

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

2014 AUG 27 AM 10:15

IN THE MATTER OF:)
)
TPI Iowa Inc.)
)
Respondent)
)
Proceeding under Sections 3008(a) and (g))
of the Resource Conservation and)
Recovery Act as amended,)
42 U.S.C. § 6928(a) and (g))
)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. RCRA-07-2014-0014

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and TPI Iowa Inc. (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice. This authority has been delegated by the Administrator of EPA to the Regional Administrator. The Regional Administrator has delegated this authority to the Director of the Air and Waste Management Division who further delegated it to the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C § 6925.

Parties

3. Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of EPA.

4. Respondent is TPI Iowa, L.L.C., a corporation registered in the State of Delaware authorized to do business in the State of Iowa.

Statutory and Regulatory Framework

5. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, through January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized. Based upon the facts alleged in this Consent Agreement and Final Order and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

General Factual Background

7. Respondent is a corporation and authorized to conduct business within the State of Iowa. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

8. Respondent’s facility is located at 2300 N. 33rd Avenue East, Newton, Iowa. Respondent manufactures wind turbine blades used for in the production of electricity. Respondent employs approximately 600 people.

9. At the time of the inspection, the following hazardous waste(s) were present:

- a. Waste adhesive remover (D001);
- b. Paint related waste (D001, D035, F002, F005);

- c. Spent Acetone (D001, F003);
- d. Waste acetone rags and wipes (D001, F003).

10. On or about June 4, 2010, Respondent notified as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3013 of RCRA, 42 U.S.C. § 6930. LQGs generate 1,000 kilograms per month or more of hazardous waste, or more than 1 kilogram per month of acutely hazardous waste.

11. Respondent has been assigned the following EPA ID Number: IAR000510156.

12. On or about April 18, 2012, inspectors working on behalf of the EPA conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, and used oil generator.

13. Respondent maintains a Hazardous Waste Container Storage Area (HWCSA) located near the east end of the building (East HWCSA). At time of the inspection, there was an additional HWCSA located near column 36 (Column 36 HWCSA) which has since been removed.

14. Respondent maintains several satellite accumulation areas, including one in the Maintenance Warehouse.

Violations

15. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1

Failure to Comply with Manifesting and Land Disposal Restriction

16. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 14 above, as if fully set forth herein.

17. Pursuant to 40 C.F.R. § 262.20, a generator of solid waste who transports or offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare a Manifest (OMB Control 2050-0039) according to the instructions described in 40 C.F.R. Part 262 Appendix.

18. Pursuant to 40 C.F.R. § 268.9(a), the initial generator of solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to

determine the applicable treatment standards.

19. Documents collected at the time of the inspection, indicated that on October 3, 2011, Respondent shipped paint related waste with the characteristic hazardous waste code of D001 and the listed hazardous waste codes of F003 and F005. Further, Respondent's Biennial Report documented paint related wastes with the characteristic hazardous waste codes of D001 and D035 and the listed hazardous waste codes of F003 and F005.

20. A review of the March 2012 manifests, land disposal restriction records, and May 2012 transporters profile showed that when Respondent shipped the paint related wastes, it only included the characteristic hazardous code of D001, although there had been no change in process.

21. In its March and May documentation described in the paragraph above, Respondent had not completely and accurately completed its manifest document and had not determined each EPA hazardous waste code in order to determine the applicable treatment standards.

22. Respondent's failure to completely fill out a manifest with all the appropriate waste codes is a violation of 40 C.F.R. § 262.20(a).

23. Respondent's failure to determine each EPA hazardous waste code in order to determine the applicable treatment standard is a violation of 40 C.F.R. § 268.9(a).

Count 2

Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

24. Complainant hereby incorporates the allegations contained in Paragraphs 7 through 14 above, as if fully set forth herein.

Generator Requirements

25. The regulations at 40 C.F.R. § 262.34(a) state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to store hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

Failure to conduct weekly hazardous waste inspections

26. The regulations at 40 C.F.R. § 262.34(a)(1)(i) require that while being accumulated on-site, the hazardous waste must be placed in containers and the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265.

