Waste Notification dated August 1, 1980 was submitted for the Facility.

40. The Hazardous Waste Notification dated August 1, 1980, identified the Facility was as a generator.

41. The State of Wisconsin, in the past, has issued a license to Respondent to treat, store, or dispose of hazardous waste at its Facility.

42. On June 30, 1988, the State of Wisconsin issued a license for hazardous waste container storage to the Facility.

43. On February 1, 1996, the State of Wisconsin verified clean closure of the container units and the license was terminated.

44. On June 30, 1988, the State of Wisconsin issued a license for hazardous waste incinerator activity to the Facility.

45. On October 21, 1999, the State of Wisconsin verified clean closure of the incinerator unit and the license was terminated.

46. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at the facility.

47. During the June 2017 inspection, during the inspection outside at the hazardous waste ink tank and the concrete liner that provides secondary containment for the tank, the inspector observed that there was one SAA that consisted of one 55-gallon drum. The drum contained residual waste ink from filling the tankers as stated by Respondent. The drum was not

labeled and was closed. Respondent stated that the drum's contents had been accumulated for approximately ten days. Respondent then labeled the drum as "Hazardous Waste," and dated the drum 6/1/17.

48. During the June 2017 inspection, which included the facility's RCRA training records, the inspector observed that, except for the hazardous waste management position of EHS Manager, the records failed to include names, job titles, job descriptions, and amount of type and frequency of training for all of the other employee positions within hazardous waste management.

49. During the June 2017 inspection, which included the facility's contingency plan, the inspector observed that the contingency plan was not up to date because it failed to list the current alternate emergency coordinator. Also, the contingency plan was not compliant because there were no descriptions for the types of fire extinguishers at the facility.

50. During the June 2017 inspection, which included waste tank inspection records, the inspector observed that the daily hazardous waste tank inspections were neither being conducted and nor documented daily for the following periods: 12/22/14 – 12/26/14 (documented 542 gallons to 1,117 gallons during period per facility log – not empty); 12/22/15 – 12/26/15 (documented 5,990 gallons to 6,362 gallons during period per facility log – not empty); and 12/21/16 – 12/26/16 (documented 3,140 gallons to 4,106 gallons during period per facility log – not empty).

51. During the June 2017 inspection, which included the facility's hazardous waste tank and its written assessment of the same, the inspector observed that the assessment noted per WAC Section NR 665.0193(5)(a) that the secondary containment dike should be modified to make a total capacity of not less than 9,326 gallons (125% of tank capacity) to provide sufficient

additional capacity to contain precipitation from a 25-year, 24-hour rainfall event. The assessment also noted that the current capacity of the tank's secondary containment is 7,980 gallons. The hazardous waste tank and its secondary containment is located outside and is entirely exposed to the weather. The P.E., assessment letter (from Endpoint Solutions Corp.) was dated November 29, 2012. The actual assessment was conducted on September 19, 2012, by P.E., Wade C. Wollermann (# 38639 – Norway, Wisconsin).

52. During the June 2017 inspection, during the inspection outside, the inspector observed that the hazardous waste ink tank's ancillary piping consisted of single-walled piping, and there was no secondary containment provided for the ancillary piping (as observed) as stated by Respondent. The piping had union connections as stated by Respondent.

53. During the June 2017 inspection, during the inspection of the Mixing Room, the inspector observed the pump and the three valves on the piping line coming from the sink (inside of the Mixing Room). There were no equipment tags to identify the applicable Subpart BB equipment (three valves and a pump inside of the Mixing Room) as required. Also, Bemis submitted correspondence dated October 5, 2017, that indicated that Bemis finished tagging all applicable Subpart BB equipment. In the same correspondence, Bemis indicated that through the process of tagging all applicable Subpart BB equipment, Bemis identified eight additional valves that also were not originally marked. Furthermore, during the inspection of records, the inspector observed two pressure relief devices documented on Bemis' Subpart BB "Equipment List." During and since the inspection, Bemis documented that the total equipment subject to Subpart BB monitoring at its facility, consists of twelve (12) valves in light liquid service, one pump in light liquid service, and two pressure relief devices in vapor service. Additionally, Bemis submitted correspondence dated October 31, 2017, that indicated and documented that several

(23) more connection pieces of applicable equipment were recently identified and tagged. The additional identified connection pieces were documented on the facility's updated "Equipment List" of its Subpart BB operating record that was included in the same October 31, 2017 correspondence.

