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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
EXPEDITED RCRA SETTLEMENT AGREEMENT

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Docket No. RCRA-07-2001-0011

Inspection Date: May 2 - 5, 2000

Curt Bean Lumber Company, Inc. ("Bean" or "Respondent") violated the standards applicable to wood treatment facilities pursuant to Section 3005 of the Solid Waste Disposal Act, 42 U.S.C. § 6925, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, as well as RSMo § 260.390.1(1) and its implementing regulations, as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM ("Form"), which is hereby incorporated by reference.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form or for any other violations of RCRA.

The parties are authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 3008 of RCRA, 42 U.S.C. § 6928. The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$ 1,878.00. This settlement is subject to the following terms and conditions:

EPA finds that the Respondent's conduct is subject to Section 3005 of RCRA and RSMo § 260.390.1(1), as described in the statutes. The Respondent admits that it is subject to Section 3005 and RSMo § 260.390.1(1) and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and

waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent admits that it has been or is subject to the standards applicable to wood treaters, and Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations alleged in the Form have been corrected.

The Respondent further certifies that a certified check in the total amount of \$ 1,878.00, payable to the "United States Treasury" has been mailed to EPA Region VII, c/o Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251, and there is a notation on the penalty payment check(s) "EPA" and the docket number of this case, RCRA-07-2001-0011.

Respondent agrees, as a generator of hazardous waste subject to the requirements of 40 C.F.R. Parts 260 through 265, which are incorporated by reference at 10 C.S.R. 25-5.260(1), 25-5.261(1), 25-5.262(1), 25-5.263(1), 25-5.264(1) and 25-5.265(1), to take the following actions within the periods below:

(a) Within thirty (30) days of the effective date of this Agreement, Bean shall perform hazardous waste determinations in accordance with 40 C.F.R. § 262.11, as incorporated by reference at 10 C.S.R. 25-5.262(1), on all solid waste streams generated by Bean. Solid waste streams generated at wood treatment facilities include but are not limited to: sludge, waste preservative, wood chips, splinters, sand, sawdust, banding, gloves, personal protective equipment, etc. Within seven (7) days of making a determination, Bean shall submit to EPA documentation showing the determination has been performed. Such documentation shall include the following:

(1) A description of the process that generated the waste;

(2) A determination of whether or not the waste has been excluded from regulation under 40 C.F.R. Part 261, as incorporated by reference at 10 C.S.R. 25-2.261(1);

(3) A determination of whether or not the waste has been listed in Subpart D of 40 C.F.R. Part 261, as incorporated by reference at 10 C.S.R. 25-4.261(1); and

(4) A determination of whether or not the waste is identified in 40 C.F.R. Part 261, Subpart C, as incorporated by reference at 10 C.S.R. 25-4.261(1). To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using the procedure set forth in Subpart C of 40 C.F.R. Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. If knowledge of the process is used, please provide a detailed explanation regarding the basis for this knowledge and your reasoning.

(b) Within thirty (30) days of the effective date of this Agreement, Bean shall provide documentation demonstrating that Bean has:

(1) developed an operating plan describing how wastes will be removed from the drip pad and collection system every 90 days, as required by 40 C.F.R. § 262.34(a)(1)(iii)(A), which is incorporated by reference at 10 C.S.R. 25-5.262(1);

(2) developed a system for documenting each waste removal, including the quantity of waste removed from the drip pad and collection system, as required by 40 C.F.R. § 262.34(a)(1)(iii)(B), as incorporated by reference at 10 C.S.R. 25-5.262(1); and

(3) complied with the requirements for storing containers of hazardous waste found at 40 C.F.R. Part 265, Subpart I, which is incorporated by reference at 10 C.S.R. 25-7.265(1).

(c) Finally, within thirty (30) days of the effective date of this agreement, Bean shall

provide documentation that Bean has established procedures for operating the drip pad in compliance with all drip pad requirements found at 40 C.F.R. Part 265, Subpart W, including:

- (1) a description of procedures for ensuring that wastes are not tracked from the drip pad to surrounding areas, as required by 40 C.F.R. § 265.443(j);
- (2) a plan for conducting an inspection of the liner to ensure that no leakage is occurring at the joints and seams, as required by 40 C.F.R. § 265.444(a);
- (3) a description of procedures for weekly inspection of the entire drip pad surface that complies with 40 C.F.R. § 265.443(i);
- (4) a plan or description of procedures for performing weekly inspections of the drip pad to check for the presence of leakage and cracking or deterioration as set forth at 40 C.F.R. § 265.444(b)(2) and (b)(3);
- (5) a plan to modify or reconstruct Bean's drip pad so that wood drippage, rain and other waters can drain freely from the pad, as required at 40 C.F.R. § 265.443(a)(2); and
- (6) documentation showing that Bean has developed a written contingency plan describing procedures to respond to drippage in the storage yard, as required at 40 C.F.R. § 265.440(c).

Respondent shall submit all documents required to be submitted pursuant to this Agreement, unless otherwise specified herein, to: Kevin Snowden, Environmental Scientist, ARTD/RESP, U.S. EPA Region VII, 901 North 5<sup>th</sup> Street, Kansas City, KS 66101.


After all compliance activities have been completed to EPA's satisfaction, and the penalty noted above has been paid, EPA will take no further civil action against the Respondent for the specific violations of Section 3005 of RCRA described in the Form. However, EPA does not

waive any rights to take any enforcement action for any other past, present or future violations by the Respondent of Section 3005 of RCRA or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008 of RCRA and consent to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:

  
\_\_\_\_\_  
William A. Spratlin  
Director  
Air, RCRA and Toxics Division

Date: 5-3-02

In the matter of  
Curt Bean Lumber Company, Inc.  
Docket No. RCRA-07-2001-0011

APPROVED BY RESPONDENT CURT BEAN LUMBER COMPANY, INC.:

Name (print): CURT BEAN

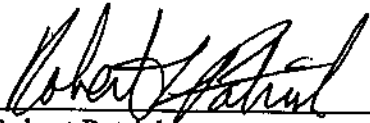
Title (print): PRES.

Signature: Curt Bean

Date: 6-28-02

In the matter of  
Curt Bean Lumber Company, Inc.  
Docket No. RCRA-07-2001-0011

IT IS SO ORDERED:

  
\_\_\_\_\_  
Robert Patrick  
Regional Judicial Officer

Date: July 23 2002

CASHIER'S CHECK

146839

REMISSOR  
Curt Bean Lumber

DATE 6-28-02

Ref: RCRA-07-2001-0011

PAY TO THE ORDER OF United States Treasury

\$ 1,878.00

ARKANSAS DIAMOND BANK 1878 DOLS 00 CTS

AUTHORIZED SIGNATURE

DOLLARS



Arkansas  
Diamond Bank  
GLENWOOD, ARKANSAS, HOT SPRINGS, MT. DA

# 146839 # 108 2903439 # 206 28 #

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*Melissa Williams Smith, ARKANSAS*



IN THE MATTER OF Curt Bean Lumber Company, Inc., Respondent  
Docket No. RCRA-07-2001-0011

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited RCRA Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Belinda Holmes  
Senior Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Bill Howell, Plant Manager  
Curt Bean Lumber Company, Inc.  
1320 E. Old Lexington Road  
Buckner, Missouri 64016

Dated: 7/23/02



Kathy Robinson  
Regional Hearing Clerk