



BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:) DOCKET NO. EPCRA-10-2024-0121
)
NORTH STAR CASTEEL) CONSENT AGREEMENT
PRODUCTS, INC.,)
)
Seattle, 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 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045.

1.2. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, the EPA issues, and North Star Casteel Products, Inc. (“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 Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, to sign consent agreements between the EPA and the party against whom an administrative penalty for violations of EPCRA 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 EPCRA together with the specific provisions of EPCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Under Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. §§ 372.22 and 372.30, the owner or operator of a facility covered by Section 313 must submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (“Form R”) for each toxic chemical referenced in Section 313(c) of EPCRA and listed in 40 C.F.R. § 372.65 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical threshold specified in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, and 372.28.

3.2. Under 40 C.F.R. § 372.22, a facility that meets each of the following criteria in a calendar year is a covered facility for that calendar year and must report under 40 C.F.R. § 372.30:

- a. The facility has 10 or more full-time employees;
- b. The facility is in a Standard Industrial Classification (“SIC”) major group or industry code or North American Industry Classification System (“NAICS”) code listed in 40 C.F.R. §§ 372.22(b) and 372.23; and
- c. The facility manufactured, imported, processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. §§ 372.25, 372.27, or 372.28.

3.3. Under 40 C.F.R. § 372.30(a), for each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold in 40 C.F.R. §§ 372.25, 372.27, or 372.28 at its covered facility described in 40 C.F.R. § 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350-1) in accordance with the instructions referred to in 40 CFR Part 372, Subpart E.

3.4. Under 40 C.F.R. § 372.30(d), each report under this section for activities involving a toxic chemical that occurred during a calendar year at a covered facility must be submitted on or before July 1 of the next year.

3.5. The toxic chemicals which are subject to the reporting requirement of 40 C.F.R. § 372.30 are listed in 40 C.F.R. § 372.65.

3.6. Chromium compounds is a chemical category listed in 40 C.F.R. § 372.65. The threshold quantities for chromium compounds reporting are 25,000 pounds manufactured or processed, or 10,000 pounds otherwise used in each year, as set forth in 40 C.F.R. § 372.25.

3.7. Manganese compounds is a chemical category listed in 40 C.F.R. § 372.65. The threshold quantities for manganese compounds reporting are 25,000 pounds manufactured or processed, or 10,000 pounds otherwise used in each year, as set forth in 40 C.F.R. § 372.25.

3.8. Under 40 C.F.R. § 372.85(b)(14), the owner or operator of a facility covered by Section 313 must report on EPA Form R an estimate of the total releases in pounds of each chemical into the environment per year from the facility (releases of less than 1,000 pounds per year may be indicated in ranges, except for chemicals set forth in 40 C.F.R. § 372.28), plus an indication of the basis of estimate for (A) fugitive or non-point air emissions, (B) stack or point air emissions, (C) discharges to receiving streams or water bodies including an indication of the percent of releases due to stormwater, (D) underground injection on site, and (E) releases to land on site.

3.9. Respondent is the owner and operator of a facility located at 820 S. Bradford Street, Seattle, Washington.

3.10. During calendar years 2018, 2019, 2020, and 2023, the facility had 10 or more full-time employees.

3.11. The facility is included in NAICS code 3315132, which is included in the list of covered industry codes in 40 C.F.R. § 372.23.

Violation I: Chromium Compounds (2018)

3.12. Paragraphs 3.1 through 3.11 are incorporated herein by reference as if they were set forth here in their entirety.

3.13. Respondent processed chromium compounds in excess of the threshold quantity during calendar year 2018.

3.14. Respondent filed an incomplete Form R for chromium compounds on July 12, 2019, eleven days late.

3.15. Respondent's July 12, 2019, filing failed to report information on chromium compound releases into the environment, including "an estimate of total releases in pounds per year from the facility plus an indication of the basis of estimate for the following: (A) Fugitive or non-point air emissions; (B) Stack or point air emissions" as required by 40 C.F.R. § 372.85(b)(14)(i)(A) and (B).

