



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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

JUL 10 2008

Mr. Lee Russell
Tiffin Motorhomes, Inc.
16-4 Industrial Road
Belmont, Mississippi

RE: Consent Agreement and Final Order for Tiffin Motorhomes, Inc.
Docket Number: Docket Number: RCRA-04-2008-4007(b)

Dear Mr. Russell:

Enclosed please find a copy of the final, file-stamped Consent Agreement and Final Order (CAFO) memorializing the settlement reached between Tiffin Motorhomes, Inc. and the U.S. Environmental Protection Agency (EPA), regarding alleged violations of regulations promulgated pursuant to the Resource Conservation and Recovery Act (RCRA).

Thank you for your assistance and cooperation in this matter. If you have any questions, please feel free to contact me at (404) 562-8381.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Allen Heath".

Melissa Allen Heath
Associate Regional Counsel

Enclosure

cc: Chris Sanders, MDEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

IN THE MATTER OF:)	Docket Number: RCRA-04-2008-4007(b)
)	
Tiffin Motorhomes, Inc.)	Proceeding under Section 3008(a)
16-4 Industrial Road)	of the Resource Conservation and
Belmont, Mississippi)	Recovery Act, 42 U.S.C. § 6928(a).
)	
EPA ID No.: MSR 000 101 931)	
Respondent.)	

2008 JUN 10 PM 3:09
 HEARING CLERK
 EPA REGION 4

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a). This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270; and those regulations incorporated by reference at Code of Mississippi Rules Parts 260 through 270 (Mississippi Department of Environmental Quality Regulation HW-1).

2. 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, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been

taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA & OPA Enforcement & Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is Tiffin Motorhomes, Inc., a business incorporated under the laws of Alabama and doing business in the State of Mississippi. Respondent operates a painting facility (the Facility) located at 16-4 Industrial Road, Tishomingo County, Belmont, Mississippi.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on June 27, 1984, the State of Mississippi received initial final authorization from EPA to carry out certain portions of the State's hazardous waste program in lieu of the federal program set forth in RCRA. On May 28, 1991, the State of Mississippi received final authorization for the Hazardous and Solid Waste Amendments (HSWA) portion of RCRA. The Mississippi Department of Environmental Quality (MDEQ) is charged with the statutory duty of enforcing the law of the State relating to hazardous waste management under Code of Mississippi Rules Parts 260 through 270 (Mississippi Department of Environmental Quality Regulation HW-1). Therefore, for the purpose of this CA/FO, a citation hereinafter to the requirements of 40 C.F.R. Parts 260 through 270 shall constitute a citation to the equivalent requirements of Code of Mississippi Rules.

7. Although EPA has granted the State of Mississippi authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). EPA

exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and the State.

8. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State of Mississippi before issuance of this CA/FO.

9. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator of EPA to promulgate regulations establishing standards applicable to treatment, storage, and disposal facilities of hazardous waste.

10. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), sets forth standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found in 40 C.F.R. Part 262.

11. Section 3004 of RCRA, 42 U.S.C. § 6924, sets forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 40 C.F.R. Part 264.

12. Section 3005 of RCRA, 42 U.S.C. § 6925, sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 40 C.F.R. Parts 264 (permitted) and 265 (interim status).

13. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded by regulation.

14. Pursuant to 40 C.F.R. § 261.3, a solid waste is a “hazardous waste” if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and it meets any of the criteria set out in this section.

15. Pursuant to 40 C.F.R. § 260.10, a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. § 261.3.

16. Pursuant to 40 C.F.R. § 262.11, a generator must make a waste determination for all solid and hazardous wastes generated by the facility.

17. Pursuant to 40 C.F.R. § 262.20, a generator who offers for transportation hazardous waste for offsite treatment, storage or disposal must prepare a Manifest (OMB control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in Appendix to 40 C.F.R. Part 262. These instructions require that the generator include his EPA identification number and the identification of the generator on the manifest.

18. Pursuant to 40 C.F.R. § 262.34(a)(1), a generator may accumulate hazardous waste on site for 90-days or less without a permit or without having interim status, provided that the generator complies with the management requirements listed in this subpart.

