

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. RCRA-05-2023-5002
)	[Number]
)	
KC Jones Plating Company)	EXPEDITED SETTLEMENT
EPA ID. No. IN0000261917)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

The U.S. Environmental Protection Agency (“EPA”) alleges that KC Jones Plating Company (“Respondent”), owner or operator of the facility at 302 Factory Ave., Columbia City, IN (the “Facility”), failed to comply with parts of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §6922(a), its implementing regulations and the EPA approved and authorized Indiana hazardous waste management program at 329 Ind. Admin. Code 3.1-7-1 and 329 Ind. Admin. Code 3.1-10-1.

1. Respondent is required to comply with RCRA as follows:
 - a) Under 40 C.F.R Part 262.11, a person who generates solid waste must make an accurate determination as to whether that waste is a hazardous waste. During an inspection on June 30, 2022, EPA observed that KC Jones had not made a determination as to whether solid waste was a hazardous waste for at least ten containers.
 - b) Under 40 C.F.R. Parts 262.34(a)(1)(i) and 265.173(a), a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste. During an inspection on June 30, 2022, EPA observed that at least two containers holding hazardous waste were open when waste was not being added or removed.
2. EPA and Respondent agree that settlement of this matter for a penalty of thirteen thousand seven hundred and fifty dollars (\$13,750) is in the public interest.
3. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this Agreement, Respondent: (1) admits that EPA has jurisdiction over Respondent, (2) neither admits nor denies the factual allegations contained herein; (3) consents to the assessment of this penalty; and (4) waives any right to contest the allegations contained herein.

5. 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, and (2) Respondent will pay the civil penalty in accordance with this Agreement.
6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$13,750 for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:

- a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

- i. 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, Missouri 63197-9000

- ii. 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, Missouri 63101

The face of the check must state the case title ("*In the Matter of: KC Jones Plating Company*") and the docket number of this Agreement.

- b. Or by wire transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "*In the Matter of: KC Jones Plating Company*" and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

7. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Dierich.andrea@epa.gov and
r5lecab@epa.gov

Nidhi O’Meara
Office of Regional Counsel
U.S. EPA, Region 5
omeara.nidhi@epa.gov

8. The civil penalty is not deductible for federal tax purposes.
9. 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.
10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. 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.
11. Upon the effective date of this Agreement, payment of the civil penalty shall constitute

full settlement of the civil claim alleged herein.

12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
14. Each party shall bear its own costs and fees.
15. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.
16. The parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: omcara.nidhi@epa.gov (for Complainant), and Steve Kennedy steve.kennedy@kcjplating.com (for Respondent). Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Name (print): *Keith Micholon*

Title (print): *Plant manager*

Signature: 

Date 1-3-23

APPROVED BY EPA:

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.01.06
16:20:08 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Date _____

In the Matter of:
KC Jones Plating Company
Docket Number: RCRA-05-2023-5002

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and 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: 2023.01.09
16:04:27 -06'00'

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