



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 17 2019

CERTIFIED MAIL 7017 2400 0000 7816 9820
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Mr. Timothy Ogonowski
General Manager
Magni Industries, Inc.
2771 Hammond Street
Detroit, Michigan 48209

Re: Expedited Settlement Agreement and Final Order
Magni Industries, Inc.
MID980821391
Docket No: RCRA-05-2019-0008

Dear Mr. Ogonowski:

Enclosed, please find an original signed and fully-executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. The original was filed on April 17, 2019, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$6,000 in the manner prescribed in paragraphs 9-14 of the ESA, and reference all checks with the docket number RCRA-05-2019-0008. Your payment is due within 30 calendar days of the effective date of the ESA. Thank you for your cooperation in resolving this matter.

If you have any questions, please feel free to contact me at (312) 886-8121, or wish to discuss the general circumstances of your case, please contact Mr. Samaranski, of my staff, at (312) 886-7812 or samaranski.derrick@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Scott Ireland".

D. Scott Ireland
Acting Chief, RCRA Branch
Land and Chemicals Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Docket No. RCRA-05-2019-0008

Magni Industries, Incorporated
EPA ID. No. MID980821391
Respondent.



**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges that Magni Industries, Inc., ("Respondent"), owns and operates a facility located at 2771 Hammond Street, Detroit, Michigan ("Facility") that is subject to Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* ("RCRA"), EPA regulations implementing RCRA (40 C.F.R. Parts 260-279), and the EPA approved and authorized Michigan Hazardous Waste Management Program for Large Quantity Generators (Michigan Admin. Code, rules 299.9101 through 299.11009) because it generated over 1000 kg (2205 lbs.) of non-acute hazardous waste in a calendar month or over 1kg of acute hazardous waste in a calendar month.
2. Under Michigan Admin. Code r. 299.9301 (Part 3) and 299.9601 (Part 6), Respondent may avoid the need for a hazardous waste license by meeting certain license exemption conditions and requirements including, but not limited to, marking accumulation start dates on hazardous waste containers, labeling containers holding hazardous waste with the words "Hazardous Waste" and the appropriate hazardous waste number(s), labeling satellite accumulation area (SAA) containers holding hazardous waste with the correct wording, keeping satellite accumulation area (SAA) containers closed when not in use, ensuring sufficient capacity of the container storage containment system, and maintaining and operating its facility to minimize any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.
3. On August 31, 2017, EPA inspected Respondent's facility and found Respondent failed to meet the following license exemption conditions and requirements set forth at Michigan Admin. Code r. 299.9306(1)-(3) and 299.9601 (Part 6): marking accumulation start dates on hazardous waste containers; labeling containers holding hazardous waste with the words "Hazardous Waste" and hazardous waste number; labeling satellite accumulation area (SAA) containers holding hazardous waste with the correct wording; keeping satellite accumulation area (SAA) containers closed when not in use; ensuring sufficient capacity of the container storage containment system; maintaining and operating its facility to minimize any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents; and, in accordance with Michigan

Admin. Code r. 299.9306(1)(b) and (c), 299.9306(2) 299.9306(1)(a)(i), 299.9306(1)(d), 299.9307(3) and 299.9228(4). Since Respondent failed to comply with the conditions for a hazardous waste license exemption, Respondent became the operator of a hazardous waste storage facility, and was required to obtain a Michigan hazardous waste storage license. Respondent failed to apply for such a license and violated the requirements of Michigan Admin. Code r. 299.9502(1), 299.9508, and 299.9510.

4. On August 31, 2017, Respondent also failed to meet the generator requirements set forth at Michigan Admin. Code r. 299.9301 (Part 3) and 299.9228 (Part 2), since it failed to maintain copies of its hazardous waste manifest records, and label containers accumulating universal waste with appropriate phrases, in accordance with Michigan Admin. Code r. 299.9307(3) and 299.9228(4).
5. EPA and Respondent agree that the settlement of this matter for a penalty of six thousand dollars (\$6,000) is in the public interest.
6. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) - (3).
7. Respondent: (1) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein; (3) consents to the assessment of this penalty; and, (4) waives any right to contest the allegations contained herein.
8. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) it corrected the alleged violations and they remain corrected; and, (2) it will pay the civil penalty of this Agreement and in accordance with this Agreement.
9. Respondent shall pay a civil penalty of \$6,000 for the Michigan Administrative Code Rule violations alleged in this Agreement, and within 30 days of the effective date of this Agreement. Respondent has four options to pay the civil penalty:
 - a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:
 - i. For checks sent by regular U.S. Postal Service mail:

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

- ii. For checks sent by express mail:

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

The check must state the case title ("*In the Matter of: Magni Industries, Inc.*") and the docket number of this Agreement.

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

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

In the comment or description field of the electronic funds transfer, state "*In the Matter of: Magni Industries, Inc.*" and the docket number of this Agreement.

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

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

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

WWW.PAY.GOV

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

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

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

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

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

11. The civil penalty is not deductible for federal tax purposes.
12. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
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13. Pursuant to 31 C.F.R. § 901.9, Respondent must also pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
14. Respondent's payment of the civil penalty shall constitute full settlement of the violations alleged in this Agreement.
15. EPA reserves all of its rights to take enforcement actions for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or Michigan Administrative Code Rule, or this Agreement.
16. Respondent waives its opportunity for a hearing or appeal for this action, pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b).
17. Each party shall bear its own costs and fees for this action.
18. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

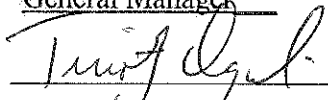
IT IS SO AGREED.

In the Matter of Magni Industries, Inc., Detroit, Michigan.
Docket Number: RCRA-05-2019-0008

MAGNI INDUSTRIES, INC.

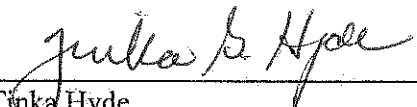
Name (print): Timothy Ogonowski

Title (print): General Manager

Signature: 

Date: 3/26/2019

APPROVED BY EPA:


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

Date

4-8-19

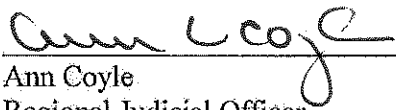
In the Matter of Magni Industries, Inc., Detroit, Michigan
Docket Number: RCRA-05-2019-0008

FINAL ORDER

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

IT IS SO ORDERED:

4/16/19
Date


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

In the Matter of Magni Industries, Inc., Detroit, Michigan
Docket Number: RCRA-05-2019-0008

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, Docket Number RCRA-05-2019-0008, which was filed on April 17, 2019, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Mary Kay Heidtke
Environmental, Health, and Safety Engineer
Magni Industries, Inc.
2771 Hammond Street
Detroit, Michigan 48209

Copy by E-mail to
Attorney for Complainant:

Jeffery M. Trevino
trevino.jeffery@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: April 17, 2019


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

CERTIFIED MAIL RECEIPT NUMBER(S)

7017 2400 0000 7816 9820