



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 27 2018

REPLY TO THE ATTENTION OF:

Via Email

Mr. Rick Zemple
Franchise Owner
Batteries Plus Bulbs
5501 U.S. Highway 10 East
Stevens Point, Wisconsin 54482

Re: Expedited Settlement Agreement and Final Order - In the Matter of: Batteries Plus Bulbs,
Stevens Point, Wisconsin

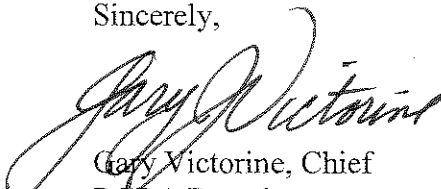
Mr. Zemple:

Enclosed, please find a copy of a fully executed Expedited Settlement Agreement (ESA)
and Final Order in resolution of the above-referenced case. This document was filed on
June 26, 2018, 2018 with our Regional Hearing Clerk.

The civil penalty in the amount of \$3,000 is to be paid in the manner described in paragraph 9 of
the ESA, and reference all checks with the docket number RCRA-05-2018-0015.
Please be certain that your company's name and the docket number of this case are written on
both the transmittal letter and on the check, or in the comments field if you are paying by
electronic funds transfer. Payment is due within thirty (30) calendar days of the filing date.

Thank you for your cooperation in resolving this matter. Please do not hesitate to contact me if
you have any questions regarding this letter.

Sincerely,


Gary Victorine, Chief
RCRA Branch

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Batteries Plus Bulbs
Stevens Point, Wisconsin
EPA ID No. WID 000 155 440

Respondent.



Docket No. RCRA-05-2018-0015

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. Batteries Plus Bulbs (“Respondent”) is a corporation doing business in the State of Wisconsin and is the owner or operator of the facility located at 5501 U.S. Highway 10 East, in Stevens Point, Wisconsin (the “Facility”).
2. The U.S. Environmental Protection Agency (“EPA”) inspected Respondent’s Facility on June 29, 2016 (the “Inspection”), to determine compliance with the Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. §§ 6901 *et seq.* and its implementing regulations, and the EPA approved and authorized the State of Wisconsin hazardous waste management program as set forth in the Wisconsin Administrative Code (“WAC”) Chapters NR 600-699.
3. EPA issued a Notice of Violation (“NOV”) to Respondent on July 21, 2017, alleging that Respondent stored hazardous waste without a permit or interim status because Respondent failed to comply with: (a) several RCRA requirements regarding the handling of hazardous and universal waste at 40 C.F.R. §§ 262.34, 262.40, 268.7 and 273.13; (b) the hazardous waste determination requirements at 40 C.F.R. § 262.11; and (c) the emergency procedures and training requirements at 40 C.F.R. § 262.34(d)(5)(ii).
4. Respondent submitted a response to the NOV on September 21, 2017, and has since submitted additional information to demonstrate that the violations alleged in the NOV have been corrected.
5. The parties agree that settlement of this matter for a civil penalty of three thousand dollars (\$3,000) without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and 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(a), and 40 C.F.R. § 22.13(b).
7. By signing this Agreement, Respondent: (a) admits that it is subject to Wisconsin’s hazardous waste regulations published in the WAC; (b) admits that EPA has jurisdiction over Respondent, and the violations alleged in the NOV and this Agreement; (c) neither

admits nor denies the factual allegations contained herein; (d) consents to the assessment of the civil penalty specified herein; and (e) waives any right to contest the allegations contained herein.

8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations have been corrected and that Respondent is complying with the applicable sections of RCRA and its implementing regulations.
9. Within thirty (30) days after the effective date of this Agreement, Respondent agrees to pay a civil penalty of three thousand dollars (\$3,000) for the violations of RCRA alleged in the NOV and in this Agreement, by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of: Batteries Plus Bulbs") and the docket number of this Agreement.

