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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101**

IN THE MATTER OF:)
)
Holland 1916, Inc.)
1340 Burlington)
North Kansas City, MO 64116)
)
RCRA I.D. No. MOR000508507)
)
Respondent.)
)
Proceeding under Section 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-07-2006-0278

I. PRELIMINARY STATEMENT

The United States Environmental Protection Agency (EPA), Region VII (Complainant) and Holland 1916, 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, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6928(a) and (g), and in accordance with the United States Environmental Protection Agency's 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 (Part 22).

2. This Consent Agreement and Final Order serves as notice that the Environmental Protection Agency has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925 and the regulations found at 40 C.F.R. § 262, as incorporated at 10 C.S.R. 25-5.262.

Parties

3. The Complainant is the Chief of the RCRA Enforcement and State Programs Branch of EPA, Region VII, pursuant to the following delegations: EPA Delegation No. 8-9-A, dated May 11, 1994; EPA Delegation No. R7-8-9-A, dated June 14, 2005; and EPA Delegation No. R7-Div-8-9-A, dated June 15, 2005.

4. The Respondent is Holland 1916, Inc. (Respondent), a company incorporated under the laws of Missouri and authorized to conduct business in the State of Missouri.

Statutory and Regulatory Framework

5. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Missouri has adopted by reference the federal regulations cited herein at Title 10, Code of State Regulations (C.S.R.), Chapter 25 (10 C.S.R. 25). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When the 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 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004.

Factual Background

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

8. Respondent, located at 1340 Burlington, North Kansas City, Missouri, manufactures and sells industrial identification products, customized graphics and interactive technologies.

9. Respondent has been in operation at its current location since 2002 and currently employees approximately forty (40) people at its facility.
10. On or about December 2, 2002, Respondent notified EPA that it was a large quantity generator (LQG) of hazardous waste in the state of Missouri.
11. Respondent has been assigned a facility identification number of MOR000508507.
12. On December seventh (7) and sixteenth (16), 2005 (December 2005), EPA conducted a RCRA compliance evaluation inspection at the 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 inspection, as a LQG of D001, D002, D006, D007, F003, and F005 hazardous wastes.

Violations

13. Complainant hereby incorporates the allegations contained in paragraphs 7 through 12 above, as if fully set forth herein.

COUNT 1 **FAILURE TO CONDUCT A HAZARDOUS WASTE DETERMINATION**

14. Complainant hereby incorporates the allegations contained in paragraphs 7 through 13 above, as is fully set forth herein.
15. Pursuant to 40 C.F.R. § 262.11, as incorporated by reference at 10 C.S.R. 25-5.262(1), a generator of solid waste, as defined in 40 C.F.R. § 260.10, is required to determine if the solid waste is a hazardous waste.
16. At the time of the December 2005 inspection, Respondent was generating solvent, Barsol A-1005, contaminated cotton wipes (Barsol A-1005 wipes). At the time of the inspection, the Inspector observed cotton wipes, with a strong solvent odor, in the general trash.
17. At the time of the inspection, the Respondent had not conducted a hazardous waste determination on the Barsol A-1005 wipes.
18. Respondent's failure to make a hazardous waste determination on the above mentioned waste stream is a violation of 10 C.S.R. 25-5.262(1), 40 C.F.R. § 262.11.

COUNT 2
OPERATING AS A TREATMENT, STORAGE OR DISPOSAL FACILITY
WITHOUT A RCRA PERMIT OR RCRA INTERIM STATUS

Illegal Storage of Hazardous Waste

19. Complainant hereby incorporates the allegations contained in paragraphs 7 through 18 above, as is fully set forth herein.

20. The regulations at 40 C.F.R 262.34(a), as incorporated by reference at 10 CSR 25-5.262 (1), state that a generator may accumulate hazardous waste in containers on-site for ninety (90) days without a permit or without having interim status, provided the conditions listed in 40 C.F.R 262.34(a) are met.

