



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

JUN 1 0 2010

**CERTIFIED MAIL 7009 1680 0000 7665 0090**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

LR-8J

Elizabeth Taylor  
Secretary  
TIMCO Engine Center, Inc.  
3921 Arrow Street  
Oscoda, Michigan 48750

Re: Consent Agreement and Final Order  
TIMCO Engine Center, Inc.  
EPA ID No.: MIR000041616  
Docket No.: **RCRA-05-2010-0018**

Dear Ms. Taylor:

Enclosed, please find an original signed and fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on JUN 1 7 2010 with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$104,100 in the manner prescribed in paragraphs 90-93 of the CAFO, and reference all checks with the number BD 2751042R014 and docket number RCRA-05-2010-0018. Your payment is due within 30 calendar days of the effective date of the CAFO.

Enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosures

cc: Trisha Confer – MDNRE, Saginaw Bay District Office (w/ CAFO)  
George Bruchmann – MDNRE, Waste and Hazardous Materials Div., Lansing, MI (w/ CAFO)  
John Craig – MDNRE, Waste and Hazardous Materials Div., Lansing, MI (w/o CAFO)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	DOCKET NO. RCRA-05-2010-0018
TIMCO ENGINE CENTER , INC.	)	
OSCODA, MICHIGAN	)	Proceeding to Commence and Conclude
	)	an Action to Assess a Civil Penalty
U.S. EPA ID NO. MIR000041616	)	Under Section 3008(a) of the Resource
	)	Conservation and Recovery Act,
Respondent	)	42 U.S.C. § 6928(a)
_____	)	

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

RECEIVED  
JUN 17 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. This proceeding is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits* ("Consolidated Rules") as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Director, Land and Chemicals Division, Region 5, EPA.
3. EPA has provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. The Respondent is the Timco Engine Center, Inc. (TIMCO), which is and was at all times relevant to this Consent Agreement and Final Order (CAFO) a corporation doing business in the State of Michigan.
5. Where the parties agree to settle one or more causes of action before the filing of a

complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a CAFO. 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action 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.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

### **Jurisdiction and Waiver of Right to Hearing**

8. Jurisdiction for this action is conferred upon EPA by Sections 2002(A)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO. Respondent does not admit any of the factual allegations or allegations of violation.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6939e, and the regulations at 40 C.F.R. §§ 260.1 – 279.82.

### **Statutory and Regulatory Background**

12. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store and dispose of hazardous waste pursuant to sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6923.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any

violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or of any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of EPA granted the State of Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time.

16. The Administrator of EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, required EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred between March 15, 2004, and January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. Respondent is a "person" as defined by Michigan Part 111 Administrative Rule ("MAC R.") 299.9106(i) [40 C.F.R. § 260.10] and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is an "individual generation site" as that term is defined in MAC R.

299.9104(q) [40 C.F.R. § 260.10].

19. Respondent is an aviation engine repair services plant located at 3921 Arrow Street, Oscoda, Michigan 48750. This plant will hereinafter be referred to as the "Facility".

20. On August 21, 2008, EPA conducted an inspection ("Inspection") of the Facility to evaluate Respondent's compliance with the applicable requirements of RCRA.

21. "Waste" is defined at MAC R. 299.9109(gg) and 299.9202 [40 C.F.R. § 261.2].

22. At all times relevant to this CAFO, Respondent created wastes including caustic or ignitable spent parts washer solvent; paint filters and liquid wastes contaminated with cadmium; caustic waste; ignitable aerosol can liquid residue, and lamps containing mercury.

23. Pursuant to MAC R. 299.9104(d) and 299.9203(a) and (b) [40 C.F.R. § 261.3], "hazardous waste" is defined in pertinent part as a waste which exhibits any of the characteristics of hazardous waste as identified in MAC R. 299.9212 [40 C.F.R. Part 261, Subpart C] or carries a listing as identified in MAC R. 299.9213 or R. 299.9214 [40 C.F.R. Part 261, Subpart D].

24. Respondent's processes at the Facility produce several hazardous wastes identified or listed in MAC R. 299.9201-9230 [40 C.F.R. Parts 260-270].

25. Respondent is a "generator," as that term is defined in MAC R. 299.9104(a) [40 C.F.R. § 260.10].

26. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6930, or the analogous Michigan regulations as part of the applicable state hazardous waste management program for the state of Michigan, or both.

27. Respondent produced more than 1,000 kilograms (2,205 pounds) of hazardous waste in at least one calendar month of 2008, prior to the Inspection, and was a large quantity generator.

