

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

**FILED**  
**March 26, 2026**  
**10:30AM**  
**U.S. EPA REGION 7**  
**HEARING CLERK**

**In the Matter of:** )  
 )  
Industrial Chrome, Inc. )  
 )  
**Respondent** ) **Docket No. RCRA-07-2025-0236**  
 )  
 )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Industrial Chrome, Inc. (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

**ALLEGATIONS**

**Jurisdiction**

1. This administrative action is being conducted pursuant to Sections 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

**Parties**

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

3. Respondent, Industrial Chrome, Inc., is a corporation, incorporated under the laws of Kansas and authorized to operate under the laws of Kansas.

### **Statutory and Regulatory Framework**

4. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that waste is managed in an environmentally sound manner.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§6921, 6922, 6924, and 6925, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Part 262, 265, 273, and 279.

6. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

9. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

10. The State of Kansas has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Kansas has adopted by reference the federal regulations cited herein at pertinent parts of Title 28, Article 31 of the Kansas Administrative Regulations (hereinafter "K.A.R.").

11. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

12. In the case of a violation of a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Kansas has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

13. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$124,426 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Based upon the facts alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

14. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

15. The regulation at 40 C.F.R. § 260.10, as incorporated by reference at K.A.R. 28-31-260(a), defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

16. The regulation at 40 C.F.R. § 260.10, as incorporated by reference at K.A.R. 28-31-260(a), defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

17. The regulation at 40 C.F.R. § 260.10, as incorporated by reference at K.A.R. 28-31-260(a), defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

18. The regulation at 40 C.F.R. § 260.10, as incorporated by reference at K.A.R. 28-31-260(a), defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

19. “Solid waste” is defined at 40 C.F.R § 261.2, as incorporated by reference at K.A.R. 28-31-261(a).

20. “Hazardous waste” is defined at 40 C.F.R. § 261.3, as incorporated by reference at K.A.R. 28-31-261(a).

21. The regulation at 40 C.F.R. § 260.10, as incorporated by reference at K.A.R. 28-31-260(a), defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

22. The regulation at K.A.R. 28-31-260a(a)(9), defines “large quantity generators” as a generator who generates 1,000 kilograms (2,200 pounds) or more of hazardous waste in any calendar month, or generate or accumulates one (1) kilogram or more of acutely hazardous waste.

23. Pursuant to 40 C.F.R. § 262.11, as adopted by K.A.R. 28-31-262(a): a generator of “solid waste” as that term is defined in 40 C.F.R. § 261.2, is required to determine if the solid waste is hazardous waste.

### **General Factual Background**

24. Respondent is a corporation and authorized to conduct business within the State of Kansas. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

25. Respondent owns and operates a facility located at 834 NE Madison in Topeka, Kansas (“facility”).

26. Respondent is a metal parts fabricator and plater offering zinc, zinc-nickel, nickel, hard chrome, decorative chrome, and powder coat plating services.

27. Respondent employs approximately 54 people.

28. The facility covers approximately 100,000 square feet, and includes 10 buildings labeled A-J.

29. On or about, March 29, 1990, Respondent notified the EPA of its regulated waste activity as a Large Quantity Generator (LQG), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, and obtained the following RCRA ID number: KSD007148380.

30. On or about May 20, 2025, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility.

31. At the time of the inspection, the facility operated as a large quantity generator of hazardous waste, and a used oil generator.

32. At the time of the inspection, the following wastes, among others, were present at the facility. These are solid and hazardous wastes as defined at 40 C.F.R. § 261.2 and 261.3, as incorporated by K.A.R. 28-31-261(a):

- a. Building D – One cubic yard container of Wastewater and Wastewater Treatment Sludge (D007 and F006 characteristic hazardous waste);
- b. Building E – chrome plating sludge dragout (D007 and F006 hazardous waste).
- c. Building F – chrome plating solution (D007 hazardous waste).
- d. Building H – One 55-gallon satellite container of Aerosol Can Residual (D001 characteristic hazardous waste).
- e. Building A: Quench Tank Sludge (D007 and F006 hazardous waste).
- f. Building H – dried wastewater treatment sludge dust (D007 and F006 hazardous waste).

33. At the time of the Effective Date of this CAFO there are no known corrective action or compliance orders.

### **Violations**

34. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

#### **Count 1**

#### **Failure to Conduct a Hazardous Waste Determination**

35. Complainant hereby incorporates the allegations contained in Paragraphs 24 through 33 above, as if fully set forth herein.

36. Pursuant to 40 C.F.R. § 262.11, as incorporated by reference at K.A.R. 28-31-262, a generator of solid waste, as defined in 40 C.F.R. §§ 260.10 and 261.2, must determine if that waste is a hazardous waste using methods prescribed in the regulations.

