

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Received by
EPA Region 7
Hearing Clerk

IN THE MATTER OF:)	Docket No.
)	RCRA-07-2022-0038
Seabee Corporation)	
712 1 st Street NW)	
Hampton, Iowa 50441)	EXPEDITED SETTLEMENT
EPA ID. No. IAD078092962)	AGREEMENT AND
)	FINAL ORDER
<i>and</i>)	
)	
Seabee Foundry)	
1483 Highway 3)	
Hampton, Iowa 50441)	
EPA ID. None)	
)	
Respondents.)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
- 2) By copy of this letter, the EPA is providing the State of Iowa with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) Seabee Corporation (“Respondent”) is the owner or operator of facilities located at 712 1st Street NW and 1483 Highway 3, Hampton, Iowa (“Facility”). The EPA inspected the facilities on February 25 and 26, 2021. The EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program at the Facility located at 712 1st Street NW, Hampton, Iowa:
 - a. 40 C.F.R. § 262.16(b)(8)(vi)(A) requires that a small quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements. At the time of the inspection, the EPA determined that the Respondent did not make arrangements with local emergency agencies.
 - b. 40 C.F.R. § 262.16(b)(9)(i) requires that at all times, there must be at least one

employee either on the premises or on call (*i.e.*, available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (b)(9)(iv) of this section. This employee is the emergency coordinator. At the time of the inspection, the EPA determined that the Respondent had not designated an emergency coordinator.

- c. 40 C.F.R. § 262.16(b)(9)(ii) requires the small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) the name and emergency telephone number of the emergency coordinator; (B) location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) the telephone number of the fire department, unless the facility has a direct alarm. At the time of the inspection, the EPA determined that the Respondent had not posted emergency preparedness information next to a telephone.
- d. 40 C.F.R. § 279.22(c)(1) requires that containers used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” At the time of the inspection, the EPA determined that the Respondent had one used oil container not labeled with the words “Used Oil.”

4) The EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program at the Facility located at 1483 Highway 3, Hampton, Iowa:

- e. 40 C.F.R. Part 273, Subpart B imposes requirements for small quantity handlers of universal waste:
 - i. 40 C.F.R. § 273.13(d)(1) requires a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. At the time of the inspection, the EPA determined that the Respondent had eighty (80) universal waste lamps not stored in a closed container.
 - ii. 40 C.F.R. § 273.15(a) requires a small quantity handler of universal waste may not accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler. At the time of the inspection, the EPA determined that the Respondent had fifty (50) universal waste lamps stored on-site for longer than one year.
 - iii. 40 C.F.R. § 273.15(c) requires a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. At the time of the inspection, the EPA determined that the Respondent did not demonstrate the length of time of accumulation for 80 universal waste lamps.

- iv. 40 C.F.R. § 273.16 requires a small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. At the time of the inspection, the EPA determined that the Respondent had not provided universal waste training to employees who handle universal waste.
- 5) The EPA and Respondent agree that settlement of this matter for a civil penalty of six thousand two hundred and fifty dollars (\$6,250.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier's check made payable to the "United States Treasury" and sent to:


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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

- 6) A copy of the check or other information confirming payment shall simultaneously be emailed to the following:
- Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and
- Milady Peters, Paralegal Specialist
peters.milady@epa.gov
- 7) In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (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) agrees to release funds held on deposit as payment to the EPA for the civil penalty upon final EPA approval of this Agreement; (6) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (7) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (8) consents to electronic service of the filed ESA to the following email address:
tbogle@greatbendindustries.com.
- 8) 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.

- 9) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, 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 an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Thad Bagle
Name (print)
Vice President
Title (print)
 Signature
3-16-22 Date

APPROVED BY EPA:

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Date

Kate Kacsur, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

_____ Date _____
Karina Borromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE
To be completed by EPA

I certify that 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 via e-mail to Complainant:

Kate Kacsur, Office of Regional Counsel
kacsur.katherine@epa.gov

Mike Martin, Enforcement and Compliance Assurance Division
martin.mike@epa.gov

Copy via e-mail to Respondent:

Thad Bogle, General Manager
Seabee Corporation
tbogle@greatbendindustries.com

Copy via e-mail to the State of Iowa:

Ed Tormey, Acting Administrator
Environmental Services Division
Iowa Department of Natural Resources
ed.tormey@dnr.iowa.gov

Amie Davidson, Chief
Contaminated Sites Section
Iowa Department of Natural Resources
amie.davidson@dnr.iowa.gov

Dated this _____ day of _____, _____.

Signed