

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Received by
EPA Region 7
Hearing Clerk

In the Matter of

Altec Osceola, LLC
1001 Furnas Drive
Osceola, Iowa 50213
EPA ID: IAD010256923

Respondent.

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) **Docket No. RCRA-07-2023-0058**

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) **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) Altec Osceola, LLC (“Respondent”) is the owner or operator of the facility located at 1001 Furnas Drive, Osceola, Iowa 50213 (“Facility”). The EPA inspected the Facility on June 22, 2022. 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. § 262.17(a)(5)(i)(C) - A large quantity generator must clearly mark or label each container with the date upon which each period of hazardous waste accumulation begins.. The EPA determined that the Respondent did not mark or label the accumulation start date on one 55-gallon accumulation container of solvent contaminated rags and one 55-gallon accumulation container of waste organic peroxide.
 - b. 40 C.F.R § 262.17(a)(6) referencing 40 C.F.R § 262.262(a) - A large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders. At the time of the inspection, the EPA determined that the Respondent did not submit a copy of the November 18, 2021, contingency plan revisions to local emergency responders or to the Local Emergency Planning Committee.
 - c. 40 C.F.R § 262.17(a)(6) referencing 40 C.F.R § 262.262(b) - A large quantity generator that is otherwise amending its contingency plan must 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. At the time of the inspection, the EPA determined that the Respondent did not submit a quick reference guide to the local emergency responders or to the Local Emergency Planning Committee.
- d. 40 C.F.R § 262.17(a)(6) referencing 40 C.F.R § 262.262(b)(1) - A large quantity generator that first becomes subject to these provisions after May 30, 2017, or a large quantity generator that is otherwise amending its contingency plan must 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), as appropriate, the Local Emergency Planning Committee. The quick reference guide must include: the types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time. The EPA determined that the Respondent's quick reference guide did not include the types/names of hazardous wastes in layman's terms.
 - e. 40 C.F.R § 262.17(a)(6) referencing 40 C.F.R § 262.263(d) - 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 update the list of emergency coordinators in the contingency plan.
- 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 Six Thousand Two Hundred and Fifty Dollars (\$6,250.00) 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: bruce.stainbrook@altec.com and scott.metzger@altec.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:

Candace Bednar
Chemical Branch Chief
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 Altec Osceola, LLC Body Plant, EPA Docket No. RCRA-07-2023-0058, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Chris Muehlberger, Office of Regional Counsel
muehlberger.christopher@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 W. Stainbrook, Corporate Environmental Regulatory Manager
Altec Osceola LLC
810 Franklin Court, Suite A
Marietta, GA 30067
bruce.stainbrook@altec.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