UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7



In the Matter of:)
Menard, Inc. Warranty Center 7410 East Street) Docket No. RCRA-07-2025-0053
Shelby, Iowa 51570)) EXPEDITED SETTLEMENT
EPA ID IAR000516351,) AGREEMENT AND FINAL ORDER
Respondent.))

EXPEDITED SETTLEMENT AGREEMENT

- 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).
- Menard, Inc. ("Respondent") is the owner or operator of the Warranty Center facility located at 7401 East Street, Shelby, Iowa ("Facility"). The EPA inspected the Facility on October 23-24, 2024. 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:
 - 1. 40 C.F.R § 262.17(a)(6) referencing 40 C.F.R. § 262.262(b) requires that a generator prepares a Quick Reference Guide of the RCRA Contingency Plan and submits the Quick Reference Guide to emergency response agencies. It was determined during the EPA inspection that the facility had not prepared or submitted a Quick Reference Guide.
- 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 one thousand two hundred and fifty dollars (\$1,250.00) is in the public interest.
- So 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 979078 St. Louis, Missouri 63197-9000

or by alternate payment method described at http://www.epa.gov/financial/makepayment.

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.

- 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 address: rebben@menard-inc.com. Respondent understands that the ESA will become publicly available upon filing.
- 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.
- 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.

IT IS SO AGREED,

JEREM	Y GURGEL			
Name (print)	l			
GENERAL	MANAGER OF	DISTR	130700	
Title (print)	\circ			
O.			6/13/25	. 3
Signature			Date	
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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	Date
Regional Judicial Officer	

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 Menard, Inc. Warranty Center, EPA Docket No. RCRA-07-2025-0053, 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*

Koba Butkovich, Enforcement and Compliance Assurance Division *Butkovich.Koba@epa.gov*

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

Copy via e-mail to Respondent:

Rob Ebben, General Manager of Reverse Logistics Menard, Inc. Warranty Center 5101 Menard Drive Eau Claire, WI 54703 rebben@menard-inc.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	, 2025.	
		Signed	