

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2014 JAN 17 AM 8:38

IN THE MATTER OF:)
)
Allsteel Inc.)
)
3000 North Highway 61)
Muscatine, Iowa 52761)
)
RCRA I.D. No. IAD981711617)
)
and)
)
HON Company, LLC—Oak Steel Plant)
)
300 Oak Street)
Muscatine, Iowa 52761)
)
RCRA I.D. No. IAD000829911)
)
Respondents)
)
Proceeding under Section 3008(a) and (g) of)
the Resource Conservation and Recovery)
Act as amended, 42 U.S.C. § 6928(a) and (g))
_____)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. RCRA-07-2014-0002

I. PRELIMINARY STATEMENT

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Allsteel Inc. (Allsteel) and HON Company, LLC (HON) (or Respondents) 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, Issuance of Compliance

or Corrective Action Orders, 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). Because Allsteel and HON are both subsidiaries of HNI Corporation, the parties have agreed that both companies will be Respondents in this matter.

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 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 (HSWA), 42 U.S.C. § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order (CA/FO) serves as notice that EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925.

Parties

3. The Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of EPA.

4. The Respondents are Allsteel Inc., an Illinois corporation authorized to conduct business in the state of Iowa, and HON Company, LLC, an active Iowa limited liability company.

Statutory and Regulatory Framework

5. The state of Iowa is not authorized to administer its own hazardous waste program

pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. Therefore, EPA enforces the federal RCRA program in Iowa, pursuant to federal regulations. 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 of RCRA, 42 U.S.C. § 6928.

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 now authorized for violations of Subchapter III of RCRA that occurred after January 12, 2009.

Allsteel, Inc. Factual Background

7. Respondent Allsteel is an Illinois corporation authorized to conduct business in the state of Iowa and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

8. Respondent, located at 3000 North Highway 61, Muscatine, Iowa, manufactures steel, wood and fabric office systems comprised of cubicle panels, desks and storage cabinets. Allsteel employs approximately 3,500 people at this location and began operations at this location in 2000.

9. As part of its operations, Respondent generates hazardous waste. Once a waste is classified as a hazardous waste, it is assigned a waste code pursuant to the regulations set forth in Paragraph 10. Hazardous wastes generated by Respondent, along with their waste codes,

include: “baffle” paint (paint generated from aerosol cans and from flushing paint equipment in the wet paint booth) (D001, F003 and F005) and the contents of spent aerosol cans (D001, F003 and F005).

10. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 40 C.F.R. § 261. The paint wastes, listed in Paragraph 9 are “solid wastes” and “hazardous wastes” within the meaning of these regulations.

11. On or about April 4, 2012, an EPA contractor conducted a Compliance Evaluation Inspection at Respondent’s facility (the April 4 2012 inspection).

12. At the time of the April 4 2012 inspection, Respondent’s most recent hazardous waste notification on file with the EPA, dated February 16, 2012, indicated that the facility was a “large quantity generator,” i.e., that the facility generates more than 1,000 kilograms of hazardous waste per month.

13. At the time of the April 4 2012 inspection, Respondent had generated and had in storage at the facility the hazardous wastes listed in Paragraph 9 above.

14. During the April 4 2012 inspection, the following violation of RCRA was observed at the facility as set forth below.

Allsteel Violation

15. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 14 above, as if fully set forth herein.

I. Operation of a Hazardous Waste Storage Facility Without a RCRA Permit

16. Section 3005 of RCRA, 42 U.S.C. § 6925 requires each person owning or operating

a facility for the treatment, storage, or disposal of hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

A. Failure to Comply with Generator Requirements

17. Large quantity generators of hazardous waste are allowed to store hazardous waste at their facility provided that they comply with various waste handling, training and contingency plan requirements. 40 C.F.R. § 262.34. If a generator fails to comply with these requirements, they are not allowed to store hazardous waste at their facility for any length of time. Respondent failed to comply with the following requirements:

1. Failure to label containers of hazardous waste

18. At the time of the April 4 2012 inspection, Respondent had approximately thirty-nine (39) fifty-five gallon drums of waste baffle paint in storage at the facility that was not labeled as hazardous waste, as required by 40 C.F.R. § 262.34(a)(3).

