

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX



In the matter of:)	U.S. EPA Docket No.
)	
)	RCRA-09-2023-0005
Ampac Fine Chemicals, LLC)	
Highway 50 and Hazel Road)	CONSENT AGREEMENT AND
Rancho Cordova, CA 95741-1718)	FINAL ORDER PURSUANT TO
)	40 C.F.R. SECTIONS 22.13 AND
)	22.18
<u>Respondent.</u>)	

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, as codified at 40 Code of Federal Regulations (C.F.R.) Part 22 ("Consolidated Rules").
2. Complainant is the United States Environmental Protection Agency, Region IX ("EPA").
3. Respondent is Ampac Fine Chemicals, LLC, headquartered in Rancho Cordova, California ("Respondent" or "Ampac").
4. This Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated Section 3008 of RCRA, 42 U.S.C. § 6928, and state regulations adopted pursuant to the State of California's ("State's") authorized hazardous waste management program under RCRA.
5. 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 respective interests and in the public interest.

B. STATUTORY AND REGULATORY FRAMEWORK

6. Subtitle C of RCRA requires the EPA Administrator to promulgate regulations establishing a hazardous waste management program. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste management programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of

law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

7. The State received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271, on or about August 1, 1992. This authorization was updated on September 26, 2001, (*see* 66 FR 49118, September 26, 2001), on October 7, 2011, (*see* 76 FR 62303, October 7, 2011) and again on January 14, 2020 (*see* 85 FR 2038, as corrected [*see* 86 FR 29207, June 1, 2021]). The authorized hazardous waste program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State has been authorized for all the hazardous waste management regulations referenced in this CA/FO.¹
8. A violation of the State's authorized hazardous waste program, found at Health & Safety Code § 251000 *et seq.*, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates the State's authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.

C. EPA'S GENERAL ALLEGATIONS

9. Respondent owns and operates a pharmaceutical manufacturing facility located at Highway 50 and Hazel Avenue, Building 05-019, Rancho Cordova, CA 95670 (the "Facility"), with an EPA identification number of CAR000069153. Respondent manufactures active pharmaceutical ingredients and registered intermediates on 16 batch production lines (77 reactors) that range in scale from producing a few grams to multiple tons. Respondent is a large quantity generator of "hazardous wastes" as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* 40 C.F.R. §§ 260.10 and 261.3].
10. On February 19, 2020, EPA performed a compliance evaluation inspection ("CEI") of the Facility pursuant to Subtitle C of RCRA. Based upon the information gathered during this inspection and subsequent investigation, EPA determined that Respondent violated California Health & Safety Code § 251000, *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
11. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty and/or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921, *et seq.*, and state regulations adopted pursuant thereto.

1. All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States. As a convenience, corresponding Federal citations are provided in brackets.

12. The Administrator has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrators, with delegation 8-9-A, last revised February 4, 2016. The Regional Administrator, EPA Region IX, in turn, redelegated that authority to the Director of the Enforcement Division (now the Enforcement and Compliance Assurance Division), Region IX, with delegation R9-120 TN 111, dated January 22, 2016.
13. Respondent is a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
14. Respondent is the "owner" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
15. Respondent is the "operator" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
16. Respondent is a "generator" of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
17. Respondent is or has been engaged in "treatment," "storage," or "disposal" of "hazardous waste" as defined in 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* 40 C.F.R. §§ 260.10 and 261.3].
18. At the Facility, Respondent generates and accumulates, or has generated and accumulated, "hazardous waste," as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.2 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.2]. These hazardous wastes include but are not limited to the following hazardous waste codes: D001, D002, F002, F003, and F005.

D. EPA'S ALLEGED VIOLATIONS

COUNT I

(Failure to perform required quarterly calibration precision test in accordance with Reference Method 21)

19. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
20. 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.17(a)(1)(i)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 15 of chapter 15 of division 4.5 (Air Emission Standards for Equipment Leaks).
21. 22 C.C.R. § 66265.1063(b)(1) [*see also* 40 C.F.R. §§ 262.17(a)(1)(i) and 265.1063(b)(1)] provides that owners and operators shall perform leak detection monitoring that complies with Reference Method 21 in 40 C.F.R. part 60. 40 C.F.R. § 60.482-7(c)(1)(i) provides

that valves may be monitored quarterly where a leak has not been detected for two successive months.

