

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

11 JUN 17 PM 3:59
ENVIRONMENTAL PROTECTION
AGENCY
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
Industrial Fab. & Machine, Inc.)
520 West Parker)
Waterloo, Iowa 50703)
)
RCRA I.D. No. IAD000007369)
)
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-07-2011-0026

**COMPLAINT AND
CONSENT AGREEMENT/FINAL ORDER**

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Industrial Fab. & Machine, 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 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Section I

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 (CAFO) serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations found at 40 C.F.R. § 262.

Section II

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, who has been duly delegated the authority to bring this action by the Administrator of the EPA.

4. The Respondent is Industrial Fab. & Machine, Inc.,(Industrial Fab) a company incorporated under, and doing business in the state of Iowa.

Statutory and Regulatory Framework

5. When the EPA determines that any person has violated or is in violation of any RCRA requirement, the 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 now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, through 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 now authorized.

General Factual Allegations

7. Respondent is an Iowa corporation 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 is located at 520 West Parker, Waterloo, Iowa (Facility). Respondent is a steel fabrication shop specializing in manufacturing, repairing, and painting equipment for various agricultural industries and employs approximately six full-time employees.

9. Respondent has been assigned a RCRA facility identification number of IAR000007369.

10. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 40 C.F.R. Part 261. Each of the wastes listed in paragraph 13 is a "solid waste" and all of the wastes except the used oil and universal waste are also "hazardous wastes" within the meaning of these regulations.

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11. On February 23, 2010, the EPA representatives conducted a Compliance Evaluation Inspection at Respondent's Facility (hereinafter the February 2010 Inspection).

12. At the time of February 2010 Inspection, Respondent was identified as a conditionally exempt small quantity generator, generating greater than 100 kilograms of hazardous waste per month. Respondent generates ignitable hazardous waste (D001) and small amounts of benzene (D018), methyl ethyl ketone (MEK) (D035), xylene (f003), and toluene (F005) as the paint-related waste. Respondent is also a used oil generator.

13. On or about May 7, 2010, Respondent was sent a Letter of Warning/Request for Information (LOW) that requested the Respondent to make a hazardous waste determination of thirty-seven 55-gallon containers observed during the inspection, all were unlabeled. Based on the responses received by the facility there were eleven containers identified as lacquer thinner and disposed of as hazardous waste (waste codes D001, D018, D035, F003, and F005). The remaining containers were identified as Kutwell (non-hazardous), water, empty, dried paint, and used oil.

14. Upon review of the Inspection Report, information provided during the Inspection by Facility personnel, and information obtained from the May 2010 Letter of Warning/Request for Information (LOW/3007), it was determined that Respondent had accumulated 2195 kg of hazardous waste at the time of the February 2010 Inspection.

15. The accumulation of 2195kg of hazardous waste is more than the 1000 kg of hazardous waste allowed for a conditionally exempt small quantity generator under 40 C.F.R. 261.5(g)(2). 40 C.F.R. 261.5(g)(2) states that a conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of 1,000 kilograms of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of part 262 applicable to generators of between 100 kg and 1,000 kg of hazardous waste in a calendar month as well as the requirements of parts 263 through 266, 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA, 42 U.S.C. § 6930.

16. Due to the accumulation of hazardous waste, at the time of the February 2010 Inspection, Respondent was operating as a small quantity generator of hazardous waste and subject to regulation under the special provisions of part 262, applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month, as well as the requirements of parts 263 through 266, 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA.

Alleged Violations

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

Count 1

Failure to Conduct Hazardous Waste Determinations

18. The allegations stated in paragraphs 7 through 16 are realleged and incorporated as if fully set forth herein.

19. The regulation at 40 C.F.R. § 262.11 requires a person who generates solid waste to determine if that waste is a hazardous waste.

20. During the February 2010 Inspection, the inspector observed an accumulation area storing forty-four 55-gallon containers, four 30-gallon containers and one 5-gallon container located on the west side of the building; as well as six 55-gallon containers on the north side of the building, four of which were holding unknown waste. At the time of the February 2010 Inspection, a total of thirty-seven containers had not received a hazardous waste determination.

21. Failure to perform a hazardous waste determination is a violation of 40 C.F.R. § 262.11.

Count 2

**Operation of a Treatment, Storage or Disposal Facility
Without a Permit or Interim Status**

22. The allegations stated in paragraphs 7 through 16 are realleged and incorporated as if fully set forth herein.

23. Section 3005 of RCRA, 42 U.S.C. § 6925, requires each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter III of RCRA to have a permit for such activities.

24. The regulations at 40 C.F.R. §262.34(d) allow a generator to accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the conditions listed in 40 C.F.R. §262.34(d)(1)-(5) are met.

