

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

Received by
EPA Region 7
Hearing Clerk

In the Matter of:)
)
SmithCo Manufacturing, Inc.,)
) **Docket No. RCRA-07-2023-0083**
 Respondent)
)
)
_____)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and SmithCo Manufacturing, Inc. (“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).

ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Section 3008(a) 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 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 Sections 3002, 3005, and 3007 of RCRA, 42 U.S.C §§ 6922, 6925 and 6927, and the standards for identification and listing of hazardous waste (40 C.F.R. Part 261 and 262.11), and the standards applicable to generators of hazardous waste (40 C.F.R. § 262).

Parties

3. Complainant is the Chief of the Chemical Branch, Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is SmithCo Manufacturing, Inc., a corporation authorized to operate under the laws of Iowa.

Statutory and Regulatory Framework

5. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

6. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, 3005, and 3007 of RCRA, 42 U.S.C. §§ 6921, 6922, 6927, and 6930, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Parts 261 and 262.

7. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

8. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

9. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

10. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

11. The regulation at 40 C.F.R. § 260.10 defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to

reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

12. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

13. The regulation at 40 C.F.R. § 260.10 defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

14. The regulation at 40 C.F.R. § 260.10 defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

15. “Solid waste” is defined at 40 C.F.R § 261.2.

16. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

17. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

18. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

19. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the 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.

20. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$117,468 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 6, 2023. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to

comply with applicable requirements. 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), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), 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

21. Respondent is a corporation 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).

22. Respondent owns and operates a facility located at 30902 C-38, LeMars, Iowa 51031. Respondent manufactures side dump trailers. Respondent employs approximately 130 people.

23. At the time of the inspection, Respondent had notified as a federal Very Small Quantity Generator (VSQG) of hazardous waste.

24. On or about July 26, 2022, Eastern Research Group inspectors acting on behalf of EPA conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a generator of used oil, and a Small Quantity Handler of universal waste.

25. At the time of the inspection, the following wastes, among others, were present. These are solid and hazardous wastes as defined at 40 C.F.R. § 261.2 and 261.3:

- a. 55-gallon containers of still bottoms generated by two 20-gallon solvent reclamation stills. Still bottoms are F003, F005, and D035 listed hazardous wastes;
- b. Waste paints, coatings, and solvent waste, which are D001, D007, D008, D035, F003, and F005 listed hazardous wastes;
- c. A 55-gallon container of aerosol can residuals, which are D001 and D039 listed hazardous wastes.

26. At the time of the inspection, eleven additional waste streams were present. The inspector determined that these waste streams were either nonhazardous, excluded, or exempted.

Violations

27. 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 Determinations

28. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 26 above, as if fully set forth herein.

29. 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.

30. At the time of the inspection, it was determined that Respondent was generating at least 14 solid waste streams, including aerosol can residuals.

31. At the time of the inspection, Respondent had not conducted hazardous waste determinations on the aerosol can residuals waste stream described in the immediately preceding paragraph.

32. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams 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

33. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 26 above, as if fully set forth herein.

34. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

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

Generator Requirements

36. The regulation at 40 C.F.R. § 262.17(a) states that a large quantity generator may accumulate hazardous waste on-site for no more than ninety (90) days without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270, or the notification requirements of sections 3010 of RCRA provided all the conditions for exemption set forth at 40 C.F.R. § 262.17 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:

Inspections

37. The regulation at 40 C.F.R. § 262.17(a)(1)(v) states that the LQG must conduct weekly inspections of its central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

38. At the time of the inspection, the facility did not have a CAA and did not conduct inspections in the staging area where more than 55 gallons of hazardous waste are accumulated.

Emergency Procedures

39. The regulation at 40 C.F.R. § 262.17(a)(6) states that the LQG must comply with the standards in subpart M of this part, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators. The following subpart M standards were not met:

Emergency Procedures: Required equipment

40. Pursuant to 40 C.F.R. § 262.252, all areas where hazardous waste is generated or accumulated on site must be equipped with the following items: a) an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; b) a device, such as a telephone or hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; c) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and d) water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

41. At the time of the inspection, the following required equipment was not present at Respondent's facility: a spill kit at the north paint shop.

Emergency Procedures: Access to communications or alarm system

42. Pursuant to 40 C.F.R. § 262.254(a), whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee unless such a device is not required under 40 C.F.R. § 262.252.

43. Pursuant to 40 C.F.R. § 262.254(a), in the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under § 262.252.

44. At the time of the inspection, facility personnel used walkie-talkies for communication, but they were not allowed in the paint kitchen when transferring spent solvent to the solvent stills. Further, facility personnel could transfer spent solvent when there is only one employee on-site.

Emergency Procedures: Arrangements with local authorities

45. Pursuant to 40 C.F.R. § 262.256(a), the LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility.

46. At the time of the inspection, Respondent had not made arrangements with the local emergency responders.

Emergency Procedures: Purpose and implementation of contingency plan

47. Pursuant to 40 C.F.R. § 262.260(a), the LQG must have a contingency plan for the facility and the contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

48. Pursuant to 40 C.F.R. § 262.60(b), the provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

49. At the time of the inspection, Respondent did not have a contingency plan.

Personnel Training: Program of instruction

50. Pursuant to 40 C.F.R. § 262.17(a)(7)(i)(A), facility personal must successfully complete a program of instruction that teaches the personnel to perform their duties in a way that ensures compliance with this part.