2. Failure to maintain sufficient aisle space to allow unobstructed movement of emergency personnel and equipment

19. At the time of the April 4 2012 inspection, there were several rows of drums that had only six to twelve inches of space between each container. 40 C.F.R. § 262.34(a)(4) requires large quantity generators to comply with 40 C.F.R. § 265.35, which states that “the owner or operator 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. . . .”

3. Failure to maintain sufficient aisle space so that the date upon which each period of accumulation begins is clearly visible

20. At the time of the April 4 2012 inspection, the accumulation start date was not clearly visible on each container as required by 40 C.F.R. § 262.34(a)(2).

4. Failure to identify the contents of satellite accumulation containers

21. At the time of the April 4 2012 inspection, there were two satellite accumulation containers of aerosol can paint waste in storage at the facility. Neither container was labeled as waste, as required by 40 C.F.R. § 262.34(c)(1)(ii).

5. Failure to comply with contingency plan requirements

22. At the time of the April 4 2012 inspection, Respondent's contingency plan failed to conform to the requirements of 40 C.F.R. § 262.34(a), which requires large quantity generators to comply with 40 C.F.R. § 265.52. The contingency plan was deficient as follows:

- a. Failure to describe actions necessary to respond to a fire or explosion; and
- b. Failure to describe the location(s) of emergency equipment.

6. Failure to provide and document required employee training

23. Examination of documentation provided at the time of the April 4 2012 inspection revealed that Respondent had failed to provide and/or document proper training to employees as follows:

- a. Safety personnel and supervisors and the primary and secondary emergency coordinators were only trained every other year, as opposed to annually as required by 40 C.F.R. § 262.34 (a)(4), which requires large quantity generators to comply with 40 C.F.R. § 265.16(c).

- b. The facility did not have a written description of initial and continuing education

provided to those who manage hazardous waste as required by § 262.34 (a)(4), which requires large quantity generators to comply with 40 C.F.R. § 265.16(d)(3).

c. The facility did not have documentation of training provided to those employees who managed hazardous waste for the calendar year of 2010. This documentation is required pursuant to 40 C.F.R. § 262.34(a)(4), which requires large quantity generators to comply with 40 C.F.R. § 265.16(e).

d. The facility did not provide employees with training on the Contingency Plan as required by § 262.34 (a)(4), which requires large quantity generators to comply with 40 C.F.R. § 265.16(a)(2).

24. Because Respondent Allsteel failed to comply with the generator requirements as set forth in Paragraphs 17 through 23 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.

HON Company, LLC Factual Background

25. Respondent HON Company, LLC is an active Iowa limited liability company and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15). The facility is located at 301 Oak Street, Muscatine, Iowa.

26. HON manufactures steel, wood and fabric components for configuring office cubicles and furniture. HON currently employs approximately 600 people at this location.

27. The facility is comprised of several contiguous buildings, all of which operate under the RCRA ID number IAD000829911.

28. In the course of its operations, HON generates waste paint, waste paint filters, rags and gloves. These wastes bear the RCRA waste codes D001, F003 and F005.

29. The wastes listed in Paragraph 28 are “solid wastes” and “hazardous wastes” within the meaning of 40 C.F.R. § 261.

30. HON also generates universal waste batteries and fluorescent lamps.

31. On April 3, 2012, a representative of EPA performed a RCRA Compliance Evaluation Inspection (CEI) at HON’s facility (the April 3 2012 inspection).

32. At the time of the April 3 2012 inspection, HON was generating over 1,000 kg of hazardous waste per month, and therefore was operating as a large quantity generator.

HON Violations

I. Operation of a Hazardous Waste Storage Facility Without a RCRA Permit

33. Section 3005 of RCRA, 42 U.S.C. § 6925 requires each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

A. Storage of Hazardous Waste for Over Ninety Days

34. Large quantity generators of hazardous waste are allowed to store hazardous waste at their facility for no longer than 90 days. 40 C.F.R. § 262.34.

