

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

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2016 MAR 14 AM 9:01

IN THE MATTER OF:)
)
FRC Component Products, Inc.)
)
Respondent)
)
Proceeding under Sections 3008(a) and (g))
of the Resource Conservation and)
Recovery Act as amended,)
42 U.S.C. § 6928(a) and (g))
)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. RCRA-07-2016-0014

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and FRC Component Products, 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).

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Section 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. This authority has been delegated by the Administrator of EPA to the Regional Administrator and further delegated to the Director of the Air and Waste Management Division.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C § 6925, the standards for performing hazardous waste determinations and generator requirements (40 C.F.R. Part 262), and the standards for universal waste management (40 C.F.R. Part 273).

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Parties

3. Complainant is the Division Director of the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of EPA.

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

Statutory and Regulatory Framework

5. When EPA determines that any person has violated or is in violation of any RCRA requirement, 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 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

6. 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). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, through January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized. Based upon the facts 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), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, 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

7. Respondent is a corporation and 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).

8. Respondent's facility is located at 1511 South Benjamin Avenue, Mason City, Iowa. Respondent is a manufacturer of avionic and telecommunication products. Respondent employs approximately 100 people.

9. At the time of the inspection, the following solid wastes were generated and/or present:

- a. Spent paint booth filers generated on a monthly basis in four paint booths;
- b. Eight 16-ounce containers of waste paint and solvent residue in the Paint Mixing Room;

- c. Two 1-gallon containers of outdated paint and two 1-quart containers of outdated paint in the Paint Mixing Room;
 - d. Thirty-eight containers of various sizes of waste paint and solvent in the Chemical Storage Room;
 - e. One 55-gallon container of aerosol puncturing waste in a satellite accumulation area;
 - f. One 55-gallon container of spent alodine solids (spent paint booth filters) in a satellite accumulation container in the Chemical Storage Room;
 - g. One 55-gallon container of spent alodine liquids in a satellite accumulation container in the Chemical Storage Room;
 - h. One 55-gallon container of spent trichloroethylene in a satellite accumulation container in the Chemical Storage Room;
 - i. One 55-gallon container of spent solvent in a satellite accumulation container in the Chemical Storage Room;
 - j. Nine containers of universal waste lamps; and
 - k. 57 uncontainerized universal waste lamps.
10. At the time of the inspection, the following hazardous wastes were present:
- a. Spent paint booth filters generated in four paint booths. Spent paint booth filters are F005 listed hazardous waste.
 - b. Eight 16-ounce containers of waste paint and solvent residue in the Paint Mixing Room. Waste paint and solvent were identified as F005, F003 and D001 hazardous waste.
 - c. Two 1-gallon containers of outdated paint and two 1-quart containers of outdated paint in the Paint Mixing Room. These containers were managed as F005, F003 and D001 after the inspection.
 - d. Thirty-eight containers of various sizes of waste paint and solvent in the Chemical Storage Room. Waste paint and solvent were identified as F005, F003 and D001 hazardous waste.
 - e. One 55-gallon container of aerosol puncturing waste in a satellite accumulation area. Aerosol puncturing waste is a F005, F003 and D001 hazardous waste.
 - f. One 55-gallon container of spent alodine solids (spent paint booth filters) in a satellite accumulation container in the Chemical Storage Room. Spent alodine solids are D007 characteristic hazardous waste.
 - g. One 55-gallon container of spent alodine liquids in a satellite accumulation container in the Chemical Storage Room. Spent alodine liquids are D007 hazardous waste.
 - h. One 55-gallon container of spent trichloroethylene in a satellite accumulation container in the Chemical Storage Room. Spent trichloroethylene is F001 listed hazardous waste.
 - i. One 55-gallon container of spent solvent in a satellite accumulation container in the Chemical Storage Room. Spent solvent was identified as F005, F003 and D001 hazardous waste.

11. At the time of the inspection, one 55-gallon container of used oil was present.
12. At the time of the inspection, the following universal waste lamps were present:
 - a. Nine cardboard boxes of spent fluorescent lamps in the Maintenance Area; and
 - b. 57 uncontainerized spent fluorescent lamps in the Maintenance Area.
13. On or about March 1, 1994, Respondent notified as a Large Quantity Generator of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930.
14. Respondent has been assigned the following EPA ID Number: IAD093107795.
15. On or about August 26, 2014, 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, it was determined that Respondent was operating, at the time of the inspection, as a Small Quantity Generator (SQG) of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator. SQGs generate more than 100 kilograms but less than 1,000 kilograms per month or more of hazardous waste.

