



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

<b>IN THE MATTER OF:</b>	)	Docket No.
	)	RCRA-09-2024-0017
Pacific Shipyards International, LLC	)	
705 N. Nimitz Hwy	)	
Honolulu, HI 96817	)	<b>EXPEDITED SETTLEMENT</b>
EPA ID. No. HID006927123	)	<b>AGREEMENT AND</b>
	)	
Respondent.	)	<b>FINAL ORDER</b>
	)	
	)	

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**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the State of Hawaii with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Pacific Shipyards International, LLC (“Respondent”) is the owner or operator of the facility located at 705 N. Nimitz Highway, in Honolulu, Hawai’i, EPA Identification Number HID006927123 (the “Facility”). EPA alleges that the Respondent was inspected on September 25, 2023, and found to have violated the following RCRA requirements and EPA’s approved and authorized Hawai’i hazardous waste management program.
  - a. Failure to Perform a Waste Determination: The Respondent failed to comply with the waste determination requirements in violation of 40 C.F.R. § 262.11, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. § 262.11].
  - b. Failure to Maintain less than 55-gallons of Hazardous Waste While in Storage: The Respondent failed to comply with the less than 55-gallon Satellite Accumulation Area requirements in violation of 40 C.F.R. § 262.15, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. § 262.15(a)].
  - c. Failure to Close a Hazardous Waste Container: The Respondent failed to comply with the closed container requirements in violation of 40 C.F.R. § 262.15, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. § 262.15(a)(4)].
  - d. Failure to Indicate the Hazard Contents on a Container: The Respondent failed to comply with the hazard contents identification requirements in violation of 40 C.F.R. § 262.17, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. §

262.17(a)(5)(i)(B)].

- e. Failure to Date a Hazardous Waste Container: The Respondent failed to comply with the accumulation start date requirements in violation of 40 C.F.R. § 262.17, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. § 262.17(a)(5)(i)(C)].
  - f. Failure to Maintain Emergency Equipment: The Respondent failed to comply with the emergency equipment requirements in violation of 40 C.F.R. § 262.17, as incorporated and amended in § 11-262.1-3 of HAR; [40 C.F.R. § 262.252(c)].
  - g. Failure to Label a Used Oil Container: The Respondent failed to comply with the used oil labeling requirements in violation of 40 C.F.R. § 279.22, as incorporated and amended in § 11-279.1-5 of HAR; [40 C.F.R. § 279.22(c)].
4. EPA and Respondent agree that settlement of this matter for civil penalties of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750) is in the public interest.
  5. 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 to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the files ESA.
  6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: the alleged violations have been corrected; Respondent has submitted true and accurate documentation of such correction; and, Respondent has submitted proof of payment of the civil penalty.
  7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
  8. EPA reserves all 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.
  9. Each party shall bear its own costs and fees, if any.
  10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

**FINAL ORDER**

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
12. Entry of the Final Order shall constitute full settlement of the civil claims alleged herein.

IT IS SO AGREED,

Name (print): Iain Wood

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Title (print): Chief Executive Officer  
Pacific Shipyards International

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Iain S  
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457D4B000000A2

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Signature

Date: March 8, 2024

APPROVED BY EPA:

**AMY MILLER-  
BOWEN**

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Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region IX

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IT IS SO ORDERED:

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Steven Jawgiel  
Regional Judicial Officer  
U.S. EPA Region IX

Date: \_\_\_\_\_