35. At the time of the April 3 2012 inspection, HON had one 55-gallon drum containing waste paint filters, rags and gloves in their less than 90-day container storage area that was marked with the accumulation date of 11/22/2011. This drum had been in storage for 133 days.

36. HON’s storage of hazardous waste for over 90 days constitutes operation of a

hazardous waste storage facility without a permit, in violation of Section 3005 of RCRA, 42 U.S.C. §6925.

B. Failure to Comply with Generator Requirements

37. Large quantity generators of hazardous waste are allowed to store hazardous waste at their facility provided that they comply with various waste handling, training and contingency plan requirements (40 C.F.R. § 262.34). If a generator fails to comply with these requirements, they are not allowed to store hazardous waste at their facility for any length of time. Respondent failed to comply with the following requirements:

1. Failure to comply with container management requirements

38. Generators of hazardous waste are required to mark hazardous waste satellite accumulation containers with the words "Hazardous Waste" or other words that identify the contents of the containers (40 C.F.R. § 262.34(c)(1)(ii)).

39. At the time of the April 3 2012 inspection, the baffle paint compactor container in the satellite accumulation area did not have any markings identifying the contents of the container.

40. Generators of hazardous waste are required to keep satellite accumulation containers closed except when adding or removing waste (40 CFR 262.34(c)(1)(i), referencing 40 CFR 265.173(a)).

41. At the time of the April 3 2012 inspection, the baffle paint compactor container in the satellite accumulation area was open.

1. Failure to comply with contingency plan requirements

42. Generators of hazardous waste are required to maintain on-site a contingency plan that, among other things, contains current information regarding the emergency coordinators, describes the procedures to be taken in the event of fire, explosion or unplanned releases, and that describes the location of emergency equipment (40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(a), (d) and (e)).

43. At the time of the April 3 2012 inspection, HON's contingency plan did not have the current contact information for the primary and secondary emergency contacts, did not describe procedures to be taken in the event of an explosion, and did not describe the location of emergency equipment.

2. Failure to comply with training requirements

44. Generators of hazardous waste are required: to provide annual hazardous waste training for all employees involved in the management of hazardous waste (40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(c)); to provide documentation of annual hazardous waste training (40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(d)(4)); and to maintain hazardous waste training records at the facility for three years (40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(d) and (e)).

45. At the time of the April 3 2012 inspection, HON had failed to provide annual training for employees managing hazardous waste in the year 2011, and could not produce complete training records for all personnel with hazardous waste management duties for 2009 through 2012, and had not maintained records of training for the past three years at its facility.

46. HON's failure to comply with the contingency plan and training requirements is a failure to meet the conditions for storage without a permit set forth at 40 C.F.R. § 262.34. Therefore, any storage of hazardous waste at the HON facility constitutes operation of a hazardous waste storage facility without a permit, in violation of Section 3005 of RCRA, 42 U.S.C. §6925.

II. Failure to Comply with Universal Waste Regulations

47. As part of its operations, HON generates spent fluorescent lamps and batteries. These wastes are "universal waste" and are subject to the regulations at 40 C.F.R. Part 273.

48. At the time of the April 3 2012 inspection, HON was a small quantity handler of universal waste.

49. At the time of the April 3 2012 inspection, there were several containers of hazardous waste lamps that were not closed, as required by 40 C.F.R. § 273.13(d)(1), or properly marked with the words "Universal Waste—Lamps," or "Waste Lamp(s)," or "Used Lamp(s)," as required by 40 C.F.R. §273.14(e).

50. Also at the time of the April 3 2012 inspection, HON could not demonstrate how long some of the containers of waste lamps and waste batteries had been in storage at the facility, in violation of 40 C.F.R. § 273.15(c), and based on the accumulation start date on one container of batteries, the container had been in storage at the facility for more than two years, in violation of 40 C.F.R. § 273.15(a).

51. HON's actions outlined in paragraphs 49 and 50 are violations of the regulations governing the handling of universal waste found at 40 C.F.R. Part 273.

