



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

**May 8, 2021**

**ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Mr. Brandon Mohr  
Safety and Human Resource Manager  
Truck Bodies and Equipment International, Inc.  
52182 Ember Road  
Lake Crystal, Minnesota 56055  
[bmohr@tbei.com](mailto:bmohr@tbei.com)

Re: Compliance Agreement and Final Order  
Truck Bodies and Equipment International, Inc.  
Docket No: **RCRA-05-2021-0031**

Dear Mr. Mohr:

Attached please find a copy of the signed, full executed Compliance Agreement and Final Order in resolution of the above case. The original was filed with the Regional Hearing Clerk on May 8, 2021.

Please pay the civil penalty in the amount of \$22,942 in the manner described in paragraph 47 of the CAFO, and reference all checks with the docket number RCRA-05-2021-0031. The payment is due within 30 calendar days of the effective date of the CAFO.

Thank you for your payment and for your cooperation in resolving this matter.

Sincerely,  
MICHAEL  
CUNNINGHAM  
M  
Michael Cunningham, Chief  
RCRA Compliance Section 1

Digitally signed by  
MICHAEL  
CUNNINGHAM  
Date: 2021.06.01  
09:22:06 -05'00'

Attachment

cc: Mr. John Elling, MPCA ([john.elling@state.mn.us](mailto:john.elling@state.mn.us))

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. RCRA-05-2021-0031</b>
	)	
<b>Truck Bodies &amp; Equipment International, Inc.</b>	)	<b>Consent Agreement and Final Order</b>
<b>Lake Crystal, Minnesota</b>	)	
	)	<b>Under Section 3008(a) of the Resource Conservation and Recovery Act,</b>
<b>U.S. EPA ID No.: MND050736248</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	
<b>Respondent.</b>	)	
<hr/>		

**Consent Agreement and Final Order**

**Preliminary Statement**

1. This 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 the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Truck Bodies & Equipment International, Inc., a corporation doing business in the State of Minnesota.

4. U.S. EPA provided notice of this action to the State of Minnesota pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 consent agreement and final order (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.

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

7. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

8. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

9. 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.

#### **Statutory and Regulatory Background**

10. Pursuant to Sections 3002–3005 of RCRA, 42 U.S.C. §§ 6922–6925, U.S. EPA 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.

11. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, U.S. 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.

12. Any violation of regulations promulgated pursuant to Subtitle C or 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.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Minnesota final authorization to administer a state hazardous

waste program in lieu of the federal government's base RCRA program effective February 11, 1985. Minnesota: Final Authorization of State Hazardous Waste Management Program, 49 Fed. Reg. 45874 (Nov. 21, 1984).

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

### **Factual Allegations**

15. Respondent was and is a "person" as defined by Minn. R. 7045.0020 Subpart 66 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

16. Respondent is an "owner" or "operator," as those terms are defined under Minn. R. 7045.0020 Subparts 64 and 62, respectively, of a facility located at 52182 Ember Road, Lake Crystal, Minnesota (Facility).

17. At all times relevant to this Complaint, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

18. Respondent's Facility is a "facility," as that term is defined under Minn. R. 7045.0020 Subpart 24.

19. Respondent's actions and processes at the Facility cause the production of "hazardous waste," as that term is defined under Minn. R. 7045.0020 Subpart 33.

20. Respondent is a "generator" of hazardous waste, as that term is defined Minn. R. 7045.0020 Subpart 31.

21. Since at least 2017, Respondent generated 1,000 kilograms or greater of hazardous waste in some calendar months (qualifying it as a "Large Quantity Generator"), which it shipped

off-site to a treatment, storage, or disposal facility within the United States.

22. On April 22, 2021, U.S. EPA sent to Respondent a Notice of Potential RCRA Violations and Opportunity for Settlement.

23. The Notice letter identified potential RCRA violations, and an option and timeline for resolution of the matter through a streamlined settlement process.

24. The goal of the streamlined settlement process is to quickly and efficiently assess and resolve the matter, bring the facility into compliance, and enter into an agreed upon CAFO.

25. Thereafter, Respondent engaged with U.S. EPA to expeditiously assess the matter and agree to the entry of this CAFO.

### **Alleged Violations**

#### **Count I: Notification of Change of Hazardous Waste Activity**

26. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

27. Pursuant to Minn. R. 7045.0206, a generator must determine the quantity of hazardous waste generated per month, so as to allow the generator to determine the applicability of the provisions of Minn. R. 7045.0205 – 7045.0305 that are dependent on quantity generated per month.

28. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators are required to file with an authorized State a notification (or if necessary a subsequent notification) including the types wastes handled and the type of hazardous waste activity (*e.g.*, change to Large Quantity Generator status).

29. Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), is implemented through EPA Form 8700-12 (OMB 2050-0024), which requires notification if, among other things, a generator's

hazardous waste activity changes to Large Quantity Generator status.

30. From at least 2014 to 2018, Respondent did not submit a notification of the change of the facility's type of hazardous waste activity to Large Quantity Generator status in relevant months, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

31. On July 26, 2018, Respondent filed EPA Form 8700-12 with the Minnesota Pollution Control Authority (MPCA), providing notification of the facility's change in hazardous waste activity to the status of Large Quantity Generator.

32. However, on September 19, 2018, Respondent notified the MPCA of the facility's change to status of Small Quantity Generator again.

33. From at least 2019 to present, Respondent did not submit a notification of the change of the facility's type of hazardous waste activity to Large Quantity Generator status in relevant months, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

### **Count II: Biennial Reporting**

34. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

35. Pursuant to Minn. R. 7045.0248 Subpart 1(B), a generator of more than 1,000 kilograms of hazardous waste must provide to the director or the director's designee the data necessary for the department to prepare and submit Minnesota's hazardous waste report as required. A biennial report is due by March 1 of each even-numbered year.

