



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 17 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7014 2870 0001 9577 3557
RETURN RECEIPT REQUESTED

Mr. Charles Lewis
EHS Manager
Magna Mirrors of America d/b/a Engineered Glass
3501 John F. Donnelly Drive
Holland, Michigan 49424

Re: Expedited Settlement Agreement
Magna Mirrors of America d/b/a Engineered Glass
Docket No: RCRA-05-2018-0020

Dear Mr. Lewis:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on August 17, 2018, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$8,000 in the manner prescribed in paragraph 13 of the ESA, and reference all checks with the docket number RCRA-05-2018-0020. Your payment is due within 30 calendar days of the effective date of the ESA.

The ESA is binding on the U.S. Environmental Protection Agency and Magna Mirrors of America d/b/a Engineered Glass. EPA will take no further action for the violations cited in the ESA. Thank you for your cooperation in resolving this matter.

Sincerely,

Julie Morris, Acting Chief
RCRA Branch

Enclosures

cc: Alexandra Clark, MDEQ (clarka37@michigan.gov)
Lonnie Lee, MDEQ (leel@michigan.gov)
Jack Schinderle, MDEQ (schinderlej@michigan.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:)
MAGNA MIRRORS OF AMERICA)
d/b/a ENGINEERED GLASS)
HOLLAND, MICHIGAN)
EPA ID. Nos. MID981952765 & MID982424798)
Respondent.)

Docket No. RCRA-05-2018-0020

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

- 1. The U.S. Environmental Protection Agency ("EPA") alleges that Magna Mirrors of America d/b/a Engineered Glass ("Respondent") owns and operates two facilities located at 3501 and 3601 John F. Donnelly Drive in Holland, Michigan ("South Facility" and "North Facility," respectively) that are subject to Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. ("RCRA"), EPA's regulations implementing RCRA (40 C.F.R. parts 260-273), and the EPA-approved and authorized Michigan hazardous waste management program for large quantity generators because Respondent's North Facility and South Facility generate over 1000 kg of non-acute hazardous waste in a calendar month or over 1 kg of acute hazardous waste in a calendar month.
2. EPA inspected Respondent's North Facility and South Facility on February 6 and 7, 2018.
3. Under Mich. Admin. Code R. 299.9306(1)-(3), Respondent may avoid the need for a hazardous waste license by meeting certain license exemption conditions applicable to large quantity generators including, but not limited to, dating and labeling containers of hazardous waste and providing annual hazardous waste training to employees. Respondent is subject to additional requirements as a hazardous waste generator, a used oil generator, and a universal waste handler.
4. EPA alleges that at the time of its inspection, containers of hazardous waste at Respondent's North Facility and South facility did not meet the license exemption condition set forth at Mich. Admin. Code R. 299.9306(1)(b). Containers in the South Facility did not have an accumulation start date or accurate hazardous waste numbers or codes. Containers in the North Facility were not marked with accurate hazardous waste numbers or codes. Respondent, therefore, failed to meet this license exemption condition.
5. EPA alleges that at the time of its inspection, Respondent did not meet the license exemption conditions set forth at Mich. Admin. Code R. 299.9306(1)(d) [40 C.F.R. § 265.16(c) and (e)] because it had failed to provide its employees hazardous waste

management training in 2017 and to maintain related training records. Respondent, therefore, failed to meet these license exemption conditions.

6. EPA alleges that at the time of the inspection, Respondent failed to meet the requirement at Mich. Admin. Code R. 299.9307(3) [40 C.F.R. § 262.40(a)] because it did not maintain hazardous waste manifest records on site for three years. No hazardous waste manifests from 2015 were available for review at the North Facility or the South Facility. Respondent, therefore, failed to meet this requirement applicable to hazardous waste generators.
7. EPA alleges that at the time of the inspection, Respondent failed to meet the requirement at Mich. Admin. Code R. 299.9810(5) [40 C.F.R. § 279.22(c)] because it failed to label a container of used oil in its South Facility as "Used Oil." Respondent, therefore, failed to meet this requirement applicable to used oil generators.
8. EPA alleges that at the time of the inspection, Respondent failed to meet the requirement at Mich. Admin. Code R. 299.9228(4)(c)(ii) [40 C.F.R. § 273.13(d)(1)] because two containers of universal waste lamps at the North Facility and South Facility were not closed in a way that could prevent breakage of the lamps. Additionally, Respondent failed to meet the requirement at Mich. Admin. Code 299.9228(4)(c)(iv) [40 C.F.R. § 273.14(e)] because a container of universal waste lamps in the North Facility was not properly labeled. Respondent, therefore, failed to meet these requirements applicable to small quantity handlers of universal waste.
9. EPA and Respondent agree that settlement of this matter for a penalty of eight thousand dollars (\$8,000) is in the public interest.
10. 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).
11. In signing this Agreement, Respondent: (1) admits that Respondent is subject to Michigan Hazardous Waste Management regulations set forth in, *inter alia*, Mich. Admin. Code R. 299.9306(1)-(3); (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; and, (5) waives any right to contest the allegations contained herein.
12. 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) that Respondent will pay the civil penalty in accordance with this Agreement.
13. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$8,000 for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:

a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

i. For checks sent by regular U.S. Postal Service mail:

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

ii. For checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state the case title ("*In the Matter of: Magna Mirrors of American d/b/a Engineered Glass*") and the docket number of this Agreement.

b. Or by electronic funds transfer, payable to "Treasurer, United States of America." and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "*In the Matter of: Magna Mirrors of America d/b/a Engineered Glass*" and the docket number of this Agreement.

c. Or by ACH electronic funds transfer, payable to "Treasurer, United States of America." and sent to:

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

d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter 'sfo 1.1' in the search field.
Open form and complete required fields.

14. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604

Brian Kennedy
U.S. EPA, Region 5
77 West Jackson Boulevard (LR-17J)
Chicago, IL 60604

Jeffery Trevino
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

15. The civil penalty is not deductible for federal tax purposes.
16. 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.
17. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. 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.
18. Payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
19. 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.

20. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
21. Each party shall bear its own costs and fees, if any.
22. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

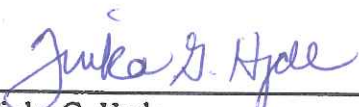
Name (print): KEVIN BURKE

Title (print): VICE PRESIDENT OF OPERATIONS

Signature: 

Date 7-26-18

APPROVED BY EPA:



Date 8-13-18

Tinka G. Hyde
Division Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

**In the Matter of: Magna Mirrors of America d/b/a Engineered Glass, Holland, Michigan.
Docket Number: RCRA-05-2018-0020**

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

8/16/18
Date

Debra K. Justice
for Ann Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the Matter of: **Magna Mirrors of America d/b/a Engineered Glass, Holland, Michigan.**
Docket Number: **RCRA-05-2018-0020**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, Docket Number **RCRA-05-2018-0020**, which was filed on August 17, 2018, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Mr. Charles Lewis
EHS Manager
Magna Mirrors of America d/b/a Engineered Glass
3501 John F. Donnelly Drive
Holland, Michigan 49424

Copy by E-mail to
Attorney for Complainant:

Jeffery Trevino
trevino.jeffery@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

August 17, 2018 

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

CERTIFIED MAIL RECEIPT NUMBER(S):

7014 2870 0001 9577 3557