



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 3 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glenn Goering
Sr. Vice President of Manufacturing
Master Packaging, Inc.
6932 S Manhattan Avenue
Tampa, Florida 33616

SUBJ: Master Packaging, Inc.
EPA ID Number: FLD 982 106 429
Consent Agreement and Final Order
Docket No. RCRA-04-2010-4001(b)

Dear Mr. Goering:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties pursuant to section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Sections V and VI of the CAFO established the terms of the agreement and the penalty payment schedule, respectively. Please ensure that the face of your cashier's or certified check includes the name of the company and the docket number of this case. Penalty payment questions should be directed to Ms. Lori Weidner either by telephone at (513) 487-2125 or by written correspondence to her attention at U.S. Environmental Protection Agency (EPA), Cincinnati Accounting Operations address identified in the CAFO.

Should you have any questions about this matter or your compliance status in the future, please feel free to contact me at (404) 562-8976 or Javier Garcia at (404) 562-8616.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Y. F. Robinson".

Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) Docket Number: RCRA-04-2010-400 (b)
)
Master Packaging, Inc.) Proceeding under Section 3008(a) of the
6932 S Manhattan Avenue) Resource Conservation and
Tampa, Florida 33616) Recovery Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: FLD 982 106 429)
)
Respondent)
_____)

2010M12-3 PM 3:21
EPA REGION 4
ADMINISTRATIVE

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, et seq., and the Florida Statutes (F. S.), Part IV Resource Recovery and Management, Section 403-701 et seq. (LEXIS 2006). This action is seeking injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270; and Sections 403-702 et seq. F.S., and regulations promulgated pursuant thereto and set forth at Chapters 62-730 et seq., Florida Administrative Code Annotated Rules (F.A.C.).
2. *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, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CAFO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law, and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CAFO, and Respondent hereby agrees to comply with the terms of this CAFO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is Master Packaging, Inc. (Respondent), a corporation incorporated under the laws of the State of Florida. Respondent operates a facility located at 6932 South Manhattan Avenue, Tampa, Florida (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on February 12, 1985, the State of Florida (the State) received final authorization from EPA to carry out certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in Sections 403.702 et seq., F.S., and Chapters 62-730 et seq., F.A.C.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states upon their federal effective date regardless of the State's authorization status. On November 17, 2000, the State received authorization under HSWA.
8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, in November 2000, the State received final authorization from EPA to carry out the organic air emission standards program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in § 403.702 et seq., and Chapters 62-730 et seq., F.A.C.
9. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), sets forth standards applicable to generators of hazardous waste. The implementing regulations for generators of hazardous wastes requirement are found in 40 C.F.R. Part 262 (Rule 62-730.160, F.A.C.).
10. Pursuant to 40 C.F.R. § 261.20, and Rule 62-730.030, F.A.C., a solid waste that exhibits any of the characteristics identified in 40 C.F.R. §§ 261.21 through 261.24, is a characteristic hazardous waste.
11. Pursuant to 40 C.F.R. § 261.30, and Rule 62-730.030, F.A.C., a solid waste that is listed in Subpart D of 40 C.F.R. Part 260, is a listed hazardous waste.
12. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii) and Rule 62-730.160, F.A.C., a generator may accumulate hazardous waste in a tank, without a permit or interim status, provided that the generator complies with, among other things, the applicable requirements of 40 C.F.R. Part 265, Subparts J, AA, BB and CC, and Rule 62-730.160, F.A.C.
13. Pursuant to 40 C.F.R. § 265.1083, as adopted by reference in Rule 62-730.160(1), F.A.C., the owner or operator of a tank system for which all hazardous waste entering the unit has an average concentration greater than 500 parts per million by weight is subject to the standards specified in § 265.1085 through § 265.1088.
14. 40 C.F.R. § 265.1050(b), as adopted by reference in Rule 62-730.160(1), F.A.C., provides that the requirements of 40 C.F.R. Part 265, Subpart BB, apply to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight for more than 300 hours per calendar year that are managed in

a unit subject to the permitting requirements of 40 C.F.R. Part 270, or a unit that is not exempt from permitting under the provisions of 40 C.F.R. § 262.34(a) or § 261.6.

