

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:

Faircast, Inc.,

Respondent.

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Docket No. RCRA-07-2019-0215

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Faircast, Inc. (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent violated regulations promulgated pursuant to Sections 3002 and 3005 of RCRA, 42 U.S.C §§ 6922, 6925, including the standards applicable to generators of hazardous waste (40 C.F.R. Part 262) and the standards for universal waste management (40 C.F.R. Part 273).

Parties

3. Complainant is the Division Director of the Enforcement and Compliance Assurance Division, EPA, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is Faircast, Inc., a corporation authorized to operate under the laws of Iowa.

Statutory and Regulatory Framework

5. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

6. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3002, 3004, 3005 of RCRA, 42 U.S.C. §§ 6922, 6924, 6925, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Parts 262 through 273.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

9. Section 1004(15) of RCRA, 7 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

10. The regulation at 40 C.F.R. § 260.10 defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

11. The regulation at 40 C.F.R. § 260.10 defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

12. “Solid waste” is defined at 40 C.F.R. § 261.2.

13. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

14. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

15. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

16. The regulation at 40 C.F.R. § 273.9 defines “small quantity handler of universal waste” as a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

17. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period.

18. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$99,681 for violations that occur after November 2, 2015, and are assessed after February 6, 2019.

19. Based upon the facts and violations alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

General Factual Background

20. Respondent is a corporation authorized to conduct business within the State of Iowa. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

21. Respondent owns and operates a facility located at 905 West Depot Avenue, Fairfield, Iowa (“Facility”). Respondent operates a ductile and gray iron foundry that produces steel castings for the agricultural industry and employs approximately 90 people.

22. On or about September 16, 2017, Respondent notified EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a Large Quantity Generator of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930.

23. On or about July 9 through 10, 2018, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s Facility. Based on a review of the inspection report and the information provided during the inspection by Facility personnel, EPA determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

24. At the time of the inspection, the following wastes, among others, were present. These are solid and hazardous wastes as defined at 40 C.F.R. §§ 261.2 and 261.3:

- a. Four cubic yard hazardous waste storage containers of electric melt furnace baghouse dust. Electric melt furnace baghouse dust is a D006 characteristic hazardous waste.
- b. One 55-gallon drum of aerosol can puncturing waste. Aerosol can puncturing waste is a D001 characteristic hazardous waste.

25. At the time of the inspection, the following universal waste containers, among others, were present:

- a. One five-gallon universal waste battery accumulation container holding approximately 35 spent batteries.
- b. One fiberboard universal waste battery accumulation container holding approximately 25 spent batteries.

26. Respondent has been assigned the following EPA RCRA ID Number:
IAD000830018.

Violations

27. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1

Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

28. Complainant hereby incorporates the allegations contained in Paragraphs 20 through 27 above, as if fully set forth herein.

29. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

30. At the time of the inspection, Respondent did not have a permit or interim status.

Generator Requirements

31. The regulation at 40 C.F.R. § 262.17(a) states that a large quantity generator may accumulate hazardous waste on-site for no more than ninety (90) days without a permit or interim status, provided the conditions for exemption set forth at 40 C.F.R. § 262.17 are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following generator requirements:

Failure to conduct weekly hazardous waste inspections

32. The regulation at 40 C.F.R. § 262.17(a)(1)(v) requires that while being accumulated in containers on-site, the generator must inspect central accumulation areas and look for leaking containers and for deterioration of containers caused by corrosion or other factors at least weekly.

33. At the time of the inspection, Respondent's representative stated that the hazardous waste accumulation area was inspected once every two weeks.

Failure to label and date hazardous waste accumulation containers

34. The regulations at 40 C.F.R. § 262.17(a)(5)(i)(A) and (B) require generators to mark each container of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents while accumulating on-site.

35. The regulations at 40 C.F.R. § 262.17(a)(5)(i)(C) require generators to clearly mark the date upon which each period of accumulation began on each container.

36. At the time of the inspection, the following hazardous waste accumulation containers were not marked with the words "Hazardous Waste," an indication of the hazards of the contents while accumulating on-site, or with the date upon which accumulation began: four cubic yard hazardous waste storage containers of electric melt furnace baghouse dust.

