

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK

IN THE MATTER OF:

McClarín Plastics d/b/a Amtech, LLC
Wapato, Washington
EPA ID Number WAR000012427

Respondent

Docket No. RCRA-10-2018-0314

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).
2. McClarin Plastics d/b/a Amtech, LLC ("Respondent") is the owner and/or operator of a facility at 180 East Jones Road, Wapato, Washington ("Facility"). The EPA inspected the Facility on July 7, 2017. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. 40 C.F.R. § 262.13 states that a generator must determine its generator category. On July 7, 2017, Respondent had not determined its generator category in violation of 40 C.F.R. § 262.13.
 - b. 40 C.F.R. § 262.17 allows a large quantity generator of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The conditions at 40 C.F.R. § 262.17(a)(5)(i)(A), (B), and (C) require that hazardous waste containers be labeled with the words "Hazardous Waste," an indication of the hazards of the contents, and the date on which accumulation began. On July 7, 2017, Respondent had multiple containers containing hazardous waste acetone and still bottoms that were not marked with the words "Hazardous Waste," an indication of the hazards of the contents, nor the date accumulation began, in violation of conditions set forth in 40 C.F.R. § 262.17(a)(5)(i)(A), (B), and (C).
 - c. 40 C.F.R. § 262.17 allows a large quantity generator of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The condition at 40 C.F.R. § 262.17(a)(1)(v) requires that, at least weekly, the generator must inspect hazardous waste central accumulation areas, looking for leaking containers and deterioration of containers. On July 7, 2017, Respondent was not conducting weekly inspections of hazardous waste accumulation areas in violation of a condition set forth in 40 C.F.R. § 262.17(a)(1)(v).

- d. 40 C.F.R. § 262.17 allows a large quantity generator of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The condition at 40 C.F.R. § 262.17(a)(6) requires compliance with 40 C.F.R. § 262.255, which requires that adequate aisle space be maintained. On July 7, 2017, Respondent had not provided adequate aisle space between containers of hazardous waste, in violation of a condition set forth in 40 C.F.R. § 262.17(a)(6).
 - e. 40 C.F.R. § 262.17 allows a large quantity generator of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The conditions at 40 C.F.R. § 262.17(a)(7)(ii) and (iii) require that facility personnel complete specified training. Training records reviewed on July 7, 2017, indicated that facility personnel had not completed the specified training, in violation of the condition at 40 C.F.R. § 262.17(a)(7)(ii) and (iii).
 - f. 40 C.F.R. § 262.15(a)(4) and (5) allow a generator of hazardous waste to accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation without a permit provided that, among other things, a container of hazardous waste is closed at all times except when waste is being added or removed, and that the container be labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. On July 7, 2017, Respondent had a container used to accumulate hazardous waste aerosol cans that was not closed and was not labeled with the words "Hazardous Waste" or an indication of the hazards of the contents, in violation of 40 C.F.R. § 262.15(a)(4) and (5).
 - g. 40 C.F.R. Part 273 requires small quantity handlers of universal waste lamps to properly manage containers of lamps, which includes keeping containers of universal waste lamps closed, being able to demonstrate the length of time that a universal waste has been accumulated from the date it became a waste, and marking containers with one of the following phrases: "Universal Waste-Lamps," "Waste Lamps," or "Used Lamps." On July 7, 2017, Respondent had multiple containers of universal waste lamps that were not closed or properly labeled and for which Respondent could not demonstrate the length of time that they had been accumulated in violation of 40 C.F.R. Part 273.
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of seven thousand dollars (\$7,000.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.
 4. The 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.
 5. Each party shall bear its own costs and fees, if any.
 6. In signing this Agreement, Respondent: (1) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein, (3) consents to the assessment of this civil penalty, and (4) waives any right to contest the allegations contained herein in a hearing or appeal pursuant to Section 3008(b) of RCRA.

7. In signing this Agreement, 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) the civil penalty has been paid. Respondent is submitting proof of payment of the civil penalty with this Agreement.
8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
9. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

RESPONDENT:

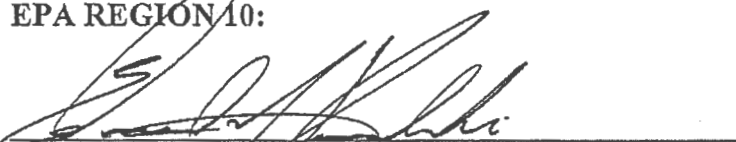
Name (print): PAUL CARL

Title (print): ENGINEERING MANAGER

Signature: 

Date: 7/26/18

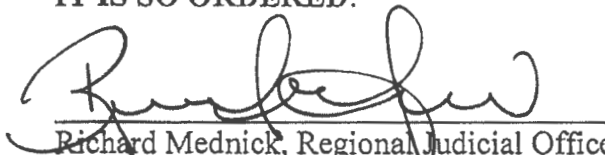
EPA REGION 10:



Date: 6/21/2018

Edward J. Kowalski, Director
Office of Compliance and Enforcement
U.S. Environmental Protection Agency, Region 10

IT IS SO ORDERED:


Richard Mednick, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: 8/21/18

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of McClarin Plastics d/b/a Amtech, LLC, Docket No.: RCRA-10-2018-0314**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

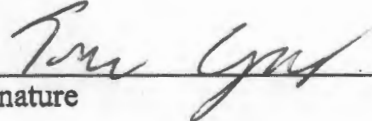
The undersigned certifies that a true and correct copy of the document was delivered to:

Jack Boller
1200 Sixth Avenue, OAWT-1500
Suite 900
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Paul Carl
McClarin Plastics
180 East Jones Road
Wapato, Washington 98951

DATED this 22 day of August, 2017



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10