

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

In the Matter of:)
)
United States Department of the Army)
)
and) **Docket No. RCRA-07-2024-0092**
)
American Ordnance, LLC,)
)

Respondents.)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and U.S. Department of the Army and American Ordnance, LLC (“Respondents”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

Parties

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

3. Respondents are the U.S. Army and American Ordnance, LLC. The U.S. Army owns the Iowa Army Ammunition Plant. American Ordnance is a contractor that operates the Iowa Army Ammunition Plant.

Statutory and Regulatory Framework

4. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, 3005, and 3008 of RCRA, 42 U.S.C. §§ 6912, 6921, 6922, 6925, and 6927, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Part 239 through Part 282.

6. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

9. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

10. The regulation at 40 C.F.R. § 260.10 defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

11. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-

hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

12. The regulation at 40 C.F.R. § 260.10 defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

13. The regulation at 40 C.F.R. § 260.10 defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

14. “Solid waste” is defined at 40 C.F.R. § 261.2.

15. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

16. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

17. The regulation at 40 C.F.R. § 260.10 defines “small quantity generator” as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.

18. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

19. The regulation at 40 C.F.R. § 260.10 defines “universal waste” as any of the following hazardous wastes that are managed under the universal waste requirements of part 273 of this chapter.

20. The Regional Administrator of EPA, Region 7, has delegated authority to perform all actions necessary to issue, deny, modify or revoke and reissue Permits for Owners and Operators of hazardous waste treatment, storage and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region 7 Air and Waste Management Division (hereafter referred to as Director) or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995 and revised on September 16, 2007.

21. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period.

22. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that

occurred before November 2, 2015, and to \$121,275 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Based upon the facts alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

General Factual Background

23. On September 28, 2018, the EPA issued to the Respondents a Hazardous Waste Management Permit (Permit) for the Iowa Army Ammunition Plant (Plant), EPA RCRA ID No. IA7213820445. The U.S. Department of Army is the owner of the Permit; AO is the operator of the Permit.

24. Respondents own and/or operate the Plant located at 17571 Des Moines County Highway 79 in Middletown, Iowa.

25. The Permit authorizes the Respondents to conduct hazardous waste storage, conduct open burning and open detonation (OB/OD) operations, conduct post-closure care for the Ash Disposal Cell in Trench 5, and perform corrective action for solid waste management units and areas of concern at the Facility.

26. The Permit specifies waste codes that may be stored and materials that may or may not be treated in the OB/OD units.

27. The Plant is subject to regular inspections by the EPA to verify compliance with permit conditions.

28. The Permit specifies what materials can and cannot be burned or detonated in the units.

29. OB is limited to 140 pounds per hour.

30. OD is limited to 100 pounds per hour.

31. The Permit is based upon application regulations, which are in effect on the date of the issuance of the Permit, in accordance with 40 C.F.R. § 270.32(c).

32. The Permittees must comply with all terms and conditions of the Permit.

33. Respondents are Permittees of the Permit.

34. On January 12, 2023, the GTU was moved from its permitted location in the Detonation Area to the Firing Site for the purpose of test detonating two warheads.

35. On May 23 and 24, 2023, American Ordnance detonated, on each day, a warhead in the Grenade Treatment Unit (GTU) using 1.8 pounds of explosives PBXN-9

and PAX-30.

36. The US Army reported these actions in paragraph 34 to the EPA on July 11, 2023.

37. On July 27, 2023, American Ordnance burned 161 pounds of M14 and RPD-596 propellant in its open burn pans. The event lasted approximately 15 seconds. American Ordnance considered this an emergency burn because the waste was unsafe to transport off site. It sought permission to conduct the burn from the IDNR air pollution program but did not contact the EPA RCRA program regarding an emergency permit to exceed the 140 pound per hour limit specified in its September 28, 2018, hazardous waste treatment permit.

