



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 02 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James G. Thrash
Plant Manager
York International Corporation
77 Academy Drive
Hattiesburg, Mississippi 39401

SUBJ: Resource Conservation and Recovery Act (RCRA)
Expedited Settlement Agreement (ESA) – Docket No. RCRA-04-2014-4002(b)
York International Corporation
EPA ID #: MSD 066 740 267

Dear Mr. Thrash:

Attached is a copy of the ESA as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. As we have received the penalty payment already, you only have to submit a certification of compliance to the EPA as indicated in the ESA.

If you have any questions, please contact Javier García, at 404-562-8616, or by email at garcia.javier@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "César A. Zapata for".

César A. Zapata
Chief, RCRA and OPA Enforcement and
Compliance Branch
RCRA Division

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION 4

IN THE MATTER OF:)
York International Corporation)
EPA ID# MSD 066 740 267)
77 Academy Drive, Hattiesburg, Mississippi)
Respondent)

Docket No. RCRA-04-2014-402(B)
EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

RECEIVED
EPA REGION IV
2014 MAY - 2 PM 1:44
HEATHER CLERK

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that York International Corporation (“Respondent”), owner or operator of the facility at 77 Academy Drive, Hattiesburg, Mississippi (the “Facility”), violated the hazardous waste generator requirements of the Mississippi Code Annotated (“Miss. Code Ann.”) §§ 17-17-1 *et seq.* and 49-17-1 *et seq.*, as amended (Subtitle C of the Resource Conservation and Recovery Act (“RCRA”)), and the approved and authorized Mississippi hazardous waste management program rules, codified at Parts 260 through 270 of the Mississippi Hazardous Waste Management Regulations (“MHWMR”) (Title 40 of the Code of Federal Regulations (“C.F.R.”), Parts 260-270).
2. Under the MHWMR, Respondent was required to comply with the following requirements at its Facility at the time of the EPA RCRA Compliance Evaluation Inspection (“CEI”) conducted on May, 1, 2013:
 - a. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(c)(1)(ii)), a generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste (or one quart of acutely hazardous waste) in containers at or near any point of generation where wastes initially accumulate (i.e., satellite accumulation area), without a permit or interim status, provided the generator marks such containers either with the words “Hazardous Waste” or with other words which identify the contents of the containers. At the time of the CEI, the EPA inspector observed that the still bottoms accumulation container in the satellite accumulation area was not labeled per MHWMR Part 262 (40 C.F.R. § 262.34(c)(1)(ii)).
 - b. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(d)(4)) , a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that provided the generator marks such containers either with the words “Hazardous Waste.” At the time of the CEI, the EPA inspector observed three hazardous waste containers in the 180-day storage area that were not marked with the words “Hazardous Waste.”
 - c. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(d)(4)) , a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or

without having interim status, provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. At the time of the CEI, the EPA inspector observed six hazardous waste containers in the 180-day storage area that were not provided with an accumulation start date.

- d. Pursuant to MHWMR Part 262 (40 C.F.R. § 262.34(d)(2)) , a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that provided that, at least weekly, the owner or operator inspects areas where containers are stored for signs of leaking containers and for deterioration of containers caused by corrosion or other factors. At the time of the CEI, the EPA inspector observed that containers in the 180-day storage area were not inspected weekly.
3. Therefore, the EPA alleges that Respondent violated Miss. Code Ann. § 17-17-27(a) (Section 3005 of RCRA, 42 U.S.C. § 6925) for storing hazardous waste without a permit or interim status.
4. The EPA and Respondent agree that settlement of this matter for a penalty of \$8,750 is in the public interest.
5. The 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).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to MHWMR; (2) admits that the 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; and (5) waives any right to contest the allegations contained herein.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violation has been corrected.
8. Respondent agrees to the payment of a civil penalty of \$8,750, which shall be paid within 30 days of the effective date of this agreement, in accordance with the EPA Region 4 Penalty Collection Procedures provided to the Respondent.
9. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. The 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 the 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.

