UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101

IN THE MATTER OF:	)	
	)	
Seabee, a Division of Hampton Hydraulics, L.L.C.	)	
712 First Street, NW	)	
Hampton, Iowa 50441	)	**CONSENT AGREEMENT AND FINAL ORDER**
	)	
RCRA I.D. No. IAD078092962	)	
	)	Docket No. RCRA-07-2011-0001
Respondent.	)	
	)	
Proceeding under Section 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 United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Seabee, a Division of Hampton Hydraulics, L.L.C. (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, Issuance of Compliance or Corrective Action Orders, 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). This Consent Agreement and Final Order is a complete and final settlement of all civil and administrative claims and causes of action for the violations set forth in this Consent Agreement and Final Order.

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act (SWDA), as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 United States Code (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 Environmental Protection Agency has reason to believe that Respondent violated 3005 of RCRA, 42 U.S.C. § 6925, and the implementing regulations at 40 C.F.R. Part 262 and 265.

Parties

3. The Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of the EPA, Region 7.

4. The Respondent is Seabee, a division of Hampton Hydraulics, L.L.C., a company registered to conduct business in the state 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.

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 $32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004 and January 12, 2009, and penalties of up to $37,500 per day are authorized for violations 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), for the violations of RCRA alleged in this Consent Agreement and Final Order.

Factual Background

7. Respondent is a company authorized to conduct business in the State of Iowa, and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

8. Respondent, located at 712 First Street, NW, Hampton, Iowa, fabricates, polishes, paints, and electroplates hydraulic cylinders for heavy equipment. Respondent employs approximately 56 full time employees at its Hampton, Iowa facility.

9. Respondent is a Large Quantity Generator (LQG) of hazardous waste. LQGs generate more than 1000 kilograms of hazardous waste per month or more than 1 kilogram of acutely hazardous waste per month.

10. Respondent is a used oil generator.

11. Respondent is a Small Quantity Handler (SQH) of universal waste. A SQH is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

12. Respondent has been assigned the following EPA ID Number: IAD078092962.

13. Respondent operates three (3) less-than-90 day hazardous waste container accumulation areas (CAA) at the facility: the waste chromic CAA, the main CAA, and the filter press CAA.

14. On or about June 26, 2007, (hereinafter the "2007 inspection"), and on or about July 28 – 29, 2009, (hereinafter the "2009 inspection"), an EPA representative conducted Compliance Evaluation Inspections at Respondent's facility (collectively, "the inspections"). Based on information obtained during the inspections, Respondent was issued a Notice of Preliminary Findings for each inspection.

15. As a result of information obtained during the inspections, it was determined that Respondent was operating, at the time of each inspection, as a LQG of hazardous wastes pursuant to 40 C.F.R. Part 260 – 262.

Violations

16. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1

OPERATION OF A HAZARDOUS WASTE FACILITY WITHOUT A RCRA PERMIT OR INTERIM STATUS

17. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.

18. Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

19. The regulations at 40 C.F.R. § 262.34(a), allow a generator to accumulate hazardous waste in containers on-site for ninety (90) days without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(a)(1)-(4) are met. These conditions include compliance with other hazardous waste regulatory requirements.

20. At the time of the inspections, Respondent was not complying with various hazardous waste regulatory requirements, described below.

21. Respondent does not have a RCRA Permit or Interim Status to operate as a storage facility and is therefore in violation of Section 3005 of RCRA, 42 U.S.C § 6925.

Failure to Comply with Generator Requirements

22. At the time of the inspections, Respondent was not complying with the following regulatory requirements:

Accumulation of Hazardous Waste Greater than 90 Days

23. The regulations at 40 C.F.R. § 262.34(a)(1) allow a generator to accumulate hazardous waste on-site for ninety (90) days or less without a permit or interim status provided it meets certain conditions.

24. At the time of the 2007 inspection, the inspector observed two (2) one-cubic yard containers of chromium waste-water treatment sludge which were both dated March 2, 2007. The containers were observed on June 26, 2007, which is approximately twenty-six (26) days past the allowable ninety (90) day limit.

25. Chromium contaminated waste is a hazardous waste.

26. Respondent's accumulation of hazardous waste longer than ninety (90) days is a violation of 40 C.F.R. § 262.34(a)(1).

