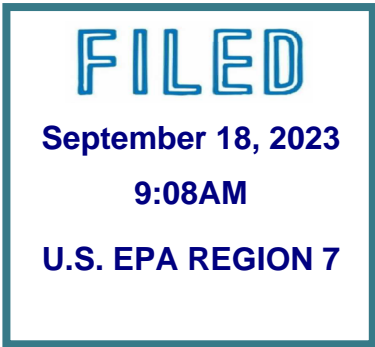


**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**



In the Matter of)
)
Cemen Tech, Inc.) **Docket No. RCRA-07-2023-0144**
1700 N. 14th Street)
Indianola, Iowa 50125) **EXPEDITED SETTLEMENT**
RCRA ID No.: IAD984569921) **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) Cemen Tech, Inc. (“Respondent”) is the owner or operator of the facility located at 1700 N. 14th Street, Indianola, Iowa 50125 (“Facility”). The EPA inspected the Facility, on May 11-12, 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. Title 40 C.F.R. § 262.15(a)(4) requires a generator of hazardous waste to maintain its satellite accumulation containers holding hazardous waste closed at all times during accumulation except under specific circumstances. At the time of the EPA inspection, the waste paint-related material drum in Respondent’s paint kitchen had a hose passing through the large bung hole and it was not sealed. This violation is documented by NOPF Number 8 and Photograph Number 10 of the CEI report.
 - b. Title 40 C.F.R. § 262.15(a)(5)(i) requires a generator of hazardous waste to mark or label its satellite accumulation containers with the words “Hazardous Waste.” At the time of the EPA inspection, Respondent had not labeled a 55-gallon steel container accumulating flammable hazardous waste from aerosol cans in the Paint Kitchen with the words “Hazardous Waste.” This violation is documented by NOPF Number 2 on pages 8-9 and Photograph Numbers 29-32 of the CEI report.
 - c. Title 40 C.F.R. § 262.15(a)(5)(ii) requires a generator of hazardous waste to mark or label its satellite accumulation containers with an indication of the hazards of the contents. At the time of the EPA inspection, two satellite accumulation containers

- (waste paint-related material and aerosol can waste) were not labeled with an indication of the hazards of the contents. This violation is documented by NOPF Number 3 on pages 7-9 and Photograph Numbers 10-14 and 29-31 of the CEI report.
- d. Title 40 C.F.R. § 262.17(a)(5)(i)(C) requires a large quantity generator of hazardous waste (LQG) to mark or label its containers with the date upon which each period of accumulation begins, clearly visible for inspection on each container. At the time of the EPA inspection, one hazardous waste accumulation container was marked with the date “1-5-23.” According to Respondent, the correct date for that container was “5-1-23.” Therefore, the container was not marked or labeled with the date upon which accumulation began. This violation is documented by NOPF Number 3 on pages 7 and 11 and Photograph Numbers 26-28 of the CEI report.
 - e. Title 40 C.F.R. § 262.17(a)(6) references 40 C.F.R. § 262.251 which requires an LQG to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Respondent splattered waste paint-related material on the floor, walls, and exterior of the satellite container accumulating waste paint-related material. This violation is documented by NOPF Number 9 and Photograph Numbers 10-14 of the CEI report.
 - f. Title 40 C.F.R. 262.17(a)(6) references 40 C.F.R. § 262.261(f) which requires an LQG, in its contingency plan, to include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes. Respondent’s contingency plan did not include a description of the signal(s) to be used to begin evacuation. This violation is documented by NOPF Number 4 on page 13 and Attachment Number 26 of the CEI report.
 - g. Title 40 C.F.R. § 262.17(a)(7)(iv)(D) requires an LQG to maintain records that document that the training or job experience, required under 40 C.F.R. § 262.17(a)(7)(i-iii), has been given to, and completed by facility personnel. At the time of the EPA inspection, facility training records covered years 2022 and 2023, but were unavailable for years prior to that. Title 40 C.F.R. § 262.17(a)(7)(v) requires the LQG to keep these records until closure of the facility. This violation is documented by NOPF Number 5 on pages 12-13 and Attachment Number 24 of the CEI report..
- 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 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: (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 addresses: Christopher.Sackett@brownwinick.com and SChang@cementech.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: (1) the alleged violations have been corrected, and (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.
- 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.

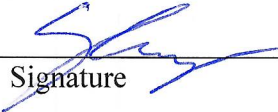
IT IS SO AGREED,

SunJo Chang

Name (print)

EHS Manager

Title (print)


Signature

9/8/2023

Date

APPROVED BY EPA:

David Cozad
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 Cemen Tech, Inc., EPA Docket No. RCRA-07-2023-0144, 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 counsel for Respondent:

Christopher R. Sackett
BrownWinick Law
Registered Agent for Cemen Tech, Inc.
666 Grand Avenue, Suite 2000
Des Moines, Iowa 50309
Christopher.Sackett@brownwinick.com

Copy via e-mail to the Respondent:

SunJo Chang, EHS Manager
Cemen Tech, Inc.
SChang@cementech.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 _____, 2023.

Signed