

**FILED**

**June 27, 2024**

**12:52PM**

**U.S. EPA REGION 7  
HEARING CLERK**

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

**In the Matter of:**

Eurofins Food Chemistry Testing  
Des Moines, Inc.  
2200 Rittenhouse St., Suite 175  
Des Moines, Iowa 50321  
RCRA ID No.: IAR000514836,

Respondent.

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)  
) **Docket No. RCRA-07-2024-0080**

)  
) **EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

**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) Eurofins Food Chemistry Testing Des Moines, Inc. (“Respondent”) is the owner or operator of the facility located at 2200 Rittenhouse St., Suite 175, Des Moines, Iowa 50321 (“Facility”). The EPA inspected the Facility, on November 13-14, 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. 40 C.F.R. § 262.15(a) states that a generator may accumulate as much as 55 gallons of non-acute hazardous waste or either one quart of liquid acute hazardous waste. 40 C.F.R. § 262.15(a)(5)(i) requires that a generator mark or label its containers with the words “hazardous waste.” The EPA determined that the respondent did not mark two 2.5-gallon SACs of HPLC unit vials with the words “hazardous waste.”

40 C.F.R. § 262.15(a)(5)(ii) requires that a generator must mark or label its containers with an indication of the hazards of the contents. The EPA determined that the Respondent did not mark two 2.5-gallon SACs of HPLC unit vials with an indication of the hazards.
  - b. 40 C.F.R. § 262.17(a)(5)(i)(C) requires a large quantity generator to mark or label its containers with the date upon which each period of accumulation begins clearly visible on each container. The EPA determined that the Respondent did not mark two

HWACs with an accumulation start date and three HWACs did not mark the accumulation start date visible for inspection.

40 C.F.R. § 262.17(a)(5)(i)(A) requires a large quantity generator to mark or label its containers with the words “hazardous waste.” The EPA determined that the Respondent did not mark one HWAC with the words “hazardous waste.”

40 C.F.R. § 262.17(a)(5)(i)(B) requires a large quantity generator to mark or label its containers with an indication of the hazards of the contents. The EPA determined that the Respondent did not mark one HWAC with an indication of the nature of the hazard.

- c. 40 C.F.R. § 262.17(a)(1)(v) requires that at least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The EPA determined that the respondent failed to perform weekly inspections on a container for approximately two weeks.
- d. 40 C.F.R. § 262.17(a)(6), referencing 262.261(a), requires that a large quantity generator’s contingency plan must describe the actions facility personnel must take to comply with §§ 262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The EPA determined that the Respondent did not include a description of actions needed to respond to fires and explosions in the RCRA contingency plan.

40 C.F.R. § 262.17(a)(6), referencing 262.262(b)(6), requires a large quantity generator that first becomes subject to these provisions after May 30, 2017, or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at 40 C.F.R. § 262.262(a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the locations of water supply. The EPA determined that the Respondent did not include the location of water supplies in the RCRA Quick Reference Guide.

- 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.
- 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; (e) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (f) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (g) consents to electronic service of the filed ESA to the following email address [Danielmorice-quijada@ft.eurofinsus.com](mailto:Danielmorice-quijada@ft.eurofinsus.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) 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.

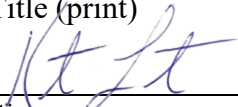
IT IS SO AGREED,

Kristian Lentz

\_\_\_\_\_  
Name (print)

President

\_\_\_\_\_  
Title (print)

  
\_\_\_\_\_  
Signature

June 18, 2024

\_\_\_\_\_  
Date

APPROVED BY EPA:

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Jodi Bruno  
Acting 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 Eurofins Food Chemistry Testing Des Moines, Inc., EPA Docket No. RCRA-07-2024-0080, 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](mailto:Muehlberger.christopher@epa.gov)

Amy Thompson, Enforcement and Compliance Assurance Division  
[Thompson.amy@epa.gov](mailto:Thompson.amy@epa.gov)

Milady Peters, Office of Regional Counsel  
[peters.milady@epa.gov](mailto:peters.milady@epa.gov)

Copy via e-mail to Respondent:

Daniel Morice-Quijada (e-copy)  
EHS Manager  
Eurofins Food Chemistry Testing Des Moines, Inc.  
2200 Rittenhouse St., Suite 175  
Des Moines, Iowa 50321  
[Danielmorice-quijada@ft.eurofinsus.com](mailto:Danielmorice-quijada@ft.eurofinsus.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](mailto: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](mailto:michael.sullivan@dnr.iowa.gov)

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

\_\_\_\_\_



Signed