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

MAY - 2 2017

REPLY TO THE ATTENTION OF:

Mr. John Cappy
President
Outlook Group Corp.
1180 American Drive
Neenah, Wisconsin 54956

Re: Consent Agreement and Final Order
Outlook Group Corp.
Docket No: **RCRA-05-2017-0013**

Dear Mr. Cappy:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on May 2, 2017, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of $ 10,845 in the manner prescribed in paragraph(s) 99 of the CAFO, and reference all checks with the docket number **RCRA-05-2017-0013**. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings.* Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Bryan Gangwisch, of my staff, at 312-886-0989.

Sincerely,

Gary J. Victorine, Chief
RCRA Branch

Enclosures

cc: Steven Sisbach (steven.sisbach@wisconsin.gov) (w/CAFO)
Michael Ellenbecker (michael.ellenbecker@wisconsin.gov) (w/CAFO)

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NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

A. Such proceeding is material to the business or financial condition of the registrant;
B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than $100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	**Docket No. RCRA-05-2017-0013**
Outlook Group Corp. **Neenah, Wisconsin,**	**Proceeding to Commence and Conclude an Action to Assess a Civil Penalty Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)**
Respondent.	

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MAY - 7 2017
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), 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 the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Wisconsin pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Outlook Group Corp., a corporation doing business in the State of Wisconsin.

5. 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).

6. 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.

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

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

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

10. 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.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. Parts 260 - 279.

Statutory and Regulatory Background

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA,

42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Wisconsin final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3783 (January 31, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both.

16. The Administrator of U.S. EPA may assess a civil penalty of up to $37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009 through November 2, 2015, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

17. Respondent was and is a "person" as defined by WAC NR 660.10(90), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is an "owner" or "operator," as those terms are defined under WAC NR 660.10(87) and (88), and 40 C.F.R. § 260.10, of a facility located at 1180 American Drive, Neenah, Wisconsin 54956

19. The facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

20. Respondent's Facility is a "facility," as that term is defined under WAC NR 660.10(43)(a) and 40 C.F.R. § 260.10.

21. At all times relevant to this Complaint, Respondent performed commercial printing and labeling processes, carton manufacturing, and contract packaging. The printing and labeling processes include the following operations: sheet fed off-set printing presses; flexo label presses; digital printing; rotogravure printing; plate mounting; and ink jet printing.

22. The commercial printing and labeling processes generated waste solvent based inks and coatings; waste ultraviolet (UV) based inks and coatings; waste water based inks and coatings; waste solvent wash up; waste distillation excess solution; spent rags and personal protective equipment (ppe); and waste paper. Respondent collected generated hazardous waste in 55-gallon drums and managed the drums in satellite accumulation areas (SAA) and accumulated them in the 90-day hazardous waste storage area of the Facility.

23. Respondent characterized its hazardous waste solvent, ink, press wash, and coatings waste as hazardous waste D001, F003.

24. Respondent stored, transported, disposed of, or otherwise handled its generated hazardous waste in a "container", as that term is defined under WAC NR 660.10(14) and 40 C.F.R. § 260.10.

25. At all times relevant to this Complaint, Respondent's hazardous waste press wash ("UV Waste", "UV Coatings", and "UV Wash Waste"), was a "solid waste" as that term is defined under WAC NR 661.02 and 40 C.F.R. § 261.2.

26. At all times relevant to this Complaint, Respondent's hazardous waste press wash ("UV Waste", "UV Coatings", and "UV Wash Waste") was a "hazardous waste" as that term is defined under WAC NR 661.03 and 40 C.F.R. § 261.3. Respondent manages and ships this waste on hazardous waste manifests as a D001 and F003 hazardous waste.

27. At all times relevant to this Complaint, Respondent's holding of its generated

hazardous waste press wash ("UV Waste", "UV Coatings", and "UV Wash Waste") in 55-gallon drums constituted hazardous waste "storage," as that term is defined under WAC NR 660.10(112) and 40 C.F.R. § 260.10.