38. Upon discovery of this violation, the US Army notified the EPA concerning the actions of paragraph 36 on August 16, 2023, about the open burning event.

39. On or about February 27-28, 2024, subcontractors for EPA Region 7, Toeroek Associates, Inc., and its subcontractors CLAENE Group (Toeroek team) conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondents’ Plant. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondents were operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, Small Quantity Handler of universal waste, and used oil generator.

40. At the time of the inspection, the following universal waste containers were present:

- (a) One universal waste lamp container in Building 3A-01
- (b) One universal waste lamp container in the Mechanical Shop
- (c) One universal waste battery container in Building 500-198-19

41. At the time of inspection, the following satellite accumulation containers were present:

- (a) One 55-gallon satellite accumulation container of aerosol can residue in Building 500-198-19 Solid Waste Processing Center
- (b) One satellite accumulation container for waste solvent in Building 3A-12

42. At the time of inspection, one 55-gallon used oil container was present in the Security Room of Building 3A-51.

Violations

43. Complainant hereby states and alleges that Respondents have violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1

Improper Operation of Grenade Treatment Unit

44. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

45. Per Section VII.D.2. of the Permit, the “Permittees shall only treat 40mm family of grenades in the steel tank detonation chamber.”

46. The Permit issued to the Respondents allows detonating only 40 mm grenades in the Grenade Treatment Unit (GTU). The warheads tested in May 2023 were not 40mm grenades.

47. The Respondents did not request an emergency amendment to their Permit prior to detonating the warheads tested in May 2023.

48. Respondents’ failure to request an emergency permit prior to detonating the warheads in May 2023 is in violation of Section VII.D.2 of the Permit.

Count 2

Failure to Close the GTU

49. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

50. Per Section III.L1. of the Permit, “The Permittees shall close the hazardous waste management unit(s) subject to this Permit to control, minimize or eliminate hazardous constituents, post-closure escape of hazardous waste, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, surface waters or atmosphere to the extent necessary to protect human health and the environment. Closure shall be performed in accordance with the Closure plan, Permit Attachment III-6.

51. On January 12, 2023, the Respondents moved the GTU from its permitted location in the Detonation Area to the Firing Site for the purpose of detonating warheads other than the permitted 40 mm grenades.

52. The Permit requires the Plant to close permitted units when no longer in use.

53. Respondents’ failure to properly close the former GTU site as required by the Permit is in violation of Section III.L.1.

Count 3

Improper Operation of Open Burn Area

54. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

55. Per Section V.F.2. of the Permit, “The open burning of munitions in metal pans is limited to a maximum of 140 pounds per hour.”

56. On July 27, 2023, American Ordnance burned 161 pounds of M14 and RPD-596 propellant in its open burn pans.

57. The event lasted approximately 15 seconds.

58. American Ordnance sought permission to conduct the burn from the Iowa Department of Natural Resources (IDNR) air pollution program but did not contact the EPA RCRA program regarding an emergency permit to exceed the 140 pound per hour limit specified in its Permit.

59. Upon discovery of this violation, the US Army notified the EPA on August 16, 2023, about the open burning event.

60. Respondents’ burning of 161 pounds of M14 and RPD-596 propellant was in excess of the permitted 140 pounds per hour in violation of Section V.F.2., and therefore a violation of Section V.F.2.

Count 4
Improper Management of Universal Waste

61. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

Accumulation of universal waste for longer than one year

62. The regulations at 40 C.F.R. §§ 273.15(a) and (b) state that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler, unless such accumulation is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

63. At the time of the inspection (i.e., February 27-28, 2024), the inspector observed one universal waste lamp container in Building 3A-01 dated February 20, 2023.

64. Based on the container’s date, and the date of the inspection, the inspector concluded that Respondents had accumulated the universal waste lamps for longer than one year.

65. Respondent’s accumulation of the universal waste lamps described above for longer than one year is a violation of 40 C.F.R. § 273.15(a).

