

# SUPERFUND ACCOUNTS RECEIVABLE STANDARD CONTROL FORM

**PART I: TYPE OF RECEIVABLE**

- |  |  |
|--|--|
| <input type="checkbox"/> ADMINISTRATIVE ORDER CONSENT (AOC)<br><input type="checkbox"/> CONSENT DECREE (CD)<br><input type="checkbox"/> OVERSIGHT BILL<br><input type="checkbox"/> SUPERFUND STATE CONTRACT (SSC)<br><input type="checkbox"/> STIPULATED PENALTIES | <input type="checkbox"/> UNILATERAL ADMINISTRATIVE ORDER (UAO)<br><input type="checkbox"/> 107(a) DEMAND LETTER<br><input type="checkbox"/> BANKRUPTCY PROOF OF CLAIM<br><input checked="" type="checkbox"/> OTHER: <i>Consent Agreement and Final Order</i><br>SPLIT WITH OTHER STATUTES <input type="checkbox"/> YES <input type="checkbox"/> NO |
|--|--|

NON-FEDERAL RECEIVABLE:  
TIN NUMBER: \_\_\_\_\_

FEDERAL RECEIVABLE:  
TAS NUMBER: \_\_\_\_\_

**PART II: FUNDING INFORMATION**

- |  |  |
|--|--|
| <input type="checkbox"/> TRUST FUND (HSCR68)<br><input type="checkbox"/> SPECIAL ACCOUNT - PAST COSTS (TR2B)<br><input type="checkbox"/> SPECIAL ACCOUNT - FUTURE COSTS (TR2)<br><input type="checkbox"/> NON FEDERAL- SSC (TR1)<br><input checked="" type="checkbox"/> SUPERFUND FINES & PENALTIES (HSFP68) | <input type="checkbox"/> TRUST FUND (HSCR68)<br><input type="checkbox"/> SPECIAL ACCOUNT- PAST COSTS-FEDERAL (TR2B)<br><input type="checkbox"/> SPECIAL ACCOUNT-FUTURE COSTS- FEDERAL (TR2A)<br><input type="checkbox"/> SUPERFUND FINES & PENALTIES- FEDERAL (HSFP68) |
|--|--|

**PART III: DEBTOR INFORMATION**

DEBTOR NAME  
ADDRESS  
ADDRESS (CONT'D)  
CITY  
STATE  
ZIP

*Mr. David L. Hausbeck*  
*2695 West Vassar Road*  
 \_\_\_\_\_  
*Reese*  
 \_\_\_\_\_  
*Michigan*  
 \_\_\_\_\_  
*48957*  
 \_\_\_\_\_

**PART IV: ACCOUNT INFORMATION**

ASSIGNED BILL NUMBER (if applicable)  
 TREASURY ACCOUNT SYMBOL (if applicable)  
 REF. DOCKET NO.  
 BILLING EFFECTIVE DATE  
 BILLING PERIOD  
 DUE IN (date or # of days)  
 AMOUNT DUE

*2751630.B004*  
 \_\_\_\_\_  
*CERCLA 05 2016 0004*  
 \_\_\_\_\_  
*February 18, 2016*  
 \_\_\_\_\_  
*April 15, 2016*  
 \_\_\_\_\_  
*\$14,633.01*  
 \_\_\_\_\_

**PART V: ACCOUNTING STRING**

BBFY	FUND	ORG	PRC	SITE/PROJECT	AMOUNT
<i>2016</i>	<i>HSFP68</i>	<i>OSF</i>		<i>05ZZAGDD</i>	<i>\$14,633.01</i>

**PART VI: REGIONAL POINTS OF CONTACTS**

CREATED BY <i>LaDawn Whithead</i>	PHONE NO. <i>312 886 3713</i>
COUNSEL CONTACT <i>Jose de Leon</i>	PHONE NO. <i>312 353 7456</i>
FINANCE CONTACT <i>LaDawn Whithead</i>	PHONE NO. <i>312 886 3713</i>
PROGRAM CONTACT <i>James Entzminger</i>	PHONE NO. <i>312 866 4062</i>

**PART VII: SPECIAL INSTRUCTIONS/NOTES (interest amount, installment schedule, bankruptcy info, etc.)**

\_\_\_\_\_

**PART VIII: COMPLETE CERTIFIED MAIL TRACKING NUMBER**  
*7011 1150 0000 2640 6585*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 17 2016

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Mr. David L. Hausbeck  
President  
Hausbeck Brothers, Inc.  
d/b/a D.H.T. Logistics  
2695 West Vassar Road  
Reese, Michigan 48757

Re: Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, Reese, Michigan, Consent Agreement  
and Final Order, Docket Nos. **MM-05-2016-0003 CERCLA-05-2016-0004 EPCRA-05-2016-0010**

Dear Mr. Hausbeck:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on February 17, 2016.

Please pay the Comprehensive Environmental Response, Compensation and Liability Act civil penalty in the amount of \$14,633.01 in the manner prescribed in paragraph 79, and reference your check with the billing document number 2751630B004 and the docket number CERCLA-05-2016-0004.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$65,696.46 in the manner prescribed in paragraph 81, and reference your check with the docket number EPCRA-05-2016-0010.

