

FILED

Sep 24, 2026

7:43 am

**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Docket No.: **RCRA-05-2026-0032**

Astro Pak Corporation
2624 Fortune Circle Drive East
Indianapolis, Indiana 46241
EPA ID No.: INR000142422

Respondent

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Astro Pak Corporation (“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 three thousand, seven hundred, fifty dollars (\$3,750).
2. The EPA inspected Astro Pak Corporation on December 18, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Indiana hazardous waste management program, 329 Ind. Admin Code 3.1, at Respondent’s facility located at 2624 Fortune Circle Drive East, Indianapolis, Indiana (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and 329 Ind. Admin. Code 3.1 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. Under 329 Ind. Admin. Code 3.1-7-1 and 40 C.F.R. Part 262, however, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period. On December 18, 2024, one container was marked with an accumulation date of April 24, 2024, indicating that it had been stored for 238 days and Respondent had not obtained a permit, interim status nor an extension of the 90-day period. Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of 329 Ind. Admin Code 3.1-7-1 and 40 C.F.R. Part 262 because it failed to comply with the 90-day accumulation period requirement.

- b. Owners and operators of facilities that treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under section 3005(e) of RCRA and 40 C.F.R. Part 270, are subject to the hazardous waste requirements of 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. § 265.16. Under 329 Ind. Admin. Code 3.1-10-1, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. This program must be directed by a person trained in hazardous waste management procedures and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later, and must take part in an annual review of this initial training thereafter. At the time of the inspection, Respondent did not provide annual training to facility personnel for the year 2023. Respondent's failure to conduct an annual training program for year 2023 violated 329 Ind. Admin. Code 3.1-10-1.
 - c. Owners and operators of facilities that treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under section 3005(e) of RCRA and 40 C.F.R. Part 270, are subject to the hazardous waste requirements of 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. § 265.16. Under 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. § 265.174, a large quantity generator, at least weekly, must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration caused by corrosion or other factors. Respondent did not conduct or have documentation of weekly inspections for one week in January, February and July 2022; two weeks in February and April in 2023; and one week in March, September and October in 2024 for a total of 10 weeks across the three years. Respondent's failure to conduct weekly inspections violated 329 Ind. Admin. Code 3.1-10-1.
- 3. The EPA and Respondent agree that settlement of this matter for a civil penalty of three thousand, seven hundred, fifty dollars (\$3,750) is in the public interest.
- 4. The 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. The 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 the 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 three thousand, seven hundred, fifty dollars (\$3,750) 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 the EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Dierich.andrea@epa.gov and
R5LECAB@epa.gov

Steven Kaiser
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
kaiser.steven@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. The 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: kaiser.steven@epa.gov (for Complainant), and dorosco@astropak.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

David Orosco

Name (print)

Environmental Manager

Title (print)

David Orosco

Signature

8/17/2026

Date

APPROVED BY THE EPA:

CAROLYN
PERSOON

Digitally signed by
CAROLYN PERSOON
Date: 2026.09.22
07:54:50 -05'00'

Carolyn Persoon

Division Director

Enforcement and Compliance Assurance Division

U. S. Environmental Protection Agency, Region 5

In the Matter of:
Astro Pak Corporation
Docket No.: RCRA-05-2026-0032

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 COYLE Digitally signed by ANN
COYLE
Date: 2026.09.23
13:48:47 -05'00'

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5