15. Pursuant to 40 C.F.R. § 265.1063(d), as adopted by reference in Rule 62-730.160(1), F.A.C., the owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using one of the specified methods.
16. 40 C.F.R. § 265.1064(b), as adopted by reference in Rule 62-730.160(1), F.A.C., requires that for each piece of equipment to which 40 C.F.R. Part 265, Subpart BB applies, the owner or operator must record the following information in the facility operating record: (i) Equipment identification number and hazardous waste management unit identification; (ii) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan); (iii) Type of equipment; (iv) Percent-by-weight total organics; (v) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and (vi) Method of compliance with the standard (e.g., monthly leak detection and repair or equipped with dual mechanical seals).
17. Pursuant to 40 C.F.R. § 264.1031, as adopted by reference in Rule 62-730.020, F.A.C., “in light liquid service” means that a piece of equipment contains or contacts a hazardous waste stream in which the vapor pressure of one or more of the organic components is greater than 0.3 kilopascals (kPa) at 20° Celsius (C), the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.
18. 40 C.F.R. § 265.1050(c), as adopted by reference in Rule 62-730.160(1), F.A.C., requires that the owner or operator marks each piece of equipment to which Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment.
19. 40 C.F.R. § 265.1052(a)(1), as adopted by reference in Rule 62-730.160(1), F.A.C., requires that each pump “in light liquid service” be monitored monthly to detect leaks using the methods and procedures specified in 40 C.F.R. § 265.1063(b).
20. 40 C.F.R. § 265.1052(a)(2), as adopted by reference in Rule 62-730.160(1), F.A.C., requires that the seals of each pump in light liquid service be checked by visual inspection each calendar week for indications of liquids dripping.
21. 40 C.F.R. § 265.1057, as adopted by reference in 62-730.160(1), F.A.C., requires that each valve in light liquid service be monitored monthly to detect leaks by the methods and procedures specified in 40 C.F.R. § 265.1063(b).
22. Pursuant to 40 C.F.R. § 262.34(c)(1)(i), as adopted by reference in Rule 62-730.160(1), F.A.C., a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation without a permit or interim status provided among other requirements, the generator keeps the container closed as required in 40 C.F.R. § 265.173(a), as adopted by reference in Rule 62-730.181(1), F.A.C.

23. Pursuant to 40 C.F.R. § 262.34(a)(1)(ii), as adopted by reference in Rule 62-730.160(1), F.A.C., a generator may accumulate hazardous waste in tanks for ninety (90) days or less without a permit or interim status, provided the generator complies with all applicable requirements in 40 C.F.R. Part 265, Subparts J, BB and CC, as adopted by reference in Rule 62-730.181(1), F.A.C.
24. Pursuant to 40 CFR §§ 273.30 and 273.38(a), as adopted by reference in Rule 62-710, F.A.C., a large quantity handler of universal waste must send or take universal waste to a designated universal waste handler or a destination facility as defined in 40 C.F.R. § 273.9.
25. Although EPA has granted the State authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by EPA in the manner set forth in the Memorandum of Agreement between EPA and the State.
26. For purposes of this CAFO, citations herein to the requirements of RCRA shall constitute a citation to the equivalent requirements of the Florida Statutes and citations herein to the requirements of 40 C.F.R. Parts 124, and 260 through 270, shall constitute a citation to the equivalent requirements of the F.A.C.
27. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.

