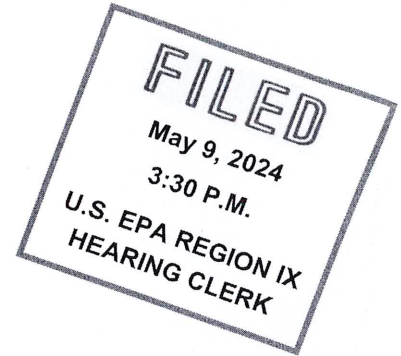




REGION 9

SAN FRANCISCO, CA 94105



IN THE MATTER OF:)	Docket No.
)	RCRA-09-2024-0036
PMA Industries Inc.)	
18008 N. Black Canyon Hwy.)	
Phoenix, Arizona 85053)	
EPA ID No. AZD980888341)	EXPEDITED SETTLEMENT
)	AGREEMENT AND FINAL ORDER
Respondent)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Sections 3008 and 4005(d) of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the State of Arizona with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. PMA Industries, Inc. ("Respondent") is the owner or operator of the facility located at 18008 N. Black Canyon Highway, in Phoenix, AZ 85053, EPA Identification Number AZD980888341 (the "Facility"). EPA inspected the Facility on May 17, 2023. EPA alleges that the Respondent violated the following RCRA requirements and EPA's approved and authorized Arizona hazardous waste management program.
 - a. **Failure to Close a Hazardous Waste Container:** The Respondent failed to comply with the closed container requirements in violation of 40 C.F.R. § 262.16, as incorporated and amended in § AAC R18-8-262 [40 C.F.R. § 262.16(b)(2)(iii)].
 - b. **Failure to Indicate the Hazard Contents on a Container:** The Respondent failed to comply with the hazard contents identification requirements in violation of 40 C.F.R. § 262.16, as incorporated and amended in § AAC R18-8-262 [40 C.F.R. § 262.16(b)(6)(i)(B)].
 - c. **Failure to Meet the Satellite Accumulation Area (SAA) Requirements:** The Respondent failed to comply with the SAA requirements in violation of 40 C.F.R. § 262.15, as incorporated and amended in § AAC R18-8-262 [40 C.F.R. § 262.15(a)].

- d. **Failure to Meet the 180-day Accumulation Time Limit:** The Respondent failed to meet the 180-day accumulation time limit for small quantity generators (SQGs) in violations of 40 C.F.R. § 262.16, as incorporated and amended in § AAC R18-8-262 [40 C.F.R. § 262.16(d)].
 - e. **Failure to Comply with Emergency Procedures:** The Respondent failed to comply with the emergency procedures for SQGs in violation of 40 C.F.R. § 262.16, as incorporated and amended in) §AAC R18-8-262 [§ 40 CFR 262.16(b)(9)].
 - f. **Failure to Conduct Weekly Inspections:** The Respondent failed to conduct weekly inspections as required for SQGs in violation of 40 CFR 262.16, as incorporated and amended in § AAC R18-8-262 [40 C.F.R. § 262.16(b)(2)(iv)].
4. EPA and Respondent agree that settlement of this matter for civil penalties of Seven Thousand Five Hundred Dollars (\$7,500) is in the public interest.
 5. 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 to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the files ESA.
 6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected and Respondent has submitted true and accurate documentation of such correction.
 7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
 8. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$7,500 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
 9. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

In the matter of PMA Industries, Inc.
Docket No. RCRA-09-2024-0036

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
R9HearingClerk@epa.gov

Jennifer MacArthur
Life Scientist
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
macarthur.jennifer@epa.gov

10. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Each party shall bear its own costs and fees, if any.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
13. Entry of the Final Order and Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
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 by the Regional Judicial Officer.

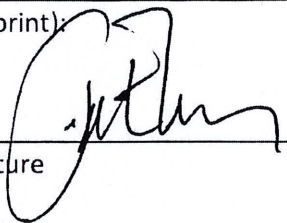
FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

15. This Expedited Settlement Agreement be entered, and that Respondent pay a civil administrative penalty in the amount of \$7,500.00 and comply with the terms and conditions set forth in this Agreement. This Expedited Settlement Agreement and Final Order shall become effective upon filing with the Regional Hearing Clerk.

In the matter of PMA Industries, Inc.
Docket No. RCRA-09-2024-0036

IT IS SO AGREED,

Jim Everson
Name (print):
President & CFO.
Title (print):

Signature

Date: 4/30/2024.

APPROVED BY EPA:

AMY MILLER- Digitally signed by AMY
BOWEN MILLER-BOWEN
Date: 2024.05.02
08:39:08 -07'00'
Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

Date: _____

IT IS SO ORDERED:

BEATRICE WONG Digitally signed by BEATRICE
WONG
Date: 2024.05.09 15:27:32 -07'00'
Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of PMA Industries, Inc. (Docket No. RCRA-09-2024-0036) was filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was sent by electronic mail to the following parties:

RESPONDENT:

Jim W. Everson
President
PMA Industries, Inc.
18008 N. Black Canyon Hwy
Phoenix, AZ 85053
EPA ID No. AZD980888341
Jeverson@pmaindustriesinc.com

COMPLAINANT:

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

PONLY TU Digitally signed by PONLY TU
Date: 2024.05.09 15:32:31
-07'00'

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX