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RCRA Enforcement: U.S. Environmental Protection Agency and Spring, Texas Metal Product Manufacturing Facility Enter Into Consent Agreement Addressing Alleged Violations

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The United States Environmental Protection Agency ("EPA") and LoneStar Fasteners ("LoneStar") entered into a March 15th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Resource Conservation and Recovery Act ("RCRA").

The CAFO states that LoneStar operates a facility in Spring, Texas whose primary business is manufacturing metal products such as bolts, nuts, screws, rivets, and washers.

EPA is stated to have determined that the LoneStar facility generated and offered for transport and treatment RCRA hazardous waste during 2013-2014. The wastes are stated to have included:

- 2013 – 13,872 kg of hazardous waste having the hazardous waste characteristics of corrosivity (D002) and toxicity for chromium (D007)
- 2014 – 12,990 kg of hazardous waste having the hazardous waste characteristics of corrosivity (D002) and toxicity for chromium (D007)

The previously referenced amounts of hazardous waste generated are stated to have qualified LoneStar as a RCRA large quantity generator under the relevant Texas Administrative Code provisions for the periods that such waste remained on site. The CAFO further states that EPA determined during the period of 2013-2014 LoneStar registered as a small quantity generator.

The CAFO therefore alleges that LoneStar violated RCRA by having failed to file with EPA or with the authorized state an adequate subsequent notification of hazardous waste activities for 2013 and 2014 in violation of RCRA § 3010(i).

The CAFO requires that LoneStar within 90 days of the effective date of the CAFO provide EPA in writing:

1. Respondent shall certify that it has assessed all its solid waste streams to determine the accurate waste codes and has developed and implemented Standard Operating Procedures (SOP) to ensure that LoneStar is operating in compliance with RCRA and relevant requirements, including procedures for: (i) making hazardous waste determinations; (ii) managing hazardous wastes; and (iii) reporting, transporting, and disposing of hazardous waste.

2. Respondent shall provide with its certification, a copy of Respondent's SOPs as described in subparagraph A, above.
3. Respondent shall certify that it has complied with all the requirements of a small quantity generator, including ensuring that employees receive proper training as required by 40 CFR § 265.16

LoneStar is assessed a civil penalty of \$13,596.00.

[Click here to download a copy of the CAFO.](#)