

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

2017 MAY 31 PM 1:50

In the Matter of:)
)
Sivyer Steel Corporation,) **CONSENT AGREEMENT**
) **AND FINAL ORDER**
Respondent.)
) Docket No. RCRA-07-2017-0151
Proceeding under Sections 3008(a) and)
(g) of the Resource Conservation and)
Recovery Act as amended, 42 U.S.C.)
§§ 6928(a) and (g))

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and Sivyer Steel Corporation (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 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 Section 3005 of RCRA, 42 U.S.C § 6925, for failing to comply with the generator accumulation standards (40 C.F.R. Part 262.34), the standards for the management of used oil (40 C.F.R. Part 279), the standards for universal waste management (40 C.F.R. Part 273), and the standards for manifesting hazardous waste (40 C.F.R. Part 262.20).

Parties

3. Complainant is the Branch Chief of the Waste Enforcement and Materials Management branch in the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Regional Administrator and Administrator of EPA.

4. Respondent is Sivyer Steel Corporation, 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 of RCRA, 42 U.S.C. § 6928.

General Factual Background

6. 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).

7. Respondent’s facility is located at 225 Bettendorf, Iowa. Respondent produces and finishes steel castings. Respondent employs approximately 174 people.

8. On or about February 25, 2014, Respondent notified EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930. LQGs generate 1,000 kilograms per month or more of hazardous waste, or more than 1 kilogram per month of acutely hazardous waste.

9. On or about September 23-24, 2015, a representative of EPA 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 Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

10. At the time of the inspection, the following solid wastes were present:

- a. Core wash waste generated at approximately 1,300 pounds per month.
- b. Expired resins generated up to 20,000 pounds once or twice per year.
- c. Parts washer solvent generated at approximately 120 gallons per year.
- d. Aerosol can residue generated at approximately one gallon per year.

11. At the time of the inspection, the following hazardous wastes were present:
 - a. Core wash waste generated during coating of sand molds and considered D001 characteristic hazardous waste and F003 listed hazardous waste.
 - b. Expired resins are mold resins that have exceeded the expiration date and considered D002 characteristic hazardous waste.
 - c. Parts washer solvent is generated when parts washers are serviced and considered D001 characteristic hazardous waste.
 - d. Aerosol can residue is generated from the puncturing and draining of aerosol cans and considered D001 characteristic hazardous waste.

12. At the time of the inspection, the following used oil containers were present:
 - a. Twenty-five used oil storage containers that ranged in size from five to fifty-five gallons in the hazardous waste container accumulation area.
 - b. Three, 275-gallon used oil storage containers that contained approximately 250 gallons of oily water mix in the hydraulic crucible handling system.

13. At the time of the inspection, the following universal waste containers were present:
 - a. One hundred eighty spent 4-foot lamps in a file storage room adjacent to the hazardous waste container accumulation area.
 - b. One hundred ten spent 8-foot lamps in a file storage room adjacent to the hazardous waste accumulation area.
 - c. One hundred thirty-five spent HID lamps in a file storage room adjacent to the hazardous waste container accumulation area.

14. Respondent has been assigned the following EPA ID Number: IAD005264460.

Violations

15. 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**

16. Complainant hereby incorporates the allegations contained in Paragraphs 6 through 14 above, as if fully set forth herein.

Generator Requirements

17. The regulations at 40 C.F.R. § 262.34(a) state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) 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 describe arrangements with local emergency agencies in contingency plan

18. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

19. Pursuant to 40 C.F.R. § 265.52(c), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must prepare a contingency plan which describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

20. At the time of the inspection, the contingency plan for Respondent's facility failed to describe arrangements agreed to by local emergency response agencies to coordinate emergency services.

Failure to list emergency coordinator information in contingency plan

21. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

22. Pursuant to 40 C.F.R. § 265.52(d), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must list names, addresses, and phone numbers (office and home) 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.

23. At the time of the inspection, the information cited above was not listed in the most up to date contingency plan.

Failure to list and describe emergency equipment, location, capabilities in contingency plan

24. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

25. Pursuant to 40 C.F.R. § 265.52(e), as found in 40 C.F.R. Part 265, Subpart D, the plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), the location and a physical description of each item on the list, and a brief outline of its capabilities.

26. At the time of the inspection, the information described above was not included in the most up to date contingency plan.

Failure to include evacuation plan in contingency plan

27. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

28. Pursuant to 40 C.F.R. § 265.52(f), as found in 40 C.F.R. Part 265, Subpart D, the plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary.

29. At the time of the inspection, the most up to date contingency plan failed to include a description of an evacuation plan.

Failure to submit a copy of contingency plan to local agencies

30. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

31. Pursuant to 40 C.F.R. § 265.53(b), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

32. At the time of the inspection, the facility had not submitted a copy of its contingency plan to the emergency response agencies.