21. At the time of the December 2005 inspection, the inspector observed a fifty-five (55) gallon drum of hazardous waste, silver nitrate waste (D011), that the Respondent had generated and was storing in the hazardous waste storage area (HWSA) of the facility. Respondent had been storing this drum for one hundred forty-six (146) days.

22. By storing hazardous waste on-site for greater than 90 days, Respondent was acting as a hazardous waste storage facility and subjected itself to the requirements of 40 C.F.R. Parts 264, 265 and 270.

23. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, it is a violation of RCRA to operate a hazardous waste treatment, storage or disposal facility without a permit or interim status.

24. Respondent does not have a RCRA Permit or Interim Status to operate as a storage facility and it is therefore in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Labeling and Dating

25. The regulations at 40 C.F.R. § 262.34(a)(2), as incorporated by reference at 10 CSR 25-5.262 (2)(C)1, require that while being accumulated on-site, each hazardous waste storage container has the date upon which each period of accumulation begins clearly marked and visible for inspection.

26. 10 CSR 25-5.262 (2) (C) 3 further requires the generator to mark all satellite accumulation containers with the beginning date of satellite storage.

27. At the time of the December 2005 inspection, Respondent had accumulated two, fifty-five (55) gallon storage containers of silver nitrate (D011) and naphthalene (D001) hazardous wastes which were not dated with the accumulation start date.

28. At the time of the December 2005 inspection, Respondent had accumulated one, fifty-five (55) gallon satellite accumulation container of ferric chloride (D002) hazardous waste which was not dated with the beginning date of satellite storage.

29. The regulations at 40 C.F.R. § 262.34(a)(3), as incorporated by reference at 10 CSR 25-5.262 (2)(C)1 require that while being accumulated on-site, each hazardous waste storage container is labeled or marked clearly with the words, "Hazardous Waste".

30. At the time of the December 2005 inspection, Respondent had accumulated one, fifty-five (55) gallon storage container of silver nitrate (D011) hazardous waste which was not labeled with the words, "Hazardous Waste".

31. The regulations at 40 C.F.R. § 262.34 (c)(1)(ii), as incorporated by reference at 10 CSR 25-5.262 (2)(C)3, require the generator to mark his satellite accumulation containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.

32. At the time of the December 2005 inspection, Respondent had accumulated one, fifty-five (55) gallon satellite accumulation container of ferric chloride (D002) hazardous waste which was not labeled with the words "Hazardous Waste" or with other words that identify the contents of the containers.

33. By failing to properly label and date hazardous waste storage containers and satellite accumulation containers at the facility, Respondent is in violation of the regulations at 40 C.F.R. § 262.34 as incorporated by reference at 10 CSR 25-5.262.

Storage of Incompatible Wastes

34. The regulations at 40 C.F.R. § 265.177(c), as found in Part 265 Subpart I, as incorporated by reference at 10 CSR 25-5.262 (1), require that a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

35. At the time of the December 2005 inspection, Respondent was storing product, such as chlorine gas cylinders (oxidizer), waste silver nitrate (D011), waste naphthalene (D001) and spent ink/waste paint within in the hazardous waste storage area of the facility. In reviewing the MSDS sheets for the above listed materials, the inspector observed that the chlorine gas in the cylinders, an oxidizer, is incompatible with the waste silver nitrate, waste naphthalene and spent ink/waste paint. The waste silver nitrate, waste naphthalene and spent ink/waste paint were stored in the HWSA within fifteen (15) feet of the chlorine gas cylinders without providing separation or protection required by 40 C.F.R. § 265.177(c).

36. By failing to properly store incompatible wastes, Respondent is in violation of the regulations at 40 C.F.R. § 265.177(c), as found in Part 265 Subpart I, incorporated by reference at 10 CSR 25-5.262.