54. During the June 2017 inspection, the inspector became aware that Bemis had not been conducting Method 21 (leak detection and repair) monitoring (Subpart BB), but Bemis recently received calibration gases as stated by Respondent. Also, although Bemis had just recently received calibration gases to begin preparing to conduct Method 21 LDAR monitoring, no monthly Method 21 LDAR monitoring had been conducted as of that date on the identified valves and pump as stated by Respondent. Based upon the October 31, 2017 correspondence, Bemis has identified, documented and monitored all applicable Subpart BB equipment at its New London facility. Since April 14, 2017, Bemis has been conducting weekly visual inspections of the pump as documented and as stated by Respondent. However, before April 14, 2017, Bemis had not been conducting weekly visual inspections of the pump.

55. During the June 2017 inspection, during the inspection of records, the inspector observed two pressure relief devices (V-1 and V-2 noted as equipment ID/tag #) documented on Bemis' Subpart BB "Equipment List" as no detectable emissions (NDE). No documented test results to support the NDE compliance method for the two pieces of equipment was observed during the inspection. Bemis submitted correspondence dated August 24, 2017, that indicated Bemis had conducted (on August 22, 2017) initial no detectable emission compliance tests on its same two pressure relief devices (changed equipment ID/tag # to Vent -1 and Vent -2).

56. During the June 2017 inspection, during the inspection, the inspector became aware that Bemis had not been conducting Method 21 (leak detection and repair) monitoring (Subpart

BB), but Bemis recently received calibration gases as stated by Respondent. Also, although Bemis had just recently received calibration gases to begin preparing to conduct Method 21 LDAR monitoring, no monthly Method 21 LDAR monitoring had been conducted on the identified valves and pump as stated by Respondent as of that date. Based upon the October 31, 2017 correspondence, Bemis has now identified, documented, and monitored all applicable Subpart BB equipment at its New London facility.

57. During the June 2017 inspection, during the inspection of records, nor in its submitted correspondence dated October 5, 2017, Bemis did not provide documentation that indicated the above-referenced identified information for each piece of equipment subject to Subpart BB at its facility. The same October 5, 2017 email indicated that an additional eight valves were identified by Bemis as applicable Subpart BB equipment, and were not documented on the facility's Subpart BB equipment list or monthly LDAR form. Furthermore, Bemis submitted correspondence dated October 31, 2017, that indicated and documented that several (23) more connection pieces of applicable equipment were recently identified and tagged. The additional identified connection pieces were documented on the facility's updated "Equipment List" of its Subpart BB operating record that was included in the same October 31, 2017 correspondence. Based upon the October 31, 2017 correspondence, Bemis has now identified and documented all applicable Subpart BB equipment at its New London facility.

58. During the June 2017 inspection, during the inspection of records, Bemis did not provide documentation that indicated the above-referenced identified information for two pieces of equipment (Vent - 1 and Vent - 2) subject to Subpart BB at its facility. Bemis submitted correspondence dated August 24, 2017, that indicated that the same two pieces of equipment had compliant testing conducted and documented on the facility's "No Detectable Emission

Equipment List” and “NDE Compliance Form.”

59. During the June 2017 inspection, during the inspection of records, the inspector reviewed Bemis’ annual Subpart CC tank inspections for the hazardous waste tank (waste ink with solvent waste stream). Bemis had a PM (preventative maintenance) form dated 1/6/17 that included Subpart CC requirements and documented other years that the annual inspections had been conducted. However, there were no Subpart CC annual inspections conducted and documented for the hazardous waste tank for the years 2013 and 2015. Based upon the October 31, 2017 correspondence, Bemis has now conducted and documented (including next scheduled inspections) annual inspections on the hazardous waste tank at its New London facility.

