

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

<b>In the Matter of:</b>	)	
	)	
Dethmers Manufacturing Company	)	<b>Docket No. RCRA-07-2020-0173</b>
EPA ID. No. IAR000004184,	)	
	)	<b>EXPEDITED SETTLEMENT</b>
	)	<b>AGREEMENT AND</b>
<u>Respondent.</u>	)	<b>FINAL ORDER</b>

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Dethmers Manufacturing Company, d/b/a Demco (“Respondent”), owner or operator of the facility located at 1300 38th Avenue W, Spencer, Iowa (the “Facility”), failed to comply with the Resource Conservation and Recovery Act (“RCRA”) and its implementing regulations.
2. During an inspection of the Facility on August 14, 2019, the following violations of RCRA and its implementing regulations were observed:
  - a. Failure to send one-time notice describing solvent generation, subsequent exclusion or exemption of excluded waste for the recycled solvent from paint process as a secondary hazardous material. 40 C.F.R. § 260.42
  - b. Failure to identify and mark containers with all applicable EPA hazardous waste numbers. 40 C.F.R. § 262.11(g).
  - c. Operating as a treatment, storage and disposal facility for failing to comply with the following small quantity generator conditional exclusions:
    - i. Failure to keep one hazardous waste satellite accumulation container closed. 40 C.F.R. § 262.15(a)(4);
    - ii. Failure to mark or label two satellite accumulation containers with an indication of the nature of the hazards of the contents. 40 C.F.R. § 262.15(a)(5)(ii);
    - iii. Failure to conduct weekly inspections of central accumulation areas. 40 C.F.R. § 262.16(b)(2)(iv);
    - iv. Failure to maintain records documenting arrangements with response agencies. 40 C.F.R. § 262.16(b)(8)(vi)(B); and
    - v. Failure to post emergency coordinators name and phone number, fire department, phone number, and other information required by this regulation, near phone. 40 C.F.R. § 262.16(b)(9)(ii).
  - d. Failure to store universal waste lamps in a closed box. 40 C.F.R. § 273.13(d)(l).
  - e. Failure to label used oil containers with the words used oil. 40 C.F.R. § 279.22(c)(l).

3. EPA and Respondent agree that settlement of this matter for a penalty of nine thousand dollars (\$9,000) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; (e) waives any right to contest any issue of fact or law set forth herein; and (f) waives its right to appeal the Final Order accompanying this Agreement.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. 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.
8. The civil penalty of nine thousand dollars (\$9,000) should be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of nine thousand dollars (\$9,000) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
2. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent via e-mail to the following:

Regional Hearing Clerk  
*R7\_Hearing\_Clerk\_Filings@epa.gov*; and

Kelley Catlin  
Office of Regional Counsel  
*catlin.kelley@epa.gov*.
3. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
4. This Expedited Settlement Agreement and Final Order shall be effective upon the filing of the Final Order 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.

IT IS SO AGREED,

Kevin Ten Haken  
Name (print)

Exec VP  
Title (print)

Kevin Ten Haken  
Signature

Date Sept 8, 2020

**APPROVED BY EPA:**

\_\_\_\_\_  
Candace Bednar, Branch Chief  
Chemical Branch  
Enforcement and Compliance Assurance Division

Date .....

\_\_\_\_\_  
Kelley Catlin, Attorney  
Office of Regional Counsel

Date .....

IT IS SO ORDERED:

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Karina Borromeo  
Regional Judicial Officer

Date -----