19. Pursuant to 40 C.F.R. § 262.34(a)(2), a generator may accumulate hazardous waste on site for 90-days or less without a permit or without having interim status, provided that the generator clearly mark the date accumulation begins on the container.

20. Pursuant to 40 C.F.R. § 262.34(a)(3), a generator may accumulate hazardous waste on site for 90-days or less without a permit or without having interim status provided that generator mark each container with the words "Hazardous AWaste" while the waste is being accumulated onsite.

21. Pursuant to 40 C.F.R. § 262.34(c), a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near the point of generation without a permit or interim status provided he marks his containers with the words "Hazardous Waste" or other words that identify the contents, and provided that the containers must remain closed except to add or remove waste.

22. Pursuant to 40 C.F.R. § 262.34(a)(1)(i), a generator may accumulate hazardous waste on site for 90-days or less without a permit or without having interim status, provided that the generator complies with the container management standards under 40 C.F.R. Part 265, Subpart I.

23. Pursuant to 40 C.F.R. § 262.34(a)(4), a generator may accumulate hazardous waste on site for 90-days or less without a permit or without having interim status provided that generator complies with the requirements for owners or operators in 40 C.F.R. § 265.16 and Subpart D of 40 C.F.R. Part 265.

24. Pursuant to 40 C.F.R. § 262.40(c), a generator must keep records of any test results, waste analysis, or other determinations made in accordance with 40 C.F.R. § 262.11, for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage or disposal.

25. Pursuant to 40 C.F.R. § 262.42(a), a large-quantity generator who does not receive a signed returned manifest within thirty-five (35) days of initial transport must contact the transporter or the receiving facility to determine the status of the hazardous waste, and must file an Exception Report within forty-five (45) days of the date the waste was received or accepted by the initial transporter.

26. Pursuant to 40 C.F.R. § 265.52(d), the contingency plan required by this subsection must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

27. Pursuant to 40 C.F.R. § 265.52(e), the contingency plan required by this subsection must include a list of all emergency equipment, such as fire extinguishing systems, spill control equipment, communication and alarm systems, and decontamination equipment. 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 capacities, and names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

28. Pursuant to 40 C.F.R. § 265.53(b), a copy of the contingency plan and all revisions to the plan must be 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.

29. Pursuant to 40 C.F.R. § 265.174, the owner/operator must inspect areas where containers are stored, at least weekly, looking for leaks and deterioration caused by corrosion or other factors.

30. Pursuant to Section 3005 of RCRA and 40 C.F.R. § 270.1, RCRA requires a permit for the treatment, storage and disposal of any hazardous waste unless the facility qualifies for an exemption from storage permit requirements under 40 C.F.R. § 262.

IV. EPA ALLEGATIONS AND DETERMINATIONS

31. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10.

32. Respondent is the "owner" and "operator" of a "facility" located at 16-4 Industrial Road, Tishomingo County, Belmont, Mississippi. (the Facility), as those terms are defined in 40 C.F.R. § 260.10.

33. Respondent began operations at the Facility in April 2004 and was assigned the site-specific EPA ID number MSR 000 101 931 by MDEQ.

34. The Facility functions as the painting department for Respondent's motor home manufacturing facility located in Red Bay, Alabama. The Facility occupies about 40 acres and employs approximately 260 individuals.

35. On February 24, 2006, the Facility submitted a 3010 Hazardous Waste Notification and identified itself as a Large Quantity Generator of D001 (characteristically hazardous for ignitability), D035 (characteristically toxic for benzene), F003 (spent solvents listed for ignitability) and F005 (spent solvents listed for toxicity) hazardous wastes.

36. On January 8, 2007, EPA and MDEQ conducted a RCRA Compliance Evaluation Inspection (CEI) of the Facility accompanied by Respondent's representatives.

37. At the time of the CEI, Respondent could not produce records of hazardous waste training for any Facility employees including the individual tasked with overseeing hazardous waste management training at the Facility.

38. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 265.16, as incorporated by 40 C.F.R. § 262.34(a)(4), for failure to conduct personnel training as required by this section. As such, Respondent illegally stored hazardous wastes without a permit.

39. At the time of the CEI, Respondent could not produce a Contingency Plan and indicated that a Contingency Plan had not been prepared for the Facility.

40. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. Subpart D, as incorporated by 40 C.F.R. § 262.34(a)(4), for failure to prepare and maintain a Contingency Plan as required by this section. As such, Respondent illegally stored hazardous waste without a permit.

41. At the time of the CEI, the Facility's inspection logs indicated that from June 6, 2004, until August 2, 2006, Respondent conducted weekly inspections of hazardous waste storage containers sporadically and incompletely. Respondent was unable to produce any

weekly inspection logs for the period after August 2, 2006, and indicated that no inspections had taken place.

42. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 265.174, as incorporated by 40 C.F.R. § 262.34(a)(1)(i), for failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. As such, Respondent illegally stored hazardous wastes without a permit.

43. At the time of the CEI, Respondent was unable to produce any waste analyses or hazardous waste determination results for waste streams generated at the Facility.

44. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.40(c) for failure to keep records of any test results, waste analyses or other determinations made in accordance with 40 C.F.R. § 262.11 for at least 3 years from the date the waste was last sent to an on-site or off-site treatment, storage or disposal facility.

45. At the time of the CEI, a review of the Facility's manifests revealed that for one manifest, the manifest number and the hazardous waste quantities listed for a shipment on August 30, 2006, were illegible.

46. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.20(a)(1) for failure to prepare a manifest according to the instructions included in the Appendix to Section 262, which requires the Facility to complete all portions of the manifest.

47. At the time of the CEI, the Facility had also failed to receive a signed copy for the same manifest from the receiving Treatment, Storage and Disposal facility.

48. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.42(a)(1) for failure to contact the owner/operator of the designated receiving facility, when the Facility had

not received a signed, returned copy of the manifest within 35 days from the date the waste was accepted by the initial transporter.

49. At the time of the CEI, a review of records indicated that the Facility had failed to submit an Exception Report to MDEQ when the signed copy of the same manifest was not returned to Tiffin.

50. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.42(a)(2) for failure to submit an Exception Report to MDEQ within 45 days from the date the waste was accepted by the initial transporter.

51. At the time of the CEI, a review of the Facility's records revealed that no Land Disposal Restriction certifications were available for review. Further, Respondent indicated that it was unsure whether it had submitted such certifications to any of the receiving Treatment, Storage and Disposal facilities for each hazardous waste stream.

52. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 268.7(a), as incorporated by 40 C.F.R. § 262.34(a), for failure to determine whether or not wastes must meet treatment standards for disposal, and for failure to make proper notification to the receiving Treatment, Storage and Disposal facility. As such, Tiffin illegally stored hazardous waste without a permit.

53. At the time of the CEI, a review of the Facility's manifests revealed that Respondent repeatedly shipped hazardous wastes off-site with the designation D008 (characteristically toxic for lead). However, the Facility records indicated that no lead-bearing paints or other materials were used or generated by the Facility. Respondent could offer no explanation as to the identity of the wastes shipped off site as D008 hazardous wastes.

54. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.11 for failure to make a waste determination for all wastes generated at the Facility.

55. At the time of the CEI, the Facility's less-than-90-day storage area contained sixteen 55-gallon drums of hazardous waste. Of these, 13 drums were not labeled with the words "Hazardous Waste" or marked with the date of accumulation. Fourteen of the drums were open.

56. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 262.34(a)(2) for failure to clearly mark 13 containers of hazardous waste with the date on which each period of accumulation of waste began. As such, Respondent illegally stored hazardous waste without a permit.

57. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 262.34(a)(3) for failure to mark or label thirteen containers of hazardous waste with the words "Hazardous Waste" while waste was accumulated on site. As such, Respondent illegally stored hazardous waste without a permit.

58. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 265.173(a), as incorporated by 40 C.F.R. 262.34(a)(1)(i), for failure to keep 14 containers of hazardous wastes closed during storage except to add or remove waste. As such, Respondent illegally stored hazardous waste without a permit.