Failure to Properly Close, Date, and Label Accumulation Containers

27. The regulations at 40 C.F.R. § 262.34(a)(1)(i) which reference 40 C.F.R. § 265.173(a), require that containers holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove wastes.

28. The regulations at 40 C.F.R. § 262.34(a)(2), require a generator to clearly mark the date upon which the period of accumulation begins for each container of hazardous waste.

29. The regulations at 40 C.F.R. § 262.34(a)(3), require a generator to clearly label or mark each container of hazardous waste with the words "Hazardous Waste."

30. At the time of the 2007 inspection, the inspector observed that Respondent had failed to close and mark the accumulation start date on one (1) cubic-yard container located in the ninety (90) day accumulation area. The container contained chromium waste water treatment sludge.

31. At the time of the 2009 inspection, the inspector observed that Respondent had failed to close, mark the accumulation start date, and mark the words "Hazardous Waste" on one (1) cubic-yard supersack container located near the filter press. The container contained chromium waste water treatment sludge.

32. Respondent's failure to close a container of hazardous waste while accumulating is a violation of 40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a).

33. Respondent's failure to date when the period of accumulation begins for each container of hazardous waste is a violation of 40 C.F.R. § 262.34(a)(2).

34. Respondent's failure to label or clearly mark the words "Hazardous Waste" on each container of hazardous waste is a violation of 40 C.F.R. § 262.34(a)(3).

Weekly Inspections

35. The regulations at 40 C.F.R. § 262.34(c)(1)(i), which reference 40 C.F.R. § 265.174, require that a generator, at least weekly, inspect areas where hazardous waste containers accumulate. The generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

36. At the time of the 2007 inspection, the inspector discovered that Respondent was not performing weekly inspections in any hazardous waste accumulation area.

37. At the time of the 2009 inspection, the inspector discovered that Respondent was not performing weekly inspections in the filter press and chromium debris hazardous waste accumulation area.

38. Respondent's failure to perform weekly inspections in the hazardous waste accumulation areas is a violation of 40 C.F.R. §§ 262.34(c)(1)(i) and 265.174.

Spill Control Equipment in Hazardous Waste Accumulation Area

39. The regulations at 40 C.F.R. § 262.34(a)(4), which reference 40 C.F.R. § 265.32(c), require that a generator be equipped with a portable fire extinguisher, fire control equipment, spill control equipment, and decontamination equipment.

40. At the time of the 2009 inspection, the inspector discovered that Respondent did not have a spill kit in the filter press hazardous waste accumulation area.

41. Respondent's failure to have spill control equipment in the filter press hazardous waste accumulation areas is a violation of 40 C.F.R. §§ 262.34(a)(4) and 265.32(c).

Labeling and Closing Satellite Accumulation Containers

42. The regulations at 40 C.F.R. § 262.34(c)(1)(ii) state that a generator may accumulate as much as 55-gallons of hazardous waste in satellite accumulation areas provided the generator marks the containers either with the words "Hazardous Waste" or with other words that identify the contents of the container.

43. The regulations at 40 C.F.R. § 262.34(c)(1)(i), which reference 40 C.F.R. § 265.273(a), state that a generator may accumulate as much as 55-gallons of hazardous waste in satellite accumulation areas provided the container holding hazardous waste is always closed during accumulation, except when it is necessary to add or remove waste.

44. At the time of the 2007 inspection, the inspector observed one (1) 5-gallon satellite accumulation container containing hazardous waste in the paint kitchen that was not marked "Hazardous Waste" or with other words identifying the contents of the container. This satellite accumulation container was also not closed at the time of the inspection.

45. At the time of the 2009 inspection, the inspector observed one (1) 55-gallon satellite accumulation container containing hazardous waste in the paint kitchen, and one (1) 5-gallon satellite accumulation container containing hazardous waste in the paint booth that were not marked "Hazardous Waste" or with other words identifying the contents of the container. These satellite accumulation containers were also not closed at the time of the inspection.

46. Respondent's failure to label the satellite accumulation containers with the words "Hazardous Waste" or with other words identifying the contents of the containers is a violation of 40 C.F.R. § 262.34(c)(1)(ii).