27. Pursuant to 40 C.F.R. § 265.174, as found in 40 C.F.R. Part 265 Subpart I, the owner or operator must inspect, at least weekly, areas where containers of hazardous waste are stored, looking for leaking containers and deteriorating containers caused by corrosion or other factors.

28. At the time of the inspection, Respondent's representatives stated that weekly inspections were not performed in the Column 36 HWCSA.

Failure to close hazardous waste accumulation containers

29. The regulations at 40 C.F.R. § 262.34(a)(1)(i) require that while being accumulated on-site, the hazardous waste must be placed in containers and the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265.

30. Pursuant to 40 C.F.R. § 265.173(a), as found in 40 C.F.R. § 265 Subpart I, generators must close hazardous waste storage containers during storage.

31. At the time of the inspection, the following hazardous waste accumulation container was open:

- a. A 55-gallon container of paint related waste located at the Column 36 HWCSA

Failure to date hazardous waste accumulation containers

32. The regulations at 40 C.F.R. § 262.34(a)(2) require generators to clearly mark the date upon which each period of accumulation began on each container.

33. At the time of the inspection, the following hazardous waste accumulation container was not marked with the date upon which accumulation began:

- a. A 55-gallon container of paint related waste located at the Column 36 HWCSA.

Failure to label hazardous waste accumulation containers

34. The regulations at 40 C.F.R. § 262.34(a)(3) require generators to clearly mark each container of hazardous waste with the words "Hazardous Waste" while accumulating on-site.

35. At the time of the inspection, the following hazardous waste accumulation container was not marked with the words "Hazardous Waste":

- a. A 55-gallon container of paint related waste located at the Column 36 HWCSA.

Failure to have required equipment available at the hazardous waste container accumulation areas

36. The regulations at 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.32(c) require generators to be equipped with fire control equipment, spill control equipment, and decontamination equipment.

37. At the time of the inspection, the following hazardous waste accumulation areas were not equipped with fire control equipment and decontamination equipment:

- a. The East HWCSA, and
- b. The Column 36 HWCSA.

38. Additionally the Column 36 HWCSA did not have the necessary spill control equipment.

Failure to describe arrangements with local emergency agencies in contingency plan

39. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

40. Pursuant to 40 C.F.R. § 265.52(c), as found in 40 C.F.R. § 265 Subpart D, the owner or operator must prepare a contingency plan which describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

41. At the time of the inspection, the contingency plan for Respondent's facility failed to describe arrangements agreed to by local emergency agencies to coordinate emergency services.

Failure to list emergency coordinator information in contingency plan

42. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

43. Pursuant to 40 C.F.R. § 265.52(d), as found in 40 C.F.R. § 265 Subpart D, the owner or operator must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, 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 the others must be listed in the order in which they will assume responsibility as alternates.

44. At the time of the inspection, the addresses and phone numbers (home and office) of emergency coordinators or the names of alternates in the order in which they will assume responsibility was not listed in the most up to date contingency plan.

Failure to submit a copy of contingency plan to local agencies

45. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

46. Pursuant to 40 C.F.R. § 265.53(b), as found in 40 C.F.R. § 265 Subpart D, the owner or operator must submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

47. At the time of the inspection, the facility had not submitted a copy of its contingency plan to the all local police departments, fire departments, hospitals, and State and local emergency response teams.

Failure to include actions facility personnel must take to comply with RCRA regulations

48. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265.

49. Pursuant to 40 C.F.R. § 265.52(a), the contingency plan must describe the actions facility personnel must take to comply with §§ 265.51 and 256.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

50. At the time of the inspection, the contingency plan did not contain a description of actions the facility personnel must take in response to certain emergencies specified in the paragraph above.

Failure to provide required information for emergency equipment

51. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265.

52. Pursuant to 40 C.F.R. § 265.52(e), the contingency plan must include the location, physical description, and a brief outline of the capabilities of emergency equipment (such as fire extinguishing system, spill control equipment, communications and alarm systems and decontamination equipment).

53. At the time of the inspection, the contingency plan did not contain a description of emergency equipment or their capabilities. Additionally, there is no location information on spill control equipment, communication equipment and alarms, or decontamination equipment.