CONSENT AGREEMENT

1. Respondents and EPA agree to the terms of this CA/FO and Respondents agree to comply with the terms of the Final Order portion of this CA/FO.
2. Respondents admit the jurisdictional allegations of this CA/FO and agree not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CA/FO set forth below.
3. Respondents neither admit nor deny the factual allegations and legal conclusions set forth in this CA/FO.
4. Each Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the Final Order portion of the CA/FO.
5. Respondents and Complainant agree to conciliate the matters set forth in this CA/FO without the necessity of a formal hearing and to bear their respective costs and attorney's fees.
6. This CA/FO 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.
7. Nothing contained in the Final Order portion of this CA/FO shall alter or otherwise affect Respondents' obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.
8. Each undersigned representative of Respondents certifies that he or she is fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind the

Respondent to it.

9. Respondents agree that, in settlement of the claims alleged in this CA/FO, Respondents shall pay a mitigated civil administrative penalty of \$13,339.00 as set forth in Paragraph 1 of the Final Order.

10. Respondents understand that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

11. This CA/FO shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

12. This Consent Agreement and the Final Order shall remain in full force and effect until Complainant provides Respondents with written notice, in accordance with Paragraph 6 of the Final Order, that all requirements hereunder have been satisfied.

13. By its signature on this Consent Agreement, each Respondent certifies that it is currently in compliance with RCRA.

Supplemental Environmental Projects

14. In response to the violations of RCRA alleged in this CA/FO and in settlement of this matter, although not required by RCRA or any other federal, state, or local law, Respondents agree to perform a Supplemental Environmental Projects (SEP) as set forth in this CA/FO. The projected cost of the SEPs is \$32,706.00.⁸⁶

Purchase of equipment for the Muscatine, Iowa Fire Department

14. Respondents shall purchase the following equipment for the Muscatine Fire Department Hazmat and Confined Space Program.

Equipment	Cost
One Honda E-Quiet Portable Inverter Generator	\$ 3,500.00
One 3PAK4 Confined Space Fan, axial, Explosion Proof, 12 Inch Diameter	1,938.37
MX6-K673R211 MX6 iBrid Multi-Gas Monitor – LEL	7,465.20
Forty (40) Scott Air Purifying Respirator (APR) Adapter and forty (40) APR Cartridges	2,160.00
Seven (7) Motorola Mototrbo, Model 6550, 5 watt portable radios, with throat mics	6,933.27
One Texas Towers 70 Crank up mast to be mounted on the department's hazmat trailer	4,709.00
Fabrication/mounting costs for placing the tower	1,500.00
One Panasonic Toughbook CF19 Computer with mount	4,501.02
TOTAL	\$ 32,706.86

15. Respondents agree that they will spend at least \$32,706.86 on the SEP.

16. Respondents agree to the payment of stipulated penalties as follows:

- a. In the event Respondents fail to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP, above, and/or to the extent that the actual expenditures for the SEP do not

equal or exceed the cost of the SEP described in this CA/FO, Respondents shall be liable for stipulated penalties according to the provisions set forth below:

- (i) Except as provided in Subparagraph iii below, if the SEP is not completed satisfactorily and timely pursuant to the requirements set forth in this CA/FO, Respondents shall be liable for and shall pay a stipulated penalty to the United States in the amount of \$16,353.00.
 - (ii) If the SEP is satisfactorily completed, but the Respondents spent less than \$29,436.00 on the SEP, Respondents shall pay a stipulated penalty to the United States in the amount of \$3,271.00.
 - (iii) If the SEP identified in this CA/FO is not completed satisfactorily, but EPA determines that Respondents: (1) have made good faith and timely efforts to complete the SEPs; and (2) have certified, with supporting documentation, that Respondents spent at least \$29,436.00 on the SEP, Respondents shall not be liable for payment of a stipulated penalty.
 - (iv) If the SEP is satisfactorily completed in accordance with the CA/FO, and EPA determines that the Respondents have spent at least \$29,436.00 on the SEP, Respondents shall not be liable for any stipulated penalty.
- b. If Respondents fail to timely and completely submit the SEP Completion Report required by this CA/FO, Respondents shall be liable for and shall pay a stipulated penalty in the amount of \$250.00 for each day after the due date until a complete report is submitted.
- c. EPA shall determine whether the SEP has been satisfactorily completed and whether the Respondents have made a good faith, timely effort to implement the SEP.
- d. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the SEP or other resolution under this CA/FO.
- e. Respondents shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions set forth in Paragraph 2 of the Final Order portion of this CA/FO, below.