Respondent may also pay the civil penalty online at:

www.pay.gov

Use the Search Public Forms option and enter "sfo 1.1" in the search field, open the form and then complete the required fields.

Within ten (10) calendar days after payment, Respondent agrees to send a notice of payment which includes Respondent's name, complete address, and the case docket number (along with a photocopy of the check or a statement of affirmation regarding an electronic funds transfer) to EPA at the following addresses:

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

Cindy Dabner
Physical Scientist
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (LR-17J)
Chicago, IL 60604

Terence Stanuch
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

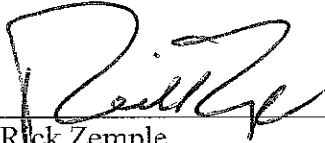
10. Respondent acknowledges that the civil penalty assessed herein is not deductible for federal tax purposes.
11. If Respondent does not timely pay the civil penalty as agreed to herein, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in any such collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount of the civil penalty that is 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 handling charge of fifteen dollars (\$15) each month that any portion of the penalty is more than thirty (30) days past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.
13. Respondent's payment of the civil penalty shall constitute a full settlement of the violations alleged in the NOV and in this Agreement, and resolves Respondent's liability for federal civil penalties for these alleged violations.
14. EPA reserves all of its rights to take any enforcement action for any other past, present or future violations of RCRA by Respondent, or for any other violations of any federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief, opportunities for hearing, and any otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Agreement, including but not limited to the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), 40 C.F.R. § 22.15(c), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent also consents to EPA's approval of this Agreement without further notice.
16. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and by 40 C.F.R. § 22.13(b). This Agreement is a "final order" under 40 C.F.R. § 22.31.
17. Each party shall bear its own costs and fees associated with resolving this matter.
18. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the

Consolidated Rules,” dated March 27, 2015, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: dabner.cindy@epa.gov and stanuch.terry@epa.gov (for EPA) and rick.zemple@batteriesplus.net (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

19. This Agreement is binding on the parties signing below and any of Respondent’s successors or assigns and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5.

IT IS SO AGREED:

APPROVED BY BATTERIES PLUS BULBS, STEVENS POINT, WI:



Rick Zemple
Batteries Plus Bulbs
Franchise Owner

Date: 5-31-18

APPROVED BY EPA:



Michael D. Harris
Acting Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date: 6-22-18

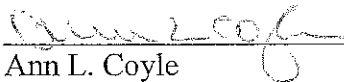
In the Matter of:
Batteries Plus Bulbs, Stevens Point, WI
Docket Number: RCRA-05-2018-0015

In the Matter of: Batteries Plus Bulbs, Stevens Point, WI
Docket Number: RCRA-05-2018-0015

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, U.S. Environmental Protection Agency, Region 5. 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:



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

6/26/18

Date

Expedited Settlement Agreement and Final Order
In the Matter of: Batteries Plus Bulbs, Stevens Point, WI
Docket Number: **RCRA-05-2018-0015**

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number RCRA-05-2018-0015,

which was filed on June 27, 2018, in the following manner to the following addressees:

Copy by E-mail to Regional Judicial Officer: Ms. Ann L. Coyle
coyle.ann@epa.gov


Copy by Mail to Respondent: Mr. Rick Zemple
Franchise Owner
Batteries Plus Bulbs
5501 U.S. Highway 10 East
Stevens Point, Wisconsin 54482

Copy by E-mail to Respondent: Mr. Rick Zemple
rick.zemple@batteriesplus.net

Copy by E-mail to Complainant: Ms. Cindy Dabner
dabner.cindy@epa.gov

Copy by E-mail to Attorney for Complainant: Mr. Terence Stanuch
stanuch.terry@epa.gov

Dated:

June 27, 2018 
LaDawn Whitehead
Regional Hearing Clerk
United States Environmental Protection Agency
Region 5

Certified Mail Receipt Number:

7009 1680 0000 7662 6088