

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**



In the Matter of:)	Docket No. EPCRA-05-2025-0001
)	
Autocam Corporation)	Proceeding to Assess a Civil Penalty Under
Marshall, Michigan,)	Section 325(c)(1) of the Emergency Planning
)	and Community Right-to-Know Act of 1986
Respondent.)	
)	

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Manager of Emergency Response Branch 1, Superfund & Emergency Management Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Autocam Corporation, a Michigan corporation doing business in the State of Michigan.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. 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.

Statutory and Regulatory Background

9. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) or safety data sheet (SDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or

greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state commissions, local committees, and fire departments in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

11. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS or SDS.

12. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term “hazardous chemical” has the meaning given such term by 29 C.F.R. § 1910.1200(c).

13. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19 authorizes U.S. EPA to assess a civil penalty of up to \$69,733 per day of violation, for violations of EPCRA Section 312 that occurred after November 2, 2015, and for which penalties are assessed on or after December 27, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

15. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 1511 George Brown Drive, Marshall, Michigan (facility).

17. At all times relevant to this CAFO, Respondent was an employer at the facility.

18. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

19. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

20. At all times relevant to this CAFO, the Michigan SERC was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

21. At all times relevant to this CAFO, the Calhoun County LEPC was the LEPC for Calhoun County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

22. At all times relevant to this CAFO, the Marshall Fire Department was the fire department with jurisdiction over the facility.

Machine Oil

23. Machine oil is classified as a physical or health hazard, or hazard not otherwise classified.

24. Machine oil is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

25. Machine oil has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

26. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for machine oil.

27. During at least one period of time in calendar year 2019, machine oil was present at the facility in an amount equal to or greater than the minimum threshold level.

28. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including machine oil on or before March 1, 2020, for calendar year 2019.

29. During at least one period of time in calendar year 2020, machine oil was present at the facility in an amount equal to or greater than the minimum threshold level.

30. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including machine oil on or before March 1, 2021, for calendar year 2020.

31. During at least one period of time in calendar year 2021, machine oil was present at the facility in an amount equal to or greater than the minimum threshold level.

32. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including machine oil on or before March 1, 2022, for calendar year 2021.

33. During at least one period of time in calendar year 2022, machine oil was present at the facility in an amount equal to or greater than the minimum threshold level.

34. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous

chemical inventory form including machine oil on or before March 1, 2023, for calendar year 2022.

Sulfuric Acid

35. Sulfuric acid (CAS #7664-93-9) is classified as a physical or health hazard, or hazard not otherwise classified.

36. Sulfuric acid (CAS #7664-93-9) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

37. Sulfuric acid (CAS #7664-93-9) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

38. Sulfuric acid (CAS # 7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

39. OSHA requires Respondent to prepare, or have available, a MSDS or SDS for sulfuric acid.

40. During at least one period of time in calendar year 2019, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

41. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2020, for calendar year 2019.

42. During at least one period of time in calendar year 2020, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

43. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous

chemical inventory form including sulfuric acid on or before March 1, 2021, for calendar year 2020.

44. During at least one period of time in calendar year 2021, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

45. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2022, for calendar year 2021.

46. During at least one period of time in calendar year 2022, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

47. Respondent was required to submit to the state emergency response commission, local emergency planning committee and fire department, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2023, for calendar year 2022.

48. Respondent submitted to the SERC, LEPC and Marshall Fire Department a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid on February 23, 2024, for calendar year 2019.

49. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid by March 1, 2020, for calendar year 2019 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

50. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2020,

for calendar year 2019 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

51. Each day Respondent failed to submit to the Marshall Fire Department a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2020, for calendar year 2019 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

52. Respondent submitted to the SERC, LEPC and Marshall Fire Department a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid on February 23, 2024, for calendar year 2020.

53. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid by March 1, 2021, for calendar year 2020 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

54. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2021, for calendar year 2020 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

55. Each day Respondent failed to submit to the Marshall Fire Department a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2021, for calendar year 2020 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

56. Respondent submitted to the SERC, LEPC and Marshall Fire Department a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid on February 23, 2024, for calendar year 2021.

57. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid by March 1, 2022, for calendar year 2021 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

58. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2022, for calendar year 2021 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

59. Each day Respondent failed to submit to the Marshall Fire Department a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2022, for calendar year 2021 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

60. Respondent submitted to the SERC, LEPC and Marshall Fire Department a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid on February 23, 2024, for calendar year 2022.

61. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including machine oil and sulfuric acid by March 1, 2023, for calendar year 2022 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

62. Each day Respondent failed to submit to the LEPC a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2023, for calendar year 2022 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

63. Each day Respondent failed to submit to the Marshall Fire Department a completed emergency and hazardous chemical inventory form including machine oil and sulfuric acid by March 1, 2023, for calendar year 2022 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

64. Complainant has determined that the combined appropriate civil penalty to settle this action is \$51,973. Complainant has determined that \$51,973 is an appropriate civil penalty to settle this action for the EPCRA violations. In determining the penalty amounts, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, their ability to pay, degree of culpability, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

65. Respondent agrees to pay the civil penalty in the amount of \$51,973 for the EPCRA violations ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk.

66. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due 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>.

67. When making a payment, Respondent shall:

- a. Identify every EPCRA payment with Respondent's name and the docket number of this Agreement, EPCRA-05-2025-0001.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
R5hearingclerk@epa.gov

Christopher Tougeron
Tougeron.christopher@epa.gov

Luis Oviedo
Oviedo.luis@epa.gov

and

U.S. Environmental Protection
Agency Cincinnati Finance
Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, 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.

68. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the

Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS large corporate underpayment rate, any lower rate would fail to provide Respondents adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

69. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

70. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

71. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

72. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, 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 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.” 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 EPA with sufficient information to enable it to fulfill these obligations, 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 their completed Form W-9 to EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and 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 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.

General Provisions

73. The parties' consent to service of this CAFO by email at the following valid email addresses: Oviedo.luis@epa.gov (for Complainant) and tim.french@nninc.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

74. Full payment of the penalty and compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

75. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

76. Respondent certifies that it is complying with Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

77. This CAFO does not affect Respondent's responsibility to comply with EPCRA, and other applicable federal, state and local laws and regulations.

78. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

79. The terms of this CAFO bind Respondent and its successors and assigns.

80. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

81. Each party agrees to bear its own costs and attorney's fees in this action.

82. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: Autocam Corporation, Marshall, Michigan
Docket No. EPCRA-05-2025-0001**

Autocam Corporation, Marshall, Michigan, Respondent

October 16, 2024 9:16 am ET

Date



Timothy M. French
President
Autocam Corporation

U.S. Environmental Protection Agency, Complainant

Date

Jason El-Zein
Manager, Emergency Response Branch 1
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

Date

Douglas Ballotti
Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: Autocam Corporation, Marshall, Michigan
Docket No. EPCRA-05-2025-0001

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5