

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

2017 OCT 25 AM 8:53

11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:)	
)	
Highway Equipment Company,)	Docket No. RCRA-07-2017-0459
)	
Respondent.)	
)	<u>CONSENT AGREEMENT</u>
)	<u>AND FINAL ORDER</u>
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 Highway Equipment Company (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 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, 42 U.S.C. §§ 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.
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.

Parties

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

4. Respondent is Highway Equipment Company, a company authorized to operate under the laws of 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). The Debt Collection Improvement Act of 2008 and the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred from January 12, 2009, through November 2, 2015, and to \$95,284 for violations that occur after November 2, 2015. 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 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 1330 76th Avenue SW, Cedar Rapids, Iowa 52404. Respondent manufactures dry crop nutrient spreaders, highway deicing spreaders, road maintenance equipment, leaf vacuums, and other products. Respondent employs approximately 160 people.

9. On or about September 10, 2010, Respondent notified EPA as a Small Quantity Generator (SQG) of D001, F003 and F005 hazardous wastes pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930. SQGs generate greater than 100 kilograms but less than 1,000 kilograms of hazardous waste per month.

10. On or about September 15, 2015, 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, and subsequent investigation, it was determined that Respondent was operating, at the time of the inspection, as an SQG of hazardous waste, a Small Quantity Handler of universal waste, and a used oil generator.

11. Based on a review of the inspection report and the information provided during

the inspection by facility personnel, and subsequent investigation, it was determined that Respondent was operating prior to the inspection as an episodic Large Quantity Generator (LQG) of hazardous waste. LQGs generate greater than 1,000 kilograms of hazardous waste per month.

12. At the time of the inspection, among others, the following solid and hazardous wastes were present:

- a. One 55-gallon drum of disposable wipes contaminated with paint waste and solvent located outside of two small paint booths. The paint waste is an F003 and F005 hazardous waste. The solvent contains toluene, acetone, light aliphatic solvent naphtha, xylene, methanol, ethyl benzene, and methyl ethyl ketone (MEK), and is, at a minimum, an F005 hazardous waste;
- b. One 55-gallon drum of spent paint/solvent waste located in the hazardous waste central accumulation area; and
- c. Eight 5-gallon satellite accumulation containers of spent paint/solvent waste located in or near the paint booths.

13. At the time of the inspection, the following universal waste container was present:

- a. One 55-gallon plastic drum located outside the maintenance shop area containing two (2) eight-foot green tipped spent fluorescent lamps, twenty-three (23) four-foot green tipped spent fluorescent lamps, and ten (10) four-foot silver tipped spent fluorescent lamps.

14. Respondent has been assigned the following EPA ID Number: IAR000501387.

Violations

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

Count 1

Failure to Conduct Hazardous Waste Determination

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

17. Pursuant to 40 C.F.R. § 262.11, a generator of solid waste, as defined in 40 C.F.R. §§ 260.10 and 261.2, must determine if that waste is a hazardous waste using methods prescribed in the regulations.

18. At the time of the inspection, it was determined that Respondent was generating approximately 2,200 spent paint and solvent contaminated disposable wipes per month, from approximately 2006 to the present. Respondent was accumulating these wipes in a 55-gallon drum located outside of two small painting booths. The paint waste is an F003 and F005 hazardous waste. The solvent contains toluene, acetone, light aliphatic solvent naphtha, xylene, methanol, ethyl benzene, and methyl ethyl ketone (MEK), and is, at a minimum, an F005 hazardous waste, and may also carry the codes D001, F003, and D035.

19. At the time of the inspection, Respondent had not conducted hazardous waste determinations on the solid waste stream described in Paragraph 18 above.

20. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste stream is a violation of 40 C.F.R. § 262.11.

Count 2
Operating as a Treatment, Storage or Disposal Facility
Without a RCRA Permit or RCRA Interim Status

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

22. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 40 C.F.R. § 270.1(b) require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

23. At the time of the inspection, Respondent did not have a permit or interim status for the facility.

Small Quantity Generator Requirements

24. The regulations at 40 C.F.R. § 262.34(d) state that an SQG may accumulate hazardous waste on-site for one hundred eighty (180) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(d)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following condition:

Failure to date hazardous waste accumulation containers

25. The regulation at 40 C.F.R. § 262.34(d)(4), referencing 40 C.F.R. § 262.34(a)(2), requires SQGs to clearly mark the date upon which each period of accumulation began on each container.

26. At the time of the inspection, one 55-gallon hazardous waste accumulation container of spent paint/solvent waste was not marked with the date upon which accumulation began.

