

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX



IN THE MATTER OF:

Epmar Corporation
EPA ID No. CAD981399207
Respondent.

) U. S. EPA Docket No.

) RCRA-09-2022-0036

) EXPEDITED SETTLEMENT
) AGREEMENT AND
) FINAL ORDER

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). By copy of this letter, the EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
2. Epmar Corporation (“Respondent”) is the owner or operator of the facility at 13210 Barton Circle, Whittier, California (“Facility”).
3. EPA inspected the Facility on August 18, 2021. EPA alleges that Respondent violated the following requirements of RCRA, and of the EPA approved and authorized California hazardous waste management program:¹
 - a. Respondent failed to make accurate hazardous waste determinations in violation of 22 CCR § 66262.11 [40 CFR § 262.11]. Specifically, within the quality control/quality assurance area, outside storage area and the building that houses the on-site laboratory, during the inspection EPA observed abandoned, discarded, retained goods, or expired shelf-life product containers. In addition, EPA observed 55-gallon containers of dirty solvent and a container of spent filter materials. Epmar had not made a waste determination for these wastes. Subsequent to the inspection, Epmar shipped off-site five shipments of D001, D002 and/or D007 RCRA hazardous wastes that Epmar determined were RCRA hazardous wastes.
 - b. Respondent failed to fully develop a hazardous waste management training program in violation of 22 CCR §§ 66262.34(a)(4); 66265.16(a) [40 CFR § 262.17(a)(7)]. Except for the environmental, health and safety manager, facility personnel with hazardous waste management responsibilities (e.g., waste determination, container labeling) were not adequately trained to perform their hazardous waste management responsibilities and their job

¹ All citations in this report refer to the California Code of Regulations (CCR) 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 on August 1, 1992 (see 57 Fed. Reg. 32726, July 23, 1992), September 26, 2001 (66 Fed. Reg. 49118, September 26, 2001), October 7, 2011 (see 76 Fed. Reg. 62303, October 7, 2011), January 14, 2020 (see 85 Fed. Reg. 2038, January 14, 2020) and June 1, 2021 (see 86 Fed. Reg. 29207). Corresponding federal citations are provided as a convenience in brackets.

descriptions did not list their hazardous waste management responsibilities.

4. EPA and Respondent agree that settlement of this matter for a penalty of SIX THOUSAND, TWO HUNDRED and FIFTY dollars (\$6,250) 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 issue 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 filed 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: (1) the alleged violations have been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
8. 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.
9. 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.
10. Each party shall bear its own costs and fees, if any.
11. This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 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:

12. Respondent shall pay a civil penalty of SIX THOUSAND, TWO HUNDRED and FIFTY dollars (\$6,250) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
13. A copy of the certified or cashier's check or other information confirming payment shall

simultaneously be sent via e-mail to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency Region 9
R9HearingClerk@epa.gov

And to:

John Schofield
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency Region 9
schofield.john@epa.gov

14. 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, state or local income tax purposes.


15. Upon signing and returning this Agreement to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. part 22. In addition, if the Respondent is a Federal agency, the Respondent waives its right to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.

16. This Expedited Settlement Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 9. Unless otherwise stated, all time periods state herein shall be calculated in calendar days from such date.

IT IS SO AGREED,

Name (print): Peter Weissman

Title (print): Sr. Director, Global Coatings

Signature: 

Date 4-7-2022

APPROVED BY EPA:

**AMY MILLER-
BOWEN**

Digitally signed by AMY
MILLER-BOWEN
Date: 2022.04.12
11:44:08 -07'00'

Date: _____

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

IT IS SO ORDERED:

STEVEN JAWGIEL

Digitally signed by STEVEN
JAWGIEL

Date: 2022.04.12 15:41:25 -07'00'

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

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Epmar Corporation (RCRA-09-2022-0036) was filed with the Regional Hearing Clerk, Region IX, and that copies were by:

Electronic mail to:

RESPONDENT

Peter Weissman
Senior Director, Global Coatings, Quaker Houghton Corporation
President AC Products, Inc. and Epmar Corporation
Epmar Corporation
13210 Barton Circle
Whittier, CA 90605
peter.weissman@quakerhoughton.com

COMPLAINANT

Andrew Helmlinger
Assistant Regional Counsel
U. S. EPA – Region 9
helmlinger.andrew@epa.gov

Ponly Tu
Regional Hearing Clerk
Office of Regional Counsel, Region IX

Date