28. Respondent is a "generator," as that term is defined under WAC NR 660.10(50) and 40 C.F.R. § 260.10.

29. Respondent is a "large quantity generator," as that term is defined under WAC NR 660.10(70m).

30. Respondent generated and managed hazardous waste at the Facility after November 19, 1980.

31. On February 27, 2014, U.S. EPA and the Wisconsin Department of Natural Resources (WDNR) conducted a Compliance Evaluation Inspection of the Facility (the inspection).

32. During the inspection of records, the inspectors' review of waste determinations indicated that there was no profile or waste determination documentation provided for the distillation excess solvent waste stream.

33. During the inspection of the Sheet Fed Press Room, the inspectors observed the distillation unit satellite accumulation area (SAA). Inside the unit, there was one 55-gallon drum labeled as "Hazardous Waste." Mr. Todd Schuh, Facilities Manager, stated that the waste solvent introduced into the distillation unit was non-hazardous waste and was not sure if the entire waste stream (excess solvent not distilled) was hazardous waste or not. In correspondence dated March 28, 2014, Outlook Group indicated that it needed to have the waste stream analyzed to understand the breakdown of solvent, alcohol and solids therein.

34. During the inspection of the Press # 4 area, the inspectors observed a SAA that

consisted of one 55-gallon drum. The drum was labeled as "Hazardous Waste" and "UV Waste", and was open (bung hole open). There was no waste being added or removed from the container at the time of inspection.

35. During the inspection of the Solvent Mixing Room, the inspectors observed a SAA that consisted of one 55-gallon drum containing waste generated from the Wide Web Based Printing Room. The drum was labeled as "Hazardous Waste" and was open (bung hole open). There was no waste being added or removed from the container at the time of inspection. Also, the SAA drum was not under the control of the operator of the process that generated the waste, since the Solvent Mixing Room was a completely separated area (explosion proof room with walls and a closed door) from the Wide Web Based Printing Room where the waste stream was generated.

36. During the inspection of records, the inspectors' review of manifests indicated that manifests are not kept on-site for at least 3 years. There were no TSD signed manifest copies available on-site for all seven hazardous waste shipments in 2013. There were no TSD signed manifest copies available on-site for four of the five hazardous waste shipments in 2012. There were no signed generator or TSD manifest copies available on-site for all four hazardous waste shipments. There were no manifests kept for 2011. Outlook Group submitted correspondence, dated March 3, 2014, which indicated that the above-referenced manifests were not on-site and had to be requested from the TSD (Badger Disposal of WI).

37. During the inspection of records, Mr. Schuh stated that there are no inspections conducted on the facility's spill control kits.

38. During the inspection of the 90-Day Hazardous Waste Storage Area, the inspectors observed that the aisle space was insufficient, since Mr. Schuh had to move and separate the

drums in order for all of the labels to be visible for inspection.

39. During the inspection of records and the review of the contingency plan, the inspectors did not find documentation that copies of the facility's contingency plan had been submitted to the required authorities. Mr. Schuh stated that copies of the contingency plan have not been sent to all required local emergency authorities.

40. During the inspection of records and the review of the contingency plan, the inspectors observed that the plan was last revised in December 2006. The primary emergency coordinator listed in the plan for the facility was Rita K. Lynch. Mr. Schuh stated that Ms. Lynch had not been employed at the facility since 2010. Mr. Schuh stated that he is currently the primary emergency coordinator and Jim Zeman (facility Plant Manager) was the alternate emergency coordinator.

41. During the inspection of the facility's contingency plan, the inspectors observed that the plan did not include the following: location descriptions for the decontamination equipment (eye wash stations and emergency shower) and descriptions and locations for the fire control equipment and spill control equipment at the facility.