25. At the time of the February 2010 Inspection, Respondent was not complying with the various hazardous waste regulatory requirements described below.

26. 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

27. At the time of the February 2010 Inspection, Respondent was not complying with the following regulatory requirements:

Accumulation Time

28. The regulations at 40 C.F.R. §262.34(d) allow a generator to accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the conditions listed in 40 C.F.R. §262.34(d)(1)-(5) are met.

29. In response to the LOW/3007, the facility identified eleven 55-gallon containers of hazardous waste that were being stored on the exterior grounds at the time of the February 2010 Inspection.

30. According to a facility representative, the containers had been stored on the exterior grounds before he took over in 2004.

31. The eleven 55-gallon containers of hazardous waste that were being stored on the exterior grounds equaled over 1,000 kg of accumulated hazardous.

32. Respondent's storage of hazardous waste for greater than 180 days is a violation of the regulations at §262.34(d).

Failure to Label Hazardous Waste Storage Containers

33. The regulation at 40 C.F.R. § 262.34(d)(4) requires the generator to comply with the requirements of 40 C.F.R. § 262.34(a)(3). 40 C.F.R. § 262.34(a)(3) requires generators to clearly label each hazardous waste container with the words "Hazardous Waste" while they are being accumulated on-site..

34. At the time of the February 2010 Inspection, Respondent failed to mark eleven 55-gallon containers of hazardous waste the words "Hazardous Waste".

35. Respondent's failure to properly label hazardous waste containers with the words "Hazardous Waste" is a violation 40 C.F.R. § 262.34(d)(4).

Failure to Date Hazardous Waste Storage Containers

36. The regulations at 40 C.F.R. § 262.34(d)(4) require that a generator comply with the requirement set forth at 40 C.F.R. § 262.34(a)(2). Pursuant to these regulations, a generator must clearly mark the date upon which the period of accumulation begins for each container of hazardous waste.

37. At the time of the February 2010 inspection, Respondent failed to mark the accumulation start date on eleven 55-gallon containers of hazardous waste.

38. Respondent's failure to label the hazardous waste containers with the date upon which the accumulation began is a violation of 40 C.F.R. § 262.34(d)(4).

CONSENT AGREEMENT

1. Respondent and Complainant agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order portion of this CAFO.

2. Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest the EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CAFO.

3. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.

4. 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 CAFO.

5. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

6. This CAFO resolves the Complainant's civil administrative claims for the allegations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

7. Nothing contained in the Final Order portion of this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

9. The parties agree that Respondent has, at this time, has demonstrated an inability to pay any penalty for the violations cited in this CAFO.

10. Respondent understands that failure to complete the Compliance Actions described in the Final Order within the designated timeframes may, among other things, subject Respondent to civil penalties of up to \$32,500 per day of non-compliance.

11. This CAFO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

12. By signing this CAFO, Respondent certifies 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.

13. The effect of settlement is conditional upon the accuracy of the Respondent's representations to the EPA, as memorialized in this CAFO.

14. This CAFO shall remain in full force and effect until Complainant provides Respondent with written notice that all requirements hereunder have been satisfied.

Reservation of Rights

15. Notwithstanding any other provision of this CAFO, the EPA reserves the right to enforce the terms of the Final Order portion of this CAFO 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 \$32,500 per day per violation pursuant to Section 3008(c) and/or Section 3008(g) 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 now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, through 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 now authorized.

16. 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 CAFO.

17. Except as expressly provided herein, nothing in this CAFO 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.

18. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the 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.

19. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

20. The provisions of this CAFO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

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 CAFO, IT IS HEREBY ORDERED THAT:

A. Compliance Actions

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

2. Selection of contractor: Within fourteen (14) days of the effective date of this Order, Respondent shall select a contractor, subject to EPA approval, to carry out all activities set forth herein. The EPA retains the right to disapprove of the selected contractors and/or subcontractors retained by the Respondent.

- a. Respondent shall also notify the EPA of the name and qualifications of its selected Project Manager within fourteen (14) days of the effective date of this Order. All work performed under the required compliance action shall be

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under the direction and supervision of a professional engineer or geologist with expertise in hazardous waste clean-up. Respondent's Project Manager shall be responsible for administration of all the Respondent's actions required by the Order. To the greatest extent possible, Respondent's Project Manager shall be readily available during all work to be performed hereunder.

- b. Respondent shall also notify the EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under the required compliance action at least seven (7) days prior to commencement of such work. If the EPA disapproves of a selected Project Manager or contractor, Respondent shall retain a different Project Manager or contractor within five (5) business days following the EPA's disapproval and shall notify the EPA of the new Project Manager's or contractor's name and qualifications within seven (7) business days of the EPA's disapproval. If the EPA still disapproves of the selected contractor or Respondent fails to select a new contractor, then the EPA reserves the right to perform any or all of the work required by this Order and to seek reimbursement of its costs from Respondent pursuant to applicable statutory authorities.

