

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

2016 AUG 16 AM 8:00

IN THE MATTER OF:

Salford, Inc.

EPA ID. No. IAD984621292

Respondent.

) Docket No.

) RCRA-07-2016-0027

) **EXPEDITED SETTLEMENT**

) **AGREEMENT AND**

) **FINAL ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Salford, Inc. (“Respondent”), owner or operator of the facility located at 925 Furnas Drive, Osceola, Iowa (the “Facility”), failed to comply with the Resource Conservation and Recovery Act (“RCRA”).
2. During an inspection of the Facility on March 18, 2015, the following violations of RCRA and its implementing regulations were observed:
  - a. Failure to mark satellite accumulation containers with “Hazardous Waste” or with other words that identify the contents of the containers. 40 C.F.R. § 262.34(c)(1)(ii).
  - b. Failure to have at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in 40 C.F.R. § 262.34(d)(5)(iv). This employee is the emergency coordinator. 40 C.F.R. § 262.34(d)(5)(i).
  - c. Failure to post the following next to the phone: the name and phone number of the emergency coordinator, location of the fire extinguishers and spill control material (and if present, fire alarm), and the telephone number of the fire department, unless the facility has a direct alarm. 40 C.F.R. § 262.34(d)(5)(ii).
  - d. Failure to make arrangements with local emergency services, as appropriate for the type of waste handled at his facility. 40 C.F.R. § 262.34(d)(4) referencing 40 C.F.R. § 265.37.
  - e. Failure to provide spill control, decontamination, safety, and fire control equipment. 40 C.F.R. § 262.34(d)(4) referencing 40 C.F.R. § 265.32(c).
  - f. Failure to demonstrate the length of time that universal waste accumulated from the date it becomes a waste or is received. 40 C.F.R. § 273.15(c).
  - g. Failure to clearly label or mark each universal waste lamp or universal waste 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)”. 40 C.F.R. § 273.14(e).

3. EPA and Respondent agree that settlement of this matter for a penalty of Seven Thousand Dollars (\$7,000) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives any right to contest any issue of fact or law set forth herein; and (6) waives its right to appeal the Final Order accompanying this Agreement.
6. By its signature below 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) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. 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.
8. The civil penalty of Seven Thousand Dollars (\$7,000) should be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. 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.
11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

#### 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 Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

14. Respondent shall pay a civil penalty of Seven Thousand Dollars (\$7,000) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
15. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent to the following:  
  
Kathy Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219; and  
  
Kelley Catlin  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.
16. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
17. This Expedited Settlement 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.

IT IS SO AGREED,

Robert T. Kober  
Name (print)

Operations Mgr.  
Title (print)

[Signature]  
Signature

Date 7-28-2016

APPROVED BY EPA:

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

Date 11 Aug 2016

Kelley Catlin  
Kelley Catlin, Attorney  
Office of Regional Counsel

Date 8/10/16

IT IS SO ORDERED:

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer

Date Aug. 15, 2016

IN THE MATTER Of Salford, Inc., Respondent  
Docket No. RCRA-07-2016-0027

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](mailto:catlin.kelley@epa.gov)

Copy by First Class Mail to Respondent:

Robert T. Kober  
Operations Manager  
Salford, Inc.  
925 Furnas Drive  
Osceola, Iowa 50213

Dated: 8/16/16

  
Kathy Robinson  
Kathy Robinson  
Hearing Clerk, Region 7