42. During the inspection of the Maintenance Area, the inspectors observed that there were two cylindrical containers that contained spent four-foot fluorescent bulbs, as stated by Mr. Schuh. The inspectors observed that the containers were not labeled and both containers were closed. The inspectors observed another box that contained spent infrared bulbs, as stated by Mr. Schuh. The box was not labeled and was open. The inspectors observed another box that contained spent infrared halogen lamps, as stated by Mr. Schuh. The box was not labeled and was closed. Finally, the inspectors observed two boxes that contained spent four-foot fluorescent bulbs, as stated by Mr. Schuh. The boxes were not labeled and both boxes were closed.

43. Correspondence from Outlook Group, dated April 4, 2014, indicates that ten employees required RCRA hazardous waste training because of transfer or new hire into hazardous waste management positions and that training of these employees had not been documented since 2009 (September 2010 was the oldest applicable new hire or transfer date.)

44. During the inspection of records and training documents, the inspectors observed that there was no current RCRA hazardous waste management training program in place at the facility. Mr. Schuh stated that the facility annual RCRA trainings had been conducted in the past and the most recent RCRA training documentation will be forthcoming. The inspectors observed that there were no facility annual RCRA training sign-in sheets or other documentation indicating that the annual RCRA trainings were conducted and received. Outlook Group submitted correspondence, dated March 12, 2014, that indicated that the most recent documented RCRA hazardous waste training had occurred on December 16 and 17, 2009. Also, there was no documentation of training record requirements provided that indicated the following: employees' names and job titles related to hazardous waste management, job descriptions for each job title related to hazardous waste management, and the type and amount of both introductory and continuing training to be given to each employee filling a position of hazardous waste management.

45. On July 10, 2014, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the inspection.

46. Respondent sent correspondence to U.S. EPA addressing the violations cited in the NOV on February 28, 2014, April 18, 2014, August 6, 2014, August 28, 2014, and January 15, 2015.

47. At all times relevant to this Complaint, the State of Wisconsin had not issued a

license to Respondent to treat, store, or dispose of hazardous waste at its Facility.

48. At all times relevant to this Complaint, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

49. Respondent submitted a Hazardous Waste Notification, dated April 24, 1999, to U.S. EPA for the Facility.

50. In its Hazardous Waste Notification dated April 24, 1999, Respondent identified itself as a generator.

51. At all times relevant to this Complaint, Respondent generated more than 1000 kg of hazardous waste in a calendar month, at the Facility.

Count 1: Storage of Hazardous Waste Without a License or Interim Status

52. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

53. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a license is prohibited.

54. A large quantity generator must meet all the applicable conditions necessary to exempt it from the requirement to obtain a hazardous waste storage license for generators of hazardous waste. *See* WAC NR §§ 662.034(3)(a) and 662.034(3)(a)(1), 670.001, 670.010, and 670.013 [40 C.F.R. §§ 262.34(c)(1) and 262.34(c)(1)(i), 270.1(c), 270.10(a) and (d), and 270.13].

55. A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in s. NR 661.33 (5) in containers at or near any point of

generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without an operating license or interim license and without complying with WAC, NR § 662.034 sub. (1) provided the generator complies with ss. NR 665.0171, 665.0172 and 665.0173(1). Specifically, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. *See* WAC, NR § 662.034(3)(a) and 662.034(3)(a)(1) [40 C.F.R. § 262.34(c)(1) and 262.34(c)(1)(i)].

56. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, it must be in compliance with the conditions of WAC, NR § 662.034(1), (2) and (3) [40 C.F.R. § 262.34(a), (b) and (c).]

57. During the inspection of the Press # 4 area, the inspectors observed a SAA that consisted of one 55-gallon drum. The drum was labeled as "Hazardous Waste" and "UV Waste", and was open (bung hole open). There was no waste being added or removed from the container at the time of inspection.

