

IN THE MATTER OF:)
)
)
 Fairfield Castings, LLC) **CONSENT AGREEMENT**
) **AND FINAL ORDER**
 Respondent)
) Docket No. RCRA-07-2016-0022
)
 Proceeding under Sections 3008(a) and (g) of)
 the Resource Conservation and Recovery)
 Act as amended, 42 U.S.C. § 6928(a) and (g))
)

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and Fairfield Castings, LLC (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, 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 and further delegated to the Director of 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, the standards for the management of used oil (40 C.F.R. Part 279), and the standards for generators of hazardous waste (40 C.F.R. Part 262).

Parties

3. Complainant is the Division Director of the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of EPA.

4. Respondent is Fairfield Castings, LLC, a company formed under the laws of Delaware and authorized to operate in 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 \$37,500 per day are authorized for violations of Subchapter III of RCRA that occur after January 12, 2009. 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 company 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 905 West Depot in Fairfield, Iowa. Respondent employs approximately 225 people. Respondent is a ductile and gray iron foundry that produces castings for the agricultural industry.

9. Respondent generates more than 1,000 kg of electric melt (EM) baghouse dust multiple times a year. The baghouse dust is a D006 and D008 hazardous waste.

10. At the time of the inspection, the following used oil containers were present:

a. one approximately 20-gallon used oil above ground storage tank (AST) in the maintenance shop; and

b. one 55-gallon used oil storage container in the maintenance department.

11. On or about March 16, 1992, and again on or about June 26, 2013, Respondent notified as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 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.

12. Respondent has been assigned the following EPA ID Number: IAD000830018.

13. On or about April 1-2, 2014, EPA inspectors 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, a Small Quantity Handler of universal waste, and a used oil generator.

14. At the time of the inspection, Respondent did not have a RCRA permit nor RCRA interim status.

Violations

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

Count 1

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

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

Generator Requirements

17. 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 its facility for any length of time. Respondent failed to comply with the following conditions:

Failure to design the contingency plan to minimize sudden release of hazardous waste

18. 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).

19. Pursuant to 40 C.F.R. § 265.51(a), as found in 40 C.F.R. § 265 Subpart D, each owner or operator must have a contingency plan for his facility that is designed to minimize

hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

20. At the time of the inspection, the contingency plan for Respondent's facility was not designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

Failure to describe actions by facility personnel

21. 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).

22. Pursuant to 40 C.F.R. § 265.52(a), as found in 40 C.F.R. § 265 Subpart D, each owner or operator must have a contingency plan for his facility that describes the actions facility personnel must take to comply with §§265.51 and 265.56 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.

23. At the time of the inspection, the contingency plan for Respondent's facility did not describe the actions facility personnel must take to comply with §§265.51 and 265.56 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.

Failure to describe arrangements with local emergency agencies in contingency plan

24. 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).

25. 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.

26. At the time of the inspection, the contingency plan for Respondent's facility failed to describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

Failure to list emergency coordinator information in contingency plan

27. 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).

28. 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.

29. At the time of the inspection, the contingency plan did not list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

Failure to list all emergency equipment

30. 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).

31. Pursuant to 40 C.F.R. § 265.52(e), as found in 40 C.F.R. § 265 Subpart D, the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

32. At the time of the inspection, the contingency plan did not include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where this equipment is required.

Failure to include an evacuation plan

33. 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).

34. Pursuant to 40 C.F.R. § 265.52(f), as found in 40 C.F.R. § 265 Subpart D, the contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

35. At the time of the inspection, the contingency plan did not include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary.

Failure to submit a copy of contingency plan to local agencies

36. 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).

37. 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.

38. At the time of the inspection, the facility had not submitted a copy of its 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.

Failure to list an emergency coordinator

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. § 265.55, as found in 40 C.F.R. § 265 Subpart D, at all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

41. At the time of the inspection, the facility did not, at all times, have at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

Failure to provide and complete required hazardous waste training

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. § 265.16(a)(1), as found in 40 C.F.R. § 265 Subpart B, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part.

44. Pursuant to 40 C.F.R. § 265.16(a)(2), as found in 40 C.F.R. § 265 Subpart B, this program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

45. Pursuant to 40 C.F.R. § 265.16(a)(3), as found in 40 C.F.R. § 265 Subpart B, at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable, the requirements of 40 C.F.R. § 265.16 (a)(3)(i-vi).

46. At the time of the inspection, facility personnel did not complete a program of classroom instruction or on-the-job training that teaches them to perform their duties as required by 40 C.F.R. § 265.16 (a)(1).

47. At the time of the inspection, the program did not include instruction that taught facility personnel hazardous waste management procedures per 40 C.F.R. § 265.16(a)(2).

48. At the time of the inspection, the program was not designed ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems per 40 C.F.R. § 265.16(a)(3).

Failure to complete initial hazardous waste training

49. 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).

50. The regulations 40 C.F.R. § 265.16(b), as found in 40 C.F.R. § 265 Subpart B, require facility personnel to successfully complete the program required in 40 C.F.R. § 265.16(a) within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later.