Contingency Plan

37. The regulations at 40 C.F.R. § 262.34 referencing 40 C.F.R. § 265.51, as found in Part 265 Subpart D, and incorporated by reference at 10 CSR 25-5.262, require that each owner or operator must have a contingency plan for his facility. The contingency plan must contain the elements described in 40 C.F.R. § 265.52.

38. At the time of the December 2005 inspection, the inspector noted that the Respondent did not have the following required elements of a contingency plan:

- a. A description of arrangements the facility has made with hospital and police;
- b. An identification of the primary emergency coordinator and their home address;
- c. A list of the emergency equipment including descriptions, locations and capabilities; and
- d. An evacuation signal.

39. By failing to include all required elements in the facility's contingency plan, Respondent is in violation of the regulations at 40 C.F.R. § 265.51, as found in Part 265 Subpart D, incorporated by reference at 10 CSR 25-5.262.

Personnel Training

40. The regulations at 40 C.F.R. § 265.16, as incorporated by reference at 10 CSR 25-5.262, require that Respondent must maintain documents and records on-site describing the job title of each employee engaged in hazardous waste management and the name of the employee filling each job, the specific written job description of each such employee (including the requisite qualifications and duties of each employee), a written description of the type and amount of introductory and continuing training to be given to employees engaged in hazardous waste management and documented proof of completion of training or job experience by such employees and must perform an annual review of the initial training required.

41. At the time of the December 2005 inspection, Respondent did not have documentation that gave the job title for each position at the facility related to hazardous waste management and the names of individuals performing those jobs, a job description for each said position, a description of the initial and annual training given to said persons, nor records showing that the required training had been given to said persons.

42. At the time of the December 2005 inspection, Respondent was not performing an annual review of initial required training with the required employees.

43. Respondent's failure to comply with personal training is a violation of 40 C.F.R. §265.16, as incorporated by reference at 10 CSR 5.262.

Containment System

44. The regulations at 40 C.F.R. § 262.34 (a)(1)(iv), referencing 40 C.F.R. 265 Subpart DD, as incorporated by reference at 10 CSR 25-5.262 (2)(C)2.D(I) require that each owner or operator must place wastes in a containment building and comply with subpart DD of 40 C.F.R. 265.
45. The regulations at 40 C.F.R. 265 § 1101 (a) (1), incorporated by reference at 10 CSR 25-5.262 (2)(C) 2.D state that the containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements and to assure containment of the managed wastes.
46. At the time of the December 2005 inspection, Respondent informed the inspector that the Respondent's facility stored over one thousand (1,000) kilograms of liquid hazardous waste at a time in the Hazardous Waste Storage Area (HWSA).
47. At the time of the December 2005 inspection, Respondent's containment system was designed so that a spill would drain back into the facility where the spill could make contact with incompatible materials. This constitutes a failure to assure containment of the managed wastes.
48. Failure to ensure the containment of managed waste and is a violation of 40 C.F.R. 265 § 1101 (a) (1), incorporated by reference at 10 CSR 25-5.262 (2)(C)(2.D).
49. Respondent's failure to comply with the conditions set forth in 40 C.F.R. § 262.34 (a), which are alleged in paragraphs 19 through 48, subjects Respondent to the requirements of having a RCRA permit or RCRA interim status, pursuant to Section 3005 of RCRA, 42 U.S.C. §6925, for its on-site storage of hazardous waste.
50. Respondent does not have a RCRA Permit or RCRA Interim Status to operate as a storage facility, in violation of Section 3005 of RCRA, 42 U.S.C. §6925.

COUNT 3

OFFERING HAZARDOUS WASTES TO A TRANSPORTER/DISPOSAL FACILITY WITHOUT A EPA IDENTIFICATION NUMBER AND FAILING TO COMPLY WITH THE MANIFEST SYSTEM

51. Complainant hereby incorporates the allegations contained in paragraphs 7 through 50 as is fully set forth herein.
52. Pursuant to 40 C.F.R. § 262.12(c), as incorporated by reference at 10 C.S.R. 25-5.262 (1), and 10 C.S.R. 25-5.262(2)(A), a generator must not offer his hazardous waste to transporters or treatment, storage or disposal facilities that have not received an EPA identification number.

