

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

Received by
EPA Region 7
Hearing Clerk

In the Matter of

Ashley Industrial Molding, Inc.
505 5th Avenue
Oelwein, Iowa
EPA ID No. IAD014117550

Docket No. RCRA-07-2022-0108

**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(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
- 2) By copy of this ESA, 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) Ashley Industrial Molding, Inc. (“Respondent”) is the owner or operator of the facility located at 951 2nd Avenue SE in Oelwein, Iowa (“Facility”). The EPA inspected the Facility on January 25, 2022. The EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. § 262.17 states that a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270, or the notification requirements of section 3010 of RCRA, provided that all of the conditions for exemption listed in § 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)(6) requires a large quantity generator comply with the standards in Part 262, subpart M, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators. 40 C.F.R. § 262.262(b) states in part that a large quantity generator that is amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in § 262.262, or as appropriate the Local Emergency Planning Committee. It was determined that the facility contingency plan had been revised on January 11, 2022, two weeks prior to the inspection. At the time of the

inspection, Jeremy James, Plant Manager, stated he was not aware that this was a requirement and that the facility did not have a quick reference guide.

- ii. 40 C.F.R. § 262.17(a)(7)(iii) states that facility personnel must take part in an annual review of the initial training required under § 262.17(a)(7). At the time of the inspection, Mr. James, the Plant Manager, was unable to provide his training certificate for 2021. Mr. James stated he must not have completed annual hazardous waste refresher training in 2021.
 - b. 40 C.F.R. § 273.15(a) states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the sole purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. At the time of the inspection, Respondent had accumulated one 5-gallon container of waste lithium-ion batteries and one 5-gallon container of waste nickel compound batteries for greater than one year. Both containers were labeled with an accumulation start date of “5/22/19”. Because Respondent stored waste batteries for greater than one year, Respondent was in violation of 40 C.F.R. § 273.15(a).
- 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 agree that the settlement of this matter for a civil penalty of three-thousand seven hundred fifty dollars (\$3,750.00) 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; and

Milady Peters, Paralegal
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: *jjames@ashinmold.com*. Respondent understands that the ESA 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) The 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.

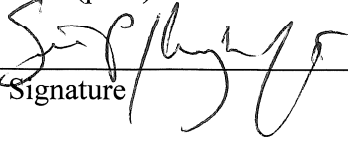
IT IS SO AGREED,

Scott Pflughofer

Name (print)

C.E.O.

Title (print)



Signature

9/15/2022

Date

APPROVED BY EPA:

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Date

Jennifer Trotter, 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.

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, EPA Docket No. RCRA-07-2022-0108, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Jennifer Trotter, Office of Regional Counsel
trotter.jennifer@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:

Jeremy James, Plant Manager (e-copy)
Ashley Industrial Molding Inc.
jjames@ashinmold.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