IV. EPA ALLEGATIONS AND DETERMINATIONS

28. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and Section 403.031(1), F.S., as adopted by reference in Rule 62-730.020, F.A.C.
29. Respondent is the owner and operator of a "facility" located at 6932 South Manhattan Avenue, Tampa, Florida, as those terms are defined in 40 C.F.R. § 260.10, as adopted by reference in Rule 62-730.020, F.A.C.
30. At the facility, Respondent conducts surface printing on a variety of base materials primarily for use in the food and grocery industry.
31. As part of its operation, Respondent uses three ink presses.
32. Respondent uses a solvent to clean the printing press decks between product runs.
33. The spent solvent from the printing presses exhibits the characteristic of ignitability.
34. Pursuant to 40 C.F.R. § 261.21, a solid waste that exhibits the characteristic of ignitability is a hazardous waste with the EPA Hazardous Waste Number of D001. The spent solvent is therefore D001.
35. Respondent manages the presses' spent solvent in a tank system.

36. Respondent's hazardous waste tank system consists of:
 - a. One 6,000 gallon above ground storage tank,
 - b. One metal sump in the ink room,
 - c. The metal pipeline which transfers hazardous waste from Press #5 to the 6,000-gallon storage tank,
 - d. The metal pipeline which transfers hazardous waste from the 6,000-gallon storage tank to the solvent distillation unit feed tank; and
 - e. The solvent distillation unit feed tank.
37. Respondent generates still bottoms that exhibit the characteristic of ignitability from the operation of its spent solvent distillation unit, and is therefore D001.
38. Respondent generates an ink waste stream from its ink mixing and transfer activities that exhibit the characteristic ignitability, and is therefore D001.
39. The spent solvent from the presses has an average volatile organic concentration greater than 500 parts per million. Therefore, the 6,000-gallon tank, the metal sump and distillation unit feed tank are subject to the requirements in 40 C.F.R. §§ 265.1083-1085, and 40 C.F.R. §§ 265.1088-1090, as adopted by reference in Rule 62-730.160(1), F.A.C.
40. The spent solvent from the presses has an organic concentration greater than 10 percent. Therefore, the tank system pipeline is subject to the requirements in 40 C.F.R. §§ 265.1050-1064, as adopted by reference in Rule 62-730.160(1), F.A.C.
41. Over 20 percent of the organic components in the spent solvent from the presses have a vapor pressure greater than 0.3 kPa at 20° C. Therefore, Respondent's hazardous waste tank system operates "in light liquid" service conditions and is subject to 40 C.F.R. § 264.1031, and Rule 62-730.020, F.A.C.
42. On February 21, 2008, representatives of the EPA and the Florida Department of Environmental Protection (FDEP) performed a RCRA compliance evaluation inspection (CEI) of the Facility.
43. On December 18, 2008, in response to an information request submitted by EPA pursuant to Section 3007 of RCRA, Respondent informed EPA that the total organic concentration of volatile compounds in its waste streams was determined to be greater than 10 percent.
44. During the CEI, EPA and FDEP representatives noted that Respondent did not have an air emission monitoring program for the hazardous waste tank system, as required in 40 C.F.R. Part 265, Subpart BB. Specifically, Respondent failed to:
 - a. Determine whether the spent solvent managed in the tank system has an organic concentration that equals or exceeds 10 percent by weight;
 - b. Mark each piece of equipment to which Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment;
 - c. Keep a facility operating record that includes: (i) Equipment identification number and hazardous waste management unit identification; (ii) Approximate locations within the facility; (iii) Type of equipment; (iv) Percent-by-weight total organics;