53. Pursuant to 10 C.S.R. 25-5.262(2)(B), and the regulations contained at 40 C.F.R. § 262.20, a generator of hazardous waste which transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a hazardous waste manifest and must designate on the hazardous waste manifest a facility which is permitted to handle the waste described on the hazardous waste manifest.

54. During the December 2005 inspection, Respondent was generating solvent, Barsol A-1005, contaminated cotton wipes (Barsol A-1005 wipes). At the time of the inspection, the Inspector observed cotton wipes which had been disposed of in the general trash.

55. At the time of the inspection, the inspector determined that the contaminated wipes are a F003/F005 hazardous waste.

56. According to Respondent's calculations, the facility generated more than 20,000 pounds of Barsol A-1005 wipes over a five year period of time or approximately more than three hundred thirty (330) pounds per month. During this period of time, Respondent was offering this hazardous waste to a transporter without a RCRA identification number for disposal in a sanitary landfill and was not utilizing hazardous waste manifests for these off-site shipments.

57. Respondent's offering hazardous wastes to a transporter/disposal facility without an EPA identification number and failure to ship the hazardous waste using a hazardous waste manifest and failure to designate on the hazardous waste manifest a facility that is permitted to handle the hazardous waste is a violation of 10 C.S.R. 25-5.262(2)(A), 10 C.S.R. 25-5.262 (2)(B), 40 C.F.R. § 262.12 (c), and 40 C.F.R. § 262.20.

III. CONSENT AGREEMENT

1. 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. The terms of the Consent Agreement and Final Order shall not be modified except by a subsequent written agreement between the parties.

2. 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.

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

4. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and waives its right to appeal the Final Order set forth below.

5. 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.
6. Respondent certifies by the signing of this Consent Agreement and Final Order that its facility at 1340 Burlington, North Kansas City, Missouri, is in compliance with Subchapter III of RCRA, 42 U.S.C. §§ 6921 – 6939e, and the regulations promulgated thereunder.
7. The effect of settlement described below in paragraph 10 of this Consent Agreement is conditional upon the accuracy of the Respondent's representations to EPA, as memorialized in paragraph 6 of this Consent Agreement.
8. 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.
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.
10. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a civil penalty of \$21,499.00, as set forth in paragraph 1 of the Final Order and shall perform the Supplemental Environmental Projects (SEPs) as set forth below in paragraphs 9 through 19 of the Final Order. The total cost of the SEP is projected to be \$161,928.00.
11. 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.
12. Respondent understands that failure to complete the Compliance Actions described in the Final Order within the designated time frames may, among other things, subject Respondent to civil penalties of up to \$32,500.00 per day of non-compliance.
13. This Consent Agreement and Final Order shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region VII. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.
14. This Consent Agreement and the Final Order shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with paragraph 29 of the Final Order, that all requirements hereunder have been satisfied.

IV. FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 receipt of this Consent Agreement and Final Order, Respondent shall pay a civil penalty of Twenty-one thousand four hundred ninety-nine dollars (\$21,499.00).

a. Pursuant to 40 C.F.R. § 13.18, failure to make any payment according to the above schedule will automatically accelerate the debt and the entire remaining balance will become due and owing in full, immediately. Failure to timely pay any portion of the civil penalty assessed may result in commencement of a civil action in Federal District Court to recover the full remaining balance, along with any penalties and accumulated interest. Interest shall accrue thereon at the rate determined by the Secretary of Treasury (currently two percent (2%) per annum for the period January 1, 2006 through December 31, 2006) on the unpaid balance until such civil penalty and accrued interest are both paid in full. As provided by 31 U.S.C. § 3717 (e)(2), a six percent (6%) per annum penalty (late charge) will be assessed on any amount not paid within ninety (90) days of the due date.

