

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. RCRA-05-2020-0022
)	
)	
Bell Laboratories Inc.)	EXPEDITED SETTLEMENT
EPA ID. No. WID063518831)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Bell Laboratories Inc. (“Respondent”), owner or operator of the facility at 3699 Kinsman Boulevard, Madison, Wisconsin (the “Facility”), that is subject to Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* (“RCRA”), EPA’s regulations implementing RCRA (40 C.F.R. parts 260-279), and the EPA approved and authorized Wisconsin hazardous waste management program for Large Quantity Generators (Admin. Code §§ NR 660 through NR 699).
2. Under Wis. Admin. Code §§ NR 662 and NR 665, Respondent may avoid the need for a hazardous waste license or interim license by meeting certain license exemption requirements including, but not limited to, labeling or clearly mark each satellite container holding hazardous waste at or near the point of generation with the words “Hazardous Waste” or with other words that identify the contents of the containers; maintaining employee training records; describing arrangements agreed to by local emergency authorities in the facility’s contingency plan; identify by list or location (area or group) equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year, in a log that is kept in the facility operating record; determining appropriate Container Level standards (1 or 2) for containers having design capacity greater than 0.46 m³ (~122 gal).
3. EPA alleges that at the time of its April 25, 2019, inspection, Respondent failed to meet the following license exemption requirements set forth at Wis. Admin. Code §§ NR 662.034(1)-(3) and NR 665: labeling or clearly mark each satellite container holding hazardous waste at or near the point of generation with the words “Hazardous Waste” or with other words that identify the contents of the containers; maintaining employee training records; describing arrangements agreed to by local emergency authorities in the facility’s contingency plan; identify by list or location (area or group) equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year, in a log that is kept in the facility operating record; and determining appropriate Container Level standards (1 or 2) for

containers having design capacity greater than 0.46 m³ (~122 gal) in accordance with Wis. Admin. Code §§ NR 662. 662.034(3)(a)(2), NR 662.034(1)(d), NR 665.0016(4)(d), NR 665.0052(3), NR 662.034(1)(a)(1), NR 665.1050(5), NR 665.1064(7)(f), NR 665.1083(2), NR 665.1087(2)(a). By failing to comply with the requirements for a license exemption, above, Respondent became an operator of a hazardous waste storage facility and was required to obtain a Wisconsin hazardous waste storage license. Respondent failed to apply for such a license and violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32.

4. EPA also alleges that at the time of its April 25, 2019, inspection, Respondent failed to meet the following hazardous waste and used oil generator requirements set forth at Wis. Admin. Code §§ NR 662 and 679, by not determining whether its waste is hazardous, and by not labeling or marking clearly containers used to store used oil with the words “Used Oil” in accordance with Wis. Admin. Code §§ NR 662.011, and NR 679.22(3)(a).
5. EPA and Respondent agree that settlement of this matter for a penalty of seven thousand dollars (\$7,000) is in the public interest.
6. 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) and 22.18(b)(2)-(3).
7. In signing this Agreement, Respondent: (1) admits that 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 penalty; and (4) waives any right to contest the allegations contained herein.
8. 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) that Respondent will pay the civil penalty in accordance with this Agreement.
9. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$7,000 for the RCRA violations identified in this Agreement. There are four options for Respondent paying this civil penalty:

a. By sending a cashier’s or certified check, payable to “Treasurer, United States of America” to:

- i. For checks sent by regular U.S. Postal Service mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

- ii. For checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The face of the check must state the case title (“*In the Matter of: Bell Labs*”) and the docket number of this Agreement.

- b. Or by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state “*In the Matter of: Bell Labs*” and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

10. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard (E-19J)

Chicago, IL 60604

Derrick Samaranski
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Samaranski.derrick@epa.gov and
r5lecab@epa.gov

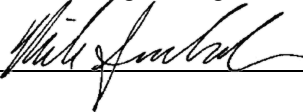
Peter Felitti
Office of Regional Counsel
U.S. EPA, Region 5
Felitti.peter@epa.gov

11. The civil penalty is not deductible for federal tax purposes.
12. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
13. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
14. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
15. 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.
16. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
17. Each party shall bear its own costs and fees, if any.
18. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.
19. The parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: felitti.peter@epa.gov (for Complainant), and MGreenheck@BellLabs.com (for Respondent).

IT IS SO AGREED,

Name (print): Mike Greenheck


Title (print): EHS & Training Manager

Signature:  _____

Date 9-25-20

APPROVED BY EPA:

**MICHAEL
HARRIS**

 Digitally signed by
MICHAEL HARRIS
Date: 2020.09.30 12:44:54
-05'00'

Date _____

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Bell Laboratories Inc.
Docket Number: RCRA-05-2020-0022

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2020.09.30
13:32:00 -05'00'

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5