60. During the June 2017 inspection, during the inspection of the Used Oil Area outside of the Dye Cleaning Room. There were eleven 55-gallon drums that contained used oil as stated by Respondent. Five of the eleven drums were labeled as “Used Oil.” Six of the eleven drums were not labeled. Then, later during the inspection, Bemis labelled the six used oil drums as “Used Oil.”

61. On December 20, 2017, U.S. EPA issued a Notice of Violation to Respondent alleging violations of RCRA at its Facility.

62. EPA issued a Notice of Intent dated June 28, 2019, notifying Respondent it planned to file an administrative complaint alleging the violations cited in the December 20, 2017 NOV that it enclosed.

63. On August 24, 2017, October 5, 2017, October 6, 2017, October 31, 2017, January 19, 2018, and July 24, 2019, Respondent submitted to U.S. EPA written responses to the inspection, Notice of Violation, and Notice of Intent.

64. The parties have exchanged correspondence and held calls and meetings to discuss

the allegations and the resolution of this matter.

Count 1

Operating Without a License or Interim Status (Failure to Meet Applicable Conditions Necessary for Exemption from Hazardous Waste Generator License).

65. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

66. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person is prohibited except in accordance with a license or interim status.

67. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034 including but not limited to, requirements for generators in WAC § NR 662.034(3) in that their satellite accumulation area (SAA) containers are labeled with the words “Hazardous Waste” or with other words that identify the contents of the containers.

68. Similarly, the failure to comply with any of the conditions of WAC § NR 662.034 subjects the generator of hazardous waste to the requirements of WAC chs. NR 664 and 665 and the permit requirements of WAC ch. NR 670.

69. A large quantity generator must meet all the applicable conditions necessary to exempt it from the requirement to obtain a hazardous waste storage license for generators of hazardous waste. See WAC §§ NR 662.034(3)(a)2., 670.001(3), 670.010(1) and (4) [40 C.F.R. §§ 270.1(c) and 270.10(a) and (d)].

70. To be eligible for the exemption from the requirement to obtain an operating license or interim license, Respondent must be in compliance with all of the conditions of WAC NR § 662.034.

71. During the EPA inspection, the inspection outside at the hazardous waste ink tank and the concrete liner that provides secondary containment for the tank, the inspector observed that there was one SAA that included of one 55-gallon drum. The drum contained residual waste ink from filling the tankers. The drum was not labeled as “Hazardous Waste” or with words that identified the contents. Respondent then labeled the drum as “Hazardous Waste” during the inspection.

72. Therefore, Respondent’s failure to label a hazardous waste SAA container with the words “Hazardous Waste” or with words that identified the contents as alleged in paragraphs 71 violated WAC §§ NR 662.034(3)(a)2., 670.001(3), 670.010(1) and (4); 40 C.F.R. §§ 270.1(c), and 270.10(a) and (d).

73. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(3)(a)2., 670.001(3), 670.010(1) and (4).

Count 2

Failure to Label Containers of Used Oil

74. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

75. Under WAC § NR 679.22(3)(a), containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

76. During the inspection of the Used Oil Area outside of the Dye Cleaning Room, there were six 55-gallon drums that contained used oil and were not labeled as "Used Oil."

77. Therefore, Respondent's failure to label the container as "Used Oil" as alleged in paragraph 76 violated WAC § NR 679.22(3)(a).

Count 3

Operating Without a License or Interim Status by Failure to Meet Exemption

Conditions (Failure to Comply with Training Requirements).

78. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

79. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

80. Under WAC §§ NR 662.034(1)(d) and 665.0016(4)(a)-(c), a large quantity generator shall maintain all of the following documents and records at the facility: **(a)** The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job. **(b)** A written job description for each position listed under par. (a). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education or other qualifications, and duties of facility personnel assigned to each position. **(c)** A written description of the type and amount of both introductory and continuing training that will

be given to each person filling a position listed under par. (a).