Violations

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

Count 1

Failure to Conduct Hazardous Waste Determinations

17. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.
18. Pursuant to 40 C.F.R. § 262.11, a generator of solid waste, as defined in 40 C.F.R. §§ 260.10 and 261.2, must determine if that waste is a hazardous waste using methods prescribed in the regulations.
19. At the time of the inspection, it was determined that Respondent was generating the following solid waste streams:
 - a. Spent paint booth filters generated in four paint booths. Spent paint booth filters are F005 listed hazardous waste. Approximately 45 spent paint booth filters were generated per month at the time of the inspection.
 - b. Eight 16-ounce containers of waste paint and solvent residue in the Paint Mixing Room. Waste paint and solvent were identified as F005, F003 and D001 hazardous waste.

- c. Two 1-gallon containers of outdated paint and two 1-quart containers of outdated paint in the Paint Mixing Room. These containers were managed as F005, F003 and D001 after the inspection.
- d. Thirty-three containers of various sizes of waste paint and solvent in the Chemical Storage Room. Waste paint and solvent were identified as F005, F003 and D001 hazardous waste.

20. At the time of the inspection, Respondent had not conducted hazardous waste determinations on any of the solid waste streams described in Paragraph 19 above.

21. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 40 C.F.R. § 262.11.

Count 2

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

22. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.

Generator Requirements

23. The regulations at 40 C.F.R. § 262.34(d) state that a generator may accumulate hazardous waste on-site for one hundred eighty days (180) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(d)(1)-(5) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to store hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

Failure to post information next to the telephone

24. The regulations at 40 C.F.R. § 262.34(d)(5)(ii) require that a generator post the following information next to the telephone:

- a. The name and telephone number of the emergency coordinator;
- b. Location of fire extinguishers and spill control material, and if present, fire alarm; and
- c. The telephone number of the fire department, unless the facility has a direct alarm.

25. At the time of the inspection, none of the information listed in Paragraph 24 above was posted next to the telephone.

Satellite Accumulation

26. The regulations at 40 C.F.R. § 262.34(c)(1) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 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 § 262.34(a) provided the generator comply with various handling requirements. This type of accumulation is known as “satellite accumulation”. At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirements:

Failure to close satellite accumulation container

27. The regulations at 40 C.F.R. § 262.34(c)(1)(i) referencing 40 C.F.R. § 265.173(a) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

28. At the time of the inspection, there was one open satellite accumulation container of spent solvent waste that was observed.

29. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 23 through 28 above, Respondent was not authorized to store 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.

Treatment of Hazardous Waste without a Permit

30. Section 3005 of RCRA, 42 U.S.C. § 6925, prohibits the treatment, storage, or disposal of hazardous waste without a RCRA permit.

31. During the inspection, eight 16-ounce paint mixing containers of paint residue which was generated from paint mixing activities were stored open in order to allow the paint and solvent residue to dry prior to being disposed in the general trash.

32. By allowing the paint residue to dry in order to make it safer to dispose of and reduce the volume of waste, Respondent was engaging in “treatment” as defined at 40 C.F.R. § 260.10.

33. At the time of the inspection, Respondent had not submitted an application or received a permit to operate a hazardous waste treatment storage or disposal facility pursuant to Section 3005 of RCRA.

34. Respondent’s treatment of hazardous waste constitutes the operation of a hazardous waste treatment, storage or disposal facility without a permit, in violation of Section 3005 of RCRA.

Count 3
Failure to Comply with Universal Waste Management Requirements

35. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.

Failure to label universal waste containers

36. The regulations at 40 C.F.R. § 273.14(e) require small quantity handlers of universal waste to clearly label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: "Universal Waste—Lamp(s)" or "Waste Lamp(s)," or "Used Lamp(s)."

37. At the time of the inspection, the following lamps or containers or packages were not properly labeled or marked:

- a. Nine cardboard boxes of spent fluorescent lamps in the Maintenance Area; and
- b. 57 uncontainerized spent fluorescent lamps in the Maintenance Area.

38. Respondent's failure to properly label the universal waste lamps and containers described above is a violation of 40 C.F.R. § 273.14(e).

Failure to date universal waste containers

39. The regulations at 40 C.F.R. § 273.15(c)(1) require small quantity handlers of universal waste to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

40. At the time of the inspection, Respondent failed to label the following containers with the earliest date that any universal waste in the container became a waste or was received:

- a. Nine cardboard boxes of spent fluorescent lamps in the Maintenance Area; and
- b. 57 uncontainerized spent fluorescent lamps in the Maintenance Area.

41. Respondent's failure to label the universal waste containers described above with the earliest date that any universal waste in the container became a waste or was received is a violation of 40 C.F.R. § 273.15(c)(1).

Failure to close universal waste containers

42. The regulations at 40 C.F.R. § 273.13(d)(1) require a small quantity handler of universal waste to manage lamps in a way that prevents releases by containing the lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible

with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

43. At the time of the inspection, Respondent failed to close the following containers or store universal waste lamps in a manner to prevent releases and breakage:

- a. Nine cardboard boxes of spent fluorescent lamps in the Maintenance Area;
and
- b. 57 uncontainerized spent fluorescent lamps in the Maintenance Area.

