

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2016 AUG 23 AM 11:29

IN THE MATTER OF)
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Winnebago Industries, Inc.)
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_____)

Docket No. RCRA-07-2016-0029

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), facsimile/electronic filing of page 15 of the Consent Agreement and Final Order is authorized in this proceeding.

Dated: Aug. 23, 2016

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

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

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 7

2016 AUG 23 AM 11:29

IN THE MATTER OF:)

Winnebago Industries, 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-07-2016-0029

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and Winnebago Industries, 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 generators (40 C.F.R. Part 262), and the standards for universal waste management (40 C.F.R. Part 273).

Parties

3. Complainant is the 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 Administrator of EPA.

4. Respondent is Winnebago Industries, 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 \$37,500 per day are authorized for violations of Subchapter III of RCRA that occur after January 12, 2009. 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 605 West Crystal Lake Road, Forest City, Iowa. Respondent manufactures and repairs motor homes and extrudes and paints aluminum parts for other manufacturers. Respondent employs approximately 2,200 people.

9. On or about February 29, 2000, Respondent notified 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.

10. Respondent has been assigned the following EPA ID Number: IAD005300751.

11. On or about April 9, 2014, an inspector acting on behalf 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 Large Quantity Handler of universal waste, and used oil generator and marketer of on-specification used oil fuel.

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

- a. Used oil generated throughout the facility;
- b. Used oil filters generated throughout the facility;
- c. Waste paint related material (WPRM) generated during cleaning of spray paint guns in wet paint booths across the facility;
- d. Waste tires generated in the truck shop and customer service building;
- e. Used parts washer solvent generated during maintenance of seven parts washers across the facility;
- f. Spent lead-acid batteries generated during maintenance of facility-owned vehicles and during maintenance and repair of customer motor homes;
- g. Waste antifreeze generated during maintenance of facility-owned vehicles and during maintenance and repair of customer motor homes;
- h. Waste fuel generated during maintenance and repair of customer motor homes;
- i. Scrap aluminum generated during extrusion of aluminum parts;
- j. Waste carburetor cleaner generated in a parts washer in the metal stamping building;
- k. Waste paint stripper generated during rework when powder coat must be removed from parts in a paint stripper dip tank;
- l. Waste solvent rags generated throughout the facility;
- m. Waste paint related material with Imron generated during cleaning of spray paint guns in the main paint line;
- n. Waste acetone generated during cleaning of spray paint guns and other equipment in the fiberglass manufacturing area;
- o. Waste catalyst rags generated from wiping off solvent, catalysts and fiberglass during cleaning of parts before and after applying fiberglass to forms;
- p. Catalyst rinse water generated when empty containers that previously held peroxide catalyst are rinsed;
- q. Universal waste batteries generated during facility maintenance; and
- r. Used lamps and broken lamps generated during facility maintenance.

13. At the time of the inspection, the following hazardous wastes were present:

- a. Waste paint related material (WPRM) which carries the following hazardous waste codes: D001, D018, D035, F003 and F005.
- b. Spent lead-acid batteries which carry the D008 hazardous waste code.

- c. Waste fuel which carries the D001 and D018 waste codes.
- d. Waste carburetor cleaner which carries the following hazardous waste codes: D006, D008, D018, D027, D039, and D040.
- e. Waste paint stripper which carries the D001 and D002 waste codes.
- f. Waste solvent rags which carry the D001 and D018 waste codes.
- g. Waste paint related material with Imron which carries the D001, D018, D035, F003 and F005 waste codes.
- h. Waste acetone which carries the D001 and F003 waste codes.
- i. Waste catalyst rags which carry the D001 waste code.
- j. Catalyst rinse water which carries the D001 waste code.
- k. Universal waste batteries which carry the D006 and D008 waste codes.
- l. Used lamps and broken lamps which carry the D009 waste codes.

14. At the time of the inspection, the following universal waste containers were present in the Barrel building:

- a. 23 containers of used 8-foot tube lamps;
- b. One container of used HID lamps;
- c. Two containers of used 2-foot and U-tube lamps;
- d. One container of broken lamps; and
- e. Three containers of used 4-foot tube lamps.

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 7 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 its facility for any length of time. Respondent failed to comply with the following conditions:

Failure to date hazardous waste accumulation containers

18. The regulations at 40 C.F.R. § 262.34(a)(2) require generators to clearly mark the date upon which each period of accumulation began on each container.

19. At the time of the inspection, the following hazardous waste accumulation containers were not marked with the date upon which accumulation began:

- a. One 55-gallon container of WPRM in the VP building paint kitchen; and
- b. Two 55-gallon containers of waste fuel in the Barrel building.

Failure to label hazardous waste accumulation containers

20. The regulations at 40 C.F.R. § 262.34(a)(3) require generators to clearly mark each container of hazardous waste with the words "Hazardous Waste" while accumulating on-site.

21. At the time of the inspection, the following hazardous waste accumulation containers were not marked with the words "Hazardous Waste":

- a. Two 55-gallon containers of waste fuel in the Barrel building; and
- b. One 55-gallon container of waste solvent rags in the VP building paint kitchen.

Failure to list emergency coordinator information in contingency plan

22. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of 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).

23. 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.

24. At the time of the inspection, the primary emergency coordinator was not listed in the most up to date contingency plan.

Failure to include evacuation route in contingency plan

25. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of 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).

26. Pursuant to 40 C.F.R. § 265.52(f), as found in 40 C.F.R. Part 265 Subpart D, the contingency plan must include an evacuation plan which describes signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

27. At the time of the inspection, the facility's contingency plan failed to include evacuation routes.

Failure to provide job titles linked to employee names

28. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of 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).