58. During the inspection of the Solvent Mixing Room, the inspectors observed a SAA that consisted of one 55-gallon drum containing waste generated from the Wide Web Based Printing Room. The drum was labeled as "Hazardous Waste" and was open (bung hole open). There was no waste being added or removed from the container at the time of inspection. Also, the SAA drum was not under the control of the operator of the process that generated the waste, since the Solvent Mixing Room was a completely separated area (explosion proof room with walls and a closed door) from the Wide Web Based Printing Room where the waste stream was generated.

59. Accordingly, Respondent failed to satisfy all of the conditions for maintaining its exemption from the requirement that it have an operating license or interim status.

60. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by WAC, NR § 662.034(1), (2) and (3), 40 C.F.R. § 262.34(a), (b) and (c), Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

61. Therefore, Respondent's storage of hazardous waste without a license or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of WAC, NR § 670.001, 670.010, and 670.013, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13.

Count 2: Failure To Determine and Document Hazardous Waste Status

62. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

63. A person, who generates a solid waste, shall determine if that waste is a hazardous waste. *See* WAC NR § 662.011, 40 C.F.R. § 262.11.

64. A generator must keep records of any test results, waste analyses or other determinations made in accordance with WAC NR § 662.011 for at least 3 years from the date that the waste was last sent to on–site or off–site treatment, storage or disposal. *See* WAC NR § 662.040(3) [40 C.F.R. § 262.40(c)].

65. During the inspection of records, the inspectors' review of waste determinations indicated that there was no profile or waste determination documentation provided for the distillation excess solvent waste stream.

66. Therefore, Respondent's failure to determine whether the above referenced waste was a hazardous waste is a violation of the generator waste determination requirement under. WAC, NR § 662.011 [40 C.F.R. § 262.11]. Respondent also violated the requirement to keep

records of any test results, waste analyses or other determinations made in accordance with WAC NR § 662.011 for at least 3 years from the date that the waste was last sent to on–site or off–site treatment, storage or disposal under WAC, NR § 662.040(3), 40 C.F.R. § 262.40(c).

Count 3: Failure to Retain Required Records

67. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

68. A generator shall keep a copy of each manifest signed in accordance with WAC, NR § 662.023(1) for 3 years or until the generator receives a signed copy from the designated facility which received the waste. This signed copy shall be retained as a record for at least 3 years from the date the waste was accepted by the initial transporter. *See* WAC NR § 662.040(1) 40 C.F.R. § 262.40(a)].

69. During the inspection of records, the inspectors' review of manifests indicated that manifests are not kept on-site for at least 3 years. There were no TSD signed manifest copies available on-site for all seven hazardous waste shipments in 2013. There were no TSD signed manifest copies available on-site for four of the five hazardous waste shipments in 2012. There were no signed generator or TSD manifest copies available on-site for all four hazardous waste shipments. There were no manifests kept for 2011. Outlook Group submitted correspondence, dated March 3, 2014, which indicated that the above-referenced manifests were not on-site and had to be requested from the TSD (Badger Disposal of WI).

70. Therefore, Respondent's failure to retain a copy of the above referenced manifest is a violation of WAC NR § 662.040(1) [40 C.F.R. § 262.40(a)].

Count 4: Violations of Preparedness and Prevention Requirements for a License Exemption

71. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

72. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator's facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0033 [40 C.F.R. § 265.33]. This is also a requirement applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0033 [40 C.F.R. § 264.33].

73. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. *See* WAC, NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0035 [40 C.F.R. § 265.35]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC, NR § 664.0035 [40 C.F.R. § 264.35].

74. During the inspection of records, Mr. Schuh stated that there are no inspections conducted on the facility's spill control kits.

75. During the inspection of the 90-Day Hazardous Waste Storage Area, the inspectors observed that the aisle space was insufficient, since Mr. Schuh had to move and separate the

drums in order for all of the labels to be visible for inspection.

