



LAM-2, LAM-3, and LAM-4. Each container held approximately 15 to 25 gallons of waste. The lids on the SACs were not completely closed.

- c. 40 C.F.R. § 262.17(a)(5)(i)(c) requires that a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins and is clearly visible for inspection on each container. During inspection of the hazardous waste container accumulation area in the Ink Room, the inspector observed that some of the labels on hazardous waste accumulation containers were not turned outward to allow inspection of the accumulation start dates.
- d. 40 C.F.R. § 273.15(c) requires that a handler of universal waste must be able to demonstrate how long universal waste has accumulated at its site since being generated or received from another handler. During the inspection, the inspector observed that one of three universal waste lamp accumulation containers was marked with an accumulation date - December 7, 2017. The inspector asked Mr. Hageman how long the UWLs had been accumulating. He stated that the containers have been there since April 8, 2022. The inspector asked Mr. Hageman about the date of December 7, 2017, and he stated that the container has been reused and personnel forgot to remove the old date. The other two UWL accumulation containers were undated.
- e. 40 C.F.R. § 273.14(e) requires that a handler of universal waste must ensure each lamp or a container or package in which such lamps are contained be labeled or marked clearly with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).” During the inspection, the inspector observed that the universal waste lamp accumulation containers were not labeled with the words “universal waste lamps,” or “waste lamps,” or “used lamps.”
- f. 40 C.F.R. § 262.17(a)(6)—262.252(b) requires that a large quantity generator comply with the standards in subpart M, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators. The inspector asked Mr. Bauer how he would summon emergency assistance if needed. Mr. Bauer stated that the nearest telephone was approximately 75 feet away and in a separate room. 40 C.F.R. § 262.252(b) requires that a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams be available at the facility. The facility responded by stating that “It was observed that our Ink Leads had no way of summoning emergency assistance if need be. As a short term immediate corrective action we started requiring Leads to carry an intrinsically safe radio with them while working back in our Hazardous Waste Storage area. EHS and Engineering are looking at options to have a 3rd party come onsite to install an intrinsically safe button to push that will tie into our overhead paging system to notify employees of an emergency.”
- g. 40 C.F.R. § 262.41(a) requires that a generator who is a large quantity generator for at least one month of a reporting year who ships any hazardous waste off-site to a

treatment, storage or disposal facility within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year. According to Mr. Hageman, the facility changed the caustic wash process in September 2021. The former material used for caustic wash was Paintex 1967 and was considered to be a D001 characteristic hazardous waste when spent. However, per the 2021 facility waste log, the current caustic wash waste was determined by the facility to be a D002 characteristic hazardous waste when spent. The 2021 Biennial Report does not include a D002 characteristic hazardous waste.

- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of eight thousand, seven hundred and fifty dollars (\$8,750.00) is in the public interest.
- 5) 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 979077  
St. Louis, Missouri 63197-9000

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

- 6) 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

Milady Peters, Paralegal  
*peters.milady@epa.gov*.

- 7) 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: *chageman2@american packaging.com*. Respondent understands that the ESA will become publicly available upon filing.

- 8) 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, and (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.
- 9) 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.
- 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.



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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Christopher Muehlberger, 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.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. 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.

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Karina Borromeo  
Regional Judicial Officer

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Date

**CERTIFICATE OF SERVICE**  
**To be completed by EPA**

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of American Packaging Corporation, EPA Docket No. RCRA-07-2023-0080, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel  
*muehlberger.christopher@epa.gov*

Timothy Evans, Enforcement and Compliance Assurance Division  
*evans.timothy@epa.gov*

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

Copy via e-mail to Respondent:

Colin Hageman  
Environmental, Health and Safety Manager  
American Packaging Corporation  
103 W. Broad Street  
Story City, Iowa 50248  
*chageman@americanpackaging.com*

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