Failure to provide information regarding the evacuation plan

54. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265.

55. Pursuant to 40 C.F.R. § 265.52(f), the contingency plan must include an evacuation plan for facility personnel and must describe the signal to be used to begin the evacuation.

56. At the time of the inspection, the contingency plan did not contain sufficient descriptions of the signals that will be used in the event of an evacuation.

Failure to perform introductory hazardous waste training

57. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

58. Pursuant to 40 C.F.R. § 265.16(a), the training program must include classroom instruction or on-the-job training that teaches facility personnel how to perform their duties in a way that ensures the facility's compliance with the requirements of this part. Specifically, 40 C.F.R. § 265.16(a)(3) requires the training program to cover response to emergencies, implementation of contingency plan, use of alarms, waste feed cut-offs and other emergency equipment as required.

59. Pursuant to 40 C.F.R. § 265.16(b) facility personnel must successfully complete the introductory hazardous waste training program within six (6) months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later.

60. At the time of the inspection, Respondent did not have a training program that covered response to emergencies, implementation of contingency plan, use of alarms, waste feed cut-offs and other emergency equipment.

61. At the time of the inspection, several facility personnel whose positions relate to hazardous waste management had not completed introductory training within six (6) months of employment.

Failure to perform annual refresher of hazardous waste training

62. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

63. Pursuant to 40 C.F.R. § 265.16(c) facility personnel must take part in an annual review of the initial RCRA training program.

64. At the time of the inspection, several facility personnel whose positions relate to hazardous waste management had not completed refresher training.

Failure to maintain hazardous waste job titles and descriptions

65. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

66. Pursuant to 40 C.F.R. § 265.16(d)(1), the owner or operator must maintain a written job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

67. Pursuant to 40 C.F.R. § 265.16(d)(2) the owner or operator must maintain a written job description for each position at the facility related to hazardous waste management including the requisite skill, education, or other qualifications.

68. At the time of the inspection, Respondent failed to maintain any records documenting job titles or description for each position that is related to hazardous waste management.

Failure to maintain training descriptions

69. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

70. Pursuant to 40 C.F.R. § 265.16(d)(3), as found in 40 C.F.R. § 265 Subpart B, the owner or operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person whose position at the facility is listed in the regulations and related to hazardous waste management.

71. At the time of the inspection, Respondent's records failed to include a written description of training requirements for each position related to hazardous waste management.

Failure to maintain training documentation

72. The regulations at 40 C.F.R. § 262.34(a)(4) require, in part, that the generator comply with the requirements of Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

73. Pursuant to 40 C.F.R. §§ 265.16(d)(4) and 265.16(e), as found in 40 C.F.R. § 265 Subpart B, a generator must maintain records that document the training or job experience required under 40 C.F.R. §§ 265.16(a), (b), and (c) has been given to, and completed by, facility personnel, and that training records on current personnel are kept until closure of the facility.

74. At the time of inspection, Respondent's records did not document training or job experience and the information required by 40 C.F.R. §§ 265.16(a), (b), and (c).

Satellite Accumulation

75. The regulations at 40 C.F.R. § 262.34(c)(1) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator comply with various handling requirements. This type of accumulation is known as "satellite accumulation". At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirements:

Failure to close satellite accumulation container

76. The regulations at 40 C.F.R. § 262.34(c)(1)(i) referencing 40 C.F.R. § 265.173(a) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

77. At the time of the inspection, the following satellite accumulation containers containing hazardous waste were open:

- a. A 55-gallon container of waste adhesive remover; and
- b. A 55-gallon drum of waste acetone.

78. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 5 through 75 above, Respondent was not authorized to store hazardous waste at its

facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit.

CONSENT AGREEMENT

79. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order portion of this Consent Agreement and Final Order.

80. Respondent admits the jurisdictional allegations of this Consent Agreement and Final Order and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this Consent Agreement and Final Order set forth below.

81. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Consent Agreement and Final Order.

82. Respondent waives its right to contest the allegations set forth above, and its right to appeal the proposed Final Order portion of the Consent Agreement and Final Order.

