



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7

In the Matter of
Rosenboom Machine & Tool, Inc.
1530 Western Avenue
Sheldon, Iowa 51201
EPA ID IAD072900483
And
Rosenboom Machine & Tool, Inc.
1 Lary Rosenboom Drive
Spirit Lake, Iowa 51360
EPA ID IAR000500405
Respondent.

Docket No. RCRA-07-2024-0075
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) Rosenboom Machine & Tool, Inc. ("Respondent") is the owner or operator of the facilities located at 1530 Western Avenue, Sheldon, Iowa and 1 Lary Rosenboom Drive, Spirit Lake, Iowa ("Facilities"). The EPA inspected the Sheldon, Iowa Facility, on August 8, 2023, and the Spirit Lake, Iowa facility on August 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. 40 C.F.R. § 261.4(a)(26)(i) requires solvent-contaminated wipes that are accumulated, stored, and transported to be contained in non-leaking, closed containers and labeled "Excluded Solvent-Contaminated Wipes."

During the CEI conducted at the Spirit Lake, Iowa facility, the RCRA inspector observed one 5-gallon excluded solvent-contaminated wipe accumulation container at the clearcoat booth gun cleaning station. The container was labeled with the words

“excluded solvent wipes” and not “excluded solvent-contaminated wipes,” as required.

- b. 40 C.F.R. § 262.15(a)(4) requires a large quantity generator to ensure that a satellite accumulation container holding hazardous waste is closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

40 C.F.R. § 262.15(a)(5)(i) requires a large quantity generator to mark or label its satellite accumulation containers with the words, “Hazardous Waste.”

40 C.F.R. § 262.15(a)(5)(ii) requires a large quantity generator to mark or label its satellite accumulation area containers with an indication of the hazards of the contents.

During the inspection conducted at the Spirit Lake, Iowa facility, the RCRA inspector observed one 5-gallon satellite accumulation container of waste paint related material in the primer booth. The satellite accumulation container was not closed, marked, or labeled as “Hazardous Waste,” and marked or labeled with an indication of the hazards of its contents, as required.

Following the inspection conducted at the Sheldon, Iowa facility, the RCRA inspector determined that the 55-gallon satellite accumulation area containers located inside of a flammable cabinet and inside of a 10-foot by 10-foot by 10-foot mixing room (Mixing Room #3) in the Paint Department were not marked or labeled with the words, “Hazardous Waste” and with an indication of the nature of the hazard, as required.

- c. 40 C.F.R. § 262.255 requires a large quantity generator to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

During the inspection conducted at the Sheldon, Iowa facility, the RCRA inspector observed that the drums located in the back of the production 90-day container accumulation area were difficult to access to inspect or read their labels, as required.

- d. 40 C.F.R. § 262.256(b) requires a large quantity generator to maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

During the inspection conducted at the Sheldon, Iowa facility, records were not available documenting that the facility shared its updated contingency plan and quick reference guide with the fire department and local emergency agencies, as required.

- e. 40 C.F.R. § 262.263(d) requires a large quantity generator's contingency plan to be reviewed, and immediately amended, if necessary, whenever the list of emergency coordinators changes.

During the inspection conducted at the Sheldon, Iowa facility, the RCRA inspector determined that the facility failed to revise its contingency plan for one of its primary onsite emergency coordinators.

- f. 40 C.F.R. § 273.14(a) requires universal waste batteries (i.e., each battery), or a container in which the batteries are contained, to be labeled or marked clearly with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

40 C.F.R. § 273.14(e) requires each lamp or a container or package in which such lamps are contained to be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

During the inspection conducted at the Sheldon, Iowa facility, the RCRA inspector observed two containers storing a mixture of alkaline and rechargeable lithium batteries and one protective cardboard tube that contained about 100 green tipped six-foot universal waste-lamps. None of these universal wastes were properly labeled in accordance with the requirements.

- g. 40 C.F.R. § 273.15(a) requires a small quantity handler of universal waste to accumulate universal waste for no longer than one year from the date the universal waste is generated.

40 C.F.R. § 273.15(c) requires a small quantity handler of universal waste who accumulates universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste.

During the inspection conducted at the Spirit Lake, Iowa facility, the inspector observed one container holding four universal waste lamps that was marked with a partial accumulation start date of February 2022 (month/year only) and no day date marked. Based on the month and year marked, the facility accumulated universal waste for longer than one year. In addition, because the accumulation start date was incomplete, the RCRA inspector determined the facility failed to date or otherwise track the universal waste accumulation time with a complete date on a universal waste lamps container, as required.

- 4) In determining the amount of the penalty to be assessed, EPA has considered 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 eight thousand seven hundred and fifty dollars. (\$8,750.00) 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 979078
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: kwest@rosenboom.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,

Craig Van Dronen
Name (print)

Director of Human Resources
Title (print)

Craig Clanda
Signature

05/21/2024
Date

APPROVED BY EPA:

Jodi Bruno
Acting 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 Rosenboom Machine & Tool, Inc., EPA Docket No. RCRA-07-2024-0075, 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 Respondent:

Rosenboom Machine & Tool, Inc.
1530 Western Avenue
P.O. Box 280
Sheldon, Iowa 51201
kwest@rosenboom.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