- (v) Hazardous waste state at the equipment; and (vi) Method of compliance with the standard;
 - d. Perform monthly leak detection monitoring and weekly visual inspection of the pumps; and
 - e. Perform monthly leak detection monitoring of the valves.
45. At the time of the CEI, Respondent had not determined whether the spent solvent managed in the tank system had an organic concentration that was equal to or exceeded 10 percent by weight using one of the methods specified in 40 C.F.R. § 265.1063(d).
 46. Complainant alleges that Respondent failed to determine whether the spent solvent managed in the tank system has an organic concentration that equals or exceeds 10 percent by weight. Therefore, Respondent was in violation of 40 C.F.R. § 265.1063(d), as incorporated by 40 C.F.R. § 262.34(a)(1)(i), and as adopted by reference in Rule 62-730.160(1), F.A.C.
 47. Complainant alleges that Respondent failed to mark each piece of equipment to which 40 C.F.R. Subpart BB applies in such a manner that it can be distinguished readily from other pieces of equipment, as referenced in paragraph 44. Therefore, Respondent was in violation of 40 C.F.R. § 265.1050(c), as adopted by reference in Rule 62-730.160(1), F.A.C.
 48. Complainant alleges that Respondent failed to conduct monthly monitoring to detect leaks, using the methods and procedures specified in 40 C.F.R. § 265.1063(b), for all pump in light liquid service, as referenced in paragraph 44. Therefore, Respondent was in violation of 40 C.F.R. § 265.1052(a)(1), as adopted by reference in Rule 62-730.160(1), F.A.C.
 49. Complainant alleges that Respondent failed to conduct weekly visual inspections of the seals of each pump in light liquid service, as referenced in paragraph 44. Therefore, Respondent was in violation of 40 C.F.R. § 265.1052(a)(2), as adopted by reference in Rule 62-730.160(1), F.A.C.
 50. Complainant alleges that Respondent failed to conduct monthly monitoring to detect leaks, using the methods and procedures specified in 40 C.F.R. § 265.1063(b), for all valves in light liquid service, as referenced in paragraph 44. Therefore, Respondent was in violation of 40 C.F.R. § 265.1057, as adopted by reference in Rule 62-730.160(1), F.A.C.
 51. Complainant alleges that for each piece of equipment subject to 40 C.F.R. Part 265, Subpart BB, Respondent failed to maintain the facility's operating record with the information required in 40 C.F.R. § 265.1064(b), and listed above in paragraph 16. Therefore, Respondent was in violation of 40 C.F.R. § 265.1064(b), as adopted by reference in Rule 62-730.160(1), F.A.C.
 52. At the time of the CEI, the 6,000 gallons hazardous waste storage tank had an opening and was not properly secured in the closed position. The cover was not properly secured because it only had one of the sixteen screws that were required.

53. Complainant alleges that Respondent failed to properly secure the tank's opening cover in a manner that there is no visible cracks, holes or gaps. Therefore the Respondent was in violation of 40 C.F.R. § 265.1085(c)(3), as adopted by reference in Rule 62-730.160(1), F.A.C.
54. At the time of the CEI, Respondent had a 55-gallon container below the distillation unit with still bottoms that was not properly closed at a time when no waste was been added or removed.
55. Complainant alleges that Respondent was in violation of 40 C.F.R. § 265.173(a), as adopted by reference in Rule 62-730.160(1), F.A.C., for failing to keep a hazardous waste container closed except when it is necessary to add or remove waste.
56. At the time of the CEI, Respondent was accumulating ink waste in a container that was not labeled or properly closed.
57. Complainant alleges that Respondent was in violation of 40 C.F.R. § 265.173(a), as adopted by reference in Rule 62-730.160(1), F.A.C., for failing to keep a hazardous waste container closed except when it is necessary to add or remove waste.
58. Complainant alleges that Respondent was in violation of 40 C.F.R. § 262.34(c)(1)(ii), as adopted by reference in Rule 62-730.160(1), F.A.C., for failing to mark the ink waste container with the words "Hazardous Waste" or with other words that identify the contents on the container.
59. At the time of the CEI, Respondent had not updated its contingency plan to account for changes at the facility operations. Specifically, Respondent had not updated the maps in the plan showing the location of the distillation unit.
60. Complainant alleges that Respondent was in violation of 40 C.F.R. § 265.54(c), as adopted by reference in Rule 62-730.181(1), F.A.C., for failing to update the contingency plan to account for changes at the facility's operations, described above in paragraph 59.
61. Complainant alleges that as a result of the violations asserted in the preceding paragraphs, Respondent failed to satisfy some of the conditions for maintaining its exemption from the requirement to have a permit or interim status, as required in Section 3005 of RCRA, and 40 C.F.R. § 262.34(a)(1)(ii), and adopted by reference in Rule 62-730.160(1), F.A.C. Therefore, Respondent was storing hazardous without a permit or interim status in violation of Section 3005 of RCRA and Fla Stat. Sections 403-722, et seq.
62. At the time of the CEI, Respondent was storing un-containerized spent fluorescent lamps in the Machine Room.
63. Complainant alleges that Respondent was in violation of 40 C.F.R. §§ 273.13(d)(1) and 273.14(e), as adopted by reference in Rule 62-710.210, F.A.C., by failing to store spent fluorescent lamps in labeled containers.