76. Therefore, Respondent's failure to comply with the condition for a license exemption, and the above-referenced emergency equipment maintenance and storage facility aisle space requirements is a violation of WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0035 [40 C.F.R. § 265.35] and WAC NR § 664.0035 [40 C.F.R. § 264.35].

Count 5: Violations of Training Requirements for a License Exemption

77. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

78. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, generator facility personnel must successfully complete the program required in WAC NR § 665.0016(1) within 6 months after August 1, 2006 or 6 months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after August 1, 2006 may not work in unsupervised positions until they have completed the training requirements of WAC NR § 665.0016(1). WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC NR § 665.0016(2) [40 C.F.R. § 265.16(b)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0016(2) [40 C.F.R. § 264.16(b)].

79. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, generator facility personnel must take part in an annual review of the initial training required in WAC NR § 665.0016(1), and a generator must maintain all of the following documents and records at the facility: The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

A written job description for each position listed under WAC NR § 665.0016(4)(a). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of facility personnel assigned to each position. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under WAC NR § 665.0016(4)(a). Records that document that the training or job experience required under WAC NR § 665.0016(1)-(3) has been given to, and completed by, facility personnel. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC NR § 665.0016(3) and (4)(a)-(d) [40 C.F.R. § 265.16(c) and (d)(1)-(4)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0016(3) and (4)(a)-(d) [40 C.F.R. § 264.16(c) and (d)(1)-(4)].

80. During the inspection of records and training documents, the inspectors observed that there was no current RCRA hazardous waste management training program in place at the facility. The inspectors observed that there were no facility annual RCRA training sign-in sheets or other documentation indicating that the annual RCRA trainings were conducted and received. Outlook Group submitted correspondence, dated March 12, 2014, that indicated that the most recent documented RCRA hazardous waste training had occurred on December 16 and 17, 2009. Also, there was no documentation of training record requirements provided that indicated the following: employees' names and job titles related to hazardous waste management, job descriptions for each job title related to hazardous waste management, and the type and amount of both introductory and continuing training to be given to each employee filling a position of hazardous waste management.

81. Correspondence from Outlook Group, dated April 4, 2014, indicates that ten

employees required RCRA hazardous waste training because of transfer or new hire into hazardous waste management positions and that training of these employees had not been documented since 2009 (September 2010 was the oldest applicable new hire or transfer date.)

82. Therefore, Respondent's failure to ensure that facility personnel have successfully completed the training required in WAC NR § 665.0016 is a violation of WAC NR § 662.034(1)(d), [40 C.F.R. § 262.34(a)(4)]; WAC NR § 665.0016(2), [40 C.F.R. § 265.16(b)]; WAC NR § 665.0016(3) and (4)(a)-(d) [40 C.F.R. § 265.16(c) and (d)(1)-(4)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0016(2) [40 C.F.R. § 264.16(b)]; WAC NR § 664.0016(3) and (4)(a)-(d) [40 C.F.R. § 264.16(c) and (d)(1)-(4)].

Count 6: Violations of Contingency Plan Requirements for a License Exemption

83. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

84. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator must ensure its contingency plan is submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0053(2) [40 C.F.R. § 265.53(b)]. This is also a requirement applicable to owners and operators of hazardous waste storage facilities under WAC, NR § 664.0053(2) [40 C.F.R. § 264.53(b)].

85. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator must ensure its contingency plan lists names,

addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (WAC NR § 664.0055), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC NR § 665.0052(4) [40 C.F.R. § 265.52(d)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0052(4) [40 C.F.R. § 264.52(d)].

86. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator's contingency plan must be reviewed, and immediately amended, if necessary, whenever any of the following occurs: Applicable rules or the facility interim license are revised; the plan fails in an emergency; the facility changes—in its design, construction, operation, maintenance or other circumstances—in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; or the list of emergency coordinators changes. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0054(4) [40 C.F.R. § 265.54(a-d)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under *See* WAC NR § 664.0054(4) [40 C.F.R. §264.54(a-d)].

