

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

Received by  
EPA Region 7  
Hearing Clerk

<b>In the Matter of:</b>	)	
	)	
Winfield Solutions, d/b/a Omnium	)	<b>Docket No. RCRA-07-2023-0008</b>
1280 Imperial Road	)	
Hampton, Iowa 50441	)	<b>EXPEDITED SETTLEMENT</b>
RCRA ID No.: IA0000575902	)	<b>AGREEMENT AND FINAL ORDER</b>
	)	
<u>Respondent.</u>	)	

**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) Winfield Solutions, d/b/a Omnium (“Respondent”) is the owner or operator of the facility located at 1280 Imperial Road, Hampton, Iowa (“Facility”). The EPA inspected the Facility on June 7, 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:
  - a. 40 C.F.R. § 262.15(a)(4) requires that a satellite accumulation container holding hazardous waste must be closed at all times during accumulation. At the time of the EPA inspection, the aerosol can puncturing device attached to a 30-gallon plastic satellite accumulation container in the South Warehouse did not have its lid closed.
  
  - b. 40 C.F.R. § 262.15(a)(5)(ii) requires that a generator mark or label satellite accumulation containers with an indication of the hazards of the contents. At the time of the EPA inspection, two satellite accumulation containers holding hazardous waste (one accumulating Quality Control Laboratory Procedure Waste Liquid and one accumulating Waste from Production Procedure and Routine Cleanup of Aromatic and Product) were not labeled with an indication of the hazards of their contents.
  
  - c. 40 C.F.R. § 265.1050(c) requires that each piece of equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight shall be marked in such a manner that it can be distinguished readily from other pieces of equipment. At the time of the EPA inspection, in the North Production Area and the South Production Area, Respondent had not marked pumps, piping,

hoses, valves, and connectors used to transfer ignitable waste from tanks T52 and T31 in a manner to distinguish them from other equipment.

- d. 40 C.F.R. § 265.1064(g)(6) requires that a facility with equipment in organic hazardous waste service shall record in a log that is kept in the facility operating record identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of a least 10 percent by weight for less than 300 hours per calendar year. At the time of the EPA inspection, in the North Production Area and the South Production Area, Respondent had pumps, piping, hoses, valves, and connectors used to transfer ignitable waste from tanks T52 and T31 that were not identified in the facility operating record.
- 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 five thousand dollars (\$5,000.00) 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](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:

*JMcintyre@landolakes.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,

CHARLES Von Feldt

Name (print)

General Counsel and Secretary

Title (print)

Charles Von Feldt

Signature

1-15-2023

Date

APPROVED BY EPA:

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Candace Bednar  
Chemical Branch Chief  
Enforcement and Compliance Assurance Division

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Christopher Muehlberger, Attorney  
Office of Regional Counsel

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.

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Karina Borromeo  
Regional Judicial Officer

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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, EPA Docket No. RCRA-07-2023-0008, 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*

Edwin Buckner, Enforcement and Compliance Assurance Division  
*buckner.edwin@epa.gov*

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

Copy via e-mail to Respondent:

Justin McIntyre  
Environmental Health and Safety Manager  
Omnium  
*JMcintyre@landolakes.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