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September 8, 2026
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U.S. EPA REGION 10
HEARING CLERK

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2026-0196
	)	
MCCLARIN COMPOSITES, LLC,	)	**CONSENT AGREEMENT**
	)	
Wapato, Washington,	)	
	)	
Respondent.	)	
	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928.

1.2. In the case of a violation in a state that is authorized to carry out a hazardous waste program, in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA notifies the state in which such violation has occurred prior to issuing an order. Although the State of Washington is not authorized to carry out a hazardous waste program in certain Indian Country, including where Respondent's components manufacturing facility is located, EPA has notified the State of Washington of this action.

1.3. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and McClarin Composites, LLC ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Background

3.1. In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. The Hazardous Waste and Solid Waste Amendments of 1984 (HSWA) provide additional authority under RCRA to regulate hazardous wastes. Under Subtitle C of RCRA, RCRA Section 3001 et seq., 42 U.S.C. § 6921 et seq., EPA has the authority to identify and list hazardous wastes. RCRA Subtitle C also authorizes EPA to regulate hazardous waste generators, transporters, exporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-271, 273, and 279.

3.2. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are "solid wastes," and of these solid wastes, what wastes are "hazardous wastes." These regulations are sent forth in 40 C.F.R. Part 261.

3.3. "Solid waste" is defined at 40 C.F.R. § 261.2 to mean any discarded material that is not otherwise excluded by regulation.

3.4. "Discarded material" is defined at 40 C.F.R. § 261.2(a)(2)(i) to mean, among other things, any material which is abandoned.

3.5. Pursuant to 40 C.F.R. § 261.2(b), materials are solid waste if, among other things, the solid wastes are abandoned by being disposed of; or burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

3.6. Pursuant to 40 C.F.R. § 261.3, a solid waste is a "hazardous waste" if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b); and, among other things, it exhibits any of the characteristics of hazardous waste in 40 C.F.R. Part 261, Subpart C, or if it is listed under 40 C.F.R. Part 261, Subpart D (and not excluded under 40 C.F.R. § 260.20 or § 260.22).

3.7. Pursuant to 40 C.F.R. § 261.21, a solid waste exhibits the characteristic of ignitability if a representative sample of the waste is a liquid and has a flash point of less than 60° Celsius (140° Fahrenheit).

3.8. Pursuant to 40 C.F.R. § 261.22, a solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has the following properties: It is aqueous and

has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846.

3.9. "Generator" is defined at 40 C.F.R. § 260.10 to mean any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.

3.10. "Facility" is defined at 40 C.F.R. § 260.10 to mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

3.11. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the method provided in 40 C.F.R. § 262.11(a)-(d).

3.12. Pursuant to 40 C.F.R. § 262.11(f), a small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 40 C.F.R. § 261.3. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at 40 C.F.R. § 262.11(c)-(d). The records must include, but are not limited to, the following types of information: The results of any tests, sampling, waste analyses, or other determinations made; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the

composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at 40 C.F.R. § 262.11(d)(1).

3.13. Section 3005 of RCRA, 42 U.S.C. § 6925, prohibits the treatment, storage or disposal of hazardous waste without a permit or interim status, and the regulation at 40 C.F.R. § 270.1 requires a RCRA permit for the treatment, storage, or disposal of any hazardous waste identified or listed in 40 C.F.R. Part 261.

3.14. 40 C.F.R. § 262.10(a)(2)(iii) provides that a large quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of 40 C.F.R. Parts 124, 264 through 267, and 270, or the notification requirements of section 3010 of RCRA, provided that all the conditions for exemption listed in 40 C.F.R. §§ 262.15 for a satellite accumulation area (SAA) and 262.17 for a central accumulation area (CAA) are met.

3.15. 40 C.F.R. § 262.15(a) provides that generators may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate (known as satellite accumulation areas) which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 40 C.F.R. Parts 264 through 267 and 270 and in lieu of the conditions in 40 C.F.R. §§ 262.16(b) or 262.17(a), provided that the generator complies with the requirements at 40 C.F.R. § 262.15(a)(l)-(8).

3.16. 40 C.F.R. § 262.17 provides that large quantity generators may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements at 40 C.F.R. § 262.17(a)(l)-(9).