81. During the inspection of the Facility's RCRA training records, the inspector observed that there were no documented names, job titles, job descriptions, and amount of type and frequency of training for all of the employee positions within hazardous waste management, except for the EHS Manager position.

82. Therefore, Respondent's failure to provide and retain training records as alleged in paragraph 81 violated WAC §§ NR 662.034(1)(d) and 665.0016(4)(a)-(c).

83. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(d) and 665.0016(4)(a)-(c).

Count 4

Operating Without a License or Interim Status by Failure to Meet Exemption

Conditions (Failure to Ensure that a Contingency Plan is Complete)

84. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

85. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

86. Under WAC §§ NR 662.034(1)(d) and 665.0052(4) and (5), a large quantity

generator's contingency plan **(4)** shall list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see s. NR 665.0055), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. **(5)** The plan shall include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment), where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

87. During the inspection of the Facility's contingency plan, the inspector discovered that an alternate emergency coordinator had left the facility in late 2016, was listed in the plan. Also, the inspector observed that there were no descriptions for the types of fire extinguishers at the facility.

88. Therefore, Respondent's failure to keep a complete contingency plan by: failure to keep an up to date list of emergency coordinators in their contingency plan and failure to keep a complete list that described the types of fire extinguishers at the Facility as alleged in paragraph 87 violated WAC §§ NR 662.034(1)(d) and 665.0052(4) and (5).

89. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(d) and 665.0052(4) and (5).

Count 5

Failure to Conduct and Record Tank Inspections and Ensure Compliant Secondary

Containment for Hazardous Waste Tank and Ancillary Equipment

90. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

91. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

92. Under WAC §§ NR 662.034(1)(a)2., and 665.0193(3)(c), a large quantity generator shall provide its hazardous waste tank's secondary containment system with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours.

93. Under WAC §§ NR 662.034(1)(a)2., and 665.0195, a large quantity generator shall **(1)** inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment (for example, pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design. **(2)** Except as noted under the sub. (3), the owner or operator shall inspect at least once each operating day: **(a)** Overfill and spill control equipment (for example, waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order. **(b)** Above ground portions of the tank system, if any, to detect corrosion or releases of waste. **(c)** The construction materials and the

area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (for example, dikes) to detect erosion or signs of releases of hazardous waste (for example, wet spots, dead vegetation). **(3)** Owners or operators of tank systems that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly those areas described in sub. (2) (a) to (c). Use of the alternate inspection schedule shall be documented in the facility's operating record. This documentation shall include a description of the established workplace practices at the facility. **(4)** Ancillary equipment that is not provided with secondary containment, as described in s. NR 665.0193(6)(a) to (d), shall be inspected at least once each operating day. **(6)** The owner or operator shall document in the operating record of the facility an inspection of those items in subs. (1) and (2).

94. During the inspection of the Facility's hazardous waste tank inspection records, the inspector discovered that the hazardous waste tank inspections were not being conducted and documented daily, specifically for the following skipped periods: 12/22/14 – 12/26/14 (documented 542 gallons to 1,117 gallons during period per facility log – not empty); 12/22/15 – 12/26/15 (documented 5,990 gallons to 6,362 gallons during period per facility log – not empty); and 12/21/16 – 12/26/16 (documented 3,140 gallons to 4,106 gallons during period per facility log – not empty).

95. Therefore, Respondent's failure to conduct and document daily hazardous waste tank inspections at the Facility as alleged in paragraph 94 violated WAC §§ NR 662.034(1)(a)2., and 665.0193(3)(c), and WAC §§ NR 662.034(1)(a)2., and 665.0195.