87. In order to accumulate hazardous waste on-site for 90 days or less without an operating license or interim license, a generator must ensure its contingency plan includes a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the

plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. *See* WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC, NR § 665.0052(5) [40 C.F.R. § 265.52(e)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC, NR § 664.0052(5) [40 C.F.R. § 264.52(e)].

88. During the inspection of records and the review of the contingency plan, the inspectors did not find documentation that copies of the facility's contingency plan had been submitted to the required authorities.

89. During the inspection of records and the review of the contingency plan, the inspectors observed that the plan was last revised in December 2006, and that the primary emergency coordinator listed in the plan for the facility had not been employed at the facility since 2010.

90. During the inspection of the facility's contingency plan, the inspectors observed that the plan did not include the following: location descriptions for the decontamination equipment (eye wash stations and emergency shower) and descriptions and locations for the fire control equipment and spill control equipment at the facility.

91. Therefore, Respondent's failure to maintain the aforementioned contingency plan requirements is a violation of WAC NR § 662.034(1)(d) [40 C.F.R. § 262.34(a)(4)]; WAC NR § 665.0052(4) [40 C.F.R. § 265.52(d)]; WAC, NR § 665.0052(5) [40 C.F.R. § 265.52(e)]; WAC, NR § 665.0053(2) [40 C.F.R. § 265.53(b)]; WAC, NR § 665.0054(4) [40 C.F.R. § 265.54(a-d)]. These are also requirements applicable to owners and operators of hazardous waste storage facilities under WAC NR § 664.0052(4) [40 C.F.R. § 264.52(d)]; WAC, NR § 664.0052(5) [40 C.F.R. § 264.52(e)]; WAC, NR § 664.0053(2) [40 C.F.R. § 264.53(b)]; WAC NR § 664.0054(4)

[40 C.F.R. §264.54(a-d)].

Count 7: Violation of the Universal Waste Requirement

92. Complainant incorporates paragraphs 1 through 51 of this Complaint as though set forth in this paragraph.

93. A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. The containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. *See* WAC NR § 673.13(4)(a) [40 C.F.R. § 273.13(d)(1)].

94. A small quantity handler of universal waste shall ensure that each lamp or a container or package in which the lamps are contained shall be labeled or marked clearly with the phrase "Universal Waste—Lamps", "Waste Lamps" or "Used Lamps". *See* WAC NR § 673.14(5) [40 C.F.R. § 273.14(e)].

95. 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 types of universal waste handled at the facility. *See* WAC NR § 673.16 [40 C.F.R. § 273.16].

96. During the inspection of the maintenance area at the Facility, the inspectors observed: two cylindrical containers that contained spent four-foot fluorescent bulbs which were both closed and not labeled, one box that contained spent infrared bulbs which was open and not labeled, one box that contained spent infrared halogen lamps that was closed and not labeled, and two boxes that contained spent four-foot fluorescent bulbs which were closed and not labeled.

97. Therefore, Respondent's failed to comply with the aforementioned universal waste requirements in WAC NR § 673.13(4)(a) [40 C.F.R. § 273.13(d)(1)],WAC NR § 673.14(5) [40 C.F.R. § 273.14(e)], and WAC NR § 673.16 [40 C.F.R. § 273.16].

Civil Penalty

98. Pursuant to section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is $10,845. In determining the penalty amount, Complainant took into account the seriousness of the violations and any good faith efforts to comply with the applicable requirements. Complainant has also considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy.

99. Within 30 days after the effective date of this CAFO, Respondent must pay a $10,845 civil penalty for the RCRA violations by ACH electronic funds transfer, payable to the "Treasurer, United States of America," to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

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

101. If Respondent does not timely pay the civil penalty, and perform the LED lighting project at the facility that includes the retrofitting of the facility's current fluorescent lighting fixtures in approximately 300,000 square foot of building space, 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.