59. At the time of the CEI, the Paint Shop at the Facility contained two 55-gallon hazardous waste satellite accumulation drums. The Final Finish Area contained one 55-gallon satellite accumulation drum and one 3-gallon satellite accumulation container. Neither of these drums nor the container was marked or labeled. All three drums and the container were open.

60. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 262.34(c)(1)(ii) for failure to mark or label four satellite accumulation containers with the words "Hazardous Waste" or with other words that identify the contents of the container. As such, Respondent illegally stored hazardous waste without a permit.

61. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for failure to adhere to a condition for exemption given at 40 C.F.R. § 265.173(a), as incorporated by 40 C.F.R. § 262.34(c)(1)(i), for failure to keep satellite accumulation containers closed except to add or remove waste. As such, Respondent illegally stored hazardous waste without a permit.

62. At the time of the CEI, the Sanding Building at the Facility contained one 55-gallon satellite accumulation drum. The drum was labeled with the words "Hazardous Waste," but was open.

63. EPA therefore alleges that Respondent violated Section 3005 of RCRA for failure to adhere to a condition for exemption given at 40 C.F.R. § 265.173(a), as incorporated by 40 C.F.R. § 262.34(c)(1)(i), for failure to keep one satellite accumulation container closed except to add or remove waste. As such, Respondent illegally stored hazardous waste without a permit.

64. At the time of the CEI, a large trash can situated inside the Mixing Room of the Facility contained a significant number of aerosol cans destined for solid waste disposal. Some of the cans were not empty and were labeled as Spartan Cleaner and Wurth Industry Cleaner. Respondent had not determined whether the cans contained hazardous waste.

65. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.11 for failure to make a waste determination on the chemicals contained in the disposed aerosol cans.

66. At the time of the CEI, a large trash can situated inside the Sanding Building of the Facility contained a significant number of aerosol cans destined for solid waste disposal. Some of the cans were not empty and were labeled as waste enamel and adhesion promoters. Respondent had not determined whether the cans contained hazardous waste.

67. EPA therefore alleges that Respondent violated 40 C.F.R. § 262.11 for failure to make a waste determination on the chemicals contained in the disposed aerosol cans.

68. At the time of the CEI, EPA determined that some of the cans in the large trash can inside the Sanding Building contained promoter with a flash point of 55 degrees Fahrenheit. Since the promoter flashed at a temperature less than 140 degrees Fahrenheit, the material exhibited the characteristic of ignitability and therefore met the definition of D001 hazardous waste.

69. EPA therefore alleges that Respondent violated Section 3005 of RCRA and 40 C.F.R. § 270.1 for illegally operating a hazardous waste disposal facility without a permit.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements and EPA Allegations and Determinations, the parties agree to the following:

70. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set forth above.

71. Respondent neither admits nor denies the factual allegations or legal conclusions set forth above.

72. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

73. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act.

74. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.

75. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.

76. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA alleged in this CA/FO.

77. Each party will pay its own costs and attorney's fees.

VI. INJUNCTIVE RELIEF

78. Within thirty (30) calendar days after the effective date of this CA/FO, Respondent shall submit to EPA a written certification that Respondent is in compliance with Sections 3005 and 3002 of RCRA and all applicable regulations found at 40 C.F.R. Sections 260 through 270. The certification shall specifically explain in detail how all the violations alleged in this CAFO have been corrected. The certification shall be signed by a principle officer of the company.

VII. PAYMENT OF CIVIL PENALTY

79. Respondent consents and agrees to the payment of a civil penalty in the amount of NINETY-NINE THOUSAND DOLLARS (\$99,000), payable within thirty (30) calendar days after the effective date of this CA/FO.

80. Respondent shall make payment of the penalty by cashier's check or certified check, made payable to: **Treasurer, United States of America**. Respondent shall reference the

facility name and the docket number for this matter on the face of the check, and shall be tendered, if by U.S. Postal Service, to:

United States Environmental Protection Agency
Fines and Penalties, Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

or if by overnight delivery service to:

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

Respondent shall submit a copy of the payment to the following addressees:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and to:

Frank Ney, Acting Chief
South Enforcement and Compliance Section
RCRA/OPA Enforcement and Compliance Branch, RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

78. If Respondent fails to remit the civil penalty as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

(a) Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will

therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.

