

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

Received by
EPA Region 7
Hearing Clerk

In the Matter of)	
)	
Jacam Manufacturing 2013 LLC)	Docket No. RCRA-07-2023-0010
Sterling, Kansas 67579)	
RCRA I.D. No.: KSR209006924)	AMENDED EXPEDITED
)	SETTLEMENT AGREEMENT AND
Respondent.)	FINAL ORDER

AMENDED EXPEDITED SETTLEMENT AGREEMENT

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement” or “ESA”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).

- 2) The EPA has provided the State of Kansas with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).

- 3) JACAM Manufacturing 2013 LLC (“Respondent”) is the owner or operator of the facility located at 1656 Avenue Q, Sterling, Kansas 67579 (“Facility”). The EPA inspected the Facility on March 1 and 2, 2022. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. K.A.R. 28-31-265 > 40 C.F.R. §262.34(c)(1)(i) referencing 40 C.F.R. §265.173(a) requires that 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 EPA inspection, two 275-gallon intermediate bulk container (IBC) with oil-soluble waste had lids that were not in the closed position; one 275-gallon IBC with water-soluble waste had a lid that was not in the closed position, and one of four 5-gallon day satellite accumulation containers did not have a lid in the Inductively Coupled Plasma room within the Facility’s Building 8 laboratory.

 - b. K.A.R. 28-31-265 > 40 C.F.R. §262.34(a)(1)(i) referencing 40 C.F.R. § 265.1087(d)(1)(ii) requires that a level 2 container operate with no detectable organic emissions as defined in §265.1081. At the time of EPA inspection, one 275-gallon IBC in Building 2 with oil-soluble waste was monitored using a flame ionization detector (FID) and had organic emissions of 8,317 ppmv which exceeded the background organic concentrations of 17 ppmv by more than 500 ppmv.

 - c. K.A.R. 28-31-273 > 40 C.F.R. §273.13(d)(1) requires that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally

- sound, adequate to prevent breakage, and compatible with the contents of the lamps; such containers and packages must remain closed. At the time of EPA inspection, there was one box of eight-foot universal waste lamps in Building 6 that was not closed.
- d. K.A.R. 28-31-273 > 40 C.F.R. §273.14(e) requires that each lamp or a container or packaging in which universal waste lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).” At the time of EPA inspection, there was one box of eight-foot universal waste lamps in Building 6 that was not labeled.
- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of Eleven Thousand Dollars (\$11,000.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier’s check made payable to the “United States Treasury” and sent to:
- U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000
- or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.
- 5) A copy of the check or other information confirming payment shall simultaneously be emailed to the following:
- Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and
- Milady Peters, Paralegal
peters.milady@epa.gov.
- 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) agrees to release funds held on deposit as payment to the EPA for the civil penalty upon final EPA approval of this Agreement; (6) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (7) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (8) consents to electronic service of the filed ESA to the following email address:

craig.musser@jacamcatalyst.com. Respondent understands that the ESA will become publicly available upon filing.

- 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, (2) it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA, and (3) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- 8) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
- 9) EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 10) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 11) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 12) Each party shall bear its own costs and fees, if any.
- 13) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Vern D. Gray
Name (print)

President
Title (print)

[Signature]
Signature

7/20/23
Date

APPROVED BY EPA:

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger
Chemical Branch Chief
Office of Regional Counsel

Date

FINAL ORDER

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

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

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
To be completed by EPA

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, EPA Docket No. RCRA-07-2023-0010, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel
muehlberger.christopher@epa.gov

Tiffany DeLong, Enforcement and Compliance Assurance Division
delong.tiffany@epa.gov

Milady Peters, Office of Regional Counsel
peters.milady@epa.gov

Copy via e-mail to Respondent:

Craig Musser
Process Safety Manager
JACAM Catalyst, LLC
1656 Avenue Q
Sterling, Kansas 67579
craig.musser@jacamcatalyst.com

Copy via e-mail to the State of Kansas:

Julie Coleman, Director (e-copy)
Bureau of Waste Management
Kansas Department of Health and Environment

Amy Thompson (e-copy)
Compliance and Enforcement, Waste Reduction, and Assistance Section
Kansas Department of Health and Environment

Dated this _____ day of _____, _____.

Signed