102. 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 payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a $15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

103. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment that will substantially reduce and or eliminate the facility's generated universal waste lamp waste stream.

104. At its facility located at 1180 American Drive, Neenah, Wisconsin, Respondent must complete the SEP as follows: Perform an LED lighting project at the facility that would include retrofitting of the facility's current fluorescent lighting fixtures in approximately 300,000 square foot of building space. The LED lighting project must be completed within six months from the effective date of this CAFO.

105. Respondent must spend at least $80,000 to purchase and to install the equipment.

106. In the LED lighting project, Respondent must not use any lamp or lighting device that is more toxic or hazardous than the current or eliminated lamp or lighting device. Respondent must use Material Safety Data Sheets to determine the lamp or lighting device's toxic and hazardous characteristics.

107. Respondent must continuously use or operate the LED lighting for at least five year(s) following its installation.

108. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

109. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

110. Respondent must submit a SEP completion report to U.S. EPA within two months of completion of the SEP project under paragraph 104. This report must contain the following information:

a. Detailed description of the SEP as completed;

b. Description of any operating problems and the actions taken to correct the problems;

c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;

d. Certification that Respondent has completed the SEP in compliance with this CAFO; and

e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

111. Respondent must submit all notices and reports required by this CAFO by first class or overnight mail to Bryan Gangwisch of the RCRA Branch.

112. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

> I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know

that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

113. Following receipt of the SEP completion report described in paragraph 110, above, U.S. EPA must notify Respondent in writing that:

a. Respondent has satisfactorily completed the SEP and the SEP report;

b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or

c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 115.

114. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within ten days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph, below.

115. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 104, Respondent must pay a penalty of $ 32,535.

b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent (i) made good faith and timely efforts to complete the SEP and (ii) certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 105, Respondent will not be liable for a stipulated penalty under subparagraph a, above.

c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 105, Respondent must pay a penalty of $6,507.

d. If Respondent did not timely submit the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

Penalty per violation per day	Period of violation
$250	1st through 14th day
$500	15 through 30th day
$1000	31st day and beyond

116. U.S. EPA's determinations of whether Respondent satisfactorily completed the SEP and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

117. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 99, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

118. Any public statement that Respondent makes referring to the SEP must include the following language, "Outlook Group Corp, undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Outlook Group Corp., for violations of RCRA."

119. Force Majeure – If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify U.S. EPA in writing within ten days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past, current and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delay in completing the SEP will not be excused.

d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

120. Nothing in this CAFO is intended to, nor will be construed to, constitute U.S. EPA approval of the equipment installed by the Respondent in connection with the SEP under this CAFO.

121. For Federal Income Tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

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

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

124. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

125. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

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

127. Each person signing this 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.

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

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

130. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: **glowacki.joanna@epa.gov** (for Complainant), and **jodi@lcojlaw.com** (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

Outlook Group Corp., Respondent

4/10/17
Date

John Cappy, President
Outlook Group, Corp.

United States Environmental Protection Agency, Complainant

04/27/17
Date

Ignacio L. Arrázola
Acting Director
Land and Chemicals Division

In the Matter of:
Outlook Group, Corp.
Docket No. RCRA-05-2017-0013

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.

April 28, 2017
Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the matter of: Outlook Group Corp.
EPA ID Number: WID988596995
Docket Number: RCRA-05-2017-0013

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, Docket Number RCRA-05-2017-0013, which was filed on May 2, 2017, in the following manner to the addressees:

Copy by e-mail to
Attorney for Respondent: Jodi Arndt Labs
jodi@lcojlaw.com

Copy by e-mail to
Attorney for Complainant: Joanna Glowacki
glowacki.joanna@epa.gov

Copy by e-mail to
Case Assignee: Bryan Gangwisch
gangwisch.bryan@epa.gov

Copy by e-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: May 2, 2017 LaDawn Whitehead

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