22. During the CEI, EPA observed that Ampac was not performing the required quarterly calibration test under its leak detection and repair ("LDAR") plan. Ampac's LDAR plan, references Method 21, and according to the LDAR plan, Ampac is required to perform quarterly monitoring of equipment subject to the Sacramento Metropolitan Air Quality Management District. However, Ampac indicated to EPA that the Facility did not perform the quarterly calibration precision test as required by its LDAR plan.
23. Since Respondent failed to perform the quarterly calibration precision test in accordance with Reference Method 21, as required by 22 C.C.R. §§ 66262.34(a)(1) and 66265.1063(b)(1) [*see also* 40 C.F.R. §§ 262.17(a)(1)(i) and 265.1063(b)(1)], EPA alleges that Respondent did not meet the permit exemption requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT II

(Failure to calibrate equipment in accordance with Reference Method 21)

24. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.17(a)(1)(i)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 28 of chapter 15 of division 4.5 (Air Emission Standards for Equipment Leaks).
26. 22 C.C.R. § 66265.1063(b)(1) [*see also* 40 C.F.R. §§ 262.17(a)(1)(i) and 265.1063(b)(1)] provides that owners or operators must perform leak detection monitoring that complies with Reference Method 21 in 40 C.F.R. part 60. 40 C.F.R. § 60.485(b)(1), provides that owners and operators must determine the presence of leaking sources and calibrate monitoring equipment before use each day with zero air (less than 10 ppm of hydrocarbon in air) and a mixture of methane or n-hexane and air at a concentration of about, but less than 10,000 parts per million methane or n-hexane.
27. During the CEI, EPA observed that Ampac was not calibrating its monitoring equipment in accordance with Method 21. Ampac utilizes a photoionization detector ("PID") to monitor its equipment subject to 22 C.C.R. § 66265.1063(b)(1), but only uses one known gas concentration, isobutylene, to calibrate the PID unit. Additionally, instead of using zero air, the Facility used ambient air as the zero gas for calibration.
28. Since Respondent failed to use zero gas and a mixture of methane or n-hexane air to calibrate its monitoring equipment, in accordance with Reference Method 21, 22 C.C.R. §§ 66262.34(a)(1) and 66265.1063(b)(1) [*see also* 40 C.F.R. §§ 262.17(a)(1)(i) and 265.1063(b)(1)], EPA alleges that Respondent did not meet the permit exemption

requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT III

(Failure to mark equipment subject to air emission standards for equipment leaks)

29. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
30. 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.17(a)(1)(i)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 28 of chapter 15 of division 4.5 (Air Emission Standards for Equipment Leaks).
31. 22 C.C.R. § 66265.1050(c) [*see also* 40 C.F.R. § 265.1050(c)] specifies that owners and operators must mark each piece of equipment to which Article 28 applies in such a manner that it can be readily distinguished from other pieces of equipment.
32. During the CEI, EPA surveyed equipment associated with four hazardous waste accumulation tanks: T-1207, T-1209, T-1104, and T-400. However, none of the equipment surveyed was labeled or tagged for air emissions monitoring purposes. EPA also evaluated Ampac's knock-out pot equipment in one of the production areas where hazardous waste is generated and transferred via aboveground pipelines to either tank T-1104 or T-1207 and found that although some of the equipment was tagged, the tagging system appeared to be in use for production or maintenance purposes instead of RCRA air emissions monitoring.
33. Since Respondent did not mark or tag its four hazardous waste accumulation tanks for air emissions monitoring purposes in accordance with 22 C.C.R. §§ 66262.34(a)(1)(A) and 66265.1050(c) [*see also* 40 C.F.R. §§ 262.17(a)(1)(i) and 265.1050(c)], EPA alleges that Respondent did not meet the permit exemption requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT IV

(Failure to develop a written difficult and unsafe to monitor plan)

34. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
35. 22 C.C.R. 66262.34(a)(1) [*see also* 40 C.F.R. 262.17(a)(1)(i)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 28 of chapter 15 of division 4.5 (Air Emission Standards for Equipment Leaks).

