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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No.: RCRA-05-2025-0027
)	
)	
Akron Brass Company)	
1415 East Bowman Street)	EXPEDITED SETTLEMENT
Wooster, Ohio 44691)	AGREEMENT AND
EPA ID No.: OHD981090376)	FINAL ORDER
)	
Respondent)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Akron Brass Company (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“ESA” or “Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$11,250.
2. EPA inspected Respondent’s Plant 3 on August 26, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Ohio hazardous waste management program, at Respondent’s facility located at 1415 East Bowman Street, Wooster, Ohio (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(A), including, but not limited to, clearly marking each container holding hazardous waste with the date upon which each period of accumulation begins. See Ohio Admin. Code § 3745-52-34(A)(2).¹ On August 26, 2024, one container was not clearly marked with the date upon which the period of accumulation began,

¹ Effective October 5, 2020, the State of Ohio promulgated revised regulations pertaining to the Generator Improvement Rule which have not yet been authorized by the EPA. For allegations in this ESA involving Ohio Admin. Code § 3745-52-34, the 2010 edition of Ohio’s hazardous waste regulations remains the RCRA authorized Large Quantity Generator provision in Ohio.

and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(A) including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words “Hazardous Waste.” See Ohio Admin. Code § 3745-52-34(A)(3). On August 26, 2024, one container was not clearly marked with the words “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- c. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(C), including, but not limited to, clearly marking each satellite container holding hazardous waste with the words “Hazardous Waste”. See Ohio Admin. Code § 3745-52-34(C)(1)(b). On August 26, 2024, fourteen satellite accumulation containers were not properly labeled with the words “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(C) because it failed to comply with the conditions for an exemption as described above.
- d. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(A)(1) and 3745-66-73(A), including, but not limited to, keeping a container holding

hazardous waste closed during storage, except when it is necessary to add or remove waste. Respondent failed to close one container holding hazardous waste during storage when it was not necessary to add or remove waste. Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- e. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-16(A) through (D), including but not limited to, having a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. With respect to this training program, a large quantity generator must maintain the following documents and records at its facility for employees filling a position related to hazardous waste management: the job title for each position at the facility and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given; and records that document that the training or job experience described above has been given to and completed by facility personnel. At the time of the inspection, the Respondent did not have a written description of the type and amount of introductory and continuing training that will be given to each employee required to complete annual RCRA training and documentation regarding training given to and completed by facility personnel. Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- f. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-52(C) and (D). Under Ohio Admin. Code § 3745-65-52(C) and (D) the contingency plan must describe arrangements agreed to by local police

departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date. At the time of the inspection, Respondent's contingency plan was missing arrangements made with the above listed local authorities, and the plan did not have the current emergency coordinator's contact information. The Respondent failed to obtain a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- g. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B). Under Ohio Admin. Code § 3745-65-53(B), a copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services. At the time of inspection, Respondent could not demonstrate that a copy of the contingency plan had been submitted to the local authorities listed above. The Respondent failed to obtain a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- h. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-32(C). Under Ohio Admin. Code § 3745-65-32(C), all hazardous waste generator facilities shall be equipped with the following: portable fire extinguishers, fire control equipment (including, but not limited to, special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment. During the inspection, Respondent's Plant 3 did not have spill control equipment and decontamination equipment in the Hazardous Waste Storage Area. The

Respondent failed to obtain a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.

- i. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-31. Under Ohio Admin. Code § 3745-65-31 all hazardous waste generator facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. On August 26, 2024, EPA's Inspector observed hazardous waste foundry sand on the floor in the production area located in the Westside Baghouse Area. The Respondent failed to obtain a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. §6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the conditions for an exemption as described above.
- j. Under Ohio Admin. Code § 3745-273-14(E), a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." On August 26, 2024, two containers of lamps were not labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." Respondent's failure to label or clearly mark universal waste lamps or containers or packages containing universal waste lamps, as described above, violated Ohio Admin. Code § 3745-273-14(E).
- k. Under Ohio Admin. Code § 3745-273-15(C), a small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. On August 26, 2024, the Respondent did not have dates of accumulation for the universal waste lamps stored on-site. Respondent's failure to demonstrate the length of time that universal had been accumulated from the date it becomes a waste or is received, as described above, violated Ohio Admin. Code § 3745-273-15(C).

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eleven thousand two hundred fifty dollars (\$11,250) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
5. EPA provided notice of commencement of this action to the state of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. 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 as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) 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 ESA.
7. 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 has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of eleven thousand two hundred fifty dollars (\$11,250) within 30 days of its receipt of the email transmitting this opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Kyla Suter
Land Enforcement and Compliance Assurance Branch

U.S. Environmental Protection Agency, Region 5
suter.kyla@epa.gov and
R5LEECAB@epa.gov

Richard Clarizio
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
clarizio.richard@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
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. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: clarizio.richard@epa.gov (for Complainant), and jsands@idexcorp.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Name (print)

Title (print)

Signature

Date

APPROVED BY EPA:

Carolyn Persoon
Acting Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

In the Matter of: Akron Brass Company
Docket No.: RCRA-05-2025-0027

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:

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