General Allegations

3.17. Respondent is a corporation authorized to do business in the State of Washington.

3.18. Respondent is a "person" as that term is defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.

3.19. At all times relevant to this Consent Agreement, Respondent "operated" the McClarin Composites "facility" located at 180 East Jones Road, Wapato, Washington, 98951 ("Facility"), as those terms are defined at 40 C.F.R. § 260.10, within the boundaries of the Yakama Reservation. The Facility manufactures components out of fiberglass and plastic to create customer products for various industries. The Facility's assigned RCRA ID Number is XJW000012427.

3.20. On November 29, 2022, EPA conducted a RCRA compliance evaluation inspection at the Facility ("Inspection"), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

3.21. At all times relevant to this Consent Agreement, Respondent was a "large quantity generator" of "solid waste" and "hazardous waste" at the Facility, as those terms are defined at 40 C.F.R. §§ 260.10, 261.2, and 261.3.

3.22. At all times relevant to this Consent Agreement, Respondent's Facility was not a permitted treatment, storage or disposal facility, or an interim status facility, under Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 1: Failure to Make a Hazardous Waste Determination

3.23. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.24. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must make an accurate determination as to whether that waste is a hazardous waste to ensure wastes are properly managed according to applicable RCRA regulations.

3.25. At all times relevant to this Consent Agreement, Respondent generated solid waste within the meaning of 40 C.F.R. § 261.2 at the Facility.

3.26. During the Inspection, EPA observed a large quantity of expired and discarded solid waste at the Facility in the CAA.

3.27. During the Inspection, Respondent represented that a number of the observed containers, placed on pallets in the CAA, were containers of hazardous materials, mostly paints, that were provided by customers for use by Respondent ("Customer Waste").

3.28. During the Inspection, EPA requested and received a copy of an inventory of the Customer Waste in the CAA that documented 118 containers holding 1059 pounds of paint wastes, excluding non-paint wastes.

3.29. During the Inspection, EPA observed additional drums and some smaller containers on pallets in the CAA near the Customer Waste. Respondent represented that these drums and other containers were Respondent's and had not been provided by customers ("McClarin Containers"). After the Inspection, Respondent provided information regarding the contents and status of certain McClarin Containers, and certain of those containers held waste.

3.30. In follow-up to the Inspection, Respondent provided an inventory of the Customer Waste and McClarin Containers in the CAA and safety data sheets ("SDS") for each identified waste, a total of 185 containers of Customer Waste and McClarin Containers, including paints

and other wastes. The SDS associated with certain materials identified on the inventory indicated that, if and when such materials became solid waste, they may exhibit one or more hazardous waste characteristics, including ignitability and/or corrosivity.

3.31. At all times relevant to this Consent Agreement, the certain wastes described in Paragraphs 3.26 through 3.30 constituted hazardous waste because they exhibited, or may have exhibited, one or more hazardous characteristics under 40 C.F.R. Part 261, Subpart C, including the ignitability hazardous characteristic pursuant to 40 C.F.R. § 261.21, and/or the corrosivity hazardous characteristic pursuant to 40 C.F.R. § 261.22.

3.32. Respondent failed to conduct a hazardous waste determination for the wastes described in Paragraphs 3.26 through 3.30 on or before November 29, 2022.

3.33. Therefore, Respondent violated 40 C.F.R. § 262.11.

Count 2A: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Mark or Label Hazardous Waste Containers

3.34. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.35. Pursuant to 40 C.F.R. §§ 262.15(a)(5) and 262.17(a)(5)(i), "A generator must mark or label its container with the following: (i) The words "Hazardous Waste" and (ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29

C.F.R. 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704)."

3.36. During the Inspection, EPA observed the following hazardous waste containers storing hazardous waste in containers that were not labeled with the words "Hazardous Waste" and/or with an indication of hazards in seven substantially different locations at Respondent's Facility:

3.36.1 In Building 1: one, 55-gallon; three, 3-gallon; and one, 1.5-gallon SAA containers of spent acetone.

3.36.2 In Building 2: one, 55-gallon SAA container of spent acetone.

3.36.3 In the LTRM Paint Room: two, 3-gallon SAA containers of spent acetone.

3.36.4 In the Heavy Truck Detail Area: one, 5-gallon; and one, 3-gallon SAA containers of spent acetone.

3.36.5 In the Wheel Well Detail Area: one, 55-gallon SAA drum containing aerosol can residual and one, 3-gallon waste acetone SAA container.

3.36.6 In the CAA: four, 55-gallon containers.

3.37. Therefore, Respondent violated 40 C.F.R. §§ 262.15(a)(5) and 262.17(a)(5)(i).

Count 2B: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Close Hazardous Waste Containers

3.38. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.39. Pursuant to 40 C.F.R. §§ 262.15(a)(4) and 262.17(a)(1)(iv)(A), a container holding hazardous waste must be closed at all times during accumulation, except when necessary to add or remove waste or to allow temporary venting of a container.