V. TERMS OF AGREEMENT

Based on the foregoing Allegations and Determinations, the parties agree to the following:

64. Within thirty (30) calendar days of receipt of the executed copy of this CAFO, Respondent shall submit to EPA and FDEP a certification signed by a responsible corporate representative stating that the facility is in compliance with all applicable requirements in 40 C.F.R. Part 265, Subpart BB, as adopted by reference in Rule 62-730.160(1), F.A.C. , and that all other violations of RCRA have been corrected.

This certification shall be as follows:

"I certify under penalty of law, to the best of my knowledge and belief that, upon Respondent's full implementation of the actions required in this CAFO, Master Packaging, Inc., located at 6932 South Manhattan Avenue, Tampa, Florida, which was the subject of Consent Agreement and Final Order, Docket No. RCRA-04-2010-4001(b) (CAFO) is in compliance with all applicable requirements in 40 C.F.R. Part 265, Subpart BB, as adopted by reference in Rule 62-730.160(1), F.A.C, and that any other violations of RCRA have been corrected.

All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

65. The certifications required to be submitted under this CAFO shall be mailed to:

Larry L. Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and to:

Tim Bahr, Administrator, Hazardous Waste Programs
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

66. For the purpose of this CAFO, Respondent admits the jurisdictional allegations set out above.
67. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent neither admits nor denies the factual allegations contained in this CAFO.

68. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent waives its right to contest the allegations contained herein, and its right to appeal this CAFO.
69. Respondent waives its right to challenge the validity of this CAFO and the settlement of the violations alleged herein, on the basis of any issue related to the Paperwork Reduction Act.
70. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CAFO.
71. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of RCRA.
72. The parties agree that they will pay their own costs and attorney's fees.
73. The parties agree that compliance with the terms of this CAFO shall resolve the alleged violations of RCRA in this CAFO.

VI. CIVIL PENALTY

74. Respondent consents to the payment of a civil penalty in the amount of Twenty-Four Thousand Two Hundred Seventy Six Dollars (\$24,276), plus interest of Five Hundred Eighty Dollars and Sixty-Three Cents (\$580.63) which is to be paid in accordance with the following schedule:

Payment Due Date	Payment Amount
March 15, 2010	\$1,380.92
April 15, 2010	\$1,380.92
May 15, 2010	\$1,380.92
June 15, 2010	\$1,380.92
July 15, 2010	\$1,380.92
August 15, 2010	\$1,380.92
September 15, 2010	\$1,380.92
October 15, 2010	\$1,380.92
November 15, 2010	\$1,380.92
December 15, 2010	\$1,380.92
January 15, 2011	\$1,380.92
February 15, 2011	\$1,380.92
March 15, 2011	\$1,380.92
April 15, 2011	\$1,380.92
May 15, 2011	\$1,380.92
June 15, 2011	\$1,380.92
July 15, 2011	\$1,380.92
August 15, 2011	\$1,380.92

If Respondent fails to make a scheduled payment for 30 days after the due date, all subsequent payments become immediately due and payable on the 31st day from such due date.