IT IS SO AGREED,

By: York International Corporation:

Printed Name: James G. Thrash

Signature: James G. Thrash

Date 4-25-14

Title: Plant Manager
Hattiesburg Operations

APPROVED BY EPA:

[Signature] for

César A. Zapata
Chief, RCRA and OPA Enforcement and Compliance Branch
RCRA Division

4/30/14
Date

IT IS SO ORDERED:

[Signature]

Susan Schub
Regional Judicial Officer

May 1, 2014
Date

PENALTY WORKSHEET INSTRUCTIONS
FOR MAKING A PENALTY PAYMENT

CHECK PAYMENTS:

U.S. Environmental Protection Agency
Fines and Penalties
P.O. Box 979077
St. Louis, Missouri 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

Contact: Natalie Pearson 314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency
US Treasury REX / ACH Receiver
5700 Rivertech Court
Riverdale, Maryland 20737
Contacts: John Schmid 202-874-7028 or
Remittance Express 1-866-234-5681
ABA = 051036706
Transaction Code 22 – checking
Environmental Protection Agency
Account 310006
CTX Format

RCRA EXPEDITED SETTLEMENT AGREEMENT

Penalty Worksheet

Facility: York International Corporation
77 Academy Drive
Hattiesburg, Mississippi 39401
EPA ID No.: MSD 066 740 267

Non small Business Facility Violations	Penalty	Multiplier (number of individual violations, i.e., # of drums)	Count Total
40 C.F.R. § 262.34(c)(1)(ii) - Failure to label still bottoms satellite accumulation area accumulation container	\$250	1	\$250
40 C.F.R. § 262.34(d)(4) - Failure to identify three hazardous waste containers in the 180-day storage area	\$500	3	\$1,500
40 C.F.R. § 262.34(d)(4) - Failure to date six hazardous waste containers in the 180-day storage area	\$1,000	6	\$6,000
40 C.F.R. § 262.34(d)(2) - Failure to conduct weekly inspections of 180 days containers storage area	\$1,000	1	\$1,000
GRAND TOTAL			<u>\$8,750</u>

CERTIFICATE OF SERVICE

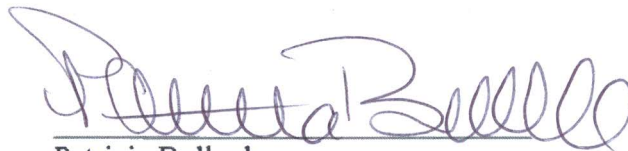
I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the following addresses:

Roberto X. Buso (Via EPA Internal Mail)
Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

Quantindra Smith (Via EPA Internal mail)
RCRA and OPA Enforcement
and Compliance Branch
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

James G. Thrash (Via Certified Mail – Return Receipt Requested)
York International Corporation
77 Academy Drive
Hattiesburg, Mississippi 39401

Dated: 5-4-14



Patricia Bullock
Regional Hearing Clerk, Region 4

JOHNSON CONTROLS, INC.

P.O. BOX 2012
Milwaukee, WI 53201-2012
414-524-7988

TOTAL

0.00

8750.00

FORM JCIAPCHK YA2

REMOVE DOCUMENT ALONG THIS PERFORATION

THIS CHECK CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES.

JOHNSON
CONTROLS

ESG Accounts Payable
JPMorgan Chase, N.A.
Dearborn, MI

CHECK NO. 00649487 74-1292
DATE 04/24/14 724

VOID AFTER 180 DAYS

AMOUNT

\$ *****8750.00

PAY

EIGHT THOUSAND SEVEN HUNDRED FIFTY AND 00/100

Dollars

TO THE
ORDER
OF

UNITED STATES ENVIROMENTAL
PROTECTION AGENCY
PO BOX 979077
ST LOUIS MO 63197-9000

Lea Voltolina
Vice President and Treasurer



⑈00649487⑈ ⑆0724⑆2927⑆

730⑆30382⑈