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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

23 JAN 23 PM 2:41

REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF:

STARPAK LLC

RESPONDENT

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§

Consent Agreement and Final Order  
USEPA Docket No. RCRA-06-2023-0911

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**CONSENT AGREEMENT AND FINAL ORDER**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Respondent, STARPAK LLC (“Respondent” or “STARPAK”) and concerns the facility located at 9690 W Wingfoot Road, Houston, TX 77041 (“Facility”).

2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a)(2)<sup>1</sup>.

3. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and

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<sup>1</sup> On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated December 2015, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on April 10, 2020. 85 Fed. Reg. 20190 (April 10, 2020); 40 C.F.R. 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” may vary slightly from the State of Texas’ published version. The corresponding C.F.R. citations are also provided.

conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.

4. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claims in the CAFO.

5. The CAFO resolves only those violations which are alleged herein.

6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

## **II. JURISDICTION**

7. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2) and (3).

8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

## **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9. Respondent is a limited liability company organized and existing pursuant to the laws of the State of Texas and authorized to do business in the State of Texas.

10. Respondent is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 Texas Admin. Code § 3.2(25) [40 C.F.R. § 260.10].

11. Respondent operates the Facility.

12. The Facility is a plastic packaging film and sheet manufacturer and printer.

13. The Facility is a “facility” within the meaning of 30 Texas Admin. Code § 335.1(60) [40 C.F.R. § 260.10].

14. From February 22, 2022, to February 25, 2022, EPA conducted a Compliance and Enforcement Inspection and RCRA record review of the Facility's activities as a generator of hazardous waste.

15. EPA discovered that Respondent generated, and offered for transport and treatment, hazardous wastes as defined in 30 Texas Admin. Code § 335.1 (70) [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33].

16. Based on its review, EPA determined that Respondent maintained a RCRA hazardous waste notification as a conditionally exempt small quantity generator (CESQG) accumulating hazardous waste in quantities exceeding 1000 kg at any one time. This activity requires Small Quantity Generator (SQG) notification and operational status in accordance with 30 Texas Admin. Code § 335.78(g)(2), [40 C.F.R. Part 261.5(g)(2)], for the periods that such wastes remained onsite.

17. Based on its review, EPA determined that Respondent operated as a SQG accumulating hazardous waste in quantities exceeding 6000 kg at any one time. This activity requires a RCRA permit for hazardous waste storage in accordance with 30 Texas Admin. Code § 335.69(f)(1), [40 C.F.R. Part 262.34(d)(1)], for the periods that such wastes remained onsite.

18. Based on its review, EPA determined that Respondent generated hazardous waste streams in quantities that exceeded the threshold amount of 1000 kilograms of non-acute hazardous

waste in a month, corresponding to Large Quantity Generator (LQG) status under 30 Texas Admin. Code, Chapter 335, Subchapter C [40 C.F.R. Part 262], for the periods that such wastes remained onsite.

19. Based on its review, EPA determined that Respondent generated Universal Waste streams in quantities that exceeded the threshold accumulation amount of 5000 kg on site at any one time, corresponding to Large Quantity Handler (LQH) status under 40 C.F.R. § 273.32 and 30 Texas Admin. Code § 335.261, for the periods that such wastes remained onsite.

20. Based on its review, EPA determined that Respondent reclaims hazardous waste solvents in an onsite solvent reclamation unit (SRU). This activity required a RCRA permit for hazardous waste treatment in accordance with 30 Texas Admin. Code, Chapter 335, Subchapter C, [40 C.F.R. Part 262.10], for the amounts and the periods that such wastes remained onsite.

21. Respondent is a “generator” of “hazardous waste” and a handler of “hazardous secondary materials,” as those terms are defined in 30 Texas Admin. Code §§ 335.1(66), (70), & (79) [40 C.F.R. § 260.10].

22. Respondent operated as a "Large Quantity Handler" of "Universal Waste" as those terms are defined in 30 Texas Admin. Code §§ 335.261(b)(16)(C) & 335.261(b)(16)(F) [40 C.F.R. § 273.9].