51. The program of instruction must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. 40 C.F.R. § 262.17(a)(7)(i)(B).

52. The program of instruction must be designed to ensure that facility personnel are able to respond effectively to emergency by familiarizing them with emergency procedures, emergency equipment, and emergency systems. 40 C.F.R. § 262.17(a)(7)(i)(C).

53. Facility personnel must successfully complete the program of instruction within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. 40 C.F.R. § 262.17(a)(7)(ii).

54. Facility personnel must take part in an annual review of the initial training required in 40 C.F.R. § 262.17(a)(7)(i).

55. At the time of the inspection, five employees had signed hazardous waste manifests without receiving appropriate training. The training Respondent offered was only designed to meet the requirements of Hazard Communication Standard 29 CFR 1910.1200(h), requiring employers to provide information and training to their employees about the hazardous chemicals to which they may be exposed at the time of their initial assignment and whenever a new hazard is introduced into their work area.

Satellite Accumulation

56. The regulation at 40 C.F.R. § 262.15(a) states that an LQG may accumulate as much as fifty-five (55) gallons of non-acute hazardous waste or either one quart of liquid acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter or 1 kg (2.2 lbs) of solid acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter in containers at or near any point of generation where wastes are initially accumulated which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption in this section are met. The Respondent failed to comply with the following conditions for exemption for satellite accumulation:

Container not closed

57. The regulation at 40 C.F.R. § 261.15(a)(4) states that a container holding hazardous waste must be closed at all times during accumulation except when adding, removing, or consolidating waste.

58. At the time of the inspection, the inspector observed the following satellite accumulation containers that were open: a 30-gallon container where employees place aerosol cans that need to be punctured, which held approximately thirteen aerosol cans and was not closed.

Containers must be marked or labeled

59. The regulation at 40 C.F.R. § 261.15(a)(5) states that a generator must mark or label its container with the words “Hazardous Waste” and with an indication of the hazards of the contents (i.e. ignitable, corrosive, reactive, toxic).

60. At the time of the inspection, the inspector observed the following satellite accumulation containers that were not properly marked or labeled:

- a. A 55-gallon container of still bottoms in the paint kitchen;
- b. A 30-gallon container where employees place aerosol cans that need to be punctured; and
- c. A solvent recovery container at the two paint lines in the north paint shop.

61. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 36 through 60 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 Notify and Report to EPA

62. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 26 above, as if fully set forth herein.

Failure to submit biennial report and notify EPA

63. The regulation at 40 C.F.R. § 262.41(a) requires any generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States to complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year. That form must cover generator activities during the previous year.

64. The regulation at 40 C.F.R. § 262.18(d)(2) requires large quantity generators to re-notify EPA by March 1 of each even-numbered year after 2021 using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report required under 40 C.F.R. § 262.41.

65. Respondent did not prepare a biennial report and did not renotify EPA of its hazardous waste activity.

66. Respondent's failure to submit EPA Form 8700-12 and EPA Form 8700-13 A/B by March 1, 2022, is a violation of 40 C.F.R. §§ 262.41(a) and 262.18(d)(2).

Failure to submit exception report to EPA

67. The regulation at 40 C.F.R. § 262.42(a)(2) requires a generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31 or § 261.33(e) in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

68. More than a dozen manifests reviewed by the inspector did not have signed copies from the destination facility within 45 days of being accepted by the transporter.

69. Failure to submit an exception report having not received a signed copy of a manifest within 45 days of being accepted from the initial transporter is a violation of 40 C.F.R. § 262.42(a)(2).

CONSENT AGREEMENT

70. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),
Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) admits to the facts stipulated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

71. 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 specified herein, performance of the compliance actions described below, and to completion of the SEP described below.

72. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

73. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

74. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *djacobs@sidedump.com*.

Penalty Payment

75. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of One Hundred Eighteen Thousand Dollars (\$118,000), as set forth below.

76. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

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

Effect of Settlement and Reservation of Rights

77. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

78. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

79. Respondent certifies by the signing of this Consent Agreement and Final Order that it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

80. Full payment of the penalty proposed in this Consent Agreement 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 Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

81. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions 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 Seventy Thousand Seven Hundred Fifty-Two Dollars (\$70,752) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

82. 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.

83. 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 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.

84. Nothing contained in 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.

General Provisions

85. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

86. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing 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.

87. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

88. 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.

89. 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.

90. 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Natasha Goss
Office of Regional Counsel

RESPONDENT:

SmithCo Manufacturing, Inc.

7/17/23
Date

Scott Lovell
Signature

Scott Lovell
Printed Name

President and CEO
Title

FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Natasha Goss
Office of Regional Counsel
goss.natasha@epa.gov

Stephen Pollard
Enforcement and Compliance Assurance Division
pollard.stephen@epa.gov

Copy via Email to Respondent:

David Jacobs
Director of Manufacturing
SmithCo Manufacturing, Inc.
30902 C38
Le Mars, IA 51031
djacobs@sidedump.com.

Copy via Email to the State of Iowa:

Ed Tormey, Acting Administrator (e-copy)
Environmental Services Division
Iowa Department of Natural Resources
ed.tormey@dnr.iowa.gov

Mike Sullivan, Chief (e-copy)
Contaminated Sites Section
Iowa Department of Natural Resources
michael.sullivan@dnr.iowa.gov

Dated this _____ day of _____, _____.

Signed