



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. Because Respondent failed to comply with the satellite accumulation conditional exclusions described below, Respondent was not authorized to accumulate hazardous waste at the satellite accumulation areas 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.

1. 40 C.F.R. § 262.15(a)(4) requires that satellite accumulation containers holding hazardous waste must be closed at all times during accumulation. At the time of the EPA inspection, one blue 55-gallon satellite accumulation container of trichloroethylene (TCE) waste in the Physico-Chemical Lab ML031 had an open bung hole with a hose loosely entering it.
  2. 40 C.F.R. § 262.15(a)(5)(i) requires that satellite accumulation containers be marked or labeled with the words “Hazardous Waste.” At the time of the EPA inspection, five satellite accumulation containers holding hazardous waste were not labeled with the words “Hazardous Waste.”
  3. 40 C.F.R. § 262.15(a)(5)(ii) requires that satellite accumulation containers be marked or labeled with an indication of the hazards of the contents. At the time of the EPA inspection, six satellite accumulation containers were not labeled with an indication of the hazards of the contents.
- c. 40 C.F.R. § 262.16 states that a small quantity generator (SQG) may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 40 C.F.R. parts 124, 264 through 267 and 270, or the notification requirements of section 3010 of RCRA, provided that all the conditions for exemption listed at 40 C.F.R. Part 264.16 are met. Because the following conditions for exemption for a SQG were not met, Respondent was not authorized to store hazardous waste at the Facility, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.
1. 40 C.F.R. § 262.16(b)(2)(v)(C) requires that an SQG of hazardous waste accumulating containers of hazardous waste that are incompatible with any waste or other materials accumulated or stored nearby must separate that waste from the other materials or protect them by means of a dike, berm, wall, or other device. At the time of the EPA inspection, two 55-gallon drums of TCE and one 55-gallon drum of “paint in containers” were about ten feet from a pallet of lead-acid batteries. Organic solvents are not compatible with the corrosive chemicals in the batteries.
  2. 40 C.F.R. § 262.16(b)(8)(vi)(A) requires that a SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals. At the time of the EPA inspection the facility

contact stated they had not attempted to make arrangements with emergency entities.

- d. 40 C.F.R. § 273.13(d)(1) requires a small quantity handler of universal waste to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. At the time of the EPA inspection, one box of universal waste lamps was torn open revealing its contents. Respondent's failure to close one box of universal waste lamps is a violation of 40 C.F.R. § 273.13(d)(1).
- 4) The EPA and Respondent agree that settlement of this matter for a civil penalty of twelve thousand five hundred dollars (\$12,500.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made 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  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

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

- 5) 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](mailto:R7_Hearing_Clerk_Filings@epa.gov); and

Milady Peters, Paralegal  
[peters.milady@epa.gov](mailto:peters.milady@epa.gov).


- 6) In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) agrees to release funds held on deposit as payment to the EPA for the civil penalty upon final EPA approval of this Agreement; (6) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (7) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (8) consents to electronic service of the filed ESA to the following email address: [brad.azeltine@iowadot.us](mailto:brad.azeltine@iowadot.us). Respondent understands that the CAFO will become publicly available upon filing.

- 7) By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, (2) 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, and (3) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- 8) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
- 9) EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 10) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 11) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 12) Each party shall bear its own costs and fees, if any.
- 13) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Bradley E. Azeltine  
Name (print)

Executive Officer  
Title (print)

  
Signature

8-22-2022  
Date

APPROVED BY EPA:

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Candace Bednar  
Chemical Branch Chief  
Enforcement and Compliance Assurance Division

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Date

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Kelley Catlin, Attorney  
Office of Regional Counsel

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Date

FINAL ORDER

Pursuant to the authority of 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 Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement 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**  
**To be completed by EPA**

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order, EPA Docket No. RCRA-07-2022-0091, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Kelley Catlin, Office of Regional Counsel  
*catlin.kelley@epa.gov*

Edwin Buckner, Enforcement and Compliance Assurance Division  
*buckner.edwin@epa.gov*

Milady Peters, Office of Regional Counsel  
*peters.milady@epa.gov*

Copy via e-mail to Respondent:

Mr. Brad Azeltine  
Senior Environmental Specialist  
Iowa Department of Transportation  
*brad.azeltine@iowadot.us*

Copy via e-mail to the State of Iowa:

Ed Tormey, Acting Administrator  
Environmental Services Division  
Iowa Department of Natural Resources  
*ed.tormey@dnr.iowa.gov*

Mike Sullivan, Section Supervisor  
Solid Waste and Contaminated Sites Section  
Iowa Department of Natural Resources  
*michael.sullivan@dnr.iowa.gov*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Signed