96. Under WAC §§ NR 662.034(1)(a)2., and 665.0193(5)(a)2., a large quantity generator shall ensure that its hazardous waste tank's secondary containment system is designed

or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity shall be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

97. During the inspection of the Facility's written assessment of its hazardous waste tank (waste ink with solvent), the inspector observed that the assessment noted per WAC Section NR 665.0193(5)(a) that the secondary containment dike required modification to a total capacity of not less than 9,326 gallons (125% of tank capacity) in order to provide sufficient additional capacity to contain precipitation from a 25-year, 24-hour rainfall event. The assessment indicated that the current capacity of the tank's secondary containment was 7,980 gallons. The hazardous waste tank and its secondary containment is located outside and is entirely exposed to the weather.

98. Therefore, Respondent's failure to upgrade its existing hazardous waste tank's secondary containment to the sufficient capacity at the Facility as alleged in paragraph 97 violated WAC §§ NR 662.034(1)(a)2., and 665.0193(5)(a)2.

99. Under WAC §§ NR 662.034(1)(a)2., and 665.0193(6), a large quantity generator shall ensure that its hazardous waste tank's ancillary equipment shall be provided with full secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of subs. (2) and (3) except for all of the following: **(a)** Aboveground piping (exclusive of flanges, joints, valves and connections) that is visually inspected for leaks on a daily basis. **(b)** Welded flanges, welded joints and welded connections that are visually inspected for leaks on a daily basis. **(c)** Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis. **(d)** Pressurized aboveground piping systems with

automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

100. Under WAC §§ NR 662.034(1)(a)2., and 665.0193(9), a large quantity generator shall ensure that its hazardous waste tank's system, until the time that secondary containment meeting the requirements of this section is provided, shall comply with the following: **(a)** For non-enterable underground tanks, a leak test that meets the requirements of s. NR 665.0191(2)(e) shall be conducted at least annually. **(b)** For other than non-enterable underground tanks and for all ancillary equipment, the owner or operator shall either conduct a leak test as in par. (a) or develop a schedule and procedure for an assessment of the overall condition of the tank system by a qualified professional engineer. The schedule and procedure shall be adequate to detect obvious cracks, leaks and corrosion or erosion that may lead to cracks and leaks. The owner or operator shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments shall be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated. **(c)** The owner or operator shall maintain on file at the facility a record of the results of the assessments conducted in accordance with pars. (a) and (b). **(d)** If a tank system or component is found to be leaking or unfit-for-use as a result of the leak test or assessment in pars. (a) and (b), the owner or operator shall comply with the requirements of s. NR 665.0196.

101. During the inspection of the Facility's hazardous waste tank system, the inspector observed that the hazardous waste tank's ancillary piping consisted of single-walled piping, and that there was no secondary containment provided for the ancillary piping. The piping had union

connections.

102. Therefore, Respondent's failure to provide secondary containment for its' hazardous waste tank's ancillary piping (which had union connections), as alleged in paragraph 101, violated WAC §§ NR 662.034(1)(a)2., 665.0193(6), and 665.0193(9).

103. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(a)2., 665.0193(6), and 665.0193(9).

Count 6

Operating Without a License or Interim Status by Failure to Meet Exemption

Conditions (Failure to Mark Subpart BB Equipment)

104. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

105. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

106. Under WAC §§ NR 662.034(1)(a)2, and 665.1050(3), a large quantity generator shall ensure that each piece of equipment to which this subchapter applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

107. During the inspection of the Facility's Mixing Room, the inspector learned that the

following Subpart B Equipment had not been tagged: (1) pump and the three valves on the piping line coming from the sink (inside of the Mixing Room). Thereafter, the Inspector learned through written correspondence dated October 5, 2017 and examination of records for the Facility, the following: Eight additional valves had not been tagged; two pressure relief devices documented on Respondent's Subpart BB Equipment List. During and since the inspection, Respondent has documented that the total equipment subject to Subpart BB monitoring at its facility, consists of twelve (12) valves in light liquid service, one pump in light liquid service, and two pressure relief devices in vapor service. Additionally, Respondent submitted correspondence dated October 31, 2017, that indicated and documented that several (23) more connection pieces of applicable equipment were recently identified and tagged. The additional identified connection pieces were documented on the facility's updated "Equipment List" of its Subpart BB operating record that was included in the same October 31, 2017 correspondence.