36. 22 C.C.R. §§ 66265.1057(g)(2), 66265.1057(h)(3), and 66265.1064(h) incorporates by reference 40 C.F.R. §§ 265.1057(g) and 265.1064(h). First, 22 C.C.R. § 265.1057(g)(2) specifies that any valve that is designated as an unsafe-to-monitor valve is exempt from the monthly monitoring requirements in subsection (a) if (1) the owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a) of this section; and (2) the owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times. Additionally, section 22 C.C.R. § 66265.1057(h)(3) specifies that any valve that is designated, as described in Section 66265.1064(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a) of this section if: the owner or operator of the valve follows a written plan that requires the monitoring of the valve at least once per calendar year. Lastly, 22 C.C.R. § 66265.1064(h) specifies that the following information pertaining to all valves subject to the requirements of Section 66265.1057(g) and (h) shall be recorded in a log that is kept in facility operating record: (1) a list of identification numbers for valves that are designated as unsafe to monitor, and the plan for monitoring each valve; and (2) a list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
37. During the CEI, EPA reviewed Ampac's LDAR Plan and LDAR Procedure documents and determined that neither document addressed unsafe-to-monitor valves. Additionally, EPA determined that Ampac did not have references to a list of valves determined to be unsafe to monitor.
38. Since Respondent did not address unsafe-to-monitor valves in its LDAR Plan and LDAR Procedure documents in accordance with the requirements for difficult and unsafe-to-monitor plans, 22 C.C.R. §§ 66265.1057(g)(2), 66265.1057(h)(3), and 66265.1064(h) [see also 40 C.F.R. §§ 265.1057(g) and 265.1064(h)], EPA alleges that Respondent did not meet the permit exemption requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [see also 40 C.F.R. § 270.1].

COUNT V

(Failure to separate incompatible RCRA hazardous waste during accumulation)

39. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
40. 22 C.C.R. § 66262.34(a)(1) [see also 40 C.F.R. § 262.17(a)(1)(i)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 9 of chapter 15 of division 4.5 (Use and Management of Containers).
41. 22 C.C.R. § 66265.177(c) [see also 40 C.F.R. § 262.17(a)(1)(vii)(C)] specifies that a container holding a hazardous waste that is incompatible with any waste or other

materials accumulated nearby in other containers must be separated from the other materials or protected from them by other means.

42. During the CEI, EPA observed at least four containers of D003 wastes being accumulated across an aisle from D001 waste, with no barrier or other means (e.g., secondary containment pallets) separating the incompatible wastes.
43. Since Respondent failed to comply with 22 C.C.R. § 66265.177(c) [*see also* 40 C.F.R. § 262.17(a)(1)(vii)(C)] by failing to separate D003 waste from D001 waste during accumulation without a barrier, EPA alleges that Respondent did not meet the permit exemption requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT VI

(Failure to accumulate universal waste-lamps in properly marked containers)

44. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
45. 22 C.C.R. § 66273.34(c) [*see also* 40 C.F.R. § 273.34(e)] specifies that a universal waste handler shall label or mark universal waste to identify the type of universal waste, such as lamps (including M003 wastes that contain lamps) (i.e., each lamp), or a container or package in which the lamps are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste-Lamp(s)".
46. During the CEI, EPA observed two unmarked and unlabeled closed cardboard containers of universal waste-lamps.
47. Since Respondent had two unmarked and unlabeled closed containers of universal waste lamps, EPA alleges that Respondent failed to accumulate universal waste-lamps in properly marked containers, in violation of 22 C.C.R. § 66273.34(c) [*see also* 40 C.F.R. § 273.34(e)].

COUNT VII

(Failure to have a qualified Professional Engineer assess the integrity of an existing tank)

48. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
49. 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.17(a)(2)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 10 of chapter 15 of division 4.5 (Tank Systems).
50. 22 C.C.R. § 66265.191(a) [*see also* 40 C.F.R. § 265.191(a)] requires that for each existing tank system that does not have secondary containment, the owner or operator

must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer attesting to the tank system's integrity.