3. **Site Characterization:** Within thirty (30) days of the execution of this CAFO, Respondent shall submit to the EPA's Project Manager identified in Paragraph 5 below, a Site Characterization Work Plan to investigate the extent of contamination in the soils of the areas where these wastes were stored and/or where releases of solid and hazardous wastes have occurred. Respondent's Site Characterization investigation must include the accumulation area on the west side of the Industrial Fab's building located at 520 West Parker. This area was identified as an accumulation area during the February 23, 2010, EPA inspection.

The Site Characterization Work Plan shall include a Field Sampling Plan, Quality Assurance Project Plan (QAPP), and Health and Safety Plan (HASP) to assess off-site migration of waste and provide a plan for decontamination of the building and any surrounding area.

- a. The Site Characterization Work Plan shall include a schedule for completion of activities including the ultimate clean-up of any contaminated areas. It shall also include:
 - i. a diagram of the facility and its structures, a narrative and pictorial description of the locations to be sampled (including a background sample), and the materials or media to be sampled;
 - ii. a list of the hazardous constituents for which each sample shall be analyzed, based on the composition of the chemicals that were used and

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stored at the facility; and

- iii. a statement of the action levels proposed for the hazardous constituents (i.e., EPA Region 6 Human Health Medium-Specific Screening Levels) described in paragraph ii above that shall indicate whether contamination from hazardous wastes stored at the facility is present.
- b. The QAPP shall address quality assurance, quality control, and chain of custody procedures in accordance with "EPA Requirements for Quality Assurance Project Plans" (EPA QA/R-5, EPA/240/B-01/003, March 2001) and "EPA Guidance for Quality Assurance Project Plans" (EPA QA/G-5, EPA/240/R-02/009, December 2002, as well as other such applicable guidance identified by the EPA. The QAPP shall describe the proposed sampling procedures that will be employed to ensure that samples are collected and analyzed using EPA-approved protocols. In addition, the QAPP shall describe the number and type of samples to be collected, the method(s) of collection and analysis, and criteria for determining sampling locations.
- c. The HASP will be implemented during field activities. The HASP shall be consistent with applicable Occupational Safety and Health Administration regulations.

4. The EPA shall review and approve, disapprove or require modification of these plans as set forth in Paragraph 5 below. Respondent shall carry out all activities required pursuant to the EPA-approved plan in accordance with the schedules contained therein. Failure to timely complete activities shall be a violation of this Order. Within sixty (60) days of Respondent's completion of the field work, Respondent shall provide a Site Characterization Final Report to the EPA's Project Manager identified in Paragraph 5 below.

5. All plans submitted pursuant to this section of this Order shall be reviewed in accordance with the procedures outlined in this paragraph. The EPA will review the plan and may approve the plan, approve the plan with modifications, or disapprove the plan and provide comments to Respondent. If the plan is disapproved with comments, Respondent shall incorporate the EPA's comments and resubmit the plan within fourteen (14) days of receipt of the EPA's comments. If Respondent fails to revise the plan in accordance with the EPA's comments, then the EPA may unilaterally modify the work plan or report and Respondent shall implement such work plan or report as necessary to complete the work pursuant to this Order. If the plan is approved either upon initial submission or resubmission, Respondent shall commence implementation of the plan immediately upon receipt of the EPA's written approval of the plan. Upon approval of the plan by the EPA, the plan, including all activities and schedules for such activities, shall be incorporated into and made an enforceable part of this Order, and failure to

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implement any plan in accordance with the scheduled contained therein shall be deemed a violation of this Order. The EPA representative to whom all plans must be submitted is:

Nicole Moran
Environmental Scientist
AWMD/RESP
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
moran.nicole@epa.gov.

6. As a result of the Site Characterization required in Paragraph 3 above, the EPA may determine that certain additional tasks are necessary to achieve the purpose of this Order. These include, but are not limited to: expanded investigatory sampling of the air, soil, surface water, and/or groundwater to determine the nature and extent of contamination, excavation and disposal of contaminated materials, or other activities as determined necessary to protect human health or the environment. In the event such a determination is made, the EPA will notify Respondent in writing that Respondent must perform the additional work and will specify the basis and reasons for its determination that the additional work is necessary. Within fifteen (15) days of the receipt of such request, Respondent may request a meeting with the EPA to discuss the additional work. Within thirty (30) days of notification of the need for additional work, or according to an alternative schedule agreed to by the parties, Respondent shall submit a work plan for such additional work to the EPA. The plan will be reviewed by the EPA in accordance with the procedures set forth herein. Upon approval by the EPA, Respondent shall perform the additional work according to the EPA-approved plan. The EPA-approved plan shall be incorporated into and become an enforceable part of this Order. All additional work performed by Respondent under this subparagraph shall be performed in a manner consistent with this Order.