3.16. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2019.

3.17. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) and (d) by failing to accurately and completely report its chromium compound emissions on its Form R for calendar year 2018 by July 1, 2019.

Violation II: Manganese Compounds (2018)

3.18. Paragraphs 3.1 through 3.17 are incorporated herein by reference as if they were set forth here in their entirety.

3.19. Respondent processed manganese compounds in excess of the threshold quantity during calendar year 2018.

3.20. Respondent filed an incomplete Form R for manganese compounds on July 12, 2019, eleven days late.

3.21. Respondent's July 12, 2019, filing failed to report information on manganese compound releases into the environment, including "an estimate of total releases in pounds per year from the facility plus an indication of the basis of estimate for the following: (A) Fugitive or

non-point air emissions; (B) Stack or point air emissions” as required by 40 C.F.R. § 372.85(b)(14)(i)(A) and (B).

3.22. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2019.

3.23. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) and (d) by failing to accurately and completely report its manganese compound emissions on its Form R for calendar year 2018 by July 1, 2019.

Violation III: Manganese Compounds (2019)

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

3.25. Respondent processed manganese compounds in excess of the threshold quantity during the calendar year 2019.

3.26. Respondent filed an incomplete Form R for manganese compounds on July 14, 2020, thirteen days late.

3.27. Respondent’s July 14, 2020, filing failed to report information on manganese compound releases into the environment, including “an estimate of total releases in pounds per year from the facility plus an indication of the basis of estimate for the following: (A) Fugitive or non-point air emissions; (B) Stack or point air emissions” as required by 40 C.F.R. § 372.85(b)(14)(i)(A) and (B).

3.28. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2020.

3.29. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) and (d) by failing to accurately and completely report its manganese compound emissions on its Form R for calendar year 2019 by July 1, 2020.

Violation IV: Chromium Compounds (2020)

3.30. Paragraphs 3.1 through 3.29 are incorporated herein by reference as if they were set forth here in their entirety.

3.31. Respondent processed chromium compounds in excess of the threshold quantity during calendar year 2020.

3.32. Respondent filed a Form R for chromium compounds by July 1, 2021.

3.33. Respondent's Form R filing failed to report information on chromium compound releases into the environment, including "an estimate of total releases in pounds per year from the facility plus an indication of the basis of estimate for the following: (A) Fugitive or non-point air emissions; (B) Stack or point air emissions" as required by 40 C.F.R. § 372.85(b)(14)(i)(A) and (B).

3.34. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2021.

3.35. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) by failing to accurately and completely report its chromium compound emissions on its Form R for calendar year 2020 by July 1, 2021.

Violation V: Manganese Compounds (2020)

3.36. Paragraphs 3.1 through 3.35 are incorporated herein by reference as if they were set forth here in their entirety.

3.37. Respondent processed manganese compounds in excess of the threshold quantity during calendar year 2020.

3.38. Respondent filed a Form R for manganese compounds by July 1, 2021.

3.39. Respondent's Form R filing failed to report information on manganese compound releases into the environment, including "an estimate of total releases in pounds per year from the facility plus an indication of the basis of estimate for the following: (A) Fugitive or non-point air emissions; (B) Stack or point air emissions" as required by 40 C.F.R. § 372.85(b)(14)(i)(A) and (B).

3.40. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2021.

3.41. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) by failing to accurately and completely report its manganese compound emissions on its Form R for calendar year 2020 by July 1, 2021.

Violation VI: Chromium Compounds (2023)

3.42. Paragraphs 3.1 through 3.41 are incorporated herein by reference as if they were set forth here in their entirety.

3.43. Respondent processed chromium compounds in excess of the threshold quantity during calendar year 2023.

3.44. Respondent filed a Form R for chromium compounds on August 16, 2024, 46 days late.

3.45. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2024.

3.46. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) by failing to accurately and completely report its chromium compound emissions on its Form R for calendar year 2023 by July 1, 2024.