2. Payment of the penalty shall be by cashier or certified check made payable to "Treasurer of the United States" and remitted to:

U.S. Environmental Protection Agency, Region VII
P.O. Box 371099M
Pittsburgh, Pennsylvania 15251.

The payment shall identify the Respondent by name and reference the Docket Number (RCRA-07-2006-0278) on the check. Copies of the check shall also be mailed to:

Jennifer Trotter
Office of Regional Counsel
U.S. EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101

and

Regional Hearing Clerk
U.S. EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101.

3. 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

4. Respondent shall take the following actions within the specified time periods, and according to the terms and conditions, specified in the paragraphs below.

5. Respondent shall submit the following to EPA at the times stated below:

- a. Written documentation demonstrating that all hazardous wastes being stored on site have not been stored for more than the maximum time allowed by Respondent's current generator status under 40 C.F.R. §262.34. This documentation should be submitted to EPA no later than sixty days from the receipt of this Consent Agreement and Final Order.
- b. Beginning on the Respondent's receipt of this Consent Agreement and Final Order, and continuing for a period of one year, Respondent shall provide EPA with copies of all manifests for the off-site disposal of all hazardous wastes generated during the one year time period. This documentation shall be sent to EPA on a semi annual basis during the one year time frame.

6. Respondent shall submit all documents, notices and submissions required under this Final Order shall be submitted to:

Deborah Finger
ARTD/RESP
U.S. EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101.

7. EPA shall submit any notices or correspondence related to this Consent Agreement and Final Order, if needed, to:

Adam Barksdale
Holland 1916, Inc.
1340 Burlington
North Kansas City, MO 64116

with copy to:

Jessica Merrigan
Lathrop & Gage, LC
2345 Grand Blvd., Suite 2800
Kansas City, MO 64108

8. All references to “days” shall mean calendar days for the purposes of this Order.

C. Supplemental Environmental Projects

9. In response to the violations of RCRA alleged in the Complaint and in settlement of this matter, although not required by RCRA or any other federal, state or local law, Respondent agrees to implement the supplemental environmental projects (SEPs) set forth below in paragraphs 12 through 19.

10. Respondent hereby agrees not to claim any funds expended in the performance of the SEPs as a deductible business expense for the purposes of Federal taxes.

11. EPA and its authorized representatives shall have access to Respondent’s facility at all reasonable times, to monitor Respondent’s implementation of the SEPs and performance of the required compliance actions. Nothing herein shall be construed to limit EPA’s access authority under RCRA or any other law.

Project #1: Etch Machine

12. Respondent agrees to install and operate a custom built etch machine designed to etch metal panels. This machine will operate in a manner which will utilize less hazardous materials and reduce the amount of waste ferric chloride, generated by the Respondent, by approximately fifty percent (50 %). This machine will also reduce the amount of metal content in the rinse water generated by utilizing more effective squeegee and rinse capabilities. In addition, this machine will also improve paint adhesion and reduce paint fill issues, allowing the reduction in the number of wipes used to clean the etch machine.

13. Respondent shall expend a minimum of \$84,553.00 in approvable costs to perform the etch machine SEP. Approvable costs shall only include specific costs approved by EPA that are directly related to the design, installation and operation of the project pursuant to the requirements of this Final Order.

14. On or before November 20, 2006, Respondent shall provide documentation to EPA showing that the Respondent has fully paid for the etch machine SEP.

Project #2: Clean-Off Machine

15. Respondent agrees to install and operate a custom built clean-off machine designed to clean flat metal panels. This machine will reduce the amount of solvent contaminated wipes generated and disposed of by the Respondent by approximately 90%. In addition, this machine will reduce the waste naphthalene generated and disposed of by the Respondent by approximately fifty percent (50 %).