3.40. During the Inspection, EPA observed the following containers storing hazardous waste that were not closed in five substantially different locations at Respondent's Facility:

3.40.1 In Building 1: two, 55-gallon; one, 3-gallon; and one, 1.5-gallon SAA containers of spent acetone.

3.40.2 In Building 2: one, 3-gallon SAA container of spent acetone in Building 2.

3.40.3 In the LRTM Paint Room: two, 3-gallon SAA containers of spent acetone.

3.40.4 In the Heavy Truck Detail Area: one, 5-gallon SAA container of spent acetone.

3.40.5 In the CAA: two, 55-gallon containers.

3.41. Therefore, Respondent violated 40 C.F.R. §§ 262.15(a)(4) and 262.17(a)(1)(iv)(A).

Count 2C: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Label Hazardous Waste Containers with an Accumulation Start Date

3.42. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.43. Pursuant to 40 C.F.R. § 262.17(a)(5)(i)(c), a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

3.44. During the Inspection, EPA observed 35 hazardous waste containers not marked or labeled with the dates upon which accumulation began as required by 40 C.F.R. § 262.17(a)(5)(i)(c).

3.45. Therefore, Respondent violated 40 C.F.R. § 262.17(a)(5)(i)(c).

Count 2D: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Place Hazardous Waste in a Container

3.46. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.47. Pursuant to 40 C.F.R. § 262.17(a)(1), a large quantity generator may accumulate hazardous waste on site for no more than 90 days provided that hazardous waste is placed in a container which is in good condition.

3.48. During the Inspection, EPA observed Facility personnel in the Heavy Truck Detail Area clean a paint spray gun containing waste acetone onto the floor and onto the backdrop behind a hazardous waste container, instead of aiming the spray gun so the waste acetone would enter the container.

3.49. Therefore, Respondent violated 40 C.F.R. § 262.17(a)(1).

Count 2E: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Comply with Personnel Training Requirements

3.50. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.51. Pursuant to 40 C.F.R. § 262.17(a)(7)(i)(A), facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with 40 C.F.R. Part 262. The large quantity generator must ensure that this program includes all the elements described in the document required under 40 C.F.R. § 262.17(a)(7)(iv)(C).

3.52. Per 40 C.F.R. § 262.17(a)(7)(iii), facility personnel must take part in an annual review of the initial training required by § 262.17(a)(7)(i). In addition, the generator must maintain training records at the facility on current personnel until closure of the facility and must keep records on former employees for at least three years from the date the employee last worked at the facility as required by 40 C.F.R. § 262.17(a)(7)(iv) and (v).

3.53. During the Inspection, EPA observed that Respondent did not have records of the annual review of the initial training for two years for the designated individual who manages hazardous waste at the Facility. Additionally, Respondent did not have training records for another hazardous waste manager.

3.54. Respondent's failure to comply with personnel training documentation requirements is a violation of 40 C.F.R. § 262.17(a)(7)(i), (iv), and (v).

Count 2F: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Conduct a Weekly Inspection

3.55. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.56. Pursuant to 40 C.F.R. § 262.17(a)(1)(v), the large quantity generator must inspect the CAA at least weekly. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

3.57. During the Inspection, EPA reviewed the Facility's weekly inspection records for the three years from November 29, 2019, to November 29, 2022.

3.58. According to Respondent's records, Respondent failed to conduct a weekly inspection for August 28 to September 3, 2022.

3.59. Therefore, Respondent's failure to conduct a weekly inspection is a violation of 40 C.F.R. § 262.17(a)(1)(v).

Count 2G: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Adequately Prepare and Update a Contingency Plan

3.60. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.61. Pursuant to 40 C.F.R. § 262.17(a)(6), large quantity generators must comply with the standards in 40 C.F.R. Part 262, Subpart M, "Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators."

3.62. Pursuant to 40 C.F.R. § 262.261(c), the contingency plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to 40 C.F.R. § 262.256.

3.63. Pursuant to 40 C.F.R. § 262.261(d), the contingency plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see § 262.264), and this list must be kept up to date. Where more than one person is listed, one person must be named as primary emergency coordinator, and other persons must be listed in the order in which they will assume responsibility as alternates.

