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

In the Matter of:	)	
	)	
Scranton Manufacturing Company, Inc., Scranton, Iowa	)	**Docket No.** RCRA-07-2024-0134
	)	
	)	
Respondent	)	
	)	

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 ("Complainant") and Scranton Manufacturing Company, 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.

Parties

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

3. Respondent is Scranton Manufacturing Company, Inc., a corporation organized and authorized to operate under the laws of the State of Iowa.

Statutory and Regulatory Framework

4. 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.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924 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. Part 262 through 273.

6. 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.

7. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. 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.

9. 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).

10. 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.

11. 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.

12. 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 constitute thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

13. "Solid waste" is defined at 40 C.F.R § 261.2.

14. "Hazardous waste" is defined at 40 C.F.R. § 261.3.

15. 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.

16. The regulation at 40 C.F.R. § 260.10 defines "small quantity generator" as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.

17. 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).

18. 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.

19. 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 $121,275 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 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

20. Respondent is a corporation and 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).

21. Respondent owns and operates a 165,000 square foot facility located at 101 State Street, Scranton, Iowa 51462 (the "Facility"). Respondent manufactures custom refuse trucks and large solid waste compactors at the Facility. Respondent employs approximately 130 people.

22. On or about June 3, 2021, Respondent notified to EPA of its regulated waste activity as a Large Quantity Generator (LQG) and obtained the following RCRA ID number: IAD984589895.

23. On or about August 16, 2023, 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, it was determined that Respondent was operating, at the time of the inspection, as a LQG of hazardous waste, a small quantity handler of universal waste, and a used oil generator.

24. 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. Still bottoms (D001 characteristic hazardous waste and F003 and F005 listed hazardous waste);
b. Waste paint related material (WPRM) (D001 characteristic hazardous waste and F003 and F005 listed hazardous waste);
c. Waste solvent/paint rags (D001 characteristic hazardous waste and F003 and F005 listed hazardous waste); and
d. Spent aerosol cans (D001 characteristic hazardous waste).

25. At the time of the inspection, the Facility was generating used oil, storing them in used oil storage tanks, and burning the used oil in space heaters.

26. At the time of the inspection, the Facility was generating and managing spent batteries as universal waste under 40 C.F.R. Part 273.

Violations

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

Count 1

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

28. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 27 above, as if fully set forth herein.

29. 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.

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

Generator Requirements

31. 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:

Accumulation of hazardous waste longer than 90 days

32. An LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in § 262.17(b) through (e).

33. At the time of the inspection, no accumulation extensions or exemptions were in effect.

34. At the time of the inspection, the inspector observed a 55-gallon container of still bottoms in the hazardous waste accumulation area located on the north side of the Facility with an accumulation start date greater than 90 days.

Hazardous waste containers not closed

35. The regulation at 40 C.F.R. § 262.17(a)(1)(iv)(A) states that a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

36. At the time of the inspection, the inspector observed an open 55-gallon container of still bottoms and an open 55-gallon container of WPRM in the paint kitchen hazardous waste accumulation area.

Weekly hazardous waste inspections not satisfactory

37. The regulation at 40 C.F.R. § 262.17(a)(1)(v) states that, at least weekly, the LQG must inspect 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 inspector determined that the Facility's personnel had failed to conduct adequate weekly inspections of hazardous waste containers in the hazardous waste accumulation area located on the north side of the Facility to ensure compliance with the regulatory exemptions under 40 C.F.R. § 262.17.

Labeling and marking of containers

39. The regulation at 40 C.F.R. § 262.17(a)(5) states that a LQG must mark or label its containers with words:

a. "Hazardous Waste";
b. An indication of the hazards of the contents; hazard communication consistent with Department of Transportation requirements; a hazard statement or pictogram consistent with Occupational Safety and Health Administration Hazard Communication Standard; or a chemical hazard label consistent with the National Fire Protection Association; and
c. The date upon which each period of accumulation begins clearly visible for inspection on each container.

40. At the time of the inspection, the following containers were not appropriately labeled or marked:

a. An open 55-gallon container of still bottoms in the paint kitchen hazardous waste accumulation area was not labeled with the words "Hazardous Waste" or an indication of the nature of the hazard;
b. A 55-gallon container of still bottoms in the paint kitchen hazardous waste accumulation area was not labeled with the nature of the hazard or a complete accumulation start date;
c. A 55-gallon container of still bottoms in the hazardous waste accumulation area located on the north side of the Facility was not labeled with the nature of the hazard;
d. An open 55-gallon container of WPRM in the paint kitchen hazardous waste accumulation area not labeled with the words "Hazardous Waste," an indication of the nature of the hazard, or an accumulation start date;

e. A 55-gallon container of WPRM in the paint kitchen hazardous waste accumulation area not labeled with the words "Hazardous Waste" or an indication of the nature of the hazard; and
f. A 55-gallon container of WPRM in the hazardous waste accumulation area located on the north side of the Facility was not labeled with the nature of the hazard or a complete accumulation start date.