37. At the time of the inspection, Respondent had not conducted hazardous waste determinations on the solid waste streams described in Paragraph 32 above.

38. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 40 C.F.R. § 262.11, as incorporated by reference at K.A.R. 28-31-262.

## Count 2

### Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

39. Complainant hereby incorporates the allegations contained in Paragraphs 24 through 33, as if fully set forth herein.

40. Section 3005 of RCRA, 42 U.S.C. § 6925, Kansas Statute Annotated 65-3431, and the regulations at 40 C.F.R. Part 270, as incorporated by reference at K.A.R. 28-31-270, require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

41. At the time of the inspection, Respondent did not have a permit or interim status.

### **Generator Requirements**

42. The regulations at 40 C.F.R. § 262.34(a), as incorporated by reference at K.A.R. 28-31-262(a), state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

#### *Failure to containerize hazardous waste*

43. The regulations at 40 C.F.R. § 262.34(a)(1)(i), referencing 40 C.F.R. § 265.173(a), as incorporated by reference at K.A.R. 28-31-262(a) and K.A.R. 28-31-265(a), require a container holding hazardous waste must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

44. At the time of the inspection, Respondent failed to containerize hazardous waste in three (3) areas:

- a. Building E:
  - i. Chrome plating sludge dragout (D007 and F006 hazardous waste).  
The inspector observed the concrete floor in most areas throughout

- the building were discolored green from chrome-plating sludge dragout.
- b. Building F:
    - i. Chrome plating solution (D007 hazardous waste). The inspector observed spills and accumulations of waste chrome plating solution in the building.
  - c. Building H:
    - i. Dried wastewater treatment sludge dust (D007 and F006 hazardous waste). The inspector observed dried wastewater treatment sludge dust escaping from the container in the building.

*Failure to close hazardous waste containers*

45. The regulations at 40 C.F.R. § 262.34(a)(1)(i), referencing 40 C.F.R. § 265.173(a), as incorporated by reference at K.A.R. 28-31-262(a) and K.A.R. 28-31-265(a), states a container holding waste, must always be closed during storage, except when it is necessary to add or remove waste.

46. At the time of the inspection, Respondent failed to close containers of hazardous waste:

- a. Building D:
  - i. One 55-gallon container.
  - ii. One 10-gallon step can that was half-full of hazardous waste debris that was unable to fully close.
  - iii. One less than 10-gallon container that was a quarter full of hazardous waste debris contaminated with zinc-nickel plating solution with no lid.
- b. Building E:
  - i. One open unmarked 5-gallon container. The inspector observed a quarter full of substance in the decorative chrome plating area that was open.
- c. Building F:
  - i. One 55-gallon container. The inspector observed the container with a lid that was cracked with several holes.
- d. Building F:
  - i. One black open unmarked 5-gallon container. The inspector observed the container was an eighth full of hazardous waste chrome plating solution.
- e. Building H:
  - i. Wastewater Treatment Process. The inspector observed a plywood square used as a lid for one cubic yard box. The inspector observed dried wastewater treatment sludge dust escaping from the container.

*Satellite Accumulation*

47. The regulations at 40 C.F.R. § 262.34(c)(1) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator comply with various handling requirements. This type of accumulation is known as “satellite accumulation”. At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirements:

*Failure to close satellite accumulation container*

48. The regulations at 40 C.F.R. § 262.34(c)(1)(i), referencing 40 C.F.R. § 265.173(a), as incorporated by reference at K.A.R. 28-31-262(a) and K.A.R. 28-31-265 allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

49. At the time of the inspection, Respondent failed to close four hazardous Two hazardous waste satellite containers in Building D used to collect debris contaminated with zinc-nickel plating solution.

*Failure to label hazardous waste satellite accumulation containers*

50. The regulations at 40 C.F.R. § 262.34(c)(1)(ii), as incorporated by reference at K.A.R. 28-31-262(a) and K.A.R. 28-31-262(c)(7), states generators must “*Marks the containers with the words ‘Hazardous Waste’*”.

51. At the time of the inspection, the Respondent failed to label three hazardous waste satellite accumulation containers with the words “Hazardous Waste”:

- a. Building E:
  - i. One unmarked 5-gallon container. The substance in the container was identified as hazardous waste muriatic acid.
- b. Building F:
  - i. One 5-gallon container. The substance in the container was identified as hazardous waste chrome plating solution, D007).
- c. Building H:
  - i. One close 55-gallon container marked “Aerosol Can Residual”.

*Failure to maintain adequate aisle space*

52. The regulations at 40 C.F.R. § 262.34(a)(4), as incorporated by reference at K.A.R. 28-31-262(a), require, in part, that the generator comply with Subparts C and D in 40

C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4), as incorporated by reference at K.A.R. 28-31-265(a) and 28-31-268(a).