3.64. Pursuant to 40 C.F.R. § 262.261(e), the contingency plan must include 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 contingency

plan must include the location and a physical description of each item on the list along with a brief outline of its capabilities.

3.65. Pursuant to 40 C.F.R. § 262.261(f), the contingency plan must include an evacuation plan for generator 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).

3.66. Pursuant to 40 C.F.R. § 262.262(b), a large quantity generator that first becomes subject to these provisions after May 30, 2017, or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at 40 C.F.R. § 262.262(a) or, as appropriate, the Local Emergency Planning Committee.

3.67. During the Inspection, EPA reviewed the Hazardous Waste Contingency Plan, which is dated January 12, 2021 ("the Plan").

3.67.1 EPA observed that the Plan provided a list of local and other entities to contact in the event of an emergency, but the Plan did not specifically describe the arrangements agreed to by the local contacts or other emergency responders.

3.67.2 EPA observed that the Plan identified three emergency coordinators, where the primary and secondary contacts were no longer employed at the Facility, and the Plan was not updated.

3.67.3 EPA observed that spill kits and extinguishers were located throughout the Facility and the Plan identified portable handheld radios and cell phones as the

communication systems to be used, but the Plan did not provide the specific locations of the emergency equipment, nor outline the specific capabilities of each item.

3.67.4 EPA observed that the Plan did not include an evacuation plan. The Plan did not specifically address responses to explosions, nor did it describe the signals that would be used to begin evacuations or indicate if there were alarm systems located anywhere in the Facility to be utilized in the event of an emergency.

3.67.5 EPA observed that the Plan did not include the quick reference guide that should have been submitted to the local emergency responders, nor did it include: (1) any maps of the Facility showing the locations where hazardous wastes were generated, accumulated, or treated, and routes for accessing these wastes; (2) locations of the Facility in relation to its surroundings; or (3) the locations of the water supply. EPA's inspectors asked about the waste streams described in the Plan and were told the Facility no longer generated Super Blue Flush, Super Blue Sledge, or the action still bottom hazardous waste, and the Facility representatives explained that the list of waste streams was out of date.

3.68. On February 28, 2024, Respondent updated the Plan and corrected certain of the deficiencies noted in Paragraphs 3.67.1 through 3.67.4 related to the arrangements agreed to by local contacts or other emergency responders, the names of current primary and secondary contacts at the Facility, the locations and capabilities of emergency equipment, and for the evacuation plan, the signals to be used to begin evacuations and a description of alarm systems in the Facility to be utilized in the event of an emergency.

3.69. On March 25, 2026, Respondent updated the Plan further and corrected any remaining deficiencies noted in Paragraphs 3.67.1 through 3.67.5.

3.70. Therefore, at all times relevant to this Consent Agreement, Respondent failed to fully prepare and update the Facility's Plan in violation of 40 C.F.R. § 262.17(a)(6).

Count 2H: Failure to Comply with Conditions to Operate without a Permit or Interim Status: Failure to Meet Special Conditions for Accumulation of Incompatible Wastes

3.71. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.72. Pursuant to 40 C.F.R. § 262.17(a)(1)(vii)(C), a container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

3.73. During the Inspection, EPA observed, near the Customer Waste, that Respondent was storing corrosives with waste code D002 and ignitables with waste code D001 together on at least one of the pallets.

3.74. Therefore, Respondent violated 40 C.F.R. § 262.17(a)(1)(vii)(C).

Count 3: Failure to Comply with Manifest Requirements

3.75. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.76. Pursuant to 40 C.F.R. § 262.10(a)(1)(iii)(D), large quantity generators must comply with 40 C.F.R. Part 262, Subpart B, "Manifest requirements applicable to small and large quantity generators."

3.77. Per 40 C.F.R. § 262.20(a)(1), "A generator that transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A. Large and small quantity generators must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with [40 C.F.R. § 262.20(a)(2)]."

3.78. Per 40 C.F.R. § 262.20(a)(2), the facility must certify that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, including any post-receipt data corrections.