44. Respondent's failure to close the universal waste containers or store universal waste lamps in a manner to prevent releases and breakage as described above is a violation of 40 C.F.R. § 273.13(d)(1).

CONSENT AGREEMENT

45. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order portion of this Consent Agreement and Final Order.

46. Respondent admits the jurisdictional allegations of this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this Consent Agreement and Final Order set forth below.

47. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Consent Agreement and Final Order.

48. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

49. Respondent and Complainant agree to conciliate the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

50. 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.

51. This Consent Agreement and Final Order addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

52. The effect of settlement described in Paragraph 51 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 53, below, of this Consent Agreement and Final Order.

53. Respondent certifies that by signing this Consent Agreement and Final Order that to best of its knowledge, Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.* and all regulations promulgated thereunder.

54. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

55. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Three Thousand Three Hundred Fifty-Six Dollars (\$3,356) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, and shall perform a Supplemental Environmental Project ("SEP") as set forth in this Consent Agreement and Final Order. The projected cost of the SEP is Forty Thousand Seven Hundred Seventy-Four Dollars (\$40,774). The SEP is further described below.

56. The penalty specified in the paragraph above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

57. 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 and completion of the SEP cited in Paragraph 55.

Supplemental Environmental Project

58. In response to the violations of RCRA, alleged in this Consent Agreement and Final Order and in settlement of this matter, although not required by RCRA or any other federal, state, or local law, Respondent shall complete the SEP described in this Consent Agreement and Final Order, which the parties agree is intended to secure significant environmental or public health protection and improvement.

59. Respondent shall complete the following SEP: perform a comprehensive lightbulb retrofit of its manufacturing facility. The manufacturing facility is currently lit with T8, T12 Fluorescent and some incandescent bulbs. Respondent agrees to change-out 2,920 existing lamps from T8, T12 to LED lamps. Respondent agrees to properly manage and dispose of existing lamps pursuant to RCRA and its implementing regulations. The SEP shall cost at least \$40,774. Respondent agrees that the SEP shall be completed within six (6) months of the Effective Date of this Consent Agreement and Final Order.

60. This SEP shall be performed in accordance with the requirements of this Consent Agreement and Final Order.

61. Within seven (7) months of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit a SEP Completion Report to the EPA contact identified in Paragraph 64 below. The SEP Completion Report shall be subject to EPA review and approval as provided in Paragraph 65 below. The SEP Completion Report shall contain the following information:

- a. Detailed description of the SEP as implemented. The description shall include but not limited to the following itemized costs:
 - i. Invoices documenting the cost for LED bulbs purchased (including shipping costs) to replace bulbs in operation at the facility at the time of the Effective Date;
 - ii. Signed timesheets completed by the employees performing the retrofit during overtime hours. For each day when retrofit work is performed, the timesheets shall document regular hours worked and document the overtime hours worked where the overtime work is performed exclusively on the retrofit project. The timesheets shall be signed by the employee performing the retrofit work and the FRC representative who signs the SEP Completion Report. The timesheets shall thoroughly document the wages paid to these employees while working during regular hours and in their overtime capacity;
 - iii. Invoices documenting proper disposal of lamps removed as part of the SEP;
 - iv. Summary of how lamps removed as part of the SEP are managed in accordance with RCRA and its implementing regulations; and
 - v. Invoices documenting custom/duty costs for materials necessary to perform the SEP.
- b. Description of any problems encountered in implementation of the projects and the solution thereto;
- c. Description of the specific environmental and/or public health benefits (including measured emissions reductions) resulting from implementation of the SEP; and
- d. Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order.

62. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

63. The SEP Completion Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

64. The SEP Completion Report shall be submitted on or before the due date specified in Paragraph 61 to:

Deborah Bredehoft, AWMD/WEMM
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

65. SEP Completion Report Approval: The SEP Completion Report submitted pursuant to this CAFO shall be reviewed in accordance with the procedures outlined in this Paragraph. EPA will review the SEP Completion Report and may approve, approve with modifications, or disapprove and provide comments to Respondent. If the SEP Completion Report is disapproved with comments, Respondent shall incorporate EPA's comments and resubmit the SEP Completion Report within thirty (30) days of receipt of EPA's comments. If Respondent fails to revise the SEP Completion Report in accordance with EPA's comments, Respondent shall be subject to the stipulated penalties as set forth in Paragraph 68 below.