51. During the CEI, EPA observed that Ampac failed to obtain and keep on file a written assessment reviewed and certified by a qualified Professional Engineer that attests to the tank system's integrity for two RCRA hazardous waste tanks, the knock-out pots associated with Condensers E-598 and E-404, at the Facility. The knock-out pots associated with Condensers E-598 and E-404 are hazardous waste tanks because these condensers abate other hazardous waste tanks.
52. Since Respondent did not have a written assessment reviewed and certified by a Professional Engineer for two RCRA hazardous waste tanks and knock-out pots in accordance with 22 C.C.R. § 66265.191(a) [*see also* 40 C.F.R. § 265.191(a)], EPA alleges that Respondent did not meet the permit exemption requirements, and therefore Respondent stored waste without a permit, in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT VIII

(Failure to list emergency equipment capabilities in the Contingency Plan)

53. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
54. 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. § 262.17(a)(6)] allows a generator to accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided, *inter alia*, that the generator complies with article 4 of chapter 15 of division 4.5 (Contingency Plan and Emergency Procedures).
55. 22 C.C.R. §§ 66265.51 and 66265.52(e) [*see also* 40 C.F.R. § 262.261(e)] specify that the contingency plan must 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 equipment is required, which must be kept up to date and include a physical description of each item on the list, and a brief outline of its capabilities.
56. During the CEI, EPA observed that Ampac's contingency plan did not describe the capabilities of each piece of emergency response equipment listed. For example, the capability description of its Non-Sparking Shovel, which is used to clean-up spills where there is a concern about sparks igniting flammable solvents, is not included in the plan.
57. Since Respondent did not describe the emergency equipment capabilities in its contingency plan, EPA alleges that Respondent failed to have a complete contingency plan, in violation of 22 C.C.R. §§ 66265.51 and 66265.52(e) [*see* 40 C.F.R. § 262.261(e)].

COUNT IX

(Failure to label hazardous waste containers)

58. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.
59. 22 C.C.R. § 66262.34(f) [*see also* 40 C.F.R. § 262.17(a)(5)] specifies that in order to be eligible to accumulate hazardous waste for up to 90 days without a permit or interim status, generators must label containers of hazardous with the date they start accumulating waste in each container and label each container clearly with the words "Hazardous Waste".
60. During the CEI, EPA observed four hazardous waste containers of D001, F003, and F005 waste which failed to indicate the date upon which each new period of accumulation began for each container.
61. Since Respondent failed to indicate the dates for each new period of accumulation for hazardous waste containers D001, F003, and F005 waste, EPA alleges that Respondent failed to properly label its hazardous waste containers, in violation of 22 C.C.R. § 66262.34(f) [*see* 40 C.F.R. § 262.17(a)(5)].

E. CIVIL PENALTY

62. The Complainant proposes that Respondent be assessed, and Respondent agrees to pay SIXTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-NINE DOLLARS (\$69,879) as the civil penalty for the violations alleged herein.
63. The proposed penalty was calculated in accordance with the "June 2003 RCRA Civil Penalty Policy," and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

F. ADMISSIONS AND WAIVERS OF RIGHTS

64. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CA/FO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in this CA/FO; (iii) consents to any and all conditions specified in this CA/FO and to the assessment of the civil administrative penalty under Section D of this CA/FO; (iv) waives any right to contest the allegations contained in section B of the CA/FO; and (v) waives the right to appeal the proposed final order attached to this Consent Agreement and made part of this CA/FO.

G. PARTIES BOUND

65. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Section E and H has been paid in

accordance with Section H. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of civil penalty liability of the violations alleged herein.

66. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
67. The undersigned representative of Respondent hereby certifies that she is fully authorized by Respondent to enter into this CA/FO, to execute and legally bind Respondent to it.

H. PAYMENT OF CIVIL PENALTY

68. Respondent consents to the assessment of and agrees to pay a civil penalty of SIXTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-NINE DOLLARS (\$69,879) in full settlement of the federal civil penalty claims set forth in this CA/FO.
69. Respondent shall submit payment within thirty (30) calendar days of the Effective Date of this CA/FO in accordance with Section N.
70. All payments shall indicate the name of the Facility, EPA identification number of the Facility (CAR 000 069 153), the Respondent's name and address, and the EPA docket number of this action. Payment shall be made by certified or cashier's checks payable to "Treasurer of the United States" and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Overnight Mail:

U.S. Environmental Protection Agency
Government Lock Box 979077
1005 Convention Plaza
SL-MO-C2GL
St. Louis, MO 63101
Contact: Craig Steffen, (513) 487-2091, steffen.craig@epa.gov or Peter Hendrickson,
(513) 487-2086, hendrickson.peter@epa.gov

Alternatively, payment may be made by electronic transfer as provided below:

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank of New York using the following information:

ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: US Environmental Protection Agency

Automated Clearinghouse:

Automated Clearinghouse payments to EPA can be made through the US Treasury using the following information:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of the US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
Remittance Express (REX): 1-866-234-5681

Online Payment through Pay.gov:

Credit or debit cards, as well as checking accounts, can be used to make payments using the information below:

Visit www.pay.gov.