47. Respondent's failure to close the satellite accumulation containers is a violation of 40 C.F.R. §§ 262.34(c)(1)(i) and 265.273(a).

Contingency Plan

48. The regulations at 40 C.F.R. § 262.34(a)(4), referencing 265.52(d), require that a generator have a contingency plan that lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

49. At the time of the April 2007 inspection, the inspector observed that Respondent's contingency plan failed to include the home address of the emergency coordinator and home address of the back-up.

50. At the time of the 2009 inspection, the inspector observed that Respondent's contingency plan failed to include the home address of the emergency coordinator back-up.

51. Respondent's failure to maintain a contingency plan with the home addresses of the emergency coordinator and back-up is a violation of 40 C.F.R. §§ 262.34(a)(4) and 265.52(d).

Count 2

IMPROPER MANAGEMENT OF USED OIL

52. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.

53. The regulations at 40 C.F.R. § 279.22(c)(1) require that containers and above ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

54. At the time of the 2007 inspection, the inspector observed that one (1) 500-gallon tank and two (2) 55-gallon containers of used oil were not properly labeled with the words "Used Oil".

55. At the time of the 2009 inspection, the inspector observed that one (1) 55-gallon container and one (1) 5-gallon container of used oil were not properly labeled with the words "Used Oil".

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

Count 3

IMPROPER MANAGEMENT OF UNIVERSAL WASTE

57. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 15 above, as if fully set forth herein.

Failure to Close Universal Waste Containers

58. The regulations at 40 C.F.R. § 273.13(d)(1) require that a SQH of universal waste must 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.

59. At the time of the 2007 inspection, the inspector observed one (1) large wooden container containing approximately 150 spent fluorescent lamps and approximately six (6) containers of spent fluorescent lamps that were not closed.

60. At the time of the 2009 inspection, the inspector observed between fifteen (15) and twenty (20) fluorescent lamp containers in the maintenance area that were not closed.

61. Respondent's failure to close the universal waste lamp containers is a violation of 40 C.F.R. § 273.13(d)(1).

Failure to Label Universal Waste Containers

62. The regulations at 40 C.F.R. § 273.14(e) require that each lamp or container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)" or "Waste Lamp(s)," or "Used Lamp(s)".

63. At the time of the 2007 inspection, the inspector observed one (1) large wooden container containing approximately 150 spent fluorescent lamps, approximately six (6) containers of spent fluorescent lamps, and approximately twenty (20) containers of spent high intensity discharge (HID) lamps were not properly labeled.

64. At the time of the 2009 inspection, the inspector observed between fifteen (15) and twenty (20) fluorescent lamp containers in the maintenance area were not labeled.

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

Failure to Contain Releases of Universal Waste

66. The regulations at 40 C.F.R. § 273.13(d)(2) require that a SQH of universal waste must manage lamps in a way that prevents releases by immediately cleaning up and placing in a container any lamp that is broken that could cause the release of mercury or other hazardous constituents to the environment.

67. The regulations at 40 C.F.R. § 273.17(a) state that a SQH of universal waste must immediately contain all releases of universal waste and other residues from universal wastes.

68. At the time of the 2009 inspection, the inspector observed at least one (1) broken universal waste lamp in the maintenance area.

69. Respondent's failure to contain the release and clean up the broken fluorescent lamp waste is a violation of 40 C.F.R. §§ 273.13(d)(2) and 273.17(a).

Accumulation of Universal Waste for Longer than One Year

70. The regulations at 40 C.F.R. § 273.15(a) and (b) state that a SQH 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.

71. At the time of the 2007 inspection, Respondent stated that it had accumulated the universal waste lamps for greater than one year.

72. At the time of the 2009 inspection, the inspector collected shipping papers from Respondent's transporter which revealed the last shipment of universal waste lamps was August 20, 2007.

73. Respondent's accumulation of universal waste lamps for greater than one year is a violation of 40 C.F.R. § 273.15(a).

Failure to Document Accumulation Time for Universal Waste

74. The regulations at 40 C.F.R. § 273.15(c) state that a SQH of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

75. At the time of the 2007 inspection, Respondent stated to the inspector that it had accumulated the universal waste lamps for greater than one year, but could not document when it began to accumulate the universal waste lamps.