66. Any public statement, oral or written, in print, film, internet, or other media, made by Respondent making reference to the SEP shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act. 42 U.S.C. § 6901 *et. seq.*

67. With regard to the SEP, Respondent certifies the truth and accuracy of each of the following:

- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$40,774;
- b. That, as of the date of executing this Consent Agreement and Final Order, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims

- resolved in this Consent Agreement and Final Order;
- d. That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
 - e. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
 - f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and
 - g. Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Paragraph 59.

68. In the event Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in this Consent Agreement and Final Order, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- a. Except as provided in Subparagraphs b and c below, if the SEP is not completed satisfactorily and timely pursuant to the requirements set forth in this Consent Agreement and Final Order, Respondent shall be liable for and shall pay a stipulated penalty to the United States in the amount of Thirteen Thousand Dollars (\$13,000).
- b. If the SEP is satisfactorily completed, but the Respondent spent less than Thirty Six Thousand Dollars (\$36,000) on the SEP, Respondent shall pay a stipulated penalty to the United States in the amount of One Thousand Three Hundred (\$1,000). If the SEP is satisfactorily completed, but EPA determines that the Respondent has spent at least Thirty-Six Thousand Dollars (\$36,000) on the SEP, Respondent shall not be liable for any stipulated penalty.
- c. If the SEP is not completed satisfactorily, but EPA determines that Respondent (1) has made good faith and timely efforts to complete the SEPs; and (2) has certified, with supporting documentation, that Respondent spent at least Thirty-Six Thousand Dollars (\$36,000) on the SEP, Respondent shall not be liable for payment of a stipulated penalty.
- d. If Respondent fails to timely and completely submit the SEP Completion Report required by this Consent Agreement and Final Order, Respondent shall be liable for and shall pay a stipulated penalty in the amount of One Hundred Dollars (\$100.00) for each day after the due date until a complete report is submitted.
- e. EPA shall determine whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP.
- f. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of completion of the SEP or other resolution under this Consent Agreement and Final

- Order.
- g. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions set forth in Paragraph 2 of the Final Order portion of this Consent Agreement and Final Order, below.
 - h. The United States may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this Consent Agreement and Final Order.

69. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury Tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorney fees. In addition, 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. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. § 901.9(c) and (d).

70. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

Effective Date

71. This Consent Agreement and Final Order shall be effective upon 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.

Reservation of Rights

72. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms of the Final Order portion 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 Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) per day per violation pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

73. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

74. 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.

75. 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 future 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.

76. 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.

77. 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.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this Consent Agreement and Final Order, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this Consent Agreement and Final Order, Respondent will pay a civil penalty of Three Thousand Three Hundred Fifty-Six Dollars (\$3,356).

2. Payment of the penalty shall be made by cashier or certified check, by wire transfer, or on-line. The Payment shall reference the Docket Number on the check or wire transfer. If made by cashier or certified check, the check shall be made payable to "Treasurer of the United States" and remitted to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

Wire transfers shall be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

On-line payments are available through the Department of Treasury:

www.pay.gov
Enter "sfo 1.1" in the search field.
Open the form and complete required files.

3. A copy of the check, transfer, or on-line payment confirmation shall simultaneously be sent to the following:

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

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

4. Respondent shall complete the Supplemental Environmental Project in accordance with the provisions set forth in the Consent Agreement and shall be liable for any stipulated penalty for failure to complete such project as specified in the Consent Agreement.

5. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

6. Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below:

7. Within thirty (30) days of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit the following document to EPA, in accordance with Paragraph 8 below:

- a. A description and supporting photographic documentation of how Respondent will ensure the hazardous and universal waste containers are properly managed.
 - b. Copies of universal waste shipping papers for 2014 and 2015.
8. Respondent shall submit all documentation generated to comply with the requirements as set forth in Paragraph 7 of this Final Order to the following address:

Deborah Bredehoft, AWMD/WEMM
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

C. Parties Bound

9. The Final Order portion of 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

3/4/14
Date

Becky Weber
Becky Weber, Division Director
Air and Waste Management Division

2/29/16
Date

Kelley Catlin
Kelley Catlin
Office of Regional Counsel

For Respondent

FRC COMPONENT PRODUCTS, INC.

02/26/2016
Date


Signature

MOHAMED RAZI
Printed Name

Vice President
Title



IT IS SO ORDERED. This Final Order shall become effective upon filing.

3-10-2016
Date

Karina Borrromeo
Karina Borrromeo
Regional Judicial Officer

IN THE MATTER Of FRC Component Products, Inc., Respondent
Docket No. RCRA-07-2016-0014

CERTIFICATE OF SERVICE

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

Copy emailed to Attorney for Complainant:

catlin.kelley@epa.gov

bredehft.deborah@epa.gov

Copy by First Class Mail to Respondent:

Mr. Mahamed Raji
Vice President
FRC Component Products, Inc.
1511 S Benjamin Avenue
Mason City, Iowa 50401

Dated: 3/14/16



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7