SEP Completion Report

17. Within one year of the effective date of this CA/FO, Respondents shall submit a SEP Completion Report to EPA for the SEP. The SEP Completion Report shall conform to the requirements of this CA/FO and shall contain the following information:

- a. A detailed description of the SEP as implemented, including itemized costs;
- b. A description of any problems encountered in implementation of the projects and the solution thereto;
- c. A description of the specific environmental and/or public health benefits resulting from implementation of the SEP; and
- d. Certification that the SEP has been fully implemented pursuant to the provisions of this CA/FO.

18. In itemizing its costs in the SEP Completion Report, Respondents shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this Paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

19. The SEP Completion Report shall include the statement of each Respondent, through an officer, signed and certifying under penalty of law the following:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

20. The SEP Completion Report shall be submitted on or before the due date specified in Paragraph 17 to:

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

Other Requirements

21. Any public statement, oral or written, in print, film, internet, or other media, made by Respondents making reference to the SEP shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act. 42 U.S.C. § 6901 *et. seq.*

22. Respondents hereby certify that, as of the date of this CA/FO, Respondents are not required to perform or develop the SEP described in this CA/FO by any federal, state, or local law or regulation; nor are Respondents required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondents further certify that neither Respondent has received, nor are they presently negotiating to receive credit in any other enforcement action for the SEP.

23. For federal income tax purposes, Respondents agree that they will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEPs.

24. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or

stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

Reservation of Rights

25. Notwithstanding any other provision of this CA/FO, EPA reserves the right to enforce the terms of the Final Order portion of this CA/FO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondents in an amount not to exceed Thirty-seven Thousand Five Hundred Dollars (\$37,500) per day per violation pursuant to Section 3008(c) and/or Section 3008(g) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

26. Complainant reserves the right to take enforcement action against Respondents for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.

27. Except as expressly provided herein, nothing in this CA/FO 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 either Respondent's facility.

28. Notwithstanding any other provisions of the CA/FO, 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 either Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

29. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

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 CA/FO, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CA/FO, Respondents will pay a mitigated civil penalty of \$13,339.00.
2. Payment of the penalty shall be made either by cashier or certified check or by wire transfer. If made by cashier or certified check, the check shall be made payable to "Treasurer of the United States" and remitted to:

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

Wire transfers shall be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
“D 68010727 Environmental Protection Agency.”

The Docket Number of this matter shall be referenced on the check or transfer. A copy of the check or transfer shall also be mailed to EPA’s representative identified in Paragraph 4.g. of the Final Order below, and to:

Belinda Holmes, Senior Counsel
CNSL/CMBR
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

3. No portion of the civil penalty or interest paid by Respondents pursuant to the requirements of this CA/FO shall be claimed by Respondents as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

4. Within the time frames below, Respondents shall perform the following compliance actions:

Contingency Plan

- a. Within thirty (30) days of the effective date of this Final Order, Allsteel will modify the Contingency Plan to include the following and will provide the modified contingency plan to EPA's representative identified in Paragraph 4.g. below:
 - i. a detailed description of what the emergency coordinator and other employees will do in response to fires and explosions; and
 - ii. an updated list of emergency equipment that outlines the capabilities, physical descriptions and locations of such equipment. Specifically, Allsteel will include information for the fire extinguisher system, spill control equipment, alarms, and decontamination equipment.