Your payments are due on or before April 15, 2016.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jose deLeon, Associate Regional Counsel, at (312) 353-7456. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hays, Chief  
Chemical Emergency Preparedness  
and Prevention Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

MM-05-2016-0003 EPCRA-05-2016-0010

In the Matter of:

Hausbeck Brothers, Inc.  
d/b/a D.H.T. Logistics  
Michigan,

Respondent.



Docket Nos. CERCLA-05-2016-0004

Proceeding to Assess a Civil Penalty Under  
Section 109(b) of the Comprehensive Rease,  
Environmental Response, Compensation and  
Liability Act, and Section 325(c)(1) and (c)(2)  
of the Emergency Planning and Community  
Right-to-Know Act of 1986

Consent Agreement and Final Order Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Sections 325(c)(1), (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11045(c)(1), (c)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, a Michigan corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

#### **Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

#### **Statutory and Regulatory Background**

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), provide a mechanism to alert federal agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the government's response to an emergency and pose serious threats to human health and the environment.

11. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

12. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts

equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

13. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state and local committees in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

14. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

15. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

16. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103, EPCRA Section 312. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

17. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for

EPCRA 311 violations that occurred after March 15, 2004 through January 12, 2009 and to \$16,000 per day of violation for violations that occurred after January 12, 2009.

**Factual Allegations and Alleged Violations**

18. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
19. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
20. At all times relevant to this Complaint, Respondent was an owner or operator of the facility located at 2695 West Vassar Road, Reese, Michigan (Reese facility).
21. At all times relevant to this Complaint, Respondent was an employer at the facility.
22. At all times relevant to this Complaint, Respondent was in charge of the tanker truck facility located along I-75 in Ohio (tanker facility).
23. Respondent’s tanker facility consists of a motor vehicle, rolling stock, or any site or area where a hazardous substance has been deposited, stored, or otherwise come to be located.
24. Respondent’s tanker facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
25. Respondent’s Reese facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.
26. Respondent’s Reese facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).
27. Anhydrous ammonia (CAS #7664-41-7) is a “hazardous substance” as that term is

defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

28. Anhydrous ammonia (CAS #7664-41-7) has a reportable quantity of 100 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

29. Diesel fuel is classified as a physical or health hazard.

30. Diesel fuel (CAS #68476-30-2) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. Diesel fuel (CAS #68476-30-2) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. As of December 31 2011, diesel fuel was present at the Reese facility at any one time in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2011, diesel fuel was present at the facility in an amount equal to or greater than the minimum threshold level at the Reese facility.

34. During at least one period of time in calendar year 2012, diesel fuel was present at the facility in an amount equal to or greater than the minimum threshold level at the Reese facility.

35. During at least one period of time in calendar year 2013, diesel fuel was present at the facility in an amount equal to or greater than the minimum threshold level at the Reese facility.

36. OSHA requires Respondent to prepare, or have available, an MSDS for diesel fuel.



37. Section 311 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the Reese facility on or before March 31, 2012, an MSDS for diesel fuel or a list including diesel fuel.

38. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the Reese facility, a completed emergency and hazardous chemical inventory form including diesel fuel on or before March 1, 2012, for calendar year 2011.

39. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the Reese facility, a completed emergency and hazardous chemical inventory form including diesel fuel on or before March 1, 2013, for calendar year 2012.

40. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the Reese facility, a completed emergency and hazardous chemical inventory form including diesel fuel on or before March 1, 2014, for calendar year 2013.

41. On June 17, 2014, at or about 9:30 a.m., a release occurred from Respondent's tanker facility of approximately 10,980 pounds of anhydrous ammonia (the release).

42. In a 24 hour time period, the release of anhydrous ammonia exceeded 100 pounds.

43. During the release, approximately 10,980 pounds of anhydrous ammonia spilled, leaked, emitted, discharged, or escaped into the ambient air.

44. The release is a "release" as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

45. Respondent had knowledge of the release on June 17, 2014, at approximately 9:30 a.m.

46. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

47. At all times relevant to this Complaint, the Michigan SERC was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

48. At all times relevant to this Complaint, the Saginaw County LEPC was the LEPC for Saginaw County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

49. At all times relevant to this Complaint, the Bloomfield Township Fire Department was the fire department with jurisdiction over the Reese facility.

**Count 1** (failure to notify NRC)

50. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

51. Respondent notified the NRC of the release on June 17, 2014 at 2:43 p.m.

52. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

53. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

**Count 2** (EPCRA 311/SERC)

54. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

55. Respondent submitted to the SERC an MSDS for diesel fuel or a list showing diesel fuel on January 22, 2015.

56. Each day Respondent failed to submit to the SERC an MSDS or a list for diesel fuel by March 31, 2012, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 3** (EPCRA 311/LEPC)

57. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

58. As of January 22, 2015 Respondent had not submitted to the LEPC an MSDS for diesel fuel or a list showing diesel fuel.