36. In some calendar months of 2017, Respondent generated 1,000 kilograms or greater of hazardous waste which it shipped off-site to a treatment, storage, or disposal facility.

37. Respondent did not prepare and submit a biennial report to MPCA by March 1, 2018 for the preceding calendar year (2017) in violation of Minn. R. 7045.0248 Subpart 1(B).

38. In some calendar months of 2019, Respondent generated 1,000 kilograms or greater of hazardous waste which it shipped off-site to a treatment, storage, or disposal facility.

39. Respondent did not prepare and submit a biennial report to the MPCA by March 1, 2020 for the preceding calendar year (2019) in violation of Minn. R. 7045.0248 Subpart 1(B).

**Compliance Order**

40. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Respondent is hereby ordered to comply with the following requirements as expeditiously as possible and no later than 30 days from the effective date of this CAFO.

41. Respondent shall file with the MPCA an updated Notification of RCRA Subtitle Activities (e.g. Site Identification Form 8700-12), including the types wastes handled and the type of hazardous waste activity (e.g., change to Large Quantity Generator status). This updated Notification may be filed along with the Biennial Hazardous Waste Reports.

42. Respondent shall file with the Minnesota Pollution Control Agency Biennial Hazardous Waste Reports covering the years 2017 and 2019.

43. Respondent shall submit the following certification to U.S. EPA that it has complied with the requirements in paragraphs 41–42, above:

I certify under the penalty of law that based on my review of all relevant information and documents, and inquiring of those individuals immediately responsible for providing all relevant information and documents, TBEI is in compliance with the requirements of this Compliance Order. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date \_\_\_\_\_ Signature and Title \_\_\_\_\_

44. If unable to certify compliance in paragraph 43, Respondent shall submit notification explaining why it is unable to comply, the actions it is taking to comply, and a

proposed date that it will comply.

45. Respondent shall submit all certifications and notifications required under the Compliance Order to:

Land Enforcement and Compliance Assurance Branch  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 5  
Or via email at [R5lecab@epa.gov](mailto:R5lecab@epa.gov)

Sheila Burrus (ECR-17J)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Or via email at [burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov)

#### **Civil Penalty Order**

46. 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 \$22,942. In determining the penalty amount, Complainant took into account the above Factual Allegations, the seriousness of the violations, any good faith efforts to comply with the applicable requirements, and other factors as justice may require. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

47. Within 30 days after the effective date of this CAFO, Respondent must pay a \$22,942 civil penalty for the RCRA violations by:

***For checks sent by regular U.S. Postal Service mail***, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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



The check must state Respondent's name and the docket number of this CAFO.

***For checks sent by express mail***, sending a cashier's or certified check, payable to

"Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must state Respondent's name and the docket number of this CAFO.

***For electronic funds transfer***, sending funds electronically, payable to "Treasurer,

United States of America," and to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

48. Respondent must send a notice of payment that states Respondent's name and the case docket number to U.S. EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Or via email at [whitehead.ladawn@epa.gov](mailto:whitehead.ladawn@epa.gov)

Land Enforcement and Compliance Assurance Branch  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 5  
Or via email at [R5lecab@epa.gov](mailto:R5lecab@epa.gov)

Sheila Burrus (ECR-17J)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Or via email at [burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov)

Sophie Grueterich  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Or via email at [grueterich.sophie@epa.gov](mailto:grueterich.sophie@epa.gov)

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

50. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

51. 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**

52. Respondent certifies that it is complying fully with the statutory and regulatory provisions alleged violated in this CAFO.

53. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [grueterich.sophie@epa.gov](mailto:grueterich.sophie@epa.gov) (for Complainant), and [bmohr@tbei.com](mailto:bmohr@tbei.com) (for Respondent).

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

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

56. Payment of the civil penalty does not affect Respondent's continuing obligation to comply with RCRA and other applicable federal, state, local laws or permits.

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

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

59. 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.

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

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


Truck Bodies & Equipment International, Inc., Respondent

5-20-2021  
Date

  
\_\_\_\_\_  
Brandon Mohr  
Safety and Human Resource Manager  
Truck Bodies & Equipment International, Inc.

United States Environmental Protection Agency, Complainant

\_\_\_\_\_  
Date

**MICHAEL  
HARRIS**  Digitally signed by  
MICHAEL HARRIS  
Date: 2021.06.07  
08:13:41 -05'00'

\_\_\_\_\_  
Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance  
Division

**In the Matter of:**  
**Truck Bodies & Equipment International, Inc.**  
**Docket No. RCRA-05-2021-0031**

**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.

ANN COYLE Digitally signed by ANN  
COYLE  
Date: 2021.06.07  
13:46:45 -05'00'

\_\_\_\_\_  
Date

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

Compliance Agreement and Final Order  
In the matter of: Truck Bodies and Equipment International, Inc.  
Docket Number: **RCRA-05-2021-0031**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Compliance Agreement and Final Order**, docket number **RCRA-05-2021-0031**, which was filed on **May 8, 2021**, in the following manner to the following addressees:

Copy by e-mail to Truck Bodies and Equipment International, Inc.

Respondent: Brandon Mohr  
Safety and Human Resource Manager  
[bmohr@tbei.com](mailto:bmohr@tbei.com)

Copy by e-mail to Sophie Grueterich  
Attorney for Complainant: [grueterich.sophie@epa.gov](mailto:grueterich.sophie@epa.gov)

Copy by e-mail to Sheila Burrus  
Technical Contact for [burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov)  
Complainant:

Copy by e-mail to Ann Coyle  
Regional Judicial Officer: [coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: \_\_\_\_\_

\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5