Emergency Procedures

37. The regulation at 40 C.F.R. § 262.17(a)(6) requires generators to comply with the standards in Subpart M of Part 262, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators. Respondent failed to comply with the following subpart M standards.

Emergency Procedures: Failure to maintain adequate aisle space

38. Pursuant to 40 C.F.R. § 262.255, the generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

39. At the time of the inspection, it was discovered that Respondent failed to maintain adequate aisle space in the hazardous waste accumulation area. The inspector observed four cubic yard hazardous waste storage containers of electric melt furnace baghouse dust and several pallets with bags, boxes and 55-gallon containers placed in a manner such that aisle space was not maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

Emergency Procedures: Failure to prepare an adequate contingency plan

40. Pursuant to 40 C.F.R. § 262.261, the generator must prepare a contingency plan that describes the actions facility personnel must take in response to fires, explosions, or any unplanned releases of hazardous wastes. The following information must be included in the generator's contingency plan:

- a. The contingency plan must describe the actions facility personnel must take to comply with 40 C.F.R. §§ 262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. 40 C.F.R. § 262.261(a).
- b. The contingency plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and the others must be listed in the order in which they will assume responsibility as alternates. 40 C.F.R. § 262.261(d).

41. At the time of the inspection, the contingency plan for Respondent's Facility failed to describe the actions Facility personnel must take in response to fires, explosions, or unplanned releases of hazardous waste, and did not include an updated list of emergency coordinators.

Emergency Procedures: Failure to amend contingency plan

42. Pursuant to 40 C.F.R. § 262.263, the generator must review and immediately amend the contingency plan, if necessary, whenever, among other things, applicable regulations are revised and the list of emergency coordinators changes.

43. At the time of the inspection, Respondent's contingency plan was dated February 8, 2016, and had not been amended to reflect revisions to applicable regulations and an updated list of emergency coordinators.

Satellite Accumulation

44. The regulation at 40 C.F.R. § 262.15 allows a generator to accumulate as much as fifty-five (55) gallons of non-acute hazardous waste and/or one quart of liquid acute hazardous waste listed in §§ 261.31 or 261.33(e) in containers at or near any point of generation where

waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Parts 124, 264 through 267, and 270, provided the generator comply with various handling requirements. This type of accumulation is known as “satellite accumulation.” Respondent failed to comply with the following satellite accumulation requirements:

Failure to label satellite accumulation container

45. The regulations at 40 C.F.R. § 262.15(a)(5)(i) and (ii) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the generator mark the containers either with the words, “Hazardous Waste,” and an indication of the hazards of the contents.

46. At the time of the inspection, the following satellite accumulation container containing hazardous waste was not labeled with the words, “Hazardous Waste” and was not marked with an indication of the nature of the hazard: one 55-gallon drum of aerosol can puncturing waste in the satellite accumulation area.

47. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 31 through 46 above, Respondent was not authorized to accumulate hazardous waste at its Facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Accumulation

48. The regulation at 40 C.F.R. § 262.17(b) states that a generator who accumulates hazardous wastes for more than ninety (90) days is an operator of a storage facility and must comply with 40 C.F.R. Parts 124, 264 through 268, and the permit requirements of 40 C.F.R. Part 270 unless he has been granted an extension to the ninety (90) day period. Facilities classified as “Large Quantity Generators” may accumulate hazardous waste at their facility without a permit no more than ninety (90) days.

49. Records obtained during the inspection show that Respondent had previously been storing the following containers of hazardous waste for more than ninety (90) days: at least fourteen cubic yard hazardous waste storage containers of electric melt furnace baghouse dust, ten of which Respondent stored at the Facility from approximately June 28, 2017 through April 3, 2018, and four of which Respondent stored at the Facility from approximately November 1, 2017 through April 3, 2018.

50. By storing hazardous waste on-site for greater than 90 days, Respondent was operating as a hazardous waste storage facility and became subject to the requirements of 40 C.F.R. Parts 124, 264 through 268, and the permit requirements of 40 C.F.R. Part 270.

51. Because Respondent failed to comply with the generator requirements set forth above, Respondent was not authorized to store hazardous waste at the Facility for any length of

time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 2

Failure to Comply with Universal Waste Management Requirements

52. Complainant hereby incorporates the allegations contained in Paragraphs 20 through 26 above, as if fully set forth herein.