59. Each day Respondent failed to submit to the LEPC an MSDS or a list for diesel fuel by March 31, 2012, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 4** (EPCRA 311/fire department)

60. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

61. As of January 22, 2015 Respondent had not submitted to the Bloomfield Township Fire Department an MSDS for diesel fuel or a list showing diesel fuel.

62. Each day Respondent failed to submit to the Bloomfield Township Fire Department an MSDS or a list for diesel fuel by March 31, 2012 constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 5** (EPCRA 312/Past Year 2011)

63. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

64. As of September 5, 2014 Respondent had not submitted to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel for calendar year 2011.

65. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel by March 1, 2012, for calendar year 2011 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 6** (EPCRA 312/Past year 2012)

66. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

67. As of September 5, 2014 Respondent had not submitted to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel for calendar year 2012.

68. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel by March 1, 2013 for calendar year 2012 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 7** (EPCRA 312/SERC)

69. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

70. As of September 5, 2014 Respondent had not submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel for calendar year 2013.

71. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 8** (EPCRA 312/LEPC)

72. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

73. As of September 5, 2014 Respondent had not submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel for calendar year 2013.

74. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 9** (EPCRA 312/fire department)

75. Complainant incorporates paragraphs 1 through 49 of this CAFO as if set forth in this paragraph.

76. As of September 5, 2014 Respondent had not submitted to the Bloomfield Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including diesel fuel for calendar year 2013.

77. Each day Respondent failed to submit to the Bloomfield Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including diesel

fuel by March 1, 2014 for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Civil Penalty**

78. Complainant has determined that an appropriate civil penalty to settle this action is \$14,633.01 for the CERCLA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation[s] and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

79. Before April 15<sup>th</sup>, 2016, Respondent must pay a \$14,633.01 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

for checks sent by express mail by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Bank  
Government Lockbox 979076 U.S. EPA Superfund Payments  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL

St. Louis, MO 63101

The check must note the following: Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, the docket number of this CAFO and the billing document number 2751630B004.

80. Complainant has determined that an appropriate civil penalty to settle this action is \$65,696.46 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

81. Before April 15<sup>th</sup>, 2016, Respondent must pay a \$65,696.46 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

for checks sent by express mail by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

The check must note the following: Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics and the docket number of this CAFO EPCRA-05-2016-0010.

82. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket numbers and the billing document number, if any, must accompany the payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

James Entzminger (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Jose C. de Leon (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

83. This civil penalty is not deductible for federal tax purposes.

84. If Respondent does not timely pay the civil penalty, 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.

85. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due 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, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

### General Provisions

86. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

87. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

88. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), Sections 311, 312(a) of EPCRA, 42 U.S.C. §§ 11021, 11022(a).

89. This CAFO does not affect Respondent's responsibility to comply with CERCLA, EPCRA and other applicable federal, state and local laws and regulations.

90. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

91. The terms of this CAFO bind Respondent and its successors and assigns.

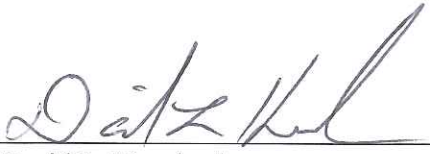
92. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

93. Each party agrees to bear its own costs and attorney's fees in this action.

94. This CAFO constitutes the entire agreement between the parties.

**Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, Respondent**

1-21-16  
Date

  
David L. Hausbeck  
President  
Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics

**U.S. Environmental Protection Agency, Complainant**

02/09/2016  
Date

  
M. Cecilia Moore, Chief  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

2/10/2016  
Date

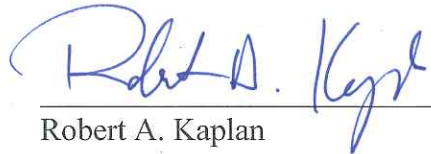
  
*for* Richard C. Karl, Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, Reese, Michigan**  
**Docket Nos. MM-05-2016-0003 CERCLA-05-2016-0004 EPCRA-05-2016-0010**

**Final Order**

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

2/16/16  
Date

  
\_\_\_\_\_  
Robert A. Kaplan  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

In the Matter of: Hausbeck Brothers, Inc. d/b/a D.H.T. Logistics, Reese, Michigan Docket  
Nos. MM-05-2016-0003 CERCLA-05-2016-0004 EPCRA-05-2016-0010

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order,  
which was filed on February 17, 2016 in the following manner to the  
addressees:

Copy by Certified Mail

Return Receipt Requested: David L. Hausbeck  
President  
Hausbeck Brothers, Inc.  
d/b/a D.H.T. Logistics  
2695 West Vassar Road  
Reese, Michigan 48757

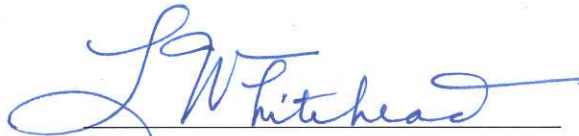
Copy by E-mail to

Attorney for Complainant: Jose C. de Leon  
Deleon.jose@epa.gov

Copy by E-mail to

Regional Judicial Officer: Ann Coyle  
Coyle.ann@epa.gov

Dated: February 17, 2016



LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S):

7011 1150 0000 2640 6585