

- time of the EPA inspection, the facility did not label or have a log demonstrating when HSM began accumulation prior to recycling. Failure to maintain distillation records caused the HSM to be speculatively accumulated which invalidates the exemption at 40 C.F.R. § 261.4(a)(23) causing the material to be a hazardous waste that Respondent did not properly identify or contain.
- c. 40 C.F.R. § 262.15(a)(5)(i) requires generators of hazardous waste to mark or label satellite accumulation containers with the words “Hazardous Waste.” At the time of the EPA inspection, Respondent had not labeled a 5-gallon steel container accumulating flammable hazardous waste in the Quality Control Laboratory with the words “Hazardous Waste.”
 - d. 40 C.F.R. § 262.17(a)(6) requires large quantity generators (LQG) of hazardous waste to comply with the emergency procedures found in 40 C.F.R. Part 262, Subpart M. 40 C.F.R. § 262.255 of that subpart requires generators to maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area for facility operations in an emergency, unless aisle space is not needed for any of these purposes. At the time of the EPA inspection, the facility was accumulating eight 55-gallon drums on pallets in the western side of the Flammable Warehouse. The drums were surrounded by bulk containers, a pallet rack, and equipment thus obstructing access to the hazardous waste containers. Respondent did not provide adequate aisle space around accumulation containers.
 - e. 40 C.F.R. § 262.17(a)(6) requires LQGs of hazardous waste to comply with the emergency procedures found in 40 C.F.R. Part 262, Subpart M. 40 C.F.R. § 262.261(d) of that subpart requires an LQG, in its contingency plan, to list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date. At the time of the EPA inspection, the list of emergency coordinators in Respondent’s contingency plan was not up to date.
 - f. 40 C.F.R. § 262.17(a)(6) requires LQGs of hazardous waste to comply with the emergency procedures found in 40 C.F.R. Part 262, Subpart M. 40 C.F.R. § 262.262(b) of that subpart requires an LQG that first becomes subject to these provisions after May 30, 2017, or an LQG that is otherwise amending its contingency plan to, at that time, submit a quick reference guide of the contingency plan to the local emergency responders identified at 40 C.F.R. § 262.262(a) or, as appropriate, the Local Emergency Planning Committee. Respondent had not developed or submitted a quick reference guide to such persons.
 - g. 40 C.F.R. § 262.17(a)(7)(iv)(D) requires LQGs to maintain records that document that the training or job experience, required under 40 C.F.R. § 262.17(a)(7)(i-iii), has been given to, and completed by facility personnel. At the time of the EPA inspection, facility representatives shared a spreadsheet of training records for three specific personnel. The “Description” and “Item Description” columns of the

spreadsheet provided did not identify RCRA initial or RCRA annual refresher training. Respondent has not adequately documented RCRA training.

- 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 979078
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: *Julie.Backstrom@siegwerk.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 Expedited Settlement Agreement 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.

IT IS SO AGREED,

Julie Backstrom
Name (print)

HSE Specialist
Title (print)

Julie Backstrom 6/8/23
Signature Date

APPROVED BY EPA:

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger, Attorney
Office of Regional Counsel

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.

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 Expedited Settlement Agreement and Final Order, in the matter of Siegwirk, USA, EPA Docket No. RCRA-07-2023-0104, 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

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

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

Copy via e-mail to Respondent:

Julie Backstrom
Siegwerk USA
129 SE 18th Street
Des Moines, Iowa 50317
Julie.Backstrom@siegwerk.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 _____, _____.

Signed