Failure to train program director in hazardous waste management procedures

33. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

34. Pursuant to 40 C.F.R. § 265.16(a)(2) the personnel training program must be directed by a person trained in hazardous waste management procedures.

35. At the time of the inspection, the program director was not trained in hazardous waste management procedures.

Failure to perform introductory hazardous waste training

36. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

37. Pursuant to 40 C.F.R. § 265.16(b) facility personnel must successfully complete the introductory hazardous waste training program within six (6) months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later.

38. The training program must include classroom instruction or on-the-job training that teaches facility personnel how to perform their duties in a way that ensures the facility's compliance with the requirements of this part. 40 C.F.R. § 265.16(a).

39. At the time of the inspection, several facility personnel whose positions relate to hazardous waste management had not completed introductory training within six (6) months of employment.

Failure to perform annual refresher of hazardous waste training

40. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

41. Pursuant to 40 C.F.R. § 265.16(c) facility personnel must take part in an annual review of the initial RCRA training program.

42. At the time of the inspection, several facility personnel whose positions relate to hazardous waste management had not completed refresher training.

Failure to maintain hazardous waste job descriptions

43. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

44. Pursuant to 40 C.F.R. § 265.16(d)(2) the owner or operator must maintain a written job description for each position at the facility related to hazardous waste management including the requisite skill, education, or other qualifications.

45. At the time of the inspection, Respondent's written job descriptions failed to include the information cited above.

Failure to maintain training descriptions

46. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

47. Pursuant to 40 C.F.R. § 265.16(d)(3), the owner or operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person whose position at the facility is listed in the regulations and related to hazardous waste management.

48. At the time of the inspection, Respondent's records failed to include a written description of training requirements for each position related to hazardous waste management.

Failure to maintain training documentation

49. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

50. Pursuant to 40 C.F.R. §§ 265.16(d)(4) and 265.16(e), a generator must maintain records that document the training or job experience required under 40 C.F.R. §§ 265.16(a), (b), and (c) has been given to, and completed by, facility personnel, and that training records on current personnel are kept until closure of the facility.

51. At the time of inspection, Respondent's records did not document training or job experience and the information required by 40 C.F.R. §§ 265.16(a), (b), and (c).

Satellite Accumulation

52. 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 containers

53. 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.

54. At the time of the inspection, the following satellite accumulation containers containing hazardous waste were open:

- a. One 55-gallon container had an aerosol can puncturing unit atop the container and the puncturing unit was open.
- b. One 55-gallon container of core mold wash waste.

Failure to properly label satellite accumulation containers

55. The regulations at 40 C.F.R. § 262.34(c)(1)(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," or with other words that identify the contents of the container.

56. At the time of the inspection, the following satellite accumulation containers containing hazardous waste were not labeled with the words, "Hazardous Waste" or other words to identify the contents of the container:

- a. One 55-gallon container had an aerosol can puncturing unit atop the container and the puncturing unit was open.
- b. One 55-gallon container of core mold wash waste.

57. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 17 through 56 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, 42 U.S.C. § 6925.

Count 2

Failure to Comply with Universal Waste Management Requirements

58. Complainant hereby incorporates the allegations contained in Paragraphs 6 through 14 above, as if fully set forth herein.

Failure to label universal waste containers

59. 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)."

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

- a. One hundred eighty spent 4-foot lamps in a file storage room adjacent to the hazardous waste container accumulation area.
- b. One hundred ten spent 8-foot lamps in a file storage room adjacent to the hazardous waste accumulation area.
- c. One hundred thirty-five spent HID lamps in a file storage room adjacent to the hazardous waste container accumulation area.

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

Failure to date universal waste containers

62. 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.

63. 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. One hundred eighty spent 4-foot lamps in a file storage room adjacent to the hazardous waste container accumulation area.
- b. One hundred ten spent 8-foot lamps in a file storage room adjacent to the hazardous waste accumulation area.
- c. One hundred thirty-five spent HID lamps in a file storage room adjacent to the hazardous waste container accumulation area.

64. 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

65. 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.

66. At the time of the inspection, Respondent failed to close the following containers or packages to prevent releases and breakage:

- a. One hundred eighty spent 4-foot lamps in a file storage room adjacent to the hazardous waste container accumulation area.
- b. One hundred ten spent 8-foot lamps in a file storage room adjacent to the hazardous waste accumulation area.
- c. One hundred thirty-five spent HID lamps in a file storage room adjacent to the hazardous waste container accumulation area.

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

Count 3
Failure to Comply with Used Oil Regulations

68. Complainant hereby incorporates the allegations contained in Paragraphs 6 through 14 above, as if fully set forth herein.

Failure to properly label used oil containers

69. The regulations at 40 C.F.R. § 279.22(c)(1) require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words "Used Oil."