29. Pursuant to 40 C.F.R. § 265.16(d)(1) the owner or operator must maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

30. At the time of the inspection, Respondent's written job descriptions failed to provide job titles for each position at the facility related to hazardous waste management along with the name of the employees filling those positions.

Satellite Accumulation

31. 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 40 C.F.R. § 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 40 C.F.R. § 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

32. 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.

33. At the time of the inspection, one 55-gallon container of waste solvent rags in the Motor Home Plant building main paint line maintenance area was open.

Failure to label satellite accumulation containers

34. 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.

35. 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 of WPRM in the VP building paint kitchen; and
- b. One 55-gallon container of waste paint stripper in the powder strip satellite accumulation area.

*Failure to maintain hazardous waste in a satellite accumulation container
that is in good condition*

36. The regulations at 40 C.F.R. § 262.34(c)(1)(i) referencing 40 C.F.R. § 265.171 state that if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

37. At the time of the inspection, one 55-gallon container of WPRM in the VP building paint kitchen had a dent that compromised the structural integrity of the container.

38. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 17 through 37 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

39. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 14 above, as if fully set forth herein.

Failure to label universal waste containers

40. The regulations at 40 C.F.R. § 273.34(e) require large 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)."

41. At the time of the inspection, one container of universal waste lamps in the Barrel building was not labeled.

42. Respondent's failure to properly label the universal waste lamp container described above is a violation of 40 C.F.R. § 273.34(e).

Failure to date universal waste containers

43. The regulations at 40 C.F.R. § 273.35(c)(1) require large 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.

44. At the time of the inspection, Respondent failed to demonstrate the length of accumulation time for the following containers:

- a. One container of universal waste lamps in the Barrel building; and
- b. Two containers of used 4-foot tube lamps in the Barrel building.

45. 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. § 273.35(c)(1).

Failure to close universal waste containers

46. The regulations at 40 C.F.R. § 273.33(d)(1) require a large 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.

47. At the time of the inspection, Respondent failed to close one container of universal waste accumulating in the Barrel building to prevent releases and breakage.

48. 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. § 273.33(d)(1).

Failure to demonstrate length of accumulation for universal waste containers

49. The regulations at 40 C.F.R. § 273.35(c) require a large quantity handler of universal waste to demonstrate the length of time that universal waste has been accumulating from the date it becomes a waste or is received.

50. At the time of the inspection, Respondent failed to demonstrate the length of time two containers of used 4-foot tube lamps were accumulating in the Barrel building.

51. Respondent's failure to demonstrate the length of time universal waste was accumulating is a violation of 40 C.F.R. § 273.35(c).

Accumulation of universal waste for longer than one year

52. The regulations at 40 C.F.R. §§ 273.35(a) and (b) state that a large 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.

53. At the time of the inspection, two containers of used 2-foot and U-tube lamps accumulating in the Barrel building were dated June 12, 2010 and August 3, 2010, respectively.

54. At the time of the inspection, one container of broken lamps accumulating in the Barrel building was dated June 12, 2012.

55. Respondent's accumulation of the universal waste lamps described above for longer than one year is a violation of 40 C.F.R. § 273.35(a).

Failure to inform employees on universal waste handling procedures

56. The regulations at 40 C.F.R. § 273.36 require a large quantity handler of universal waste to inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

57. At the time of the inspection, the facility was not providing a universal waste training program to address the proper handling and emergency procedures appropriate to the universal waste handled at the facility.

58. Respondent's failure to inform employees who handle or manage universal waste of the proper handling and emergency procedures is a violation of 40 C.F.R. § 273.36.

III. CONSENT AGREEMENT

59. 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.

60. 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.

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

62. 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.

63. 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.

64. 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.

65. 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.

66. The effect of settlement described in Paragraph 65 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 67, below, of this Consent Agreement and Final Order.

67. 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.

68. 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.

69. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Twelve Thousand Four Hundred Sixty Dollars (\$12,460) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

70. 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.

71. 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 cited above.

72. 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).

73. 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

74. 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

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

IV. 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 Twelve Thousand Four Hundred Sixty Dollars (\$12,460).

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 - CFC
P.O. Box 979077
St. Louis, Missouri 63197-9000.

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

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. 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

5. Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below:
- a. Prepare a written narrative with supporting photographic documentation showing that Respondent is correctly managing all Container Accumulation Areas and Satellite Accumulation Areas to ensure the containers are closed, labeled, dated and managed according to 40 C.F.R. § 262.34. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. The subsequent three (3) submissions shall be provided ninety (90) days after the previous submission.
 - b. Prepare a written narrative with supporting photographic documentation showing that Respondent is correctly managing all universal waste lamp containers to ensure the containers are closed, labeled, dated and managed according to 40 C.F.R. Part 273. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. The subsequent three (3) submissions shall be provided ninety (90) days after the previous submission.

6. 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.

C. Parties Bound

7. 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

17 Aug 2016
Date

Mary Goetz

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

8/17/16
Date

Kelley Catlin

Kelley Catlin
Office of Regional Counsel

RESPONDENT
WINNEBAGO INDUSTRIES, INC.

8/22/2016
Date


Signature

Scott C. Folters
Printed Name

VP, General Counsel & Secretary
Title

IT IS SO ORDERED.

This Final Order shall become effective upon filing.

Aug. 23, 2016
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that on the date below I sent a true and correct copy of the Consent Agreement and Final Order by ~~certified mail, return receipt requested~~ to:
First class mail JK

Mr. Wayne Venzke
Winnebago Industries, Inc.
605 W. Crystal Lake Road
1234 Atlantic Street
Forest City, Iowa 50436

and by first class mail to:

Amie Davidson, Chief
Contaminated Sites Section
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034.

8/23/16
Date

Kathy Robinson
Signature