108. Therefore, Respondent's failure to ensure that each piece of equipment that was identified or should have been identified on its Subpart BB "Equipment List" be marked in such a manner that it can be distinguished readily from other pieces of equipment at the Facility, as alleged in paragraph 107, violated WAC §§ NR 662.034(1)(a)2., and 665.1050(3).

109. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(a)2, and 665.1050(3).

Count 7

**Failure to Conduct Compliant Monitoring and Visual Inspection on Subpart BB
Pumps; Pressure Relief Devices, Valves, and Failure to Follow Calibration**

Procedure Requirements

110. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

111. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

112. Under WAC §§ NR 662.034(1)(a)2., and 665.1052(1)(a) and (b), a large quantity generator shall (a) Monitor each pump in light liquid service monthly to detect leaks by the methods specified in s. NR 665.1063(2) (Method 21), except as provided in subparagraphs (4) to (6), and (b) Check each pump in light liquid service by visual inspection each calendar week for indications of liquids dripping from the pump seal.

113. During the inspection of the Facility, the inspector became aware that Respondent had not been conducting Method 21 (leak detection and repair) monitoring (Subpart BB). Furthermore, no monthly Method 21 LDAR monitoring had been conducted on the identified pump as stated by Respondent. Finally, Respondent had not been conducting weekly visual inspections of the pump before April 14, 2017.

114. Respondent's failure to ensure that each pump in light liquid service is monitored monthly to detect leaks by the methods specified in s. NR 665.1063(2) (Method 21), and that each pump in light liquid service is checked by visual inspection each calendar week at the Facility as alleged in paragraph 113 violated WAC §§ NR 662.034(1)(a)2., and 665.1052(1)(a)

and (b).

115. Under WAC §§ NR 662.034(1)(a)2., 665.1054(1), and (2)(a) and (b), a large quantity generator shall, except during pressure releases, operate each pressure relief device in gas or vapor service with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, measured by the method specified in s. NR 665.1063(3).

116. During the inspection of the Facility's records, the inspector observed two pressure relief devices (V-1 and V-2 noted as equipment ID/tag #) documented on Respondent's Subpart BB "Equipment List" as no detectable emissions (NDE). At the time of the inspection, the Respondent did not have documented test results to support the NDE compliance method for the two pieces of equipment. Instead, the Respondent submitted correspondence dated August 24, 2017, that indicated Respondent had conducted (on August 22, 2017) initial no detectable emission compliance tests on its same two pressure relief devices (changed equipment ID/tag # to Vent -1 and Vent -2).

117. Respondent failed to operate each pressure relief device in gas or vapor service with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, measured by the method specified in s. NR 665.1063(3), at the Facility as alleged in paragraph 116 violated WAC §§ NR 662.034(1)(a)2., and 665.1054(1), and (2)(a) and (b).

118. Under WAC §§ NR 662.034(1)(a)2., and 665.1057(1), a large quantity generator shall monitor each valve in gas or vapor or light liquid service monthly to detect leaks by the methods specified in s. NR 665.1063 (2) (Method 21) and comply with subs. (2) to (5), except as provided in subs. (6) to (8) and ss. NR 665.1061 and 665.1062.

119. During the inspection of the Facility, the inspector became aware that Respondent had not been conducting Method 21 (leak detection and repair) monitoring (Subpart BB). Also ,

at the time of the inspection, Respondent had not conducted monthly Method 21 leak detection and repair (LDAR) monitoring on twelve identified valves.

120. Therefore, Respondent's failure to monitor each valve in gas or vapor or light liquid service monthly to detect leaks by the methods specified in s. NR 665.1063 (2) (Method 21) and comply with subs. (2) to (5), except as provided in subs. (6) to (8) and ss. NR 665.1061 and 665.1062, at the Facility as alleged in paragraph 119 violated WAC §§ NR 662.034(1)(a)2., and 665.1057(1).