51. At the time of the inspection, facility personnel had not completed the required training described above within six (6) months after their date of employment.

Failure to take part in annual refresher of hazardous waste training

52. 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).

53. Pursuant to 40 C.F.R. § 265.16(c), as found in 40 C.F.R. § 265 Subpart B, facility personnel must take part in an annual review of the initial RCRA training program.

54. At the time of the inspection, facility personnel whose positions relate to hazardous waste management had not taken part in refresher training.

Failure to maintain required documents and records

55. 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).

56. Pursuant to 40 C.F.R. § 265.16(d)(1), as found in 40 C.F.R. § 265 Subpart B, the owner or operator must maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job

57. Pursuant to 40 C.F.R. § 265.16(d)(2), as found in 40 C.F.R. § 265 Subpart B, 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.

58. 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 filling a position at the facility related to hazardous waste.

59. Pursuant to 40 C.F.R. § 265.16(d)(4), as found in 40 C.F.R. § 265 Subpart B, the owner or operator 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.

60. At the time of the inspection, Respondent failed to maintain the documentation and records described above in paragraphs 56 through 59.

Failure to maintain training records

61. 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).

62. Pursuant to 40 C.F.R. § 265.16(e), as found in 40 C.F.R. § 265 Subpart B, training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.

63. At the time of inspection, Respondent did not retain training records for current personnel or former employees.

64. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 16 through 63 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 in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 2
Failure to Comply with Used Oil Regulations

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

Failure to label used oil containers

66. The regulations at 40 C.F.R. § 279.22(c)(1) require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words "Used Oil."

67. At the time of the inspection, Respondent failed to label or clearly mark the following used oil containers:

- a. one approximately 20-gallon used oil above ground storage tank (AST) in the maintenance shop; and
- b. one 55-gallon used oil storage container in the maintenance department.

68. Respondent's failure to label the containers of used oil described above is a violation of 40 C.F.R. § 279.22(c)(1).

Count 3
Failure to Submit the Biennial Reports for 2011 and 2013

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

Failure to submit reports

70. The regulations at 40 C.F.R. § 262.41(a) requires a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States to prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, and must include the information required in 40 C.F.R. § 262.41.

71. At the time of the inspection, Respondent failed to submit a copy of the Biennial Report, for 2011 and 2014, to the Regional Administrator per the requirements of 40 C.F.R. § 262.41.

72. Respondent's failure to submit the Biennial Reports described above is a violation

of 40 C.F.R. § 262.41.

CONSENT AGREEMENT

73. 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.

74. 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.

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

76. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

77. 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.

78. 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.

79. 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.

80. The effect of settlement described in Paragraph 79 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 81, below, of this Consent Agreement and Final Order.

81. 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.

82. 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.

83. Respondent filed an Ability to Pay Claim and submitted the required information to EPA for review. Based upon review of that financial information, EPA determined that the

Respondent does not have the ability to pay any portion of the proposed penalty.

84. The parties agree that, based on the Ability to Pay determination and in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Zero Dollars (\$0.00) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

85. 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.

86. 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 above.

Effective Date

87. 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

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. 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 Zero Dollars (\$0.00).

B. Compliance Actions

2. Respondent shall take the following actions within the time periods specified and according to the terms and conditions specified below:

3. Within forty-five (45) days of the effective date of the Final Order, Respondent shall provide the following documentation for EPA review:

a. Provide an updated contingency plan illustrating complete compliance with 40 C.F.R. Part 265 Subpart D.

b. Provide training plans (including training records management) illustrating compliance with 40 C.F.R. 265.16, specifically:

1) Provide the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job, per 40 C.F.R. 265.16 (d)(1);

2) Provide a written job description for each position, including a description of the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position, per 40 C.F.R. 265.16 (d)(2); and

3) Provide a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in paragraph 1) above, per 40 C.F.R. 265.16 (d)(3).

4. Respondent shall submit all documentation generated to comply with the

requirements set forth in Paragraph 3 of this Final Order to the following address:

Nicole Moran, AWMD/WEMM
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

C. Parties Bound

5. 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

4/27/14
Date


Becky Weber, Director
Air and Waste Management Division

4/26/16
Date


Jennifer Trotter
Office of Regional Counsel

For Respondent, Fairfield Castings, LLC

4/13/16
Date

M. H. Miller, Jr.
Signature

McGustavus Miller, Jr.
Printed Name

General Manager
Title

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

5-3-16

Date

Karina Borromeo

Karina Borromeo
Regional Judicial Officer

IN THE MATTER Of Fairfield Castings, LLC, Respondent
Docket No. RCRA-07-2016-0022

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 emailed to Attorney for Complainant:

trotter.jennifer@epa.gov

Copy by First Class Mail to Respondent:

Silvana Heilmann-Miller
EHS Manager
Fairfield Castings, LLC
905 West Depot
Fairfield, Iowa 52556

Dated: 5/3/14



Kathy Robinson
Hearing Clerk, Region 7