Failure to label universal waste container

66. The regulations at 40 C.F.R. § 273.14(a) require small quantity handlers of universal waste to clearly label or mark each battery or container or package in which such batteries are contained with one of the following phrases: “Universal Waste—Battery(ies)” or “Waste Battery(ies),” or “Used Battery(ies).”

67. At the time of the inspection, Respondents failed to label one universal waste battery container in Building 500-198-19 with the words “universal waste batteries,” “used batteries,” or “waste batteries.”

68. Respondents’ failure to properly label the universal waste battery container described above is a violation of 40 C.F.R. § 273.14(a).

Failure to date universal waste container

69. The regulations at 40 C.F.R. § 273.15(c)(1) require small quantity handlers of universal waste to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

70. At the time of the inspection, Respondents failed to label one universal waste lamp container in the Mechanical Shop with the earliest date that any universal waste in the container became a waste or was received.

71. Respondents’ failure to label the universal waste container described above with the earliest date that any universal waste in the container became a waste or was received is a violation of 40 C.F.R. § 273.15(c)(1).

Count 5

Failure to Permit Hazardous Waste Management (Satellite Accumulation Containers)

72. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

73. The regulation at 40 C.F.R. § 262.15(a) states that a Large Quantity Generator may accumulate as much as fifty-five (55) gallons of non-acute hazardous waste or either one quart of liquid acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter or 1 kg (2.2 lbs) of solid acute hazardous waste listed in § 261.31 or § 261.33(e) in containers at or near any point of generation where wastes are initially accumulated which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption are met. The Respondents failed to comply with the following conditions for exemption for satellite accumulation:

Containers must be marked or labeled

74. The regulation at 40 C.F.R. 262.15(a)(5) (i) and (ii) requires generators to mark or label its container with the words “Hazardous Waste” and with an indication of the hazards of the contents (i.e., ignitable, corrosive, reactive, toxic).

75. At the time of the inspection, the inspector observed a satellite accumulation container for waste solvent in Building 3A-12 that was not labeled with an indication of the nature of the hazard.

76. Respondents’ failure to label the satellite accumulation container described above with an indication of the nature of the hazard is a violation of 40 C.F.R. 262.15(a)(5)(ii).

Container not closed

77. The regulation at 40 C.F.R. § 261.15(a)(4) states that a container holding hazardous waste must be closed at all times during accumulation except when adding, removing, or consolidating waste.

78. At the time of the inspection, the inspector observed a 55-gallon satellite accumulation container of aerosol can residue in Building 500-198-19 Solid Waste Processing Center that was not closed.

79. Respondents’ failure to close the satellite accumulation container described above is a violation of 40 C.F.R. § 261.15(a)(4).

Count 6

Improper Management of Used Oil Containers

80. Complainant hereby incorporates the allegations contained in Paragraphs 23 through 42 above, as if fully set forth herein.

81. The regulations at 40 C.F.R. § 279.22(c)(1) require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words “Used Oil.”

82. At the time of the inspection, Respondents failed to label or clearly mark one 55-gallon used oil container in the Mechanical Room of Building 3A-51.

83. Respondents’ failure to label the container of used oil described above is a violation of 40 C.F.R. § 279.22(c)(1).

CONSENT AGREEMENT

84. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondents:

- (a) admit the jurisdictional allegations set forth herein;
- (b) neither admit nor deny the specific factual allegations stated herein;
- (c) consent to the assessment of a civil penalty, as stated herein;
- (d) consent to any conditions specified herein (none identified);
- (e) consent to any stated Permit Action (none identified);
- (f) waive any right to contest the allegations set forth herein; and
- (g) waive their rights to appeal the Final Order accompanying this Consent Agreement.

85. Respondents consent to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

86. Respondents and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

87. Respondents consent to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email addresses: *randy.a.doyle.civ@army.mil*; *eric.schaal@dayzim.com*; and *paul.m.powers7.civ@army.mil*.