**COUNT 1: Failure to Have a Hazardous Waste Storage License or Interim Status**

28. Complainant incorporates paragraphs 1 through 27 of this Complaint as though set forth in this paragraph.

29. Respondent was the generator, as that term is defined by MAC R. 299.9104(a) [40 C.F.R. § 260.10] of the wastes identified in this Count.

30. For the purposes of this Count, each 55-gallon drum in which hazardous waste was accumulating at the time of the Inspection was a “container” as defined by MAC R. 299.9102(q) [40 C.F.R. § 260.10].

31. In order to avoid the need for a hazardous waste operating license, a generator must meet conditions delineated in MAC R. 299.9306 [40 C.F.R. § 262.34].

32. Pursuant to MAC R. 299.9306(3) [40 C.F.R. § 262.34(b)], a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and must apply for and obtain a license for the storage of hazardous waste.

33. At the time of the Inspection, seven 55-gallon drums of hazardous waste were in the Facility hazardous waste accumulation area (“HWAA”).

34. At the time of the Inspection, the drums identified in paragraph 33 were each marked with an accumulation start date.

35. At the time of the Inspection five of the drum identified in paragraph 33 had accumulation start dates that began more than 90 days prior to the Inspection.

36. At the time of the Inspection, four of the drums identified in paragraph 33 were marked with an accumulation start date of April 1, 2008.

37. At the time of the Inspection, one of the drums identified in paragraph 33 was marked with an accumulation start date of January 16, 2008.

38. The drums identified in paragraph 33 were manifested off-site to a licensed hazardous waste treatment, storage, and disposal facility on September 4, 2008.

39. Respondent "stored", as storage is defined in Michigan Part 111 Administrative Rule 299.9107(dd), hazardous waste in the four drums identified in paragraph 36 from April 1, 2008 through September 4, 2008, a total of 67 days over the 90-day limit.

40. Respondent "stored", as storage is defined in Michigan Part 111 Administrative Rule 299.9107(dd), hazardous waste in the drum identified in paragraph 37 from January 16, 2008 through September 4, 2008, a total of 143 days over the 90-day limit.

41. Pursuant to MAC R. 299.9306(1)(b), a generator of hazardous waste in the State of Michigan must mark the date upon which each period of accumulation begins, and he must also mark the hazardous waste number of the waste on the container.

42. At the time of the Inspection, TIMCO was using a 55-gallon drum to accumulate spent parts washer solvent that had been generated in the Bering Cleaning Room at the Facility.

43. The drum identified in paragraph 42 was marked neither with the start date of accumulation nor with the waste number of the spent material.

44. Also at the time of the Inspection, one 55-gallon drum of hazardous used paint filters and two 55-gallon drums of cadmium-contaminated waste in the HWAA were not marked with hazardous waste numbers.

45. Pursuant to MAC R. 299.9306(1)(c) [40 C.F.R. § 262.34(a)(3)], a generator of hazardous waste must mark each container accumulating on-site with the words "Hazardous Waste."

46. The drum referenced in paragraph 42 was labeled with the words "Waste Material," but it was not marked with the words "Hazardous Waste."

47. Also, one 55-gallon drum of hazardous used paint filters in the HWAA, as referenced in paragraph 44, was marked with the words “Non-Hazardous Waste” instead of “Hazardous Waste.”

48. Pursuant to MAC R. 299.9306(2), a generator of hazardous waste in the State of Michigan who accumulates waste at or near the point of generation and under the control of the operator in a satellite accumulation area must mark his containers with the words “Hazardous Waste” and with the hazardous waste number or chemical name of the hazardous waste.

49. At the time of the Inspection, TIMCO was accumulating one 55-gallon drum of caustic waste in the Clean Shop in a satellite accumulation area. The container was labeled as “Waste Material” and “Waste 1150L.”

50. The container identified in paragraph 49 was marked neither with the words “Hazardous Waste” nor with the waste number or chemical name of the hazardous waste therein.

51. Also at the time of the Inspection, TIMCO was managing a 55-gallon satellite container of ignitable material that had been drained from punctured aerosol cans. The container was marked with the words “Waste Material” and “Aerosol Can Liquid Residual.”

52. The container identified in paragraph 51 was marked neither with the words “Hazardous Waste” nor with the waste number or chemical name of the hazardous waste therein.

53. TIMCO failed to comply with the conditions as listed in paragraphs 32, 41, 45, and 48; therefore, TIMCO was required to have an operating license.

54. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at MAC R. 299.9502 [40 C.F.R. Part 270], the treatment, storage, or disposal of hazardous waste by any person who does not have a permit, an operating license or interim status is prohibited.