Emergency Procedures

41. 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 LQGs. The following subpart M standards were not met:

Emergency Procedures: Required aisle space

42. Pursuant to 40 C.F.R. § 262.255, the LQG must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

43. At the time of the inspection, the EPA inspector observed insufficient aisle space for a 55-gallon container of still bottoms and a 55-gallon container of WPRM in the hazardous waste accumulation area located on the north side of the Facility.

Emergency Procedures: Quick reference guide not prepared

44. Pursuant to 40 C.F.R. § 262.262(b), a LQG that becomes subject to contingency plan requirements after May 30, 2017, or a LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to all local emergency responders or, as appropriate, the Local Emergency Planning Committee.

45. At the time of the inspection, Respondent had not prepared a quick reference guide.

Satellite Accumulation

46. 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 under 40 C.F.R. § 262.15(a):

Container not closed

47. The regulation at 40 C.F.R. § 262.15(a)(4) states that a container holding hazardous waste must be closed at all times during accumulation except when adding, removing, or consolidating waste or when temporary venting of a container is necessary.

48. At the time of the inspection, the inspector observed an open four-gallon satellite accumulation container of spent aerosol cans in the prime paint booth.

Containers must be marked or labeled

49. The regulation at 40 C.F.R. § 262.15(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).

50. At the time of the inspection, the inspector observed:

a. A open four-gallon satellite accumulation container of spent aerosol cans in the prime paint booth that was not labeled with the words "Hazardous Waste" or an indication of the nature of the hazard;
b. A five-gallon satellite accumulation container of waste solvent/paint rags in the prime paint booth that was not labeled with an indication of the nature of the hazard; and
c. Two 55-gallon satellite accumulation containers of WPRM in the paint kitchen that was not labeled with the words "Hazardous Waste" or an indication of the nature of the hazard.

51. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 28 through 50 above, Respondent was not authorized to accumulate hazardous waste at their 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 2
Failure to Comply with Universal Waste Management Requirements

52. Complainant hereby incorporates the allegations contained in Paragraphs 1 through 27 above, as if fully set forth herein.

Failure to label universal waste containers

53. The regulations at 40 C.F.R. § 273.14(a) require small quantity handlers of universal waste to clearly label or mark each container in which universal waste batteries are contained with any one of the following phrases: "Universal Waste–Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

54. At the time of the inspection, the inspector observed one 10-gallon container of universal waste batteries and two 5-gallon containers of universal waste batteries in the maintenance shop that were not labeled with a phrase from 40 C.F.R. § 273.14(a).

55. Respondent's failure to properly label the universal waste battery containers described above is a violation of 40 C.F.R. § 273.14(a).

Accumulation of universal waste for longer than one year

56. The regulations at 40 C.F.R. §§ 273.15(a) and (b) state that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler, unless such accumulation is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

57. At the time of the inspection, the inspector observed that the universal waste batteries accumulated in one 10-gallon container and two 5-gallon containers in the maintenance shop were individually dated and that the oldest dated battery had been accumulated for a period in excess of one year.

58. Respondent's accumulation of the universal waste batteries described above for longer than one year is a violation of 40 C.F.R. § 273.15(a).

CONSENT AGREEMENT

59. 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) neither admits nor denies the specific factual allegations stated 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.

60. 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.

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

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

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

Penalty Payment

64. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Sixty Thousand Thirty-Two Dollars ($60,032) based on a substantiated ability to pay claim, as set forth below.

65. 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*.

66. A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Sam Bennett, Attorney
bennett.sam@epa.gov.

67. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including

processing and handling costs, and 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. 31 U.S.C. § 3717(e)(2).

68. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

b. Respondent shall certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at weidner.lori@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall notify EPA of this fact within 30 days after the Effective Date of this Consent Agreement and Final Order, and email EPA with Respondent's TIN within 5 days of Respondent's issuance and receipt of the TIN.

Effect of Settlement and Reservation of Rights

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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

77. 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.

78. 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.

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

80. 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.

81. 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

DAVID COZAD Digitally signed by DAVID COZAD
Date: 2024.09.16 11:31:51 -05'00'

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

CHRISTOPHER MUEHLBERGER Digitally signed by CHRISTOPHER MUEHLBERGER
Date: 2024.09.18 10:31:45 -05'00'

Sam Bennett
Office of Regional Counsel

Date

RESPONDENT:

SCRANTON MANUFACTURING COMPANY, INC.

Signature

09/13/2024
Date

Misti Lambert
Printed Name

Senior Manager of EHS
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
Digitally signed by KARINA BORROMEO
Date: 2024.09.19 11:27:41 -05'00'

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:

Sam Bennett
Office of Regional Counsel
bennett.sam@epa.gov

Mike Martin
Enforcement and Compliance Assurance Division
martin.mike@epa.gov

Milady Peters
Office of Regional Counsel
Peters.milady@epa.gov

Copy via Email to Respondent:

Misti Lambert
Senior Manager of Environmental, Health & Safety
New Way Trucks
mlambert@newwaytrucks.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 _____, _____.

AMY GONZALES Digitally signed by AMY GONZALES
Date: 2024.09.20 11:43:51 -05'00'

_____
Signed