

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2017 SEP 28 PM 2:59

IN THE MATTER OF:

US Technology Corporation
4200 Munson Street NW
Canton, Ohio 44718

Respondent

Proceeding under Section 3008(a) of the
Resource Conservation and Recovery
Act as amended, 42 U.S.C. § 6928(a)

**AMENDMENT TO CONSENT
AGREEMENT AND FINAL ORDER**

Docket No.: RCRA-07-2016-0032

WHEREAS, the United States Environmental Protection Agency (EPA), Region 7 (Complainant), and US Technology Corporation (UST or Respondent) entered into a Consent Agreement and Final Order (CAFO) in the above-referenced matter, which was filed with the Regional Hearing Clerk on September 21, 2016;

WHEREAS, under the CAFO, UST agreed to the treatment, sampling and disposal of approximately thirteen million pounds of spent bead blast material (SBM) which is hazardous waste under the Resource Conservation and Recovery Act (RCRA) and its implementing regulations. The SBM is located at 7627 Zero Road near Berger, Missouri (Berger, Missouri facility);

WHEREAS, under the CAFO, UST agreed to select a contractor and project manager to perform the work;

WHEREAS, under the CAFO, UST agreed to obtain access to the property to perform the work and to secure site access for EPA and the Missouri Department of Natural Resources (MDNR);

WHEREAS, under the CAFO, UST agreed to submit a detailed work plan, subject to EPA review, describing how the treatment, sampling and disposal of SBM will be performed;

WHEREAS, under the CAFO, UST agreed to implement the work, within fourteen (14) days of EPA approval of the work plan, according to the schedule set forth in the approved work plan;

WHEREAS, EPA has determined that site security provisions should be included as part of the CAFO;

WHEREAS, in light of the foregoing, the parties agree that amending the CAFO is in their interest and in the public interest;

NOW, THEREFORE, the parties hereby amend the CAFO as follows. Except as specifically set forth herein, all provisions of the CAFO shall remain in full force and effect.

Amendment to Consent Agreement and Final Order

1. A new paragraph shall be inserted after Paragraph 13 in the Final Order portion which states:

Respondent shall ensure the Berger, Missouri facility is secured within seven (7) days of the effective date of this Amendment to Consent Agreement and Final Order. Respondent shall ensure the Berger, Missouri facility remains secured until the CAFO is terminated. Specifically, Respondent shall:

- a. Ensure the perimeter of the Berger, Missouri facility is secured from unauthorized entry, including but not limited to ensuring that all windows and doors are closed and locked.
- b. Conduct weekly inspections of the Berger, Missouri facility to document that all windows and doors are closed and locked. Weekly inspections shall be documented and a copy of the documentation provided to the EPA contact in Paragraph 13. If any breach in doors or windows is observed during weekly inspections, immediate actions shall be taken to secure the facility. Notification shall be submitted to the EPA contact in Paragraph 13 within three (3) hours of observing the breach. The notification shall include a description of corrective actions taken to secure the facility.
- c. Conduct weekly inspections of the Berger, Missouri facility to document that all SBM is contained. If any SBM is observed to have been recently disturbed or released within the building, notification shall be provided to the EPA contact in Paragraph 13 within three (3) hours of observing the disturbance or release. Respondent shall submit a written plan within forty-eight (48) hours of submitting initial notification which shall describe how the released SBM will be managed. The plan shall include, but not be limited to, health and safety requirements to be followed while cleaning up the SBM, and a description of the type of containers to be used to contain the SBM. The plan is subject to EPA approval.
- d. Post signage indicating 'No Trespassing', 'Keep Out' and/or other signage that describes the hazards present at the Berger, Missouri facility. Prior to posting, Respondent shall submit the proposed signage to the EPA contact in Paragraph 13 for approval.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

9/28/17
Date

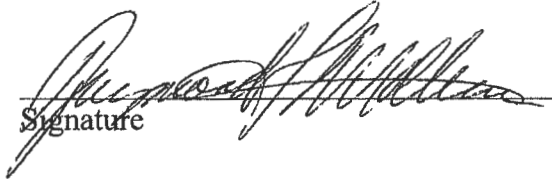
for Grim Weekley
Kelley Catlin
Assistant Regional Counsel

9/28/17
Date

for Debra E. Werner
Mary Goetz, Chief
Waste Enforcement and Materials Management Branch

RESPONDENT:
US TECHNOLOGY CORPORATION

9/28/17
Date


Signature

Raymond F. Williams
Printed name Pres.

Final Order

The foregoing Amendment to the Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Sept. 28, 2017
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Amendment to Consent Agreement and Final Order, on this day in the following manner to the addressees:

Copy delivered to Attorney for Complainant:

Kelley Catlin (e-copy)

Copy delivered to the Respondent (first class mail):

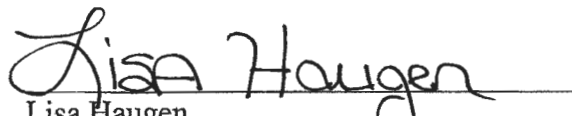
Laura Mills, Esq. (e-copy)

Copy delivered to the State of Missouri:

Steve Sturgess, Director (e-copy)
Hazardous Waste Program
Missouri Department of Natural Resources

Nicole Eby, Unit Chief (e-copy)
Hazardous Waste Enforcement
Department of Natural Resources

9/28/17
Date


Lisa Haugen
Regional Hearing Clerk

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REGION 7

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IN THE MATTER OF)
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US Technology)
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Docket No. RCRA-07-2016-0032

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), facsimile/electronic filing of page (4) of the Amendment to Consent Agreement and Final Order is authorized in this proceeding.

Dated: Sept. 28, 2017

Karina Borromeo

Karina Borromeo
Regional Judicial Officer
Region 7