121. Under WAC §§ NR 662.034(1)(a)2., and 665.1063(2), a large quantity generator shall ensure that **(2)** Leak detection monitoring, as required in ss. NR 665.1052 to 665.1062, shall comply with all of the following requirements: **(a)** Monitoring shall comply with Method 21 in appendix A of 40 CFR part 60, incorporated by reference in s. NR 660.11. **(b)** The detection instrument shall meet the performance criteria of Method 21. **(c)** Calibrate the instrument before use on each day of its use by the procedures in Method 21. **(d)** Calibration gases shall be all of the following: **1.** Zero air (less than 10 ppm of hydrocarbon in air). **2.** A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10.000 ppm methane or n-hexane.

122. During and after the inspection of the Facility, on April 30, 2018, EPA requested that Respondent provide proof that it utilizes a zero gas along with a gas mixture (isobutylene) for calibration, as required under Method 21, and whether the facility conducts the two-gas calibration procedure before monitoring, as required by Method 21. In a response dated May 2, 2018, Respondent admitted that it did not implement the two-gas calibration procedure until May of 2018. Therefore, from October 2017 through April 2018, Respondent failed to utilize zero air as one of its calibration gases.

123. Respondent's failure to follow calibration procedure requirements for equipment utilized to perform Method 21 monitoring, as alleged in paragraph 122, violated WAC §§ NR 662.034(1)(a)2., and 665.1063(2).

124. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(a)2., and 665.1052(1)(a) and (b); 665.1054(1), and (2)(a) and (b); 665.1057(1); and 665.1063(2).

Count 8

Failure to Record Required Equipment and Compliance Test Information.

125. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

126. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

127. Under WAC §§ NR 662.034(1)(a)2, and 665.1064(2)(a)1-6, for each piece of equipment for which Subpart BB of Part 265 applies, a large quantity generator must record the following information in the facility record: (i) Equipment identification number and hazardous waste management unit identification; (ii) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan); (iii) Type of equipment (e.g., a pump or pipeline valve); (iv) Percent-by-weight total organics in the hazardous waste

stream at the equipment; (v) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); (vi) Method of compliance with the standard (e.g., “monthly leak detection and repair” or “equipped with dual mechanical seals”).

128. Respondent failed to provide documentation that indicated the required information in paragraph 127 above for each piece of equipment subject to Subpart BB at its facility. Specifically, at the time of inspection, the Respondent had failed to documented eight valves, and several (23) more connection pieces of applicable equipment.

129. Therefore, Respondent’s failure to document all applicable Subpart BB equipment at the Facility as alleged in paragraph 128 violated WAC §§ NR 662.034(1)(a)2., and 665.1064(2)(a)1-6.

130. Under WAC §§ NR 662.034(1)(a)2, and 665.1064(7)(d), a large quantity generator must record all of the following information, pertaining to all equipment (specifically pressure relief devices operated with no detectable emissions) subject to ss. NR 665.1052 to 665.1060, in a log that is kept in the facility operating record: **(d) 1.** The dates of each compliance test required in ss. NR 665.1052 (5), 665.1053 (9), 665.1054 and 665.1057 (6). **2.** The background level measured during each compliance test. **3.** The maximum instrument reading measured at the equipment during each compliance test.

131. During the inspection of the Facility’s records, Respondent did not provide documentation that indicated the above-referenced identified information for two pieces of equipment (Vent - 1 and Vent – 2) subject to Subpart BB at its facility. Respondent submitted correspondence dated August 24, 2017, that indicated that the same two pieces of equipment had compliant testing conducted and documented on the facility’s “No Detectable Emission Equipment List” and “NDE Compliance Form.”

132. Therefore, Respondent's failure to record compliance tests to indicate two pressure relief devices (Vent – 1 and Vent – 2) operated with no detectable emissions, at the Facility as alleged in paragraph 131 violated WAC §§ NR 662.034(1)(a)2, and 665.1064(7)(d).

133. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a) and the regulations found at WAC §§ NR 662.034(1)(a)2., and 665.1064(2)(a)1-6; and 665.1064(7)(d).