76. At the time of the 2009 inspection, Respondent could not document for the inspector when it began to accumulate the universal waste lamps.

77. Respondent's failure to document the accumulation time for the universal waste lamps is a violation of 40 C.F.R. § 273.15(c).

Failure to Inform Employees on Universal Waste Handling Procedures

78. The regulations at 40 C.F.R. § 273.16 require that a SQH of universal waste must 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.

79. At the time of the 2009 inspection, the facility training program did not address the proper handing and emergency procedures appropriate to the universal waste handled at the facility.

80. 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. § 273.16.

III. CONSENT AGREEMENT

81. 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.

82. 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.

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

84. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of the Consent Agreement and Final Order.

85. 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.

86. 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.

87. 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.

88. 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.

89. The effect of settlement described in Paragraph 86 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 88, above, of this Consent Agreement and Final Order.

90. 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.

91. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Forty-Seven Thousand Four Hundred Forty Two Dollars ($47,442) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

92. 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 in Paragraph 91 above.

93. 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 attorneys 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

debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

94. 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.

95. This Consent Agreement and Final Order shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

96. This Consent Agreement and Final Order shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with Paragraph 102 of the Consent Agreement, that all requirements hereunder have been satisfied.

Reservation of Rights

97. 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-Two Thousand Five Hundred Dollars ($32,500) 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. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to $32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004, and January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to $37,500 per day are authorized.

98. 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.

99. 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, accumulation, 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.

100. 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, accumulation, 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.

101. 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.

102. 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) of RCRA, 42 U.S.C. § 6928(a), 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 shall pay a mitigated civil penalty of Forty-Seven Thousand Four Hundred Forty-Two Dollars ($47,442). The payment must be received at the address below on or before thirty (30) days after the effective date of the Final Order.

2. Payment of the penalty shall be by cashier or certified check made payable to "Treasurer of the United States" and remitted to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

The Respondent shall reference the Docket Number, RCRA-07-2011-0001 on the check. A copy of the check shall also be mailed to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, Kansas 66101;

and

Kelley Catlin
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

3. 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.

4. The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer.

B. Compliance Actions

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

a. Respondent shall provide, within thirty (30) days of the Effective Date of this Final Order, a written protocol for assuring hazardous waste determinations are properly made in a timely manner for every solid waste generated. This protocol shall include a solid waste inventory.

b. Respondent shall provide, on a quarterly basis for the course of one (1) year, a written report (with photographs) summarizing the hazardous waste management practices below. The first report shall be submitted three (3) months after the Effective Date of this Final Order. The report shall summarize:

i. How all hazardous waste containers are properly labeled, dated, closed, and managed (with photographic documentation of compliance);
ii. Copies of all hazardous waste manifests generated during the quarter;
iii. How used oil containers and tanks are properly managed and labeled (with photographic documentation of compliance);
iv. How universal waste lamp containers and batteries are properly labeled, dated, closed, and managed (with photographic documentation of compliance); and
v. Copies of all universal waste shipping documents generated during the quarter.

6. Respondent shall submit all documentation generated to comply with the requirements as set forth in Paragraphs 5(a) and 5(b), above, of the Final Order to the following address:

Edwin G. Buckner, P.E.
AWMD/WEMM
Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

C. Parties Bound

7. This 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.

For the Complainant:
The United States Environmental Protection Agency

11-1-10
Date

Donald Toensing
Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

10/29/10
Date

Kelley Catlin
Assistant Regional Counsel
Office of Regional Counsel

For Respondent:
Seabee, a Division of Hampton Hydraulics, L.L.C.

10/27/10
Date

John T. Lang
Signature

JOHN L LANG
Printed Name

GENERAL MANAGER
Title

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

Nov. 1, 2010
Date

Robert Patrick
Regional Judicial Officer

IN THE MATTER OF Seabee, a Division of Hampton Hydraulics, LLC, Respondent
Docket No. RCRA-07-2011-0001

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Kelley Catlin
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Howard Pohlman
Manufacturing Engineering Manager
SEABEE
712 1st ST NW
Hampton, Iowa 50441

Dated: 11/1/10

Kathy Robinson

Kathy Robinson
Hearing Clerk, Region 7