

2014 DEC 17 AM 9:46

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

IN THE MATTER OF:)
) Docket No. RCRA-07-2014-0150
)
V-T Industries, Inc.)
)
) EXPEDITED SETTLEMENT
EPA ID. No. IAR052752599) AGREEMENT AND
Respondent) FINAL ORDER
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that V-T Industries, Inc. (“Respondent”), owner or operator of the facility at 1000 Industrial Park, Holstein, Iowa (the “Facility”), failed to perform a hazardous waste determination, comply with hazardous waste generator requirements for a large quantity generator, comply with satellite accumulation container requirements, and comply with a used oil generator requirement under the Resource Conservation and Recovery Act (“RCRA”).
2. Under RCRA a generator of hazardous waste is required to comply with RCRA and its implementing regulations. During an inspection of the Facility on July 9, 2013, it was revealed that Respondent failed to comply with the following requirements:
 - a) Perform a hazardous waste determination on used UV lamps. 40 C.F.R. § 262.11.
 - b) Describe in the contingency plan actions facility personnel must take in response to explosions at the Facility. 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(a).
 - c) List in the contingency plan the names of the designated emergency coordinators and their office and home phone numbers. 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(d).
 - d) Require facility personnel to take part in an annual review of the initial training. 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(c).
 - e) Maintain a written job description for each designated position describing the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position. 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(d)(2).
 - f) Close a satellite accumulation container holding hazardous waste, except when waste is being added or removed. 40 C.F.R. § 262.34(c)(1)(i), referencing 40 C.F.R. § 265.173(a).
 - g) Label a used oil storage container with the words “Used Oil”. 40 C.F.R. § 279.22(c)(1).

3. EPA and Respondent agree that settlement of this matter for a penalty of Nine Thousand Four Hundred Fifty-Four Dollars (\$9,454.00) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives any right to contest any issue of fact or law set forth in this CAFO, and (6) waives its right to appeal the Final Order accompanying this Agreement.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. Proof of payment of the civil penalty shall be provided to Kelley Catlin at the address below within 30 days of Respondent’s receipt of the letter invitation setting forth the opportunity for expedited settlement.
8. The civil penalty of Nine Thousand Four Hundred Fifty-Four Dollars (\$9,454.00) should be paid in accordance with the Penalty Collection Procedures provided to the Respondent.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Nine Thousand Four Hundred Fifty-Four Dollars (\$9,454.00) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
2. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent to the following:

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.
3. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
4. This CAFO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO AGREED.

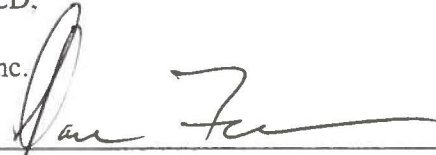
V-T Industries, Inc.

Signature: _____

Date _____

Printed Name: _____

Printed Title: _____



11-17-14

JASON FARMER

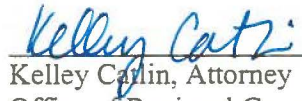
VICE PRESIDENT - ARCHITECTURAL WOOD DOOR DIVISION

APPROVED BY EPA:


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

Date _____

12-16-14


Kelley Catz, Attorney
Office of Regional Counsel

Date _____

11/20/14

IT IS SO ORDERED:


Karina Borromeo
Regional Judicial Officer

Date _____

12-17-14

IN THE MATTER OF V-T Industries, Inc., Respondent
Docket No. RCRA-07-2014-0150

CERTIFICATE OF SERVICE

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


Copy by email to Attorney for Complainant:

catlin.kelley@epa.gov

Copy by First Class Mail to:

Jason Farver
Vice President
Architectural Wood Door Division
V-T Industries, Inc.
1000 Industrial Park
Holstein, Iowa 51025

Dated: 12/17/14



Kathy Robinson
Hearing Clerk, Region 7