

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of)	
)	
TruStile Doors, LLC)	Docket No. RCRA-07-2022-0061
Northwood, Iowa 50459)	
EPA ID Number: IAD980739981)	EXPEDITED SETTLEMENT
)	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 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
- 2) By copy of this letter, the EPA is providing the State of Iowa with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) TruStile Doors, LLC (“Respondent”) is the owner or operator of the facility located at 100 Enterprise Drive, Northwood, IA (“Facility”). The EPA inspected the Facility, on December 1, 2021. The EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. §§ 262.17 states that a large quantity generator (LQG) may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA, provided that all of the given conditions for exemption are met. Because the following conditions for exemption for a LQG were not met, Respondent was not authorized to store hazardous waste at the Facility, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925:
 - i. 40 C.F.R. §§ 262.17(a)(6) and 262.254(a) require that whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under § 262.252. At the time of inspection, no communication equipment, neither alarm or communication device, was inside the hazardous waste central accumulation area and the facility prohibited the use of personal cellphones with the hazardous waste

- central accumulation area. Because Respondent failed to provide immediate access to an internal alarm or communication device, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
- ii. 40 CFR § 262.17(a)(1)(iv)(A) requires that a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste. At the time of inspection, one 55-gallon hazardous waste storage container with paint related waste had a funnel in the bung hole with a lid that was not closed. Because this container was not closed, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
 - iii. 40 C.F.R. §§ 262.17(a)(6) and 262.256(a) require that an LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. At the time of inspection, the facility had not attempted to make arrangements with any local emergency responders. Because Respondent failed to attempt to make arrangements, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
 - iv. 40 C.F.R. §§ 262.17(a)(6) and 262.261(c) require that a contingency plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to § 262.256. At the time of inspection, the facility did not describe arrangements made with local emergency responders within their contingency plan. Because Respondent failed to include such arrangements in its contingency plan, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
 - v. 40 C.F.R. §§ 262.17(a)(6) and 262.262(b) require an LQG that first becomes subject to these provisions after May 30, 2017, or an LQG 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 paragraph (a) of 40 C.F.R. § 262.262 or, as appropriate, the Local Emergency Planning Committee. At the time of inspection, the facility had a quick reference guide but did not submit it to local emergency responders. Because Respondent failed to submit a quick reference guide to local emergency responders, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
 - vi. 40 C.F.R. §§ 262.17(a)(6) and 262.262(b)(4) require the quick reference guide

to contain a map of the facility showing where hazardous wastes are generated, accumulated, and treated, and routes for accessing these wastes. At the time of inspection, the quick reference guide did contain a map showing where hazardous wastes are accumulated but not where hazardous wastes are generated. Because Respondent failed to include a map of where hazardous wastes are generated, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.

- vii. 40 C.F.R. § 262.17(a)(7)(i)(A) requires that facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The LQG must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of 40 C.F.R. § 262.17. At the time of inspection, three backup emergency coordinators listed within the contingency plan and quick reference guide had not received hazardous waste management training. Because these three coordinators had not received this training, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.
- viii. 40 CFR § 262.17(a)(7)(iv)(A) requires that an LQG maintain documentation of the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job. At the time of inspection, the facility did have documentation of job titles but did not have the names of employees filling each job related to hazardous waste management. Because the facility did not have the names of employees filling each job related to hazardous waste management, Respondent failed to meet this condition for exemption in 40 C.F.R. § 262.17 and therefore accumulated hazardous waste without a permit in a violation of 42 U.S.C. § 6925.

- 4) The EPA and Respondent agree that settlement of this matter for a civil penalty of eleven thousand, two hundred and fifty dollars (\$11,250.00) 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:
andy.grunhovd@trustile.com.
- 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,

ANDY GRUNTBVI
Name (print)
ETS MANAGER
Title (print)
[Handwritten Signature] 5/17/2022
Signature Date

APPROVED BY EPA:

Candace Bednar, Chief
Chemical Branch
Enforcement and Compliance Assurance Division

Date

Katherine Kacsur, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), 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 Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via e-mail to Complainant:

Kate Kacsur, Office of Regional Counsel
kacsur.katherine@epa.gov

Tiffany DeLong, Enforcement and Compliance Assurance Division
delong.tiffany@epa.gov

Copy via e-mail to Respondent:

Andy Grunhovd, EHS Manager
TruStile Doors, LLC
andy.grunhovd@trustile.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