75. Payments shall be made by cashier's check, certified check, or other payment acceptable to EPA, payable to: **Treasurer, United States of America**. The facility name and the docket number for this matter shall be referenced on the face of each check. Payments shall be tendered to:

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

If the Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

If paying by EFT, the Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, the Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

Respondent shall submit a copy of each payment to the following addressees:

Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

and to:

Larry L. Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

76. If Respondent fails to remit the civil penalty as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore, begin to accrue on the civil penalty if not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest - Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - b. Monthly Handling Charge - Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.
 - c. Non-Payment Penalty - On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
77. Penalties paid pursuant to this CAFO are not deductible for federal purposes under 28 U.S.C. § 162(f).

VII. PARTIES BOUND

78. This CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, and agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CAFO.

79. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CAFO.
80. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to this CAFO.

VIII. RESERVATION OF RIGHTS

81. 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 CAFO. Respondent reserves the right to raise any and all applicable defenses to any enforcement action for alleged future violations of RCRA. If Respondent is charged with violation of this CAFO, Respondent does not waive its right to prove compliance with the terms of this CAFO.
82. Except as expressly provided herein, nothing in this CAFO 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 CAFO, 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 or the environment.
84. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.
85. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.
86. The provisions of this CAFO shall be deemed satisfied upon Respondent's full implementation of the actions required in this CAFO.

IX. OTHER APPLICABLE LAWS

87. All actions required to be taken pursuant to this CAFO shall be undertaken in accordance with the requirements of all applicable local, state and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

88. A copy of any legal documents that Respondent files in this action should be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Marlene Tucker, Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

89. A copy of any documents that Complainant files in this action shall be sent to the following person who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Glenn Goering
Director of Operations
Master Packaging, Inc.
6932 South Manhattan Avenue
Tampa, Florida 33616-1829

XI. SEVERABILITY

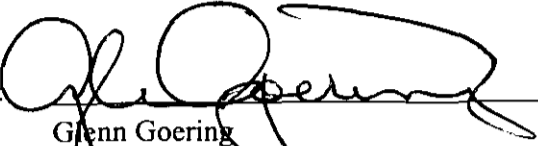
90. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

XII. EFFECTIVE DATE

91. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

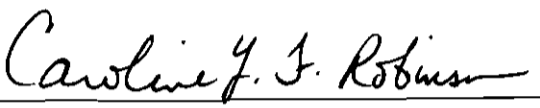
AGREED AND CONSENTED TO:

Master Packaging, Inc.

By: 
Glenn Goering
Director of Operations

Dated: 1-28-10

U.S. Environmental Protection Agency

By: 
Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated: 2/24/2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) Docket Number: RCRA-04-2010-4001(b)
)
Master Packaging, Inc.) Proceeding under Section 3008(a) of the
6932 S. Manhattan Avenue) Resource Conservation and
Tampa, Florida 33616) Recovery Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: FLD 982 106 429)
)
Respondent)
_____)

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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 Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 2ND day of March, 2010.

BY: J. Stt Gh
A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CAFO), in the Matter of Master Packaging, Inc., Docket Number: RCRA-04-2010-4001(b), on the parties listed below in the manner indicated:

Marlene Tucker,
OEA – 13th Floor
U.S. EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

(Via EPA's internal mail)

Javier García,
RCRA Division – 10th Floor
U.S. EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8690

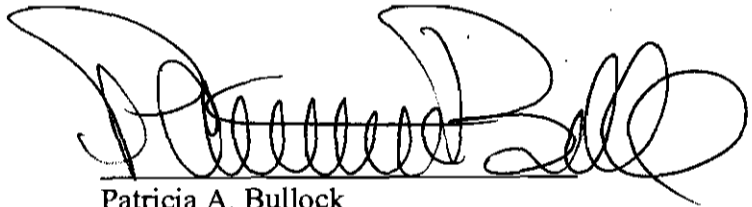
(Via EPA's internal mail)

Glenn Goering
Director of Operations
Master Packaging, Inc.
6932 South Manhattan Avenue
Tampa, Florida 33616-1829

(Via Certified Mail- Return Receipt Requested)

Date

2-3-10



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303