16. Respondent shall expend a minimum of \$77,375.00 in approvable costs to perform the clean-off machine SEP. Approvable costs shall only include specific costs approved by EPA

that are directly related to the design, installation and operation of the project pursuant to the requirements of this Final Order.

17. By November 30, 2006, Respondent shall complete installation of this machine and begin its operation. Respondent shall provide notice to EPA when installation of the clean-off machine has been completed and the machine is operational.

18. On or before January 31, 2007, Respondent shall provide documentation to EPA showing that the Respondent has fully paid for the clean-off machine SEP.

19. On or before February 28, 2007, Respondent shall submit to EPA a Final SEP Report. This report shall provide a detailed description of **each** of the SEPs as implemented and estimate the measurable reduction in pollutants generated and/or reduction in pollutants released to the environment as a result of **each** of the SEPs. The report shall also document all approvable costs incurred in the purchase, installation, and operation of the clean-off machine **and** all approvable costs incurred in the purchase, installation, and operation of the Etch Machine.

D. Stipulated Penalties

20. In the event Respondent fails to satisfactorily complete **one** of the SEPs identified in paragraphs 9 through 19 of the Final Order, and pursuant to the EPA's SEP Policy, the Respondent shall pay a stipulated penalty in the amount of \$37,422.00. If the Respondent fails to complete **both** of the SEPs identified in paragraphs 9 through 19 of the Final Order, and pursuant to the EPA's SEP Policy, the Respondent shall pay a stipulated penalty in the amount of \$74,845.00. In the event the Respondent satisfactorily completes both of the SEPs, but fails to spend at least 90% of the amount required for Total SEP Expenditures (\$161,928.00) the Respondent shall pay a stipulated penalty in the amount of \$7,484.00.

21. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be within the sole discretion of the EPA.

22. Respondent shall pay any stipulated penalties within thirty (30) days after the date of receipt of a written demand from EPA for payment. The method of payment shall be in accordance with the provisions of Paragraph 2 of the Final Order. Interest and penalty on any failure to pay a demanded stipulated penalty shall be calculated in accordance with Paragraph 1 of the Final Order.

E. Parties Bound

23. This 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.

F. Reservation of Rights

24. 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-two thousand five hundred dollars (\$32,500) 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.

25. 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.

26. 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.

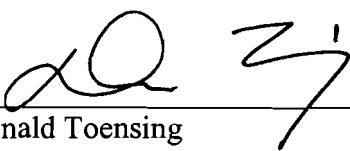
27. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

28. 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.

29. 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.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY


9-28-06
Date



Donald Toensing
Chief
RCRA Enforcement and State Programs Branch
Air, RCRA, and Toxics Division

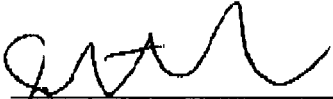
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9/28/06
Date


Jennifer Trotter
Assistant Regional Counsel
United State Environmental Protection Agency
Region VII

RESPONDENT:
Holland 1916, Inc.

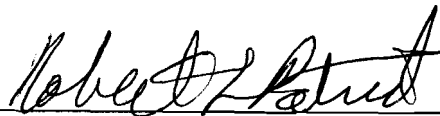
9/28/06
Date


Signature

Jon Stredinger
Printed Name

President
Title

IT IS SO ORDERED. This Final Order shall become effective immediately.



Robert Patrick
Regional Judicial Officer

Date September 28, 2006

IN THE MATTER OF Holland 1916, Inc., Respondent
Docket No. RCRA-07-2006-0278

CERTIFICATE OF SERVICE

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

Copy hand delivered to
Attorney for Complainant:

Jennifer Trotter
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101


Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Adam Barksdale
Holland 1916, Inc.
1340 Burlington
North Kansas City, Missouri 64116

and

Jessica Merrigan
Lathrop & Gage, LC
2345 Grand Blvd., Suite 2800
Kansas City, Missouri 64108

Dated: 9/29/06


Kathy Robinson
Hearing Clerk, Region 7