23. Respondent managed hazardous waste in ways which required a hazardous waste permit for the storage and treatment of hazardous waste as those terms are defined in 30 Texas Admin. Code §§ 335.1(66) & (70) [40 C.F.R. § 260.10].

24. As a generator of hazardous waste and a handler of Hazardous Secondary Materials, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code Chapter 335, Subchapter C [40 C.F.R. Part 262].

25. As a Large Quantity Handler of Universal Waste, Respondent was subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code § 335.261, [40 C.F.R Part 273].

26. As a treatment and or storage facility of hazardous waste, Respondent was subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code § 335.61(f), [40 C.F.R Part 264, 265, 266, 268, and 270].

#### IV. VIOLATIONS

##### **Claim 1. Notification Requirements**

27. The allegations in Paragraphs 1-26 are re-alleged and incorporated herein by reference.

28. Pursuant to Texas Admin. Code 335.6(c) [40 C.F.R. § 270.1(b)] and Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with EPA or the authorized state a notification stating the location and general description of such activity and the identified characteristic or listed hazardous waste handled by such person. No identified characteristic or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

29. Pursuant to Texas Admin. Code § 335.261(b), 40 C.F.R. § 273.32, a large quantity handler of universal waste must have sent written notification of universal waste management to the Regional Administrator, and received an EPA Identification Number, before meeting or exceeding the 5,000-kilogram storage limit.

30. Respondent did not file with the EPA or the State of Texas, an authorized state, an adequate and timely notification of its hazardous waste, universal waste, or hazardous secondary

material reclamation activities at the Facility during certain time periods relevant to this CAFO in violation of 30 Texas Admin. Code § 335.6(c) [40 C.F.R. § 270.1(b)], 30 Texas Admin. Code § 335.26 [40 C.F.R. § 260.42], Section 3010(a) of RCRA, 42 U.S.C. § 6930(a) and Texas Admin. Code § 335.261(b) [40 C.F.R. § 273.32].

**Claim 2. Failure to Meet the Standards of a Large Quantity Generator**

31. The allegations in Paragraphs 1-26 are realleged and incorporated herein by reference.

32. Under 30 Texas Admin. Code § 335.78(b) [40 C.F.R. § 261.5], any person who generates 1000 kilograms or more of hazardous waste in any given calendar month is a Large Quantity Generator of hazardous waste and is subject to the applicable requirements of 30 Texas Admin. Code § 335.

33. During the Inspection, EPA determined that the Respondent exceeded its declared status and operated as a Large Quantity Generator of hazardous waste.

34. While operating the Facility as a Large Quantity Generator of hazardous waste, Respondent did not comply with one or more of the requirements for Large Quantity Generators pertaining to training, emergency preparedness and contingency planning under 30 Texas Admin. Code, Chapter 335.69(a)(4) [40 C.F.R. § 262.34(a)(4)].

**Claim 3. Failure to File Biennial Reports**

35. The allegations in Paragraphs 1-26 are realleged and incorporated by reference.

36. Pursuant to 30 Texas Admin. Code § 335.71 [40 C.F.R. § 262.41], a generator who ships any hazardous waste off-site for treatment, storage and/or disposal, must prepare and submit a Biennial Report to EPA and to the Texas Commission on Environmental Quality (“TCEQ”), by

March 1 of each even-numbered year in addition to the annual reporting that is required under 30 Texas Admin. Code § 335.9.

37. Respondent failed to file the required Biennial Reports to the EPA and/or the TCEQ for years 2018 to 2022, in violation of 30 Texas Admin. Code §§ 335.9 and 335.71 [40 C.F.R. § 262.41].

**Claim 4. Failure to Comply with the Manifest Requirements**

38. The allegations in Paragraphs 1-26 are realleged and incorporated by reference.

39. Pursuant to 30 Texas Admin. Code §§ 335.10(a)(1) and 335.10(c) [40 C.F.R. § 262.20(a)(1)], a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262 and includes a Texas waste code for each hazardous waste itemized on the manifest.

