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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-05-2025-0023

Kemira Water Solutions Inc.
3761 Canal Street
East Chicago, Indiana 46312
EPA ID No.: IND042075218

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

Respondent

EXPEDITED SETTLEMENT AGREEMENT

- 1) The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and Kemira Water Solutions Inc. ("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 \$5,000.
- 2) EPA inspected Respondent on December 12, 2023, and reviewed information Respondent provided on July 9, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Indiana hazardous waste management program, 329 Ind. Admin. Code Article 3.1, at Respondent's facility located at 3761 Canal Street, East Chicago, Indiana, 46312 (the "Facility"):
 - a) Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ind. Admin. Code 3.1-13 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 329 Ind. Admin. Code 3.1-7-1 including, but not limited to, the requirement to have a contingency plan. Respondent's contingency plan failed to include the following required content.
 - i) A description of arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to 40 C.F.R. § 265.37. At the time of the inspection, Respondent's contingency plan

did not describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee.

- ii) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications, and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. At the time of the inspection, Respondent's contingency plan did not include the locations, descriptions, or outline of the capabilities of emergency equipment.
- iii) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires). At the time of the inspection, Respondent's contingency plan, did not include an evaluation plan.

Therefore, 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 329 Ind. Admin. Code 3.1-13 because it failed to comply with the condition for an exemption as described above.

- b) Under 329 Ind. Admin. Code 3.1-7-1, a large quantity generator must provide to the director or the director's designee the data necessary for the department to prepare and submit the Indiana hazardous waste report as required. A large quantity generator is required to submit a Biennial Report by March 1 of each even numbered year. Respondent submitted its 2021 Biennial Report on or about April 29, 2022. Respondent's failure to submit the biennial report by March 1, 2022, violated 329 Ind. Admin. Code 3.1-7-1. In addition, Respondent's 2021 and 2023 Biennial Reports failed to include the following required content.
 - i) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year. On July 28, 2021, Respondent shipped 125 lbs. of ignitable hazardous waste aerosols to Petro Chem Processing Group, Detroit, Michigan (manifest document number: 006887253 GBF). Respondent did not include the EPA identification number, name, and address of Petro Chem Processing Group in its 2021 Biennial Report. Respondent's failure to include this information violated 329 Ind. Admin. Code 3.1-7-1.

- ii) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States. Respondent used the following transporters to ship hazardous waste in 2021, but did not include the required information in its 2021 Biennial Report. Respondent's failure to include this information violated 329 Ind. Admin. Code 3.1-7-1.
 - a. Ziron Env. Services (ILR000107581);
 - b. Heritage Transport LLC (IND058484114);
 - c. Clean Earth Specialty Waste Solutions (MNS000110924);
 - d. Neier Inc. (IND984868406); and
 - e. Heritage-Crystal Clean, LLC (ILR000130062).
- iii) A description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped offsite to a treatment, storage, or disposal facility within the United States. Envirite of Illinois, 16435 South Center Avenue, Harvey, Illinois (EPA I.D. ILD000666206), stated in its biennial report that it received approximately 49 tons of corrosive hazardous waste from Respondent in 2023. Respondent only reported generating a total of 1.2 tons of hazardous waste in its 2023 Biennial Report. Respondent had at least five (5) shipments of corrosive ferrous chloride and ferric chloride to Envirite of Illinois that totaled approximately 11,000 gallons (manifest document numbers: 001239237WAS, 001239238WAS, 001239239WAS, 017933683FLE, 001239278WAS). This waste is not included in Respondent's 2023 Biennial Report. Respondent's failure to include all hazardous waste generated and/or shipped off-site in its Biennial Report violated 329 Ind. Admin. Code 3.1-7-1.
- c) Under 329 Ind. Admin. Code 3.1-12-1, except as provided in 329 Ind. Admin. Code 3.1-12-2, the requirements of 40 C.F.R. Part 268, as amended, apply to the identification of hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed. Under 40 C.F.R. § 268.7(a)(1), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. Under 40 C.F.R. § 268.7(a)(2), If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and place a copy in the file. The requirements for the notice's content

are located at 40 C.F.R. § 268.7(a)(2). Under 40 C.F.R. § 268.7(a)(8), generators of hazardous waste must retain onsite a copy of the notices for at least three years from the date that the waste was last sent to onsite or offsite treatment, storage, or disposal.

Respondent is a large quantity generator that sends ferric/ferrous chloride sludge, a D002 hazardous waste, for land disposal that does not meet treatment standards. Accordingly, Respondent must send a one-time written notice to each treatment or storage facility receiving this waste and place a copy in the file. At the time of the inspection, Respondent had not retained a copy of the one-time written notice for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal in violation of 329 Ind. Admin. Code 3.1-12-1.

- 3) The EPA and Respondent agree that settlement of this matter for a civil penalty of five thousand dollars (\$5,000) 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 Indiana 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 five thousand dollars (\$5,000) within 30 days of its receipt of the letter setting forth the 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

Todd Brown
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Brown.todd@epa.gov and
R5LECAB@epa.gov

Tamara Carnovsky
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
carnovsky.tamara@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: carnovsky.tamara@epa.gov (for Complainant), and jill.smith@kemira.com (for Respondent).
- 16) Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Jill Smith

Name (print)

Plant Manager

Title (print)

Jill Smith

Signature

06/04/25

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
U.S. EPA Region 5 Enforcement and Compliance
Assurance Division

In the Matter of:
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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