Large Quantity Generator Requirements

27. Based on a review of the inspection report and the information provided during the inspection by facility personnel, and subsequent investigation, it was determined that Respondent was operating as an episodic LQG of hazardous waste for January of 2013; January, July, and September of 2014; and January, May, June, July, and August of 2015, because it generated greater than 1,000 kilograms of hazardous waste in those months.

28. The regulations at 40 C.F.R. § 262.34(a) state that an LQG 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 accumulate hazardous waste at its facility for any length of time. Respondent failed to comply with the following conditions:

Failure to have complete contingency plan

29. The regulation at 40 C.F.R. § 262.34(a)(4), referencing 40 C.F.R. § 265.52(c)-(f), requires LQGs to include in the contingency plan, among others, the following information:

- a. A description of arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;
- b. The home addresses of emergency coordinators;
- c. A list of emergency equipment and a description of the capabilities and locations of such equipment; and
- d. A description of the evacuation signal, evacuation routes, and alternative evacuation routes.

30. At the time of the inspection, Respondent's contingency plan did not contain any of the aforementioned required information.

Failure to have a training plan

31. The regulation at 40 C.F.R. § 262.34(a)(4), referencing 40 C.F.R. § 265.16(d), requires LQGs to have a training plan covering all personnel positions related to hazardous waste management.

32. At the time of the inspection, Respondent did not have such a training plan.

Generator Requirements for Satellite Accumulation Containers

33. The regulations at 40 C.F.R. § 262.34(c)(1) allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator complies with various handling requirements. This type of accumulation is known as “satellite accumulation.” At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirement:

Failure to close satellite accumulation container

34. The regulation at 40 C.F.R. § 262.34(c)(1)(i), referencing 40 C.F.R. § 265.173(a), allows a generator to accumulate as much as 55 gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

35. At the time of the inspection, there were eight total 5-gallon satellite accumulation containers (two in or near each of the four paint booths) that were open.

36. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 24 through 35 above, Respondent was not authorized to accumulate 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 3

Failure to Comply with Universal Waste Management Requirements

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

Failure to label universal waste containers

38. The regulations at 40 C.F.R. § 273.14(e) require small quantity handlers of universal waste to clearly label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: “Universal Waste—Lamp(s)” or “Waste Lamp(s),” or “Used Lamp(s).”

39. At the time of the inspection, the inspector observed (2) eight-foot green tipped spent fluorescent lamps, twenty-three (23) four-foot green tipped spent fluorescent lamps, and ten (10) four-foot silver tipped spent fluorescent lamps that were stored loosely in a 55-gallon plastic drum that was not labeled as universal waste.

40. Respondent’s failure to properly label the universal waste lamp container described above is a violation of 40 C.F.R. § 273.14(e).

Failure to close universal waste containers

41. The regulations at 40 C.F.R. § 273.13(d)(1) require a small quantity handler of universal waste to manage lamps in a way that prevents releases by containing the lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

42. At the time of the inspection, Respondent failed to close the 55-gallon drum containing (2) eight-foot green tipped spent fluorescent lamps, twenty-three (23) four-foot green tipped spent fluorescent lamps, and ten (10) four-foot silver tipped spent fluorescent lamps that were stored loosely therein.

43. Respondent's failure to close the universal waste container described above to prevent releases and breakage is a violation of 40 C.F.R. § 273.13(d)(1).

Failure to document the length of storage of universal waste lamps

44. The regulations at 40 C.F.R. § 273.159(c) require a small quantity handler of universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

45. At the time of the inspection, Respondent failed to document the length of time the (2) eight-foot green tipped spent fluorescent lamps, twenty-three (23) four-foot green tipped spent fluorescent lamps, and ten (10) four-foot silver tipped spent fluorescent lamps had been accumulated.

46. Respondent's failure to document the length of time the spent fluorescent lamps described above had accumulated is a violation of 40 C.F.R. § 273.15(c).

Count 4

Failure to Submit 2014 and 2016 Biennial Reports

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

48. The regulations at 40 C.F.R. § 262.41 require LQGs to submit a biennial report, every even year on March 1, covering generator activities during the previous year.

49. Based on a review of the inspection report and the information provided during the inspection by facility personnel, and subsequent investigation, it was determined that Respondent was operating as an episodic LQG of hazardous waste for January of 2013; January, July, and September of 2014; and January, May, June, July, and August of 2015, because it generated greater than 1,000 kilograms of hazardous waste in those months.

50. Respondent did not submit a biennial report for 2014 or 2016.

51. Respondent's failure to submit biennial reports in 2014 and 2016 is a violation of 40 C.F.R. § 262.41.

CONSENT AGREEMENT

52. 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.

53. 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.

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

55. 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.

56. 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.

57. 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.

