

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

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2014 DEC -3 PM 12: 10 -

IN THE MATTER OF:)
) Docket No. RCRA-07-2014-0034
)
Eurofins Scientific, Inc.)
d/b/a Eurofins Nutritional Analysis Center)
) EXPEDITED SETTLEMENT
EPA ID. No. IAR000514836) AGREEMENT AND
Respondent) FINAL ORDER
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Eurofins Scientific, Inc. d/b/a Eurofins Nutritional Analysis Center (“Respondent”), owner or operator of the facility at 2200 Rittenhouse Street, Des Moines, Iowa (the “Facility”), failed to comply with hazardous waste generator requirements, used oil generator requirements, and manifest requirements under the Resource Conservation and Recovery Act (“RCRA”).
2. Under RCRA a generator of hazardous waste is required to comply with RCRA and its implementing regulations. During an inspection of the Facility on July 30 – 31, 2013, it was revealed that Respondent failed to comply with the following requirements:
 - a. Mark satellite accumulation containers with the words “Hazardous Waste” or with other words that identify the contents of the containers. 40 C.F.R. § 262.34(c)(1)(ii).
 - b. Close satellite accumulation containers holding hazardous waste, except when waste is being added or removed. 40 C.F.R. § 262.34(c)(1)(i), referencing 40 C.F.R. § 265.173(a).
 - c. While being accumulated on-site each accumulation container must be labeled with the words “Hazardous Waste”. 40 C.F.R. 262.34(d)(4), referencing 40 C.F.R. § 262.34(a)(3).
 - d. Maintain each hazardous waste accumulation container in good condition so that it remains closed. 40 C.F.R. § 262.34(d)(2), referencing 40 C.F.R. §§ 265.171 and 265.173(a).
 - e. Perform adequate weekly inspections in hazardous waste accumulation areas. 40 C.F.R. § 262.34(d)(2), referencing 40 C.F.R. § 265.174.
 - f. Include the location of the fire extinguishers and spill control material, and if present, fire alarm on the posted emergency information next to the telephone. 40 C.F.R. § 262.34(d)(5)(ii)(B).
 - g. Have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee in the hazardous waste accumulation area. 40 C.F.R. 262.34(d)(4) referencing 40 C.F.R. § 265.34(a).
 - h. Label used oil storage containers with the words “Used Oil”. 40 C.F.R. § 279.22(c)(1).

- i. Submit an exception report to EPA when the generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. 40 C.F.R. § 262.42(b).
3. The EPA and Respondent agree that settlement of this matter for a penalty of Fourteen Thousand Dollars (\$14,000.00) is in the public interest.
4. The EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA; (2) admits that the 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; and (5) waives any right to contest the allegations contained herein.
6. 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) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. Proof of payment of the civil penalty shall be provided to Kelley Catlin at the address below within 30 days of Respondent’s receipt of the letter invitation setting forth the opportunity for expedited settlement.
8. The civil penalty of Fourteen Thousand Dollars (\$14,000.00) should be paid in accordance with the Penalty Collection Procedures provided to the Respondent.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
10. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Fourteen Thousand Dollars (\$14,000.00) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
2. A copy of the certified or cashier check or other information confirming payment shall simultaneously be sent to the following:

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

3. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
4. This CAFO shall be effective upon the filing of the Final Order 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.

IT IS SO AGREED,

Eurofins Scientific, Inc. d/b/a Eurofins Nutritional Analysis Center

Signature: Guy Rimbey

Date 11/6/2014

Printed Name: Guy Rimbey

Printed Title: Safety Officer

APPROVED BY EPA:

Donald Toensing

Date 11-17-14

Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Kelley Catlin

Date 11/13/14

Kelley Catlin, Attorney
Office of Regional Counsel

IT IS SO ORDERED:

Karina Borromeo

Date 12-3-14

Karina Borromeo
Regional Judicial Officer

IN THE MATTER OF Eurofins Scientific, Inc. d/b/a Eurofins Nutritional Analysis Center,
Respondent
Docket No. RCRA-07-2014-0034

CERTIFICATE OF SERVICE

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

Copy by email to Attorney for Complainant:

catlin.kelley@epa.gov

Copy by First Class Mail to:

Guy Rimbey, QT Specialist/Safety Officer
Eurofins Scientific, Inc.
d/b/a Eurofins Nutritional Analysis Center
Nutritional Analysis Center
2200 Rittenhouse St., Suite 150
Des Moines, Iowa 50321

Dated: 12/3/14



Kathy Robinson
Hearing Clerk, Region 7