40. EPA reviewed several bills of lading prepared by Respondent from 2019 to 2022 and determined that more than 180 manifests were not prepared as required by the regulations. Therefore, Respondent violated 30 Texas Admin. Code §§ 335.10(a)(1) and 335.10(c), [40 C.F.R. § 262.20(a)(1)].

**Claim 5. Failure to Manage Containers in Accordance with RCRA**

41. The allegations in Paragraphs 1-26 are realleged and incorporated herein by reference.

42. During the Inspection, EPA discovered multiple containers which were open while waste was not being added to them.

43. During the Inspection, EPA discovered multiple containers which were either missing hazardous waste labeling or had incomplete/inaccurate labels.

44. During the Inspection, EPA discovered multiple containers which were stored in centralized accumulation areas without proper spacing to include aisle space between containers.

45. While operating the Facility as a generator of hazardous waste, Respondent did not comply with one or more of the requirements for containers of hazardous waste applicable to all facilities managing wastes in containers, in violation of 30 Texas Admin. Code § 335.261(a) [40 C.F.R. § 273.34] related to labeling of containers containing Universal Waste; 30 Texas Admin. Code § 335.112(a)(8) [40 C.F.R. § 265.173(a)] related to closure of containers containing hazardous waste; and 30 Texas Admin. Code § 335.112(a)(2) [40 C.F.R. § 265.35] related to required aisle spacing.

**Claim 6. Failure to Keep Required Records**

46. The allegations in Paragraphs 1-26 are realleged and incorporated herein by reference.

47. During the Inspection, EPA observed piping and ancillary equipment conveying distillation bottoms to a container subject to the requirements of 40 C.F.R. § 265 Subpart BB, as incorporated by reference in 40 C.F.R. § 262.17(1)(i).

48. Pursuant to 30 Texas Admin. Code § 335.152(a)(18) [40 C.F.R. § 264.1064], a generator must keep records of Leak Detection and Repair (LDAR) inspections performed on these units made in accordance with 30 Texas Admin. Code § 335.152(a)(18), [40 C.F.R. § 265.1052 - 265.1062] for a period of at least three years post inspection.

49. At all times relevant to this CAFO, Respondent did not create and keep the requisite hazardous waste Leak Detection and Repair documents in accordance with its hazardous waste air monitoring program in violation of 30 Texas Admin. Code § 335.152(a)(18) [40 C.F.R. § 264.1064].



**Claim 7. Storage and Treatment of Hazardous Waste without a Permit**

50. The allegations in Paragraphs 1-26 are realleged and incorporated herein by reference.

51. Pursuant to 30 Texas Admin. Code § 335.69(a), [40 C.F.R. § 262.34(a)], a generator of hazardous waste who accumulates its hazardous waste on site is exempted from the permit or interim status requirements of RCRA, provided the generator complies with the applicable requirements set forth at 30 Texas Admin. Code § 335.69, [40 C.F.R. § 262.34].

52. Pursuant to 30 Texas Admin. Code § 335.78(g)(2), [40 C.F.R. § 261.5(g)(2)], a generator of 100 kilograms or less of hazardous waste in a calendar month who accumulates more than 1000 kilograms of hazardous waste on site is immediately considered to be a Small Quantity Generator of Hazardous Waste.

53. Pursuant to 30 Texas Admin. Code § 335.69(f)(1), [40 C.F.R. § 262.34(d)(1)], a generator of between 100 kg and less than 1000 kg of hazardous waste in a calendar month may not accumulate more than 6000 kg of hazardous waste at any one time on site. A facility which exceeds the accumulation threshold of 6000 kg is an operator of a storage facility and is subject to the requirements of 40 C.F.R. Parts 264, 265, 267, and the Permit requirements of 40 C.F.R. Part 270.

54. Pursuant to 30 Texas Admin. Code § 335.2, [40 C.F.R. § 270.1(c)], RCRA requires a permit for the “treatment,” “storage,” and “disposal” of any “hazardous waste” as identified or listed in 40 C.F.R. part 261, unless the generator has been granted an exclusion or exemption.