58. Full payment of the penalty proposed in this CAFO shall only resolve Respondent's liability for the violations alleged in this Consent Agreement and Final Order. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

59. Full payment of the penalty proposed in this CAFO shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

60. The effect of settlement described in Paragraph 58 above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 61, below, of this Consent Agreement and Final Order.

61. Respondent certifies that by signing this Consent Agreement and Final Order that to the 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.

62. 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.

63. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a penalty of Sixty Thousand Three Hundred Forty-Five Dollars (\$60,345) as set forth in Paragraph 1 of the Final Order portion of this Consent Agreement and Final Order, below.

64. 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.

65. 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.

66. 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 attorney 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).

67. Respondent understands 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.

Effective Date

68. 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

69. 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 Fifty-Seven

Thousand Three Hundred Ninety-One Dollars (\$57,391) 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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 Sections 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 Sixty Thousand Three Hundred Forty-Five Dollars (\$60,345).

2. Payment of the penalty shall be made by cashier's or certified check, by wire transfer, or on-line. The Payment shall reference the Docket Number on the check or wire transfer. If made by cashier's or certified check, the check shall be made payable to "Treasurer of the United States" and remitted to:

United States Environmental Protection Agency
Fines and Penalties
Combined Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

3. A copy of the check, transfer, or on-line payment confirmation shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Britt Bieri, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

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

6. Within sixty (60) days of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit documentation to EPA, in accordance with Paragraph 8 below, demonstrating that an accurate hazardous waste determination has been performed for any and all paint and/or solvent contaminated wipes generated at Respondent's facility. This documentation will include, but is not limited to, the following information:

- a. A description of the waste which includes a detailed description of the process or processes that generated the waste;
- b. A determination of whether or not the waste has been excluded from regulation under 40 C.F.R. § 261.4;
- c. A determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 C.F.R. Part 261; and

- d. A determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C as a characteristic hazardous waste. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. Any laboratory analyses used to make this determination must be provided to EPA.

7. Respondent shall submit four Compliance Reports to EPA, in accordance with Paragraph 8 below. The first Compliance Report is due within ninety (90) days of the Effective Date of this Consent Agreement and Final Order. The second Compliance Report is due within one hundred eighty (180) days of the Effective Date of this Consent Agreement and Final Order. The third Compliance Report is due within two hundred seventy (270) days of the Effective Date of this Consent Agreement and Final Order. The fourth Compliance Report is due within three hundred sixty (360) days of the Effective Date of this Consent Agreement and Final Order. The Compliance Reports shall include the following:

- a. A narrative description with supporting documentation of Respondent's per month generation rate of all hazardous wastes;
- b. A narrative description with supporting documentation, including photographs, to show all hazardous waste accumulation containers and satellite accumulation containers are properly closed; and
- c. If Respondent becomes an LQG during the time period by generating 1,000 pounds or more of hazardous waste in a month, Respondent must provide documentation that it is complying with the contingency planning requirements contained in 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(c)-(f) and training requirements contained in 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(d). Alternatively, if this is a one-time episodic event (or a second episodic event that has received approval from EPA), Respondent must provide documentation that they have met all requirements for episodic generators found in 40 C.F.R. § 262.231 to 262.233 (Subpart L).

8. Respondent shall submit all documentation generated to comply with the requirements as set forth in the immediately preceding paragraph to the following address:

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

C. Parties Bound

9. 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

17 OCT 17
Date



Mary Goetz, Branch Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

10/17/17
Date

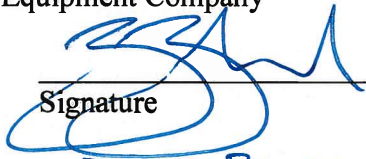


Britt Bieri
Office of Regional Counsel

For Respondent, Highway Equipment Company

12 OCTOBER 2017

Date



Signature

BRIAN BEDARD
Printed Name

DIRECTOR OF HR & SAFETY
Title

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

Oct. 25, 2017
Date

Karina Borrromeo
Karina Borrromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that on the date below, I hand delivered the original and one true copy of this Consent Agreement and Final Order to the Regional Hearing Clerk, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. I further certify that a true and correct copy of the foregoing order was sent this day in the following manner to the addressees:

Copy delivered to Attorney for Complainant:

Britt Bieri (e-copy)

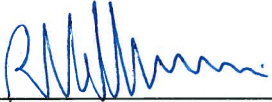
Copy delivered to Respondent via U.S. Mail and email:

Brian Bedard
Director of Human Resources and Safety
Highway Equipment Company
1330 76th Avenue SW
Cedar Rapids, Iowa 52404
bbedard@highwayequipment.com

Copy delivered to the State of Iowa:

Amie Davidson, Chief (e-copy)
Contaminated Sites Section
Iowa Department of Natural Resources

Dated this 25th day of October, 2017.



Signature