

FILED

May 5, 2025

9:22AM

U.S. EPA REGION 7  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

In the Matter of:

McWane, Inc. d/b/a Clow Valve  
Company – Machine Shop  
902 S. 2nd Street  
Oskaloosa, Iowa 52577  
EPA ID IAD980684971,

)  
)  
) **Docket No. RCRA-07-2025-0050**  
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**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

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)  
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) McWane, Inc., d/b/a Clow Valve – Machine Shop (“Respondent”) is the owner or operator of the facility located at 902 S. 2<sup>nd</sup> Street, Oskaloosa, Iowa (“Facility”). The EPA inspected the Facility, on November 18, 2024. 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)(5)(ii) requires that a generator labels satellite accumulation containers with an indication of the nature of the hazard. At the time of the EPA inspection, five satellite containers were not labeled with an indication of the nature of the hazard.
  - b. 40 C.F.R § 262.16(b)(6)(i)(B) requires that a generator labels accumulating containers of hazardous waste with an indication of the nature of the hazard. At the time of the EPA inspection, ten hazardous waste containers were not labeled an indication of the nature of the hazard.
  - c. 40 C.F.R. § 273.15(a) requires that a generator accumulate universal waste aerosol cans for no longer than one year. At the time of the EPA inspection, one container of universal waste cans had an accumulation start date of May 1, 2023, and was thus accumulated for longer than one year.
  - d. 40 C.F.R. § 262.16(b)(6)(i)(A) requires that a generator labels accumulating

containers of hazardous waste with an accumulation start date that is visible for inspection. At the time of the EPA inspection, one hazardous waste container was dated but not turned so the date was visible for inspection.

- e. 40 C.F.R. § 262.16(b)(2)(iv) requires that a generator conducts adequate weekly inspections of its hazardous waste containers. At the time of the EPA inspection, the facility inspected its hazardous waste containers weekly. However, based on the hazardous waste container findings, it was determined that the facility failed to perform adequate weekly inspections.
- 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.
- 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](mailto:R7_Hearing_Clerk_Filings@epa.gov); and

Milady Peters, Paralegal  
[peters.milady@epa.gov](mailto: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; and (e) consents to electronic service of the filed ESA to the following email address: [dain.netland@clowvalve.com](mailto:dain.netland@clowvalve.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) By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including, but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Expedited Settlement Agreement.
- 10) 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.
- 11) 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.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

Mark A. Willett

Name (print)

VP/ General Manager

Title (print)

Mark A. Willett

Signature

04-22-25

Date

APPROVED BY EPA:

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David Cozad  
Director  
Enforcement and Compliance Assurance Division

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Date

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Christopher Muehlberger, Attorney  
Office of Regional Counsel

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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.

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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, in the matter of McWane, Inc., d/b/a Clow Valve – Machine Shop, EPA Docket No. RCRA-07-2025-0050, 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*

Koba Butkovich, Enforcement and Compliance Assurance Division  
*Butkovich.koba@epa.gov*

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

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

Dain Netland, Environmental Manager  
Clow Valve Company – Machine Shop  
902 S. 2nd Street  
Oskaloosa, Iowa 52577  
*dain.netland@clowvalve.com*

Copy via e-mail to the State of Iowa:

Ed Tormey, Administrator (*ed.tormey@dnr.iowa.gov*)  
Environmental Services Division  
Iowa Department of Natural Resources

Mike Sullivan, Section Supervisor (*michael.sullivan@dnr.iowa.gov*)  
Solid Waste and Contaminated Sites Section  
Iowa Department of Natural Resources

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Signed