55. For all time periods relative to this CAFO, Respondent conducted hazardous waste management activities, including storage and treatment of hazardous waste at the facility in violation of 30 Texas Admin. Code Subchapters E, U and F, [40 C.F.R. Parts 264, 265, 267, and 270].

## V. COMPLIANCE ORDER

56. Pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions within three hundred and sixty-five (365) days of the effective date of this CAFO:

A. Respondent shall certify that it has assessed all its solid waste streams at the STARPAK Facility to determine the accurate waste codes and has developed and implemented standard operating procedures (“SOPs”) to ensure that Respondent is operating the STARPAK Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; (e) meeting the requirements of the land disposal restrictions; (f) training of hazardous waste employees; and (g) creation and implementation of a RCRA contingency plan and emergency response program to include all required submittals to local first responders and incorporating the Local Emergency Planning Committees (LEPC).

B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 notification for the STARPAK Facility: and

C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

57. Respondent shall conduct an independent third-party audit as elaborated in Paragraphs 58-67.

### A. **Third-Party Audit Terms and Timeline**

58. Respondent agrees to the following:

a. Within thirty (30) days of this Order becoming effective, Respondent will identify and retain a third-party auditor or audit team to evaluate Respondent's compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270.

i. Within forty-five (45) days of this Order becoming effective, Respondent shall submit a certification attesting to the following:

I certify, under penalty of law, that I identified and retained a third-party auditor or audit team to evaluate my compliance with the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270, for the facility that forms the basis of the Order found in Docket No. RCRA-06-2023-0911, and who meets the requirements of an independent auditor or audit team found at Section V(B) found in that Order. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

b. The audit will meet the requirements for auditor independence, audit results, and responses identified below.

c. Violations, potential violations, and other areas of concern, if any, will be specifically identified in the Audit Report.

d. Within one-hundred and fifty (150) days of this Order becoming effective, the Auditor or Audit team shall submit to Respondent the final Audit Report pursuant to the terms found below at Section V(C).

e. Within thirty (30) days of the final Audit Report being received by Respondent, Respondent shall notify EPA that the Audit is complete and that the Respondent is developing an implementation schedule of corrective actions to address deficiencies identified in the Audit Report findings, if any.

- f. Within one year of the effective date of this Order, Respondent shall submit a certification attesting to the following:

I certify, under penalty of law, that I corrected the violations that form the basis of the Order found in Docket No. RCRA-06-2023-0911, addressed the areas of concern in the Audit Report, and certify that STARPAK LLC, is now in compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- g. The Audit Report is not to be submitted as a part of the Order of Compliance.

**B. Third-Party Auditor and Audit Team**

59. Each Audit shall have an audit leader (Auditor) who meets the requirements of independence outlined below. Different standards shall apply to audit team members.

60. Auditors shall be impartial and independent in conducting all third-party audit activities.

61. Auditors shall receive no compensation or financial benefit from the outcome of the audit, apart from payment for auditing services.

62. Auditors shall be:

- a. knowledgeable of the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270,
- b. experienced with the hazardous waste generated and processes being audited, and
- c. trained or certified in proper auditing techniques.

63. Auditors do not need to be registered Professional Engineers. The audit team does not require the participation of a Professional Engineer.

**C. Audit Report**

64. *Audit Report.* Respondent shall ensure that the auditor prepares an Audit Report that:
- a. Identifies the lead auditor or manager, participating individuals, and any other key persons participating in the audit, including names, titles, and summaries of qualifications.
  - b. Documents the auditor's evaluation of each process audited to determine whether procedures and practices developed by Respondent are adequate and being followed;
  - c. Documents the findings of the audit, including any identified compliance or performance deficiencies.
  - d. Includes the following certification, signed, and dated by the auditor or supervising manager for the audit:

I certify that this compliance Audit Report was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information upon which the audit is based. I further certify that the audit was conducted, and this report was prepared pursuant to all applicable auditing, competency, independence, impartiality, and conflict of interest standards and protocols. Based on my personal knowledge and experience, the inquiry of personnel involved in the audit, the information submitted herein is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

65. The auditor may share drafts of the Audit Report with the Respondent in order for the Respondent to provide input on factual assertions in draft reports.

