

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of)	
)	
Camso Manufacturing USA, Ltd.)	Docket No. RCRA-07-2022-0052
Peosta, Iowa)	
EPA ID No.: IAR000523993)	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”) 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) Camso Manufacturing USA, Ltd (“Respondent”) is the owner or operator of the facility located at 8650 Enterprise Drive, Peosta, Iowa (“Facility”). The EPA inspected the facility on April 27, 2021. The EPA alleges that the Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a. 40 C.F.R. § 262.15(a)(4) requires that satellite containers holding hazardous waste must be closed at all times during accumulation, except: (i) when adding, removing, or consolidating waste; or (ii) when temporary venting of a container is necessary. At the time of the inspection, the EPA determined that the Respondent did not keep four (4) hazardous waste satellite accumulation containers closed at a time when none of the aforementioned exceptions applied. Specifically, the Respondent had an open satellite accumulation container of each of the following: waste paint related material, barium waste, spent aerosol cans, and aerosol can drainage waste. Such failures to keep these satellite accumulation containers closed are violations of 40 C.F.R. § 262.15(a)(4).
 - b. 40 C.F.R. § 262.15(a)(5)(i) requires a generator must mark or label its satellite containers holding hazardous waste with the words “Hazardous Waste.” At the time of the inspection, the EPA determined that the Respondent did not mark or label three (3) hazardous waste satellite accumulation containers with the words “Hazardous Waste.” Specifically, the Respondent did not label the following satellite accumulation containers with the words “Hazardous Waste:” a container waste paint related material, a container of barium waste, and a container of spent aerosol cans. Such failures to label satellite accumulation

containers with the words “Hazardous Waste” are violations of 40 C.F.R. § 262.15(a)(5)(i).

- c. 40 C.F.R. § 262.15(a)(5)(ii) requires a generator must mark or label its satellite containers holding hazardous waste with an indication of the hazards of the contents. At the time of the inspection, the EPA determined that the Respondent did not mark or label three (3) hazardous waste satellite accumulation containers with an indication of the hazards of the contents. Specifically, the Respondent did not label the following satellite accumulation containers with an indication of the nature of the hazard of their contents: a container waste paint related material, a container of barium waste, and