3.79. During the Inspection, EPA reviewed the manifests and associated waste profiles and land disposal restrictions notifications for the three years from November 29, 2019, through November 29, 2022. EPA observed that on the following uniform hazardous waste manifests, the names "McClarin Plastics" or "McClarin Composites" were entered in the Box 15 certification signature block, instead of the name and signature of the specific personnel/representatives with authority to sign the manifests on behalf of Respondent:

3.79.1 Manifest No. 013495325FLE, dated August 11, 2021;

3.79.2 Manifest No. 015786785FLE, dated February 9, 2022;

3.79.3 Manifest No. 015786786FLE, dated February 9, 2022;

3.79.4 Manifest No. 017086578FLE, dated March 16, 2022;

3.79.5 Manifest No. 017086579FLE, dated March 16, 2022;

3.79.6 Manifest No. 017086747FLE, dated May 11, 2022;

3.79.7 Manifest No. 017086837FLE, dated June 9, 2022;

3.79.8 Manifest No. 017086838FLE, dated June 9, 2022;

3.79.9 Manifest No. 017413836FLE, dated August 31, 2022;

3.79.10 Manifest No. 017413898FLE, dated September 27, 2022; and

3.79.11 Manifest No. 017413899FLE, dated September 27, 2022.

3.80. Therefore, Respondent's failure to comply with manifest requirements is in violation of 40 C.F.R. §§ 262.10(a)(1)(iii)(D) and 262.20(a).

Count 4: Failure to Comply with Standards for Universal Waste Management

3.81. Paragraphs 3.1 through 3.22 are incorporated herein by reference as if they were set forth in their entirety.

3.82. Respondent is a small quantity handler of universal waste per 40 C.F.R. § 273.9.

3.83. Pursuant to 40 C.F.R. § 273.13(e)(4), a small quantity handler of universal waste who punctures and drains their aerosol cans must recycle the empty punctured aerosol cans and ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. A small quantity handler of universal waste, while puncturing and draining universal waste cans, must (i) use a device designed to safely puncture aerosol cans and effectively contain the residual contents and emissions thereof; (ii) establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can; and (iii) ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment, among other requirements specified in 40 C.F.R. § 273.13(e)(4).

3.84. Respondent Facility's Hazardous Waste Aerosol Can Disposal operating procedure instructs: "Used aerosol cans that are not punctured are considered hazardous waste (due to flammability). Punctured aerosol cans can be handled as nonhazardous waste and disposed of with normal refuse. . . . Aerosol Puncture devices must discharge aerosol into a filtered, container."

3.85. During the Inspection, EPA observed an aerosol can puncture device in the Wheel Detail Area without a filter on the puncturing device.

3.86. Therefore, Respondent's failure to comply with the standards for universal waste management of aerosol cans is a violation of 40 C.F.R. § 273.13.

Enforcement Authority

3.87. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $121,275 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is $40,000 (the "Assessed Penalty"). The EPA has reduced the civil penalty on the

basis of information submitted by Respondent to support its claim that it is unable to pay a higher civil penalty and continue in business.

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment.

4.6. Concurrently with any payment or within 24 hours of any payment, Respondent must serve copies of proof of payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Kyle Masters
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
Masters.kyle@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the receipt or confirmation of payment method and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.7. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect

any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

a. Interest. To protect the interests of the United States, any unpaid portion of the Assessed Penalty shall bear interest at the rate set at the Internal Revenue Service ("IRS") standard underpayment rate applicable on the effective date of the Final Order and non-variable throughout the period of nonpayment, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), Respondent will be assessed a charge to cover EPA's costs of processing and handling overdue debts.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than 90 days. Payment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.10. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.11. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.12. By signing this Consent Agreement, Respondent 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.

4.13. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.14. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.15. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

9/3/2026

FOR RESPONDENT:

Jessica Doll, Corporate Controller
McClarin Composites, LLC

FOR COMPLAINANT:

EDWARD KOWALSKI Digitally signed by EDWARD KOWALSKI
Date: 2026.09.03 14:58:27 -07'00'

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

FILED
Setpember 8, 2026
10:30AM
U.S. EPA REGION 10
HEARING CLERK

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2026-0196
	)	
MCCLARIN COMPOSITES, LLC,	)	**FINAL ORDER**
	)	
	)	
Wapato, Washington,	)	
	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall 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 does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

RICHARD MEDNICK

Digitally signed by RICHARD MEDNICK
Date: 2026.09.08 08:16:09 -07'00'

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: McClarin Composites, LLC, Docket No.: RCRA-10-2026-0196,** was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Shannon Rebersak
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

rebersak.shannon@epa.gov

Jessica Doll
Corporate Controller
McClarin Composites, LLC
15 Industrial Drive
Hanover, Pennsylvania 17331

jdoll@mcclarincomposites.com

AMY GONZALES Digitally signed by AMY GONZALES
Date: 2026.09.09 10:59:56 -05'00'

Regional Hearing Clerk
EPA Region 10