55. Neither EPA nor the State of Michigan has issued an operating license or a permit



to Respondent to treat, store, or dispose of hazardous waste at the Facility.

56. Respondent did not have interim status for the treatment, storage, or disposal of hazardous wastes at the Facility at the time of the Inspection.

57. As set forth above, Respondent did not meet the conditions of MAC R. 299.9306 [40 C.F.R. § 262.34] necessary to exempt it from the requirement to obtain interim status or apply for and obtain a license for the storage of hazardous waste; therefore Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations found at MAC R. 299.9502, 299.9508, and 299.9510 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c), 270.10(a) and (d), and 270.13].

**COUNT 2: Failure to Have an Adequate Contingency Plan**

58. Complainant incorporates paragraphs 1 through 27 of this Complaint as though set forth in this paragraph.

59. Pursuant to MAC R. 299.9601(2)(b) and 299.9607(1), owners and operators of hazardous waste facilities that store containers of hazardous waste shall comply with all requirements of 40 C.F.R. Part 264, Subpart D.

60. Pursuant to 40 C.F.R. § 264.52(c) - (f), a contingency plan must include, *inter alia*, the following:

- a. descriptions of the arrangements agreed to by local police and fire departments, hospitals, contactors, and state and local emergency response teams to coordinate emergency services;
- b. a current list of the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator;
- c. a current list of emergency equipment at the facility which includes the

location, physical description, and capabilities of each item; and

d. an evacuation plan for facility personnel, which describes signals to be used to begin evacuation, evacuation routes and alternate routes.

61. At the time of the Inspection, the facility contingency plan ("Plan") was dated from 2001.

62. The Plan did not delineate agreements that had been made with local emergency responders.

63. The primary emergency coordinator was listed in the Plan as Mr. Welsch, who, at the time of the Inspection, had retired from the facility.

64. The alternate emergency coordinator was listed in the Plan as Mr. Hulverson, who, at the time of the Inspection, had retired from the facility.

65. An emergency equipment list in the Plan for the facility did not include the locations, physical descriptions, or brief outlines of the capabilities of each item.

66. The Plan had a brief evacuation procedure for the hazardous waste storage buildings; however, signals for the evacuation were not included.

67. Respondent's failure to provide an adequate contingency plan for the facility constitutes a violation of MAC R. 299.9601(2)(b) and 299.9307(1) [40 C.F.R. § 264.52(c) - (f)].

**COUNT 3: Failure to Provide Adequate Hazardous Waste Training**

68. Complainant incorporates paragraphs 1 through 27 of this Complaint as though set forth in this paragraph.

69. Pursuant to MAC R. 299.9601(3), owners and operators of hazardous waste facilities that store containers of hazardous waste shall comply with all requirements of 40 C.F.R. § 265.16.

70. Pursuant to 40 C.F.R. § 265.16(a)(2) and (3), Respondent must provide a training program which includes instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. At 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.

71. Training had been conducted by an outside vendor, Haz Mat Solutions, Inc., for employees whose jobs were related to hazardous waste management on March 24, 2008.

72. Employees also had participated in a 24-hour technician course as well as a 40-hour HAZWOPER course.

73. The training books for the sessions referenced in paragraphs 71 and 72 did not indicate that the employees received training on the Respondent's contingency plan or on other emergency procedures specific to the Respondent's facility that would facilitate effective employee responses to emergencies at this facility.

74. Respondent's failure to provide adequate training constitutes a violation of MAC R. 299.9601(3) [40 C.F.R. § 264.16(a)(2) and (3)].

**COUNT 4: Failure to Maintain Aisle Space**

75. Complainant incorporates paragraphs 1 through 27 of this Complaint as though set forth in this paragraph.

76. Pursuant to MAC R. 299.9601(3), owners and operators of all hazardous waste facilities that store containers of hazardous waste shall comply with all requirements of 40 C.F.R. Part 265, Subpart C.

77. Pursuant to 40 C.F.R. § 265.35, Respondent must maintain aisle space to allow

the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

78. At the time of the Inspection, aisle space in the hazardous waste accumulation area was not sufficient to allow the unrestricted passage of personnel or of emergency, spill control, and decontamination equipment.

79. Respondent's failure to maintain adequate aisle space in the hazardous waste accumulation area constitutes a violation of MAC R. 299.9601(3) [40 C.F.R. § 265.35].

