

FILED

June 8, 2026

9:03AM

**U.S. EPA REGION 7
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of:

Union Tank Car Company &
Proctor Limited
2603 Dick Drake Way
Muscatine, Iowa 52761
EPA ID IAD096526298,

Respondent.

Docket No. RCRA-07-2026-0185

**EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement” or “ESA”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
- 2) The EPA has provided the State of Iowa with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) Union Tank Car Company (“Respondent”) is the owner or operator of the facility located at 2603 Dick Drake Way, Muscatine, Iowa (“Facility”). The EPA inspected the Facility on December 11-12, 2025. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated requirements of the RCRA hazardous waste management program.
 - a) 40 C.F.R. § 262.15(a) states that a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status, provided that all of the exemptions set forth at 40 C.F.R. § 262.15 are met. At the time of the inspection respondent failed to close two satellite accumulation containers, as required by 40 C.F.R. § 262.15(a)(4).
 - b) 40 C.F.R. § 262.17(a) states that a large quantity generator may accumulate hazardous waste on-site for no more than ninety days without a permit or interim status provided all the conditions for exemption set forth at 40 C.F.R. § 262.17 are met. At the time of the inspection the following conditions were not met:
 - i) Respondent failed to send off hazardous waste within 90 days after the satellite accumulation container became a hazardous waste accumulation container, as required by RCRA 3005.
 - ii) Respondent failed to conduct weekly inspections at its hazardous waste central accumulation area, as required by 40 C.F.R. § 262.17(a)(1)(v).

- iii) Respondent failed to separate incompatible wastes, as required by 40 C.F.R. § 262.17(a)(1)(vii)(C).
 - iv) Respondent failed to mark or label the accumulation start date on (how many) hazardous waste accumulation containers, as required by 40 C.F.R. § 262.17(a)(5)(i)(C).
 - v) Respondent failed to list hazardous waste management duties and responsibilities in written job descriptions, as required by 40 C.F.R. § 262.17(a)(7)(iv)(B).
 - vi) Because Respondent failed to comply with the generator requirements as set forth in paragraphs 3(a) - 3(b) above, Respondent was not authorized to accumulate hazardous waste at its facility 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.
- 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 seven thousand five hundred dollars (\$7,500.00) 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 made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
- 6) A copy of the 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: (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; and (e) consents to electronic service of the filed ESA to the following email address: *Kelsey.Kauzlarich@utlx.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: (a) the alleged violations have been corrected; and (b) 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) By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including, but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Expedited Settlement Agreement.
- 10) 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.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. 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.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Derek Adams
Name (print)
Plant Manager
Title (print)
Ⓟ → 5/8/26
Signature Date

APPROVED BY EPA:

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date

Kelley Catlin, 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 Union Tank Car Company and Proctor Limited, EPA Docket No. RCRA-07-2026-0185, 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

Marc Matthews, Enforcement and Compliance Assurance Division
matthews.marc@epa.gov

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

Copy via e-mail to Respondent:

Kelsey Kauzlarich
Safety, Health, and Environmental (SHE) Manager
Union Tank Car Company & Proctor Limited
2603 Dick Drake Way,
Muscatine, Iowa 52761
Kelsey.Kauzlarich@utlx.com

Copy via e-mail to the State of Iowa:

Amie Davidson, Administrator
Environmental Services Division
Iowa Department of Natural Resources
amie.davidson@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 _____, 2026.

Signed