

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

Received by  
EPA Region 7  
Hearing Clerk

In the Matter of

Amcor Flexibles North America, Inc.  
1400 East O’Neal Street  
Centerville, IA 52544  
EPA ID Number: IAD041580721

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) **Docket No. RCRA-07-2022-0077**  
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**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

Respondent.

**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 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
- 2) By copy of this letter, the EPA is providing the State of Iowa with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) Amcor Flexibles North America, Inc. (“Respondent”) is the owner or operator of the facility located at 1400 East O’Neal St., Centerville, IA 53544 (“Facility”). The EPA inspected the Facility, on November 17, 2021. The EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
  - a. 40 C.F.R. § 279.22(c)(1) requires containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” At the time of the inspection, Respondent had not marked or labelled two 55-gallon drums containing used oil and used oil debris with the words “Used Oil”. Specifically, one drum containing approximately 5 gallons of used oil and one drum containing several, undrained used oil filters were labeled with words “Waste Oil”. Respondent’s failure to label these two 55-gallon drums with the words “Used Oil” is a violation of 40 C.F.R. § 279.22(c)(1).
  - b. 40 C.F.R. §§ 262.17 states that a large quantity generator (“LQG”) may accumulate hazardous waste onsite without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA, provided that all of the conditions for exemption listed at 40 C.F.R. § 262.17 are met. Because the following conditions for exemption for an LQG were not met, Respondent was not authorized to store hazardous waste at the Facility, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

- i. 40 C.F.R. § 262.17(a)(1)(v) requires that, at least weekly, a large quantity generator must inspect central accumulation areas (“CAAs”). At the time of the inspection, the facility was missing weekly inspection documentation for the weeks of November 11, December 9, and December 23 in 2020 and the weeks of June 2, June 30, and October 20 in 2021. According to Respondent, facility personnel conducting the inspections are required to fill out an inspection checklist, and the missing inspection checklists indicated that the CAA had not been inspected that week. Because Respondent failed to conduct weekly inspections of CAAs required by 40 C.F.R. § 262.17(a)(1)(v), Respondent failed to meet this condition for exemption located at 40 C.F.R. § 262.17.
- ii. 40 C.F.R. §§ 262.17(a)(6) and 262.262 require an LQG that first becomes subject to these provisions after May 30, 2017, or an LQG that is otherwise amending its contingency plan, must at that time submit a quick reference guide (“QRG”) of the contingency plan to local emergency responders. The QRG must include, but is not limited to, the locations of water supplies, as required by 40 C.F.R. § 262.262(b)(6). At the time of the inspection, Respondent had last updated its contingency plan in November of 2021 and was thus required to submit a QRG that included the locations of water supply. However, Respondent’s QRG did not include the locations of water supplies, and thus failed to meet this condition for exemption located at 40 C.F.R. § 262.17.
- iii. 40 C.F.R. §§ 262.17(a)(6) and 262.261(a) require that a contingency plan include the actions facility personnel must take to comply with 40 C.F.R. §§ 262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. At the time of the inspection, Respondent’s contingency plan did not include procedures to respond to fires or explosions at the facility. Because Respondent failed to include procedures to respond to fires or explosions at the facility in its contingency plan, Respondent failed to meet this condition for exemption located at 40 C.F.R. § 262.17.
- iv. 40 C.F.R. § 262.17(a)(7)(iii) requires that facility personnel must take part in an annual review of the initial training required by 40 C.F.R. § 262.17(a)(7). At the time of the inspection, five staff members had not received annual review of the training. Specifically, three alternate emergency coordinators had not received training in 2019, 2020, or 2021; and two employees who conduct container inspections had not received annual training, one in 2019, and one in 2021. Because Respondent failed to provide these five facility personnel with an annual review of training, Respondent failed to meet this condition for exemption located at 40 C.F.R. § 262.17.

- 4) The EPA and Respondent agree that settlement of this matter for a civil penalty of six thousand eight hundred and seventy five dollars (\$6,875.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made 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  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

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

- 5) 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](mailto:R7_Hearing_Clerk_Filings@epa.gov); and

Milady Peters, Paralegal  
[peters.milady@epa.gov](mailto:peters.milady@epa.gov)

- 6) 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: [john.cohrs@amcor.com](mailto:john.cohrs@amcor.com). Respondent understands that the CAFO will become publicly available upon filing.
- 7) 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, (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, and (3) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- 8) 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. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

- 9) EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 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,

RANDY CHRISTIANSON  
Name (print)  
VICE PRESIDENT / SUPPLY CHAIN AND OPERATIONS  
Title (print)  
Randy Christianson                      July 5<sup>th</sup> 2022  
Signature    Date



FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), 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.

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 Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via e-mail to Complainant:

Kate Kacsur, Office of Regional Counsel  
*kacsur.katherine@epa.gov*

Tim Evans, Enforcement and Compliance Assurance Division  
*evans.timothy@epa.gov*

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

Copy via e-mail to Respondent:

Mitch Cohrs, EHS Manager  
Amcor Flexibles North America, Inc.  
*john.cohrs@amcor.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