(c) Non-Payment Penalty. On any portion of a civil penalty more than 90 calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

79. Penalties paid pursuant to this CA/FO are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

VIII. RESERVATION OF RIGHTS

80. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA 42 U.S.C. § 6973, or any other statutory authority, should EPA find that the 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 or the environment.

81. Nothing in this CA/FO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CA/FO or of the statutes and regulations upon which this CA/FO is based, or for Respondent's violation of any applicable provision of law, except for those violations specifically alleged in this CA/FO.

82. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.

83. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the 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.

84. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

IX. PARTIES BOUND

85. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents and all persons, including independent contractors, contractors and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

86. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

87. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

X. SEVERABILITY

88. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable.

the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XI. SERVICE OF DOCUMENTS

89. A copy of any documents that Respondent files in this action shall be sent to the following attorney, who represents EPA in this matter and is authorized to receive service for EPA in the proceeding:

Melissa Allen Heath
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-8381

A copy of any documents that Complainant files in this action shall be sent to the following person, who represents Respondent in this matter and is authorized to receive service for Respondent in the proceeding:

Mr. Lee Russell
Environmental Coordinator
Tiffin Motorhomes, Inc.
105 2nd Street, N.W.
Red bay, Alabama 35582

XII. TERMINATION AND SATISFACTION

90. The provisions of this CA/FO shall be deemed satisfied upon a determination by Complainant that Respondent has fully satisfied the requirements of this CA/FO.

XIII. EFFECTIVE DATE

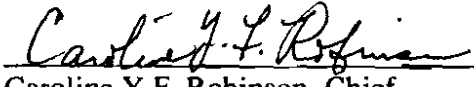
91. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Tiffin Motorhomes, Inc.

By:  Dated: 6.11.08
(print name) Tim Tiffin
(Its) G.M.

U.S. Environmental Protection Agency

By:  Dated: 7/1/08
Caroline Y.F. Robinson, Chief
RCRA/OPA Enforcement and Compliance Branch
RCRA Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

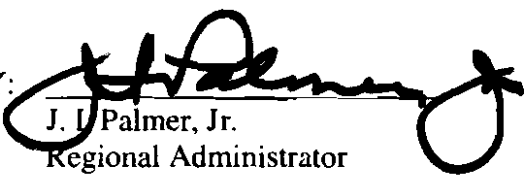
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Tiffin Motorhomes, Inc.) Proceeding under Section 3008(a)
16-4 Industrial Road) of the Resource Conservation and
Belmont, Mississippi) Recovery Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: MSR 000 101 931)
Respondent.)

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 8th day of July, 2008.

BY:


J. I. Palmer, Jr.
Regional Administrator
EPA Region 4

In the Matter of Tiffin Motorhomes, Inc.
Docket Number: RCRA-04-2008-4007(b)

CERTIFICATE OF SERVICE

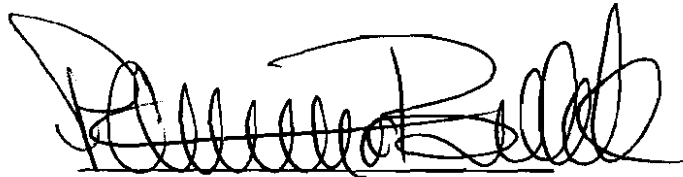
I hereby certify that on JUL 10 2008, I filed the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Tiffin Motorhomes Inc., Docket Number: RCRA-04-2008-4007(b), and that on JUL 10 2008 I served a true and correct copy of the CA/FO on the parties listed below in the manner indicated:

(Via EPA's internal mail)

Melissa Allen Heath
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via Certified Mail- Return Receipt Requested)

Mr. Lee Russell
Environmental Coordinator
Tiffin Motorhomes, Inc.
105 2nd Street, N.W.
Red Bay, Alabama 35582



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
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(404) 562-9511