Enter “SFO 1.1” in the search box on the top left side of the screen.
Open the form and follow the on-screen instructions.

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent’s name, the case title, and docket number, to both:

Regional Hearing Clerk (ORC-1)
Office of Regional Counsel
U.S. Environmental Protection Agency - Region IX
R9HearingClerk@epa.gov

And

Christopher Rollins (ENF-2-2)
Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency - Region IX
Rollins.Christopher@epa.gov

71. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. In addition, a 6% per annum penalty assessed monthly will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.
72. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state, or local taxation purposes.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

73. In the event that Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties up to FIVE HUNDRED DOLLARS (\$500.00) per day for the first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000.00) per day for the sixteenth to thirtieth day of delay, and up to THREE THOUSAND DOLLARS (\$3,000.00) per day for each day of delay thereafter. Compliance by Respondent with requirements set forth in this CA/FO shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.
74. All penalties and interest owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
75. All penalties and interest shall be remitted in the same manner described in Section H.
76. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
77. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
78. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions that may be available to EPA because of Respondent's failure to comply with any of the requirements of this CA/FO.

79. The payment of stipulated penalties specified in the Section shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

J. CERTIFICATION OF COMPLIANCE

80. In executing this CA/FO, Respondent certifies under penalty of law to EPA that it has fully complied with Section 3008 of RCRA, 42 U.S.C. § 6928, and its implementing regulations that formed the basis for the violations alleged in Section D, above.
81. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has required of the person or persons directly responsible for gathering the information.

K. RESERVATION OF RIGHTS

82. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008 of RCRA, 42 U.S.C. § 6928. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, or any other statutory, regulatory or common law enforcement authority of the United States.
83. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
84. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the alleged violations and facts as set forth in Section D of this CA/FO.
85. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

L. OTHER CLAIMS

86. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any

hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

M. MISCELLANEOUS

87. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
88. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
89. Each party to this action shall bear its own costs and attorneys' fees.
90. Respondent consents to entry of this CA/FO without further notice.

N. EFFECTIVE DATE

91. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

In the Matter of Ampac Fine Chemicals, LLC
Consent Agreement and Final Order
Docket Number RCRA-09-2023-0005

FOR RESPONDENT AMPAC FINE CHEMICALS, LLC:

10/21/2022

Date



Ella Iott
Executive Director, Safety, Health & Environmental
Ampac Fine Chemicals, LLC

In the Matter of Ampac Fine Chemicals, LLC
Consent Agreement and Final Order
Docket Number RCRA-09-2023-0005

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY,
REGION 9:

**AMY MILLER-
BOWEN**

Digitally signed by AMY MILLER-
BOWEN
Date: 2022.10.28 17:33:17 -07'00'

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

In the Matter of Ampac Fine Chemicals, LLC
Consent Agreement and Final Order
Docket Number RCRA-09-2023-0005

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA (3008)-09-2023-0005) be entered and that Respondent pay a civil penalty of SIXTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-NINE DOLLARS (\$69,879), due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order, in accordance with all terms and conditions of this CA/FO.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

STEVEN JAWGIEL Digitally signed by STEVEN
JAWGIEL
Date: 2022.11.03 13:18:51 -07'00'

Steven L. Jawgiel Date
Regional Judicial Officer
United States Environmental Protection Agency,
Region IX

CERTIFICATE OF SERVICE

This is to certify that the fully executed Consent Agreement and Final Order in the matter of Ampac Fine Chemicals, LLC (RCRA-09-2023-0005) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following parties.

RESPONDENT:
(Via Electronic Mail)

Chris Conley
Vice President
AMPCA Fine Chemicals, LLC
Chris.Conley@apfc.com

Darrin Gambelin
Downey Brand
DGambelin@downeybrand.com

COMPLAINANT:
(Via Electronic Mail)

Ylan Nguyen, Esq.
Attorney
Office of Regional Counsel
U.S. EPA, Region IX
Nguyen.Ylan@epa.gov

Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region IX