53. Pursuant to 40 C.F.R. § 265.35, as incorporated by reference at K.A.R. 28-31-265(a), as found in 40 C.F.R. Part 265, Subpart C, the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

54. At the time of the inspection, the EPA inspector observed in the primary hazardous waste accumulation area in Building D, one cubic yard box full of hazardous wastewater treatment sludge inaccessible on three sides.

*Failure to perform annual refresher of hazardous waste training*

55. The regulations at 40 C.F.R. § 262.34(a)(4), as incorporated by reference at K.A.R. 28-31-262(a), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4), as incorporated by reference at K.A.R. 28-31-265(a) and 28-31-268(a).

56. Pursuant to 40 C.F.R. § 265.16(c), as incorporated by reference at K.A.R. 28-31-265(a), facility personnel must take part in an annual review of the initial RCRA training program.

57. At the time of the inspection, several facility personnel whose positions relate to hazardous waste management had not completed refresher training.

*Failure to maintain hazardous waste job descriptions*

58. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4), as incorporated by reference at K.A.R. 28-31-265(a) and 28-31-268(a).

59. Pursuant to 40 C.F.R. § 265.16(d)(2), as incorporated by reference at K.A.R. 28-31-265(a), the owner or operator must maintain a written job description for each position at the facility related to hazardous waste management including the requisite skill, education, or other qualifications.

60. At the time of the inspection, the Respondent failed to maintain a written job description for the two employees listed as alternate emergency coordinators related to hazardous waste management.

*Failure to maintain training descriptions*

61. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4) as incorporated by reference at K.A.R. 28-31-265(a) and 28-31-268(a).

62. Pursuant to 40 C.F.R. § 265.16(d)(3) as incorporated by reference at K.A.R. 28-31-265(a), as found in 40 C.F.R. Part 265, Subpart B, the owner or operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person whose position at the facility is listed in the regulations and related to hazardous waste management.

63. At the time of the inspection, Respondent's records failed to include a written description of training requirements for each position related to hazardous waste management.

64. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 24 through 33 above, Respondent was not authorized to accumulate hazardous waste at its facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925 and Kan. Stat. Ann. § 65-3431.

**CONSENT AGREEMENT**

65. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

66. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

67. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

68. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

69. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

70. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: jackie.needham@icimfgusa.com and chris@depewgillen.com.

### **Penalty Payment**

71. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Eighty-Two Thousand and Five Hundred and Eighty-Two Dollars (\$82,582), as set forth below.

72. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

73. A copy of the confirmation of payment shall simultaneously be sent to the following:

Regional Hearing Clerk  
R7\_Hearing\_Clerk\_Filings@epa.gov; and

Anna Landis, Attorney  
[landis.anna@epa.gov](mailto:landis.anna@epa.gov).

74. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C.

§ 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

75. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide the EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at [sherrer.dana@epa.gov](mailto:sherrer.dana@epa.gov) within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Division with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

### **Effect of Settlement and Reservation of Rights**

76. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent’s liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

77. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

78. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of its knowledge, 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.

79. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

80. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Seventy-Four Thousand Nine Hundred Forty-Three Dollars (\$74,943) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

81. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), 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 Respondent's facility.

82. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

83. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

### **General Provisions**

84. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and

conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

85. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

86. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

87. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

88. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

\_\_\_\_\_  
Date

\_\_\_\_\_  
Alyse Stoy  
Acting Director  
Enforcement and Compliance Assurance Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anna Landis  
Office of Regional Counsel

RESPONDENT:

INDUSTRIAL CHROME, INC.

3/23/26  
Date

  
Signature

Chris Needham  
Chris Needham  
President

**FINAL ORDER**

Pursuant to Sections 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 Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent 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

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Charles C. Steincamp  
Depew Gillen Rathbun & McInteer, LC  
8301 East 21<sup>st</sup> Street North, Suite 450  
Wichita, Kansas 67206  
chris@depewgillen.com

Jackie Needham  
Industrial Chrome, Inc.  
834 NE Madison  
Topeka, KS 66608  
jackie.needham@icimfgusa.com

Copy delivered to the State of Kansas:

Joe Dom, Director (e-copy)  
Bureau of Waste Management  
Kansas Department of Health and Environment  
joseph.dom@ks.gov

Jeff Walker (e-copy)  
Compliance and Enforcement, Waste Reduction, and Assistance Section  
Kansas Department of Health and Environment  
jeff.walker@ks.gov

And to:

Anna Landis  
Office of Regional Counsel  
landis.anna@epa.gov

Marc Matthews  
Enforcement and Compliance Assurance Division  
matthes.marc@epa.gov

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Signed