Count 9

Failure to Conduct and Record Annual Inspections.

134. Complainant incorporates paragraphs 1 through 64 of this Complaint as though set forth in this paragraph.

135. Pursuant to WAC § NR 662.034, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in WAC § NR 662.034.

136. Under WAC §§ NR 662.034(1)(a)2., and 665.1085(3), a large quantity generator controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet all of the following requirements: WAC §§ NR 665.1085(3) (d) Inspect the air emission control equipment according to all of the following requirements: **1.** Visually inspect the fixed roof and its closure devices to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes or gaps in the roof sections or between the roof and the tank

wall, broken, cracked or otherwise damaged seals or gaskets on closure devices and broken or missing hatches, access covers, caps or other closure devices. 2. Perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this section. Thereafter, perform the inspections at least once every year except under the special conditions provided for in sub. (12). 3. In the event that a defect is detected, repair the defect according to sub. (11). 4. Maintain a record of the inspection according to s. NR 665.1090(2).

137. During the inspection of the Facility's records, the inspector observed that Respondent's annual Subpart CC tank inspections for the hazardous waste tank (waste ink with solvent waste stream) lacked the Subpart CC annual inspection conducted and documented for the hazardous waste tank for 2015.

138. Therefore, Respondent's failure to conduct and document a Subpart CC annual inspection for the hazardous waste tank for 2015, at the Facility as alleged in paragraph 137 violated WAC §§ NR 662.034(1)(a)2., and 665.1085(3).

139. As set forth above, Respondent did not meet the conditions of WAC § NR 662.034. The satisfaction of these conditions is necessary to exempt it from the requirement to obtain interim status or obtain a license for the storage (accumulation) of hazardous waste. Therefore, Respondent stored hazardous waste without a license or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the regulations found at WAC §§ NR 662.034(1)(a)2., and 665.1085(3).

Civil Penalty

140. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$41,335. In determining the penalty amount, Complainant considered the seriousness of the violations and any good faith

efforts to comply with the applicable requirements. Complainant has also considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 *RCRA Civil Penalty Policy*, dated June 23, 2003.

141. Within 30 days after the effective date of this CAFO, Respondent must pay a \$41,335 civil penalty for the RCRA violations by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for checks sent by regular U.S. Postal Service mail]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for checks sent by express mail]

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must state "In re: Bemis Wisconsin, LLC" and the docket number of this CAFO.

142. A transmittal letter stating Respondent's name, the case title and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Bryan Gangwisch (ECR-17J)
LECA Branch
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Luis Oviedo (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

143. This civil penalty is not deductible for federal tax purposes.

144. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

145. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

146. Consistent with the “Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: oviedo.luis@epa.gov (for Complainant), and Randy.Christianson@Amcor.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

147. This CAFO resolves only Respondent’s liability for federal civil penalties for the

violations and facts alleged in the CAFO.

148. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

149. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

150. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

151. The terms of this CAFO bind Respondent, its successors, and assigns.

152. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

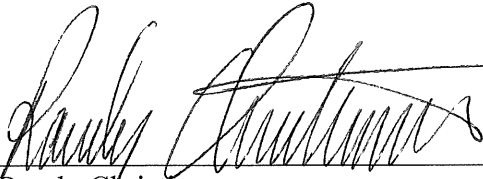
153. Each party agrees to bear its own costs and attorney's fees in this action.

154. This CAFO constitutes the entire agreement between the parties.

In the Matter of:
Bemis Wisconsin, LLC
Docket No. RCRA-05-2020-0010

Bemis Wisconsin, LLC, Respondent

JUNE 26, 2020
Date



Randy Christianson
Vice-President
Bemis Wisconsin, LLC

In the Matter of:
Bemis Wisconsin, LLC
Docket No. RCRA-05-2020-0010

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

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Date: 2020.07.01 08:57:57
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Date

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Bemis Wisconsin, LLC
Docket No. RCRA-05-2020-0010

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2020.07.09
09:07:04 -05'00'

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