

FILED

March 11, 2024

9:40AM

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

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of

Cargill, Inc.
17540 Monroe Wapello Road
Eddyville, Iowa 52553
RCRA ID No.: IAD980964316

Respondent.

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) **Docket No. RCRA-07-2024-0048**
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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) Cargill, Inc. (“Respondent”) is the owner or operator of the facility located at 17540 Monroe Wapello Road Eddyville, Iowa 52553 (“Facility”). The EPA inspected the Facility, on February 15, 2023. 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. Title 40 Code of Federal Regulations (40 C.F.R.) § 262.17(a)(1)(v) requires a large quantity generator to at least weekly, inspect central accumulation areas, looking for leaking containers and for deterioration of containers caused by corrosion or other factors. During the inspection, the inspector determined that adequate weekly inspections had not been performed.
 - b. 40 C.F.R. § 262.17(a)(5)(i)(A) requires a large quantity generator to mark or label its containers with the words “Hazardous Waste.” During the RCRA inspection, the inspector observed a 15-gallon hazardous waste accumulation container of waste COD vials in the WWTP container accumulation area. This container was not labeled with the words “hazardous waste.”
 - c. 40 C.F.R. § 262.17(a)(5)(i)(B) requires a large quantity generator to mark or label its containers 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 C.F.R. 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 C.F.R. 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704). During the RCRA inspection, the inspector observed seven containers that were not labeled with an indication of the nature of the hazard.

- d. 40 C.F.R. § 262.17(a)(5)(i)(C) requires a large quantity generator to clearly and visibly mark or label its containers with the date upon which each period of accumulation begins on each container. During the RCRA inspection, the inspector observed three containers that were not marked with an accumulation start date.
 - e. 40 C.F.R. § 273.14(e) requires a small quantity handler of universal waste to label or clearly mark each universal waste lamp or a container or package in which such lamps are contained with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”. During the RCRA inspection, the inspector observed five universal waste lamp accumulation containers in the universal waste storage shed that were not labeled with the words “Universal Waste–Lamps,” or “Waste Lamps,” or “Used Lamps.”
 - f. RCRA Section 3005 requires each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste to have a permit. During the RCRA inspection, the inspector observed a 55-gallon hazardous waste accumulation container that began storing waste ethanol filters in the Vitamin E Haz Hut container accumulation area on July 18, 2022. At the time of the February 15, 2023, RCRA CEI, this hazardous waste had been accumulating 212 days, which was in excess of the allowed 90 days hazardous waste storage time without a RCRA permit. Thus, the facility was an illegal treatment, storage, and disposal facility since it did not have a RCRA permit.
- 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 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: (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; (e) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (f) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (g) consents to electronic service of the filed ESA to the following email address: *Mike_Septer@Cargill.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) 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,

Jonathan Razink

Name (print)

Facility Manager, AVP

Title (print)



Signature

3-6-24

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 Cargill, Inc., EPA Docket No. RCRA-07-2024-0048, 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

Kevin Snowden, Enforcement and Compliance Assurance Division
Snowden.Kevin@epa.gov

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

Copy via e-mail to (counsel for) Respondent:

Mike Septer
Cargill, Inc.
17540 Monroe Wapello Road
Eddyville, Iowa 52553
Mike_Septer@Cargill.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