**COUNT 5: Failure to Properly Store, Date, and Label Universal Waste Lamps**

80. Complainant incorporates paragraphs 1 through 27 of this Complaint as though set forth in this paragraph.

81. Pursuant to MAC R. 299.9228(4)(c)(ii) and (4)(c)(iv) [40 C.F.R. §§ 273.13(d)(1) and 273.14(e)], owners and operators of all hazardous waste facilities that generate and store small quantities of universal waste shall comply with, *inter alia*, the following requirements:

a. lamps shall be managed in a manner that prevents breakage or the release of the universal waste or its components by containing unbroken lamps in structurally sound packaging that is compatible with the contents of the lamps and will prevent breakage during normal handling conditions.

b. lamps or packaging in which the lamps are contained shall be labeled with the words "universal waste electric lamps," "waste electric lamps," or "used electric lamps."

82. At the time of the Inspection, Respondent was storing used lamps in the Machine Shop.

83. Two cardboard boxes of used 4-foot lamps located inside a storage room in the

Machine Shop were open on one end and were not labeled as specified in paragraph 81(b) above.

84. Outside of the storage room, used 8-foot lamps leaning against a wall were not enclosed in a container, nor were the bulbs labeled as specified in paragraph 81(b) above.

85. Pursuant to MAC R. 299.9228(4)(a), owners and operators of all hazardous waste facilities that generate and store small quantities of universal waste shall comply with 40 C.F.R. Part 273, Subpart B.

86. Pursuant to 40 C.F.R. § 273.15(a), lamps shall accumulate on-site for no longer than one year from the date the universal waste is generated unless the handler can prove that the wastes were held to facilitate proper recovery, treatment, or disposal.

87. The lamps identified in paragraphs 83 and 84 above were not marked with a start date of accumulation. A shipping manifest indicated that the last shipment of used lamps was made to a Cleanlites Recycling, Inc., on December 28, 2006, more than one year prior to the Inspection.

88. Respondent's failure to properly manage universal waste constitutes violations of MAC R. 299.9228(4)(c)(ii); R. 299.9228(4)(c)(iv); and R. 299.9228(4)(a) [40 C.F.R. §§ 273.13(d)(1); 273.14(e); and 273.14(a)].

#### **Civil Penalty**

89. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$104,100. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's *RCRA Civil Penalty Policy*, dated June 23, 2003.

90. Within 30 days after the effective date of this CAFO, Respondent must pay a

\$104,100 civil penalty for the RCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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, MO 63197-9000

Or for checks sent by express mail to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

The check must state "TIMCO", the docket number of this CAFO and the billing document number.

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 "TIMCO", the docket number of this CAFO, and the billing document number.

Or for ACH, also known as REX or remittance express:

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

Or on-line payment:

There is now an On Line Payment Option, available through the Department of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV

Enter 'sfo 1.1' in the Search Public Forms field.

Open form and complete required fields.

91. If payment is made by check, a transmittal letter, stating, Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Brenda Whitney (LR-8J)  
RCRA Branch  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Jose C. de Leon (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604]

92. This civil penalty is not deductible for federal tax purposes.

93. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more

than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

**General Provisions**

94. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

95. This CAFO does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

96. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, and local laws or permits.

97. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, the EPA's RCRA Civil Penalty Policy, and the EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

98. The terms of this CAFO bind Respondent, its successors, and assigns.

99. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

100. Each party agrees to bear its own costs and attorney's fees in this action.


101. This CAFO constitutes the entire agreement between the parties.

(25)



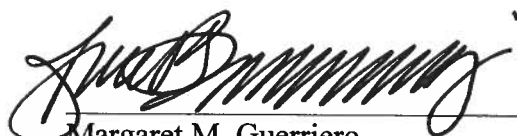
TIMCO Engine Center, Inc., Respondent

Date: 5-27-2010

  
\_\_\_\_\_  
Elizabeth Taylor, Secretary  
TIMCO Engine Center, Inc.

United States Environmental Protection Agency, Complainant

Date: 6/11/10


  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

In the Matter of: TIMCO Engine Center, Inc.  
Docket Number: RCRA-05-2010-0018

**FINAL ORDER**

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

Ordered this 14<sup>th</sup> day of June, 2010.

By:   
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

**RECEIVED**  
JUN 17 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CASE NAME: TIMCO Engine Center, Inc.  
DOCKET NO: RCRA-05-2010-0018

RECEIVED  
JUN 17 2010

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

Elizabeth Taylor  
Secretary  
TIMCO Engine Center  
3921 Arrow Street  
Oscoda, Michigan 48750

Certified Mail Receipt # 7009 1680 0000 7665 0090

Dated: 6/17, 2010

Margaret Gray  
Margaret Gray  
Administrative Program Assistant  
United States Environmental Protection Agency

Region 5  
Land and Chemicals Division LR-8J  
RCRA Branch  
77 W. Jackson Blvd, Chicago, IL 60604-3590