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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101**

_____	)	
IN THE MATTER OF:	)	
	)	
CCI Color Converting, Inc.	)	<u>CONSENT AGREEMENT</u>
Des Moines, Iowa	)	<u>AND FINAL ORDER</u>
	)	
EPA ID Numbers IAD078096732 and	)	
IAR000007377	)	
	)	
Respondent.	)	
	)	Docket No. RCRA-07-2006-0082
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**

This proceeding was initiated on or about December 29, 2005, when the United States Environmental Protection Agency, Region VII ("Complainant" or "EPA") issued a Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") to CCI Color Converting, Inc. ("Respondent"). Pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, 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 U.S.C. § 6928(a) and (g), Complainant sought civil penalties for alleged violations of RCRA Section 3005 and 40 C.F.R. § 273.13(d)(1) and § 273.14(e).

The Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order ("CA/FO") is the result of such negotiations and resolves all issues relating to the administrative claims arising from the allegations in the Complaint.

## **II. CONSENT AGREEMENT**

1. Complainant and Respondent agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order. The terms of this CAFO shall not be modified except by a subsequent written agreement between the parties.

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

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

4. Respondent waives its right to further contest the factual allegations and legal conclusions set forth in the Complaint in this or subsequent proceedings to enforce the terms of this CAFO, and agrees not to appeal the Final Order set forth below.

5. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in EPA's Complaint.

6. Respondent and EPA each agree to bear their own costs and attorneys' fees.

7. Respondent agrees that, in settlement of the claims alleged in the Complaint, Respondent shall pay a civil penalty of \$72,770.00 as set forth in Paragraph 11 of the Final Order.

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

9. This CAFO shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with Paragraph 26 of the Final Order, that all requirements hereunder have been satisfied.

10. Each signatory of this CAFO certifies he or she is fully authorized to enter into the terms of the CAFO.

## **III. FINAL ORDER**

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of the Consent Agreement set forth above, IT IS HEREBY ORDERED THAT:

**A. Payment of Civil Penalty**

11. Within thirty (30) days of the effective date of this Final Order, Respondent shall pay a mitigated civil penalty of \$72,770.00.

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

Regional Hearing Clerk  
United States Environmental Protection Agency  
Region VII  
c/o Mellon Bank  
P.O. Box 371099M  
Pittsburgh, Pennsylvania 15251

The Respondent shall reference the Docket Number, RCRA-07-2006-0082, on the check. A copy of the check shall also be mailed to:

Edwin G. Buckner, P.E.  
ARTD/RESP  
U.S. EPA Region VII  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101

13. 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 rate of two percent (2%) per annum.

14. 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.

**B. Compliance Actions**

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

15. Respondent shall take the following actions within 30 days after the effective date of the CAFO, and on a monthly basis thereafter for a period of one year: (1) provide copies of all hazardous waste manifests for wastes generated at the East and South Plants during the previous month; (2) provide documentation of proper labeling and dating of hazardous waste and universal waste containers at the East and South Plants at the end of each month; (3) provide documentation of proper storage of hazardous waste and universal waste containers, such as

being closed with adequate aisle space, at the end of each month; and (4) provide copies of inspections of hazardous waste containers.

16. Respondent shall submit all documents and other correspondence required to be submitted to EPA by this Final Order to:

Edwin Buckner, P.E.  
ARTD/RESP  
U.S. EPA Region VII  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101

17. EPA shall submit any notices or correspondence related to this CAFO to:

Charles F. Becker  
Belin, Lamson, McCormick, Zumbach, Flynn  
666 Walnut Street, Suite 2000  
Des Moines, Iowa 50309

18. The EPA and its authorized representatives shall have access to the Facility at all reasonable times to monitor Respondent's implementation of, and compliance with, the terms of this Final Order. Nothing herein shall be construed to limit EPA's access authority under RCRA or any other law.

19. This Final Order shall apply to and be binding upon EPA and 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 CAFO.

### **C. Reservation of Rights**

20. This CAFO addresses all administrative matters alleged in EPA's December 29, 2005, Complaint, Docket No. RCRA-07-2006-0082. EPA reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

21. Notwithstanding any other provision of this CAFO, EPA reserves the right to enforce the terms of the 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© of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

22. 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.


23. Except as expressly provided herein, including the provisions of Paragraph 20 of this CAFO, 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.

24. 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 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.

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

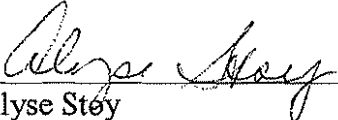
26. The provisions of this CAFO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

**For the Respondent:**  
CCI Color Converting, Inc.

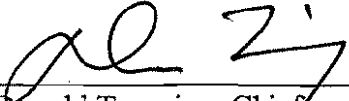
  
Name: Daniel F. McDowell  
Printed Name  
Title: President

5/18/06  
Date

**For the Complainant:**  
The United States Environmental Protection Agency


  
\_\_\_\_\_  
Alyse Stey  
Assistant Regional Counsel

5/26/06  
Date

  
\_\_\_\_\_  
Donald Toensing, Chief  
RCRA Enforcement and State  
Programs Branch  
Air, RCRA and Toxics Division

5-30-06  
Date

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

  
\_\_\_\_\_  
Robert Patrick  
Regional Judicial Officer

June 7, 2006  
Date

IN THE MATTER OF CCI Color Converting, Inc., Respondent  
Docket No. RCRA-07-2006-0082

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:

Alyse Stoy  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Charles F. Becker  
Belin, Lamson, McCormick, Zumbach, Flynn  
666 Walnut Street, Suite 2000  
Des Moines, Iowa 50309

Copy by Facsimile and  
First Class Pouch Mail to:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U. S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D. C. 20460

and

The Honorable William B. Moran  
Administrative Law Judge  
U. S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D. C. 20460

Dated: 6/7/06

  
Kathy Robinson  
Regional Hearing Clerk