Violation VII: Manganese Compounds (2023)

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

3.48. Respondent processed manganese compounds in excess of the threshold quantity during calendar year 2023.

3.49. Respondent filed a Form R for manganese compounds on August 16, 2024, 46 days late.

3.50. Respondent failed to file a completed Form R in accordance with the instructions referred to in Subpart E of 40 C.F.R. Part 372 by July 1, 2024.

3.51. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30(a) by failing to accurately and completely report its manganese compound emissions on its Form R for calendar year 2023 by July 1, 2024.

Enforcement Authority

3.52. Under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$69,733 for each such violation. In accordance with Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day a violation of Section 313 of EPCRA, 42 U.S.C. § 11023 continues constitutes a separate violation.

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. The EPA determined and Respondent agrees that an appropriate penalty to settle this action is \$86,800 (the “Assessed Penalty”).

4.4. Respondent consents to the payment of the civil penalty set forth in Paragraph 4.3, with interest, according to the following schedule:

Payment Due Date (From the Effective Date of the Final Order)	Principal	Interest	Total Installment
30 Days	\$5,125.84	\$0	\$5,125.84
60 Days	\$4,032.81	\$1,093.04	\$5,125.84
90 Days	\$4,611.47	\$514.37	\$5,125.84
120 Days	\$4,643.62	\$482.22	\$5,125.84
150 Days	\$4,675.77	\$450.07	\$5,125.84
180 Days	\$4,707.92	\$417.93	\$5,125.84
210 Days	\$4,740.07	\$385.78	\$5,125.84
240 Days	\$4,772.21	\$353.63	\$5,125.84
270 Days	\$4,804.36	\$321.48	\$5,125.84
300 Days	\$4,836.51	\$289.33	\$5,125.84
330 Days	\$4,868.66	\$257.19	\$5,125.84
360 Days	\$4,900.81	\$225.04	\$5,125.84
390 Days	\$4,932.95	\$192.89	\$5,125.84
420 Days	\$4,965.10	\$160.74	\$5,125.84
450 Days	\$4,997.25	\$128.59	\$5,125.84
480 Days	\$5,029.40	\$96.44	\$5,125.84
510 Days	\$5,061.55	\$64.30	\$5,125.84
540 Days	\$5,093.70	\$32.15	\$5,125.84

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: www.epa.gov/financial/makepayment. Payments made by check must be payable to the order of “Treasurer, United States of America” and delivered to the following address:

*Address format for standard delivery
(no delivery confirmation requested):*

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, MO 63197-9000

*Address format for signed receipt confirmation
(FedEx, DHL, UPS, USPS certified, registered,
etc):*

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Brendan Whyte
U.S. Environmental Protection Agency
Region 10
Whyte.brendan@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

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

a. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, 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), a monthly handling charge of \$15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by the EPA and shall not be deductible for purposes of federal taxes.

4.10. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including

amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Center at Henderson.Jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

4.11. 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.

4.12. 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, and is currently in compliance with all applicable EPCRA requirements at each of the facilities under its control.

4.13. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.14. 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.

4.15. 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 accompanying the Consent Agreement.

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


4.17. 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.

4.18. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

11/05/2024

FOR RESPONDENT:


KURT GRAY, President
North Star Casteel Products, Inc.

FOR COMPLAINANT:

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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2024-0121
)	
NORTH STAR CASTEEL)	FINAL ORDER
PRODUCTS, INC.)	
)	
Seattle, 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 re delegated 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 the EPA of all claims for civil penalties under EPCRA 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 EPCRA 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.

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: North Star Casteel Products, Inc., Docket No.: EPCRA-10-2024-0121**, 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:

Rachel M. Breslin
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Breslin.rachel@epa.gov

Kurt Gray
President
North Star Casteel Products, Inc.
1200 W. 13th Street
Vancouver, Washington 98660-2716
kgray06@northstarcasteel.com

Regional Hearing Clerk
EPA Region 10