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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK
EPA--REGION 10

IN THE MATTER OF:)	Docket No. RCRA-10-2011-0128
)	
Schwab Screw Machine Products)	EXPEDITED SETTLEMENT
Sweetwater, Idaho)	AGREEMENT AND
EPA ID Number IDE 00000 0016)	FINAL ORDER
)	
Respondent)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. Schwab Screw Machine Products ("Respondent") is the owner or operator of a facility at 24458 Webb Road, Sweetwater, Idaho 83540 ("Facility"). The EPA inspected the Facility on July 14, 2010. The EPA alleges Respondent violated the following requirements of RCRA and the EPA-approved and authorized Idaho Rules and Standards for Hazardous Waste (Idaho Administrative Procedures Act 58.01.05):
 - a. 40 C.F.R § 279.22(c)(1) requires that containers and tanks used to store used oil be labeled or marked clearly with the words "Used Oil." On July 14, 2010, an open metal drip pan used to collect and store used oil at the Facility was not labeled or marked with the words "Used Oil" in violation of 40 C.F.R. § 279.22(c)(1).
 - b. 40 C.F.R § 279.24 states that generators may transport their own used oil, provided that they transport the used oil to either an approved used oil collection center or a used oil aggregation point. On at least one occasion during 2010, Respondent transported its used oil to a local tire company that is not an approved used oil collection center or aggregation point in violation of 40 C.F.R § 279.24.
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of seven hundred dollars (\$700.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.

4. Payment under this Agreement must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

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

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

5. Respondent must deliver via United States mail a photocopy of the check described in Paragraph 4 to the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

and

Kristin McNeill, RCRA Compliance Officer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

6. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
7. Each party shall bear its own costs and fees, if any.
8. In signing this Agreement, Respondent: (1) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein, (3) consents to the assessment of this civil penalty, and (4) waives any right to contest the allegations contained herein in a hearing or appeal pursuant to Section 3008(b) of RCRA.
9. In signing this Agreement, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) the civil penalty has been paid. Respondent is submitting proof of payment of the civil penalty with this Agreement.

10. In signing this Agreement, Respondent certifies that Respondent is a small business, based on the Small Business Administration (SBA) size standards (13 C.F.R. Part 121).
11. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
12. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

RESPONDENT:

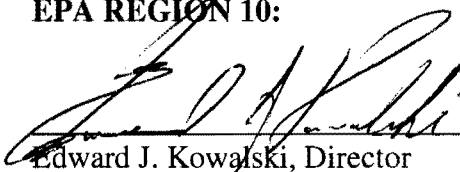
Name (print): Mary Post

Title (print): Office Manager

Signature: Mary Post

Date: 8-22-11

EPA REGION 10:



Edward J. Kowalski, Director
Office of Compliance and Enforcement
U.S. Environmental Protection Agency, Region 10

Date: 8/5/2011

IT IS SO ORDERED:



Thomas Jahnke, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: 8/29/11

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Schwab's Screw Machine, DOCKET NO.: RCRA-10-2011-0128** was filed with the Regional Hearing Clerk on August 29, 2011.

On August 29, 2011, the undersigned certifies that a true and correct copy of the document was delivered to:

Meg Silver, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on August 29, 2011, to:

Schwab's Screw Machine
24458 Webb Road
Lapwai, ID 83540

DATED this 29th day of August 29, 2011.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10