7. Split samples: Upon request by the EPA, Respondent shall allow the EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent while performing work under this Order. Respondent shall notify the EPA not less than thirty (30) calendar days in advance of any sample collection activity. In addition, the EPA shall have the right to take any additional samples that it deems necessary.

8. Compliance Action Report: The Respondent shall submit a final Compliance Action Report that details all activities conducted at the site in conjunction with the Order within forty-five (45) days after completion of all activities. The report shall include, but is not limited to, the following:

- a. A description of the actions that have been taken to comply with each element of the Order;

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- b. Copies of all results of chemical or physical analyses conducted during this action, including the results of field screening or other “on-site” analyses;
- c. Copies of all hazardous waste manifests or other appropriate shipping papers (i.e., Land Disposal Restriction Notifications) that describe origin and destination, dates, amount, and the description of the materials being transported off-site;
- d. Copies of certificates of disposal from the selected disposal facilities; and
- e. Written certification that all hazardous waste leaks and spills have been cleaned up in accordance with the requirements of this Order. The certification statement shall be signed by a responsible official and shall contain the following language:

I certify under penalty of law that the information contained in or accompanying this document is true, accurate, and complete.

As to the identified portions of this document for which I cannot personally verify the accuracy, I certify that based on my inquiry of the person or persons directly responsible for gathering the information, the information is true, accurate, and complete.

- f. A “responsible official” for purposes of this provision means a president, secretary, treasurer, or vice-president of the corporation or legal entity, or any person who performs similar policy or decision-making functions for the corporation or legal entity.

9. Until ten (10) years after Respondent’s receipt of the EPA’s notification pursuant to Paragraph 11 of this Order, Respondent shall preserve and retain all non-identical copies of records and documents (including those in electronic form) which relate in any manner to the performance of the work required under this Order. Respondent shall also instruct its contractors and agents to preserve all such documents for a period of ten (10) years.

10. The EPA and/or its authorized representatives shall have access to the facility at all reasonable times for the purpose of reviewing the progress of Respondent in carrying out the

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provisions of this Order and for purposes including, but not limited to, inspecting and copying records, collecting samples, and verifying data. Nothing in this Order shall restrict the EPA's rights under Section 3007 of RCRA, 42 U.S.C. § 6927 or other statutory authority.

11. The EPA may modify or revoke this Order based upon information discovered during the course of implementation of the Order. Any modification shall be incorporated into a revised Order and issued to the Respondent in the form of a modified Final Order. The provisions of this Order shall remain in full force and effect until all actions required by this Order have been completed and the EPA has notified the Respondent, in writing, that the actions required by this Order have been completed. Respondent shall notify the EPA in writing at such time as it believes that all such actions have been completed. The EPA shall have sole discretion in determining whether or not all such actions have in fact been completed. Failure to complete all activities required hereunder as directed by the EPA shall be deemed a violation of this Order. The EPA's provision of written notice to Respondent pursuant to this paragraph shall not be construed as a waiver of any of the EPA's rights to take further enforcement action under RCRA or any other laws.

12. Reporting to the EPA: All documents required under this CAFO shall be submitted to:

Nicole Moran
AWMD/WEMM
U.S. EPA, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

C. Parties Bound

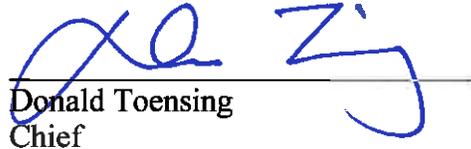
13. This Final Order portion of this CAFO shall apply to and be binding upon Complainant and Respondent, and Respondent's agents, successors and/or assigns. Respondent shall take steps to ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

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FOR COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

8-16-11

Date



Donald Toensing
Chief

Waste Enforcement and Materials Management Branch
Air and Waste Management Division

8/16/2011

Date



Jennifer Trotter
Assistant Regional Counsel
Office of Regional Counsel

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FOR RESPONDENT
INDUSTRIAL FAB. & MACHINE, INC.

7/29/2011
Date

Keith Loeffelholz
Signature

Keith Loeffelholz
Printed Name

General Manager
Title

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

Aug. 17, 2011
Date


Robert Patrick
Regional Judicial Officer

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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:

Jennifer Trotter
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:

Keith Loeffelholz
General Manager
Industrial Fabrication
520 West Parker
Waterloo, Iowa 50703

Dated: 8/18/11


Kathy Robinson
Hearing Clerk, Region 7