Penalty Payment

88. Respondents agree that, in settlement of the claims alleged herein, Respondents shall pay a mitigated civil penalty of Thirty-Nine Thousand Three Hundred and Eleven Dollars (\$39,311) based on a substantiated ability to pay claim, as set forth below.

89. Respondents shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondents 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>.

90. 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

Anna Landis, Attorney
landis.anna@epa.gov.

91. Respondents understand that their failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Effect of Settlement and Reservation of Rights

92. In consideration of the Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondents' liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

93. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondents' representations to the EPA, as memorialized in paragraph directly below.

94. Respondents certify by the signing of this Consent Agreement and Final Order that to the best of their knowledge, 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.

95. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondents' obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

96. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondents in an amount not to exceed Seventy Thousand Seven Hundred Fifty-Two Dollars (\$70,752) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

97. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondents' facility.

98. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondents' facility may present an imminent and substantial endangerment to human health and the environment.

99. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondents' obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

100. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. §§ 1341, et seq.

101. EPA agrees that the GTU may now stay in its original permitted location in the Detonation Area and is not required to be closed. Respondent provided documentation to show that the GTU has been moved back to the original permitted location. In addition, the EPA agrees that the secondary site – Firing Site – where the GTU was moved is now closed. Based on documents provided by the Respondent, EPA finds the previous actions of the Respondents to close the Firing Site, require no further remediation.

General Provisions

102. By signing this Consent Agreement, the undersigned representatives of Respondents certify that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

103. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing 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.

104. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, and local taxes.

105. This Consent Agreement and Final Order shall apply to and be binding upon Respondents and Respondents' agents, successors and/or assigns. Respondents shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondents with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

106. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

David Cozad
Director
Enforcement and Compliance Assurance Division


Date

Anna Landis
Office of Regional Counsel

Date

RESPONDENT:

John Dunlapp
Lieutenant Colonel
Commanding
IOWA ARMY AMMUNITION PLANT
john.d.dunlapp.mil@army.mil



Signature

09/24/2024

Date

John Dunlapp

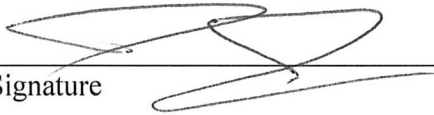
Printed Name

Commander, IAAAP

Title

RESPONDENT:

Jeremiah Jorgensen
President
AMERICAN ORDNANCE, LLC
17575 DMC Highway 79
Middletown, Iowa 52638
jeremiah.jorgensen@aollc.biz


Signature

9/18/24
Date

JEREMIAH JORGENSEN
Printed Name

PRESIDENT
Title

FINAL ORDER

Pursuant to 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 Consent 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 Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent 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

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Anna Landis
Office of Regional Counsel
landis.anna@epa.gov

Edwin Buckner
Enforcement and Compliance Assurance Division
buckner.edwint@epa.gov

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

Copy via Email to Respondents:

Paul M. Powers
AMC Legal Center – Rock Island Arsenal
One Rock Island Arsenal
Rock Island, IL 61299
paul.m.powers7.civ@army.mil

and

Randy Doyle
Chief, Operations Support Division
Iowa Army Ammunition Plant
randy.a.doyle.civ@army.mil

and

Eric Schaal
General Counsel, Munitions and Government
Day & Zimmerman
1500 Spring Garden Street
Philadelphia, PA 19130
eric.schaal@dayzim.com

Copy via Email to the State of Iowa:

Ed Tormey, Acting Administrator (e-copy)
Environmental Services Division
Iowa Department of Natural Resources
Ed.tormey@dnr.iowa.gov

Mike Sullivan, Chief (e-copy)
Contaminated Sites Section
Iowa Department of Natural Resources
Michael.sullivan@dnr.iowa.gov

Dated this _____ day of _____, _____.

Signed