

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Received by
EPA Region 7
Hearing Clerk

In the Matter of)	
)	
Vetter Equipment)	Docket No. RCRA-07-2023-0031
Denison, Iowa)	
RCRA ID Shenandoah IAR000524884)	EXPEDITED SETTLEMENT
RCRA ID Missouri Valley IAD122017817)	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) 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) Vetter Equipment (“Respondent”) is the owner or operator of the facilities located at 1308 Ferguson Road, Shenandoah, Iowa, and 1907 Highway 30, Missouri Valley, Iowa (“Facilities”). The EPA inspected the Shenandoah Facility on April 11, 2022 and the Missouri Valley Facility on June 13, 2022. 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. § 262.14(a)(2) referencing 40 C.F.R. § 262.11** -- 40 C.F.R. § 262.14(a)(2) – Conditions for exemption for a very small quantity generator – requires that if a very small quantity generator meets all the conditions for exemption listed in the section, hazardous waste generated by the very small quantity generator is not subject to the requirements of Parts 124, 262 (except §§ 262.10 through 262.14) through 268, and 270 of this chapter and the notification requirements of section 3010 of RCRA. If the conditions for exemption are met, the very small quantity generator may accumulate hazardous waste on site without complying with such requirements. One of the conditions for exemption is that the very small quantity generator complies with § 262.11(a) through (d). 40 C.F.R. § 262.11 – Hazardous waste determination and recordkeeping – requires a person who generates a solid waste must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

- a. Vetter Shenandoah failed to make an adequate hazardous waste determination on non-empty aerosol cans.
 - b. Vetter Missouri Valley failed to make an adequate waste determination on the solvent and failed to determine if the waste solvent exhibits any of the characteristics identified in 40 C.F.R. 261 Subpart C.
2. **40 C.F.R. § 279.22(c)(1)** – Used oil storage, Labels – requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” Vetter Shenandoah failed to label two used oil ASTs and one used oil storage container with the words “used oil.”
 3. **40 C.F.R. § 279.22(d)(3)** – Response to releases – requires that upon detection of a release of used oil to the environment, a generator must clean up and manage properly the released used oil and other materials. Vetter Shenandoah failed to clean up and properly manage released used oil and other materials.
 4. **40 C.F.R. § 279.24** – Off-site shipments – requires that generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers. Vetter Missouri Valley failed to ensure that used oil is transported only by a transporter that has obtained an EPA ID number.
 5. **40 C.F.R. § 279.61(a) - 40 C.F.R. 279.71(b)** -- § 279.61 – Restrictions on burning – states that off-specification used oil fuel may be burned for energy recovery in only industrial furnaces, boilers, or hazardous waste incinerators. Section 279.71 – Prohibitions – states that a used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who has an EPA identification number and burns the used oil in an industrial furnace or boiler identified. Vetter Missouri Valley shipped off-spec used oil to a burner who did not have an EPA ID number and failed to ensure the used oil is burned in an industrial furnace or boiler.
- 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 agrees, that settlement of this matter for a civil penalty of Ten Thousand Dollars (\$10,000.00) 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: *gvetter@vetterequip.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) 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,

GLEN VETTER

Name (print)

PRESIDENT

Title (print)

Glen Vetter

Signature

Date

3-08-2022

APPROVED BY EPA:

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Date

Chris 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.

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 Vetter Equipment, EPA Docket No. RCRA-07-2023-0031, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Chris Muehlberger, Office of Regional Counsel
muehlberger.chris@epa.gov

Marc Matthews, Enforcement and Compliance Assurance Division
matthews.marc@epa.gov

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

Copy via e-mail to (counsel for) Respondent:

Glen A. Vetter, Owner
Vetter Equipment
gvetter@vetterequip.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