Failure to label a universal waste container

53. The regulations at 40 C.F.R. § 273.14(a) require small quantity handlers of universal waste to clearly label or mark each battery or container in which such batteries are contained with one of the following phrases: "Universal Waste—Batteries," or "Used Battery(ies)," or "Waste Batteries."

54. At the time of the inspection, the following batteries or containers or packages were not properly labeled or marked: one fiberboard universal waste battery accumulation container holding approximately 25 spent batteries.

55. Respondent's failure to properly label the universal waste battery container described above is a violation of 40 C.F.R. § 273.14(a).

Accumulation of universal waste for longer than one year

56. The regulations at 40 C.F.R. §§ 273.15(a) and (b) state that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler, unless such accumulation is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

57. At the time of the inspection, Respondent stated that it had accumulated approximately 35 universal waste batteries for longer than one year.

58. Respondent's accumulation of the universal waste batteries described above for longer than one year is a violation of 40 C.F.R. § 273.15(a).

CONSENT AGREEMENT

59. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;

- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

60. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein, and to the performance of the compliance actions described below.

61. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

62. Respondent and EPA agree to resolve this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Payment

63. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of \$40,637, as set forth below.

64. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

65. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Kasey Barton, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

66. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Compliance Actions

67. Respondent shall take the following actions according to the terms and conditions identified below.

68. Within one hundred and twenty days (120) of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit a Final Compliance Report to EPA. The Final Report shall include the following information:

- a. For the ninety day (90) period after the Effective Date of this CAFO, a narrative description with supporting documentation, including photographs, to show that:
 - i. All hazardous waste and satellite accumulation containers are properly managed pursuant to 40 C.F.R. §§ 262.15 and 262.17; and
 - ii. All universal waste containers are properly managed pursuant to 40 C.F.R. §§ 273.14 and 273.15.
- b. From August 2018 to the present, documentation of:
 - i. The date on which any accumulation of electric melt furnace baghouse dust began and the date when the waste was shipped off-site (e.g., a logbook and manifest); and
 - ii. Any off-site shipments of universal wastes.

69. Respondent shall submit the Final Report and all supporting documentation to the following address:

Mike Martin, ECAD/CB/RCRA
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Effect of Settlement and Reservation of Rights

70. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

71. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

72. Respondent certifies by the signing of this Consent Agreement and Final Order that it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

73. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

74. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed \$60,039 per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

75. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

76. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or

other statutory authority, should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health and the environment.

77. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

78. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

79. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

80. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

81. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

82. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

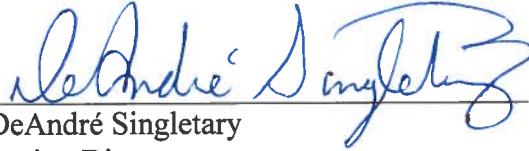
83. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

8/2/2019

Date



DeAndré Singletary

Acting Director

Enforcement and Compliance Assurance Division

8/2/2019

Date



Kasey Barton

Office of Regional Counsel

RESPONDENT:

FAIRCAST, INC.

7/11/19
Date

Kenneth P Ledoux
Signature

Kenneth P Ledoux
Printed Name

President
Title

FINAL ORDER

Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Aug. 12, 2019
Date

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Kasey Barton
barton.kasey@epa.gov

Copy via Email to Attorney for Respondent:

Gregory G.T. Ervanian, Esq.
greg@eclawiowa.com

AND

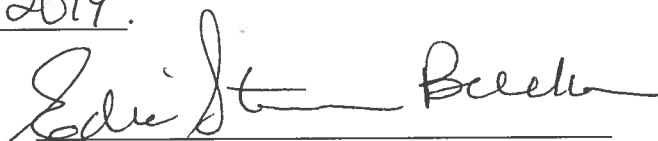
Copy via Certified Mail, Return Receipt Requested to Respondent:

Mr. Roger Vorhies
President/General Manager
Faircast, Inc.
905 West Depot Avenue
Fairfield, Iowa 52556

Copy delivered to the State of Iowa:

Amie Davidson, Chief (e-copy)
Contaminated Sites Section
Iowa Department of Natural Resources

Dated this 12th day of August, 2019.


Signed
for Lisa Haugen
Region 7
Hearing Clerk