

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

FILED
May 4, 2026
9:22AM
U.S. EPA REGION 7
HEARING CLERK

In the Matter of:)
)
Stellar Industries, Incorporated –) **Docket No. RCRA-07-2026-0166**
Garner Plant)
190 State Street) **EXPEDITED SETTLEMENT**
Garner, Iowa 50438) **AGREEMENT AND FINAL ORDER**
EPA ID IA0000444802)
)
)
Respondent.)

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) Stellar Industries, Incorporated (“Respondent”) is the owner or operator of the facility located at 190 State Street, Garner, Iowa 50438 (“Facility”). The EPA inspected the Facility, on September 24, 2025. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. § 262.15(a)(4) - A container holding hazardous waste must be closed at all times during accumulation, except: (i) When adding, removing, or consolidating waste; or (ii) When temporary venting of a container is necessary: (A) For the proper operation of equipment, or (B) To prevent dangerous situations, such as build-up of extreme pressure. The EPA determined that the Respondent did not close one open 55-gallon hazardous waste satellite accumulation container of waste recovery sediments in the West Building.

40 C.F.R. § 262.15(a)(5)(i) - A generator must mark or label its container with the words “Hazardous Waste.” The EPA determined that the Respondent did not label one 55-gallon hazardous waste satellite accumulation container of waste recovery sediments and one 55-gallon hazardous waste satellite accumulation container of solvent-contaminated wipes in the West Building.

40 C.F.R. § 262.15(a)(5)(ii) - A generator must mark or label its container with an indication of the hazards of the contents (examples include, but are not limited to, the

- applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704). The EPA determined that the Respondent did not label one 55-gallon hazardous waste satellite accumulation container of solvent-contaminated wipes in the West Building.
- b. 40 C.F.R. § 262.17(a)(1)(v) - At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The EPA determined that the Respondent did not conduct weekly hazardous waste inspections (four months prior to the September 2025 inspection) on containers in Central Accumulation Areas #1 and #2.
- c. 40 C.F.R. § 262.17(a)(5)(i)(A) - A large quantity generator must mark or label its containers with the words “Hazardous Waste.” The EPA determined that the Respondent did not label one 55-gallon hazardous waste accumulation container of waste flammable liquids in Central Accumulation Area #2 and eight 55-gallon hazardous waste accumulation containers of waste flammable liquids in the West Building.
- 40 C.F.R. § 262.17(a)(5)(i)(C) - A large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container. The EPA determined that the Respondent did not label one 55-gallon hazardous waste accumulation container of waste flammable liquids in Central Accumulation Area #2 and eight 55-gallon hazardous waste accumulation containers of waste flammable liquids in the West Building.
- d. 40 C.F.R. § 40 CFR 262.17(a)(6) referencing 40 C.F.R. § 262.263(d)(1) - The contingency plan must be reviewed, and immediately amended, if necessary, whenever the list of emergency coordinators changes. The EPA determined that the Respondent did not amend the contingency plan with the updated list of emergency coordinators.
- e. 40 C.F.R. § 273.13(d)(1) - A small quantity handler of universal waste must 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. The EPA determined that the Respondent did not close two containers of universal waste lamps in Central Accumulation Area #2.
- 40 C.F.R. § 273.14(a) - A small quantity handler of universal waste must label or mark universal waste batteries, or a container in which the batteries are contained

with the words “Universal Waste-Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).” The EPA determined that the Respondent did not label three 5-gallon containers of universal waste batteries in Central Accumulation Area #2.

40 C.F.R. § 40 CFR 273.14(e) - A small quantity handler of universal waste must label or mark each universal waste lamp or a container or package in which such lamps are contained with the words “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).” The EPA determined that the Respondent did not label two containers of universal waste lamps in Central Accumulation Area #2.

40 C.F.R. § 273.14(f) - A small quantity handler of universal waste must label or mark universal waste aerosol cans or a container in which the aerosol cans are contained with the words “Universal Waste-Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).” The EPA determined that the Respondent did not label one 55-gallon container of universal waste aerosol cans in Central Accumulation Area #2 and one 55-gallon container of universal waste aerosol cans in the Vehicle Maintenance Touch-Up Paint Booth.

f. 40 C.F.R. § 279.22(c)(1) - Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” The EPA determined that the Respondent did not label one 55-gallon used oil storage container in West Building Maintenance Shop.

- 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 sixteen thousand five hundred dollars (\$16,500.00) 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 addresses: BCollins@Stellarindustries.com and LWhitehurst@Stellarindustries.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. 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.
- 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.

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 Stellar Industries, Incorporated, EPA Docket No. RCRA-07-2026-0166, 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

Mike Martin, Enforcement and Compliance Assurance Division
Martin.Mike@epa.gov

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

Copy via e-mail to Respondent:

Bruce Collins,
Director, Environmental Health & Safety Risk Management
Stellar Industries, Incorporated – Garner Plant
190 State Street
Garner, Iowa 50438

BCollins@Stellarindustries.com

Lisa Whitehurst
Environmental Health & Safety Coordinator
Stellar Industries, Incorporated – Garner Plant
190 State Street
Garner, Iowa 50438

LWhitehurst@Stellarindustries.com

Copy via e-mail to the State of Iowa:

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

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

Dated this _____ day of _____, _____.

Signed