83. Respondent and Complainant agree to conciliate the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

84. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

85. This Consent Agreement and Final Order addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

86. The effect of settlement described in Paragraph 85 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 87, below, of this Consent Agreement and Final Order.

87. Respondent certifies that by signing this Consent Agreement and Final order that to best of its knowledge, Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.* and all regulations promulgated thereunder.

88. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

89. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Twenty- Six Thousand and Seven Hundred and Fifty-Eight (\$26, 758) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

90. The penalty specified in the paragraph above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

91. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty cited in the immediately preceding paragraph.

92. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury Tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorney fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. § 901.9(c) and (d).

93. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate

Effective Date

94. This Consent Agreement and Final Order shall be effective upon filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Reservation of Rights

95. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms of the Final Order portion of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) per day per violation pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

96. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

97. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, 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.

98. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future 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 and the environment.

99. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

100. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this Consent Agreement and Final Order, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this Consent Agreement and Final Order, Respondent will pay a civil penalty of Twenty-Six Thousand and Seven Hundred and Fifty-Eight (\$26,758).

2. Payment of the penalty shall be made by cashier or certified check, by wire transfer, or on-line. The Payment shall reference the Docket Number on the check or wire transfer. If made by cashier or certified check, the check shall be made payable to "Treasurer of the United States" and remitted to:

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

Wire transfers shall be directed to the Federal Reserve Bank of New York as follows:

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

On-line payments are available through the Department of Treasury:

www.pay.gov
Enter “sfo 1.1” in the search field.
Open the form and complete required files.

3. A copy of the check, transfer, or on-line payment confirmation shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101; and

Demetra O. Salisbury, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

5. Respondent shall provide the following information, within the schedule indicated

below:

- a. Container Management
 - i. Beginning within 30 days of the effective date of this CAFO and six months thereafter, for the period of a year, provide:
photographic documentation showing that the container described in the Inspection report as being located at Column 36 HWCSA is appropriately labeled and closed.
- b. Training and Training Plan: Within 30 days of the effective date of this CAFO, provide:
 - i. the training plan; and
 - ii. documentation that all employees that manage hazardous waste are receiving hazardous waste training.

6. Respondent shall submit all documentation generated to comply with the requirements as set forth in Paragraph 5 of this Final Order to the following address:

Deborah Bredehoff, AWMD/WEMM
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219.

C. Parties Bound

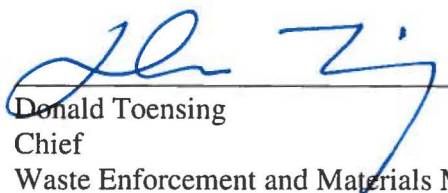
7. The Final Order portion of this Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

8-25-14

Date



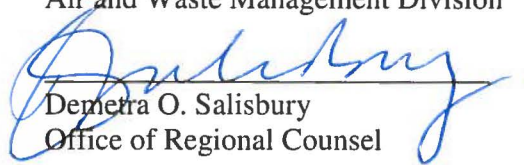
Donald Toensing
Chief

Waste Enforcement and Materials Management
Branch

Air and Waste Management Division

8-25-14

Date



Demetra O. Salisbury
Office of Regional Counsel

For Respondent, TPI Iowa, L.L.C.

8/19/14
Date


Signature

W. TERRY VAN HUYSEN
Printed Name

GENERAL MANAGER - TPI IOWA
Title

IT IS SO ORDERED. This Final Order shall become effective upon filing.

8-27-14

Date

Karina Borromeo

Karina Borromeo
Regional Judicial Officer

IN THE MATTER OF TPI Iowa Inc, Respondent
Docket No. RCRA-07-2014-0014

CERTIFICATE OF SERVICE

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

Copy by email to Attorney for Complainant:

salisbury.demetra@epa.gov

Copy by First Class Mail to:

Terry Van Huysen
General Manager
TPI Iowa Inc.
2300 N. 33rd Avenue East
Newton, Iowa 50208

Dated: 8/27/14



Kathy Robinson
Hearing Clerk, Region 7