70. At the time of the inspection, Respondent failed to label or clearly mark the following used oil containers:

- a. Twenty-four used oil storage containers that ranged in size from five to fifty-five gallons in the hazardous waste container accumulation area.
- b. Two, 275-gallon used oil storage containers that contained approximately 250 gallons of oily water mix in the hydraulic crucible handling system.

71. Respondent's failure to properly label the containers of used oil described above is a violation of 40 C.F.R. § 279.22(c)(1).

Count 4
Failure to Comply with Hazardous Waste Manifest Regulations

72. Complainant hereby incorporates the allegations contained in Paragraphs 6 through 14 above, as if fully set forth herein.

Failure to Prepare a Hazardous Waste Manifest

73. The regulations at 40 C.F.R. § 262.20 require a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest (OMB Control Number 2050-0039) on EPA Form 8700-22.

74. At the time of the inspection, the inspector collected an invoice for the service of two parts washers that use a flammable solvent. The Respondent was unable to produce a corresponding manifest for each waste stream that was removed for disposal.

75. Respondent's failure to prepare a hazardous waste manifest for the two waste streams disposed off-site is a violation of 40 C.F.R. § 262.20.

Failure to File Exception Reports

76. The regulations at 40 C.F.R. § 262.42(a)(2) requires an LQG submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

77. At the time of the inspection, the Respondent did not possess a copy of the returned copy of six manifest forms from the designated facility nor had the Respondent filed exception reports for these manifests to the EPA Region 7 Administrator.

78. Respondent's failure to file exception reports for the six manifests described above is a violation of 40 C.F.R. § 262.42(a)(2).

CONSENT AGREEMENT

79. 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.

80. 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.

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

82. 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.

83. 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.

84. 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.

85. 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.

86. This Consent Agreement and Final Order 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.

87. Respondent certifies that by signing this Consent Agreement and Final Order that to the 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.

88. 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.

89. Respondent consents to the issuance of this Consent Agreement and Final Order.

Effective Date

90. 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

91. 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 Fifty-Six Thousand Four Hundred Sixty-Seven (\$56,467) 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. 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

1. EPA has considered the seriousness of the violations and any good faith efforts to comply with the applicable requirements pursuant to Section 3008(a)(3), and has determined that the appropriate penalty for the violations is Twenty-Nine Thousand One Hundred Seventy-Eight Dollars (\$29,178). However, ability to pay is considered a mitigating factor in EPA's RCRA Civil Penalty Policy (June 2003). Respondent has demonstrated that it is unable to pay any penalty in this matter. Because of Respondent's inability to pay the penalty, therefore, Complainant conditionally agrees to resolve the claims alleged herein.

A. Compliance Actions

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

3. Respondent shall submit a Quarterly Compliance Report to EPA, in accordance with Paragraph 4 below. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. Items with an asterisk (*) need only be provided in the first submission. The subsequent four (4) submissions shall be submitted within ninety (90) days of the previous submission. The Quarterly Compliance Report shall include the following:

- a. *A narrative description with supporting documentation to show compliance with the training requirements set forth at 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16.
- b. *A narrative description with supporting documentation to show compliance with the contingency plan requirements set forth at 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.51.
- c. A narrative description with supporting documentation of Respondent's per month generation rate.
- d. A narrative description with supporting documentation, including photographs, to show all hazardous waste accumulation containers and satellite accumulation containers are properly managed pursuant to 40 C.F.R. §§ 262.34(a)(2)-(3) and 262.34(c).
- e. A narrative description with supporting documentation, including photographs, to show all used oil containers are properly managed pursuant to 40 C.F.R. § 279.
- f. A narrative description with supporting documentation, including photographs, that all universal waste containers are properly managed pursuant to 40 C.F.R. §§ 273.13, 273.14, and 273.15.
- g. Documentation verifying universal waste containers are timely and properly shipped off-site.
- h. *A narrative description with supporting documentation to show current compliance with the universal waste training requirements set forth at 40 C.F.R. § 273.16.
- i. Copies of each manifest prepared for hazardous waste shipped off site for the reporting period.

4. Respondent shall submit all documentation generated to comply with the requirements as set forth in the immediately preceding paragraph to the following address:

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

B. Parties Bound

5. 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

23 May 2017
Date

Mary Goetz
Mary Goetz Branch Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

5/23/17
Date

Kelley Catlin
Kelley Catlin
Office of Regional Counsel

For Respondent, Sivyer Steel Corporation

5/22/17

Date



Signature

KEITH D. KRAMER

Printed Name

RESIDENT

Title

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

May 31, 2017
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

IN THE MATTER Of Sivyer Steel Corporation, Respondent
Docket No. RCRA-07-2017-0151

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 via Email to Complainant:

catlin.kelley@epa.gov

Copy via First Class Mail to Respondent:

Diane M. Marchik, Esq.
Godfrey Kahn S.C.
833 East Michigan Street
Suite 1800
Milwaukee, Wisconsin 53202-5615

Dated: 5/31/17



Kathy Robinson
Hearing Clerk, Region 7