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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: )  
Willands Tech-Auto, Inc.; )  
Respondent. )

Docket No. TSCA-10-2007-0196

CONSENT AGREEMENT

1. This administrative proceeding is simultaneously being commenced and concluded by issuance of this Consent Agreement along with the accompanying Final Order. The authority for this procedure is set forth at 40 C.F.R. § 22.13(b). This Consent Agreement contains terms for the settlement of claims between the United States Environmental Protection Agency (EPA) and Willands Tech-Auto, Inc. (Respondent). The pursuit of these claims by EPA is authorized by Section 16 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615.

2. For the purpose of this proceeding, Respondent admits the jurisdictional allegations contained herein. While neither admitting nor denying the specific factual allegations set forth in Paragraphs 3 and 4 below, Respondent waives the right to contest those allegations. Respondent also waives the right to appeal the accompanying Final Order.

3. Respondent owns and operates a facility located at 2040 Vista Drive in Ferndale, Washington. Respondent sent a shipment of 225 gallons of used oil from this facility which arrived at Emerald Recycling Services, Inc. (Emerald) on February 12, 2007. Respondent sent this oil for recycling and reuse, and did not inform Emerald that the oil contained polychlorinated biphenyls

Consent Agreement

Willands Tech-Auto, Inc.  
TSCA-10-2007-0196

1 (PCBs). The container of used oil did not have any markings which indicated the presence of PCBs.  
2 Respondent did not notify EPA in advance of this shipment about the transport of PCBs, and did not  
3 obtain an EPA identification number for the transport of PCBs. Emerald placed the used oil into a  
4 bulk oil storage tank. Subsequent testing conducted by Emerald showed that the used oil shipped  
5 by Respondent contained PCBs at a concentration of 170 parts per million (ppm). The PCB-  
6 contamination in the oil shipped by Respondent caused all of the oil in the tank at Emerald to  
7 become contaminated with PCBs. This resulted in a total of 22,309 kilograms of PCB-contaminated  
8 oil. Emerald arranged for the proper disposal of this PCB-contaminated oil.

9 4. The distribution in commerce for use of the PCB-contaminated oil is a violation of 40  
10 C.F.R. § 761.20(c). The failure to mark with a PCB label the container of PCB-contaminated oil is  
11 a violation of 40 C.F.R. § 761.40. The failure to notify EPA in advance of the shipment of the PCB-  
12 contaminated oil is a violation of 40 C.F.R. § 761.205. The failure to obtain an EPA identification  
13 number in advance of the shipment of PCB-contaminated oil is a violation of 40 C.F.R. § 761.202.  
14 The failure to prepare a manifest on "EPA Form 8700-22" for the shipment of PCB-contaminated  
15 oil is a violation of 40 C.F.R. § 761.207. The actions of Respondent which failed to conform to the  
16 above-cited regulations are unlawful according to Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and  
17 subject Respondent to the payment of a civil penalty in accordance with Section 16(a) of TSCA, 15  
18 U.S.C. § 2615(a).

19 5. Respondent consents to the assessment and payment of a civil penalty in the amount of  
20 seven thousand dollars (\$7,000). This penalty amount has been arrived at through a calculation that  
21 is consistent with the factors prescribed by Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B),  
22 and the penalty policy of EPA.

23 6. The payment of this penalty shall be made by Respondent within thirty (30) days of the  
24 filing of the Final Order. This payment shall be by cashier's or certified check made payable to the  
25 order of "Treasurer, United States of America."

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Consent Agreement

1 The check shall be submitted to:

2 U.S. Environmental Protection Agency  
3 Fines and Penalties  
4 Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

5 Along with payment, Respondent shall provide a transmittal letter which sets forth the information  
6 contained in the caption of this case, including the case title and docket number, together with a  
7 description of the obligation being satisfied by Respondent. At the time of payment, Respondent  
8 shall also provide a copy of the check and transmittal letter to Clifford J. Villa, Assistant Regional  
9 Counsel for EPA, and to Carol Kennedy, Regional Hearing Clerk. The mailing address  
10 for Mr. Villa and Ms. Kennedy is:

11 U.S. EPA Region 10  
12 1200 Sixth Avenue, Suite 900, ORC-158  
13 Seattle, WA 98101

14 7. Should Respondent fail to pay the penalty assessed herein in full by its due date, the entire  
15 unpaid balance of penalty and accrued interest shall become immediately due and owing. Should  
16 such a failure to pay occur, Respondent may be subject to a civil action to collect the assessed  
17 penalty under TSCA. In any such collection action, the validity, amount, and appropriateness of the  
18 penalty is not subject to review.

19 8. Pursuant to Section 16(a)(4) of TSCA, 15 U.S.C. § 2615(a)(4), should Respondent fail to  
20 pay any portion of the penalty assessed herein in full by its due date, Respondent shall be responsible  
21 for payment of interest on any unpaid portion of the assessed penalty shall at the rate established by  
22 the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the  
23 accompanying Final Order, provided, however, that no interest shall be payable on any portion of  
24 the assessed penalty that is paid within 30 days of the effective date of the Final Order.

25 9. This Consent Agreement is binding upon Respondent, including all officers, directors,  
26 servants, employees, agents, successors, and assigns of Respondent.

27 10. Each party shall bear its own costs in bringing or defending this action.

28 Consent Agreement

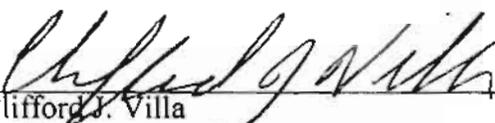
Willands Tech-Auto, Inc.  
TSCA-10-2007-0196

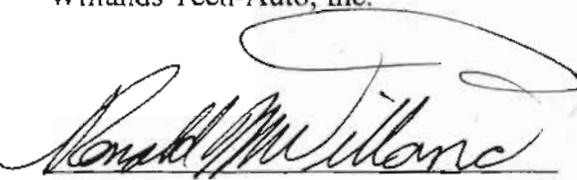
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11. EPA and Respondent agree to the accompanying Final Order as presented to the Regional  
Judicial Officer.

United States Environmental  
Protection Agency

Willands Tech-Auto, Inc.

  
Clifford J. Villa  
Assistant Regional Counsel



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:  
Willands Tech-Auto, Inc.;  
Respondent.

Docket No. TSCA-10-2007- 0196

FINAL ORDER

It is hereby ordered that Willands Tech-Auto, Inc. (Respondent) comply with all terms of the Consent Agreement executed by the United States Environmental Protection Agency (EPA) and Respondent in this matter. This compliance obligation is effective upon the date of filing of the Consent Agreement along with this Final Order.

This Final Order resolves only that cause of action that has been alleged by EPA in the Consent Agreement. This Final Order does not waive, extinguish, or otherwise affect the obligation of Respondent to comply with all applicable provisions of the Toxic Substances Control Act, and the regulations promulgated thereunder.

  
Richard G. McAllister  
Regional Judicial Officer  
EPA Region 10

Oct. 5, 2007  
Date

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Willands Tech-Auto, Inc., DOCKET NO.: TSCA-10-2007-0196** was filed with the Regional Hearing Clerk on October 05, 2007.

On October 05, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:

Clifford Villa  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on October 05, 2007, to:

Ronald M. Willand  
Willand's Tech-Auto  
2040 Vista Dr.  
Ferndale, WA 98248

DATED this 5<sup>th</sup> day of October 2007.

  
\_\_\_\_\_  
Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10

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