- b. Within thirty (30) days of the effective date of this Final Order, HON will modify the Contingency Plan to:
 - i. provide additional descriptions of the actions HON's employees will take in response to fires or explosions, specifically outlining which response is for explosions and which response is for fires; and
 - ii. provide physical descriptions, capabilities and locations of all emergency equipment.

Training

- c. Within thirty (30) days of the effective date of this Final Order, Allsteel will provide to EPA's representative identified in Paragraph 4.g. below:
 - i. a narrative outlining how they will ensure that it maintain training records for all employees with hazardous waste management duties; and
 - ii. a plan which outlines specifically when training on the contingency plan and facility-specific emergency response procedures will be provided to employees.

- d. Within thirty (30) days of the effective date of this Final Order, HON will provide to EPA's representative identified in Paragraph 4.g below:
 - i. a written explanation of which personnel will receive hazardous waste training, describe the training that will be provided, and will describe how HON will ensure that all required annual training is completed and documented.

Hazardous Waste Container Management

e. Both Allsteel and HON will provide a narrative to EPA's representative identified in Paragraph 4.g. below outlining how it will ensure that once waste is placed in the satellite accumulation area, it is appropriately managed by labeling the containers. HON's narrative will also include a description of how HON will ensure that satellite accumulation containers remain closed except when adding or removing waste. Both Allsteel and HON will provide photographic documentation demonstrating that containers stored in the satellite accumulation area are being marked with the words "Hazardous Waste" or with other words that identify the contents of the containers, and HON will also provide photographic documentation that the satellite accumulation containers are closed.

Universal Waste Management

f. HON will provide a description of how HON will properly manage universal waste to ensure that it is disposed in accordance with the regulations, and will provide photographic documentation of how HON is managing its universal waste storage area in accordance with applicable regulations.

g. All submittals required by this Paragraph 4 shall be sent to:

Deborah Bredehoff
Environmental Engineer
AWMD/WEMM
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

C. Parties Bound

5. This Final Order portion of this CA/FO shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Each respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondents with respect to matters included herein comply with the terms of this CA/FO.

D. Termination

6. The provisions of this CA/FO shall be deemed satisfied upon a written determination by Complainant that Respondents have fully implemented the actions required in the Final Order.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

1-14-13
Date


Donald Toensing
Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Jan 14 2014
Date


Belinda L. Holmes
Senior Counsel
Chemical Management Branch
Office of Regional Counsel

*In the matter of
Allsteel Inc. and HON Company, LLC
Docket No: RCRA 07-2013-xxxx
Page 24 of 25*

For Respondent Allsteel, Inc.:

1/13/14
Date

By:

Darren Williams
Signature

Darren Williams
Printed Name

For Respondent HON Company, LLC:

By:

Date

Signature

Printed Name

*In the matter of
Allsteel Inc. and HON Company, LLC
Docket No: RCRA 07-2013-xxx
Page 24 of 25*

For Respondent Allsteel, Inc.:

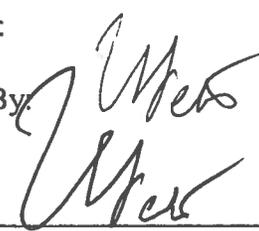
By:

Date

Signature

Printed Name

For Respondent HON Company, LLC:

By: 

Signature

4/13/14
Date

Tim Heth
Printed Name

*In the matter of
Allsteel Inc. and HON Company, LLC
Docket No: RCRA 07-2013-xxxx
Page 25 of 25*

IT IS SO ORDERED. This Final Order shall become effective immediately.

1-16-14
Date

Karina Borrromeo
Karina Borrromeo
Regional Judicial Officer

IN THE MATTER OF Allsteel Inc. and HON Company, LLC - Oak Steel Plant, Respondents
Docket No. RCRA-07-2014-0002

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 by email to Attorney for Complainant:

holmes.belinda@epa.gov

Copy by First Class Mail to:

G. Scott Lesnet
HNI Corporation
408 E Second St
Muscatine, Iowa 52761

Dated: 1/17/14


Kathy Robinson
Hearing Clerk, Region 7