66. Respondent shall document the actions taken to address each deficiency, along with the date completed, and submit that documentation to EPA within one year of the effective date of the Audit.

67. Respondent shall retain all copies of final Audit Reports, including associated documents, for a period of five years from the date of the final Audit Report, and provide any Audit Reports or documents to EPA upon request.

## VI. NOTIFICATIONS

68. Submissions required by this Order shall be in writing and shall be sent by electronic mail to the following address:

deppe.fred@epa.gov  
Enforcement Office Fred Deppe,

Where required, notice shall be sent electronically by email or telephone to Enforcement Officer Fred Deppe, respectively at deppe.fred@epa.gov or at 214-665-7591.

69. EPA will send all written communications to the following representative for Respondent:

Mr. Ignacio Aguirre  
Starpak LLC  
9690 W Wingfoot Road  
Houston, TX 77041

## VII. TERMS OF SETTLEMENT

### A. Penalty Provisions

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it

is ordered that Respondent be assessed a civil penalty of **four-hundred thousand dollars**  
**(\$400,000.00)**.

71. The penalty, including interest, will be paid according to:
  - a. A payment of \$100,000 will be paid within 90 days of the effective date of this CAFO.
  - b. A second payment of \$100,000 will be paid within 180 days of the effective date of this CAFO.
  - c. A third payment of \$100,000 will be paid within 270 days of the effective date of this CAFO.
  - d. A fourth payment of \$100,000 will be paid within 360 days following the effective date of this CAFO.

Each installment will be made payable to the Treasurer United States.

72. The EPA web address, <https://www.epa.gov/financial/additional-instructions-making-payments-epa>, provides a list of options available for transmitting payment of penalties.

Options for payment include:

73. Electronic payments via Pay.gov. <https://www.pay.gov/public/form/start/11751879>
74. Remittance by Regular Mail, U.S. Postal Mail (including certified mail) or U.S.

Postal Service Express Mail. The check should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

75. Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

STARPAK Corp.  
RCRA-06-2023-0911

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
314-418-1028

76. Wire Transfer:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

The case name and docket number (**In the Matter of STARPAK LLC, Docket No. RCRA-06-2023-0911**) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

77. The Respondent shall send a simultaneous notice of each such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270-2102

U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Enforcement and Compliance Assurance Division (ECD-SR)  
ATTN: Fred Deppe  
Dallas, Texas 75270-2102

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

78. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United



States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

79. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

80. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Compliance Order and payment of the civil penalty are restitution, remediation, or required to come into compliance with the law.

#### **B. COSTS**

81. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**C. TERMINATION AND SATISFACTION**

82. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall certify in writing that it has submitted all certifications required under the Order and has paid in full the civil penalty assessed under the Order. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. EFFECTIVE DATE OF SETTLEMENT**

83. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

STARPAK Corp.  
RCRA-06-2023-0911

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:**

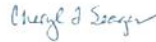
FOR THE RESPONDENT:

Date: January 19, 2023

Teresa Bazbaz  
2023.01.19 08:16:04 -06'00'

STARPAK LLC

FOR THE COMPLAINANT:



Digitally signed by Seager, Cheryl  
Date: 2023.01.23 13:39:18 -06'00'

Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U. S. EPA Region 6, Dallas, Texas

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

**THOMAS RUCKI**

Digitally signed by THOMAS RUCKI  
DN: c=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=THOMAS RUCKI,  
0.9.2342.19200300.100.1.1+68001003655804  
Date: 2023.01.23 15:33:55 -05'00'

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Thomas Rucki  
Regional Judicial Officer

STARPAK Corp.  
RCRA-06-2023-0911

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was electronically delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the email addresses:

Copy via Email to Complainant:

pittman.lawrence@epa.gov

Copy via Email to Respondent:

rcomeskey@velaw.com

egrotten@velaw.com

iaguirre@starparkltd.com

**LORI JACKSON**

Digitally signed by LORI JACKSON  
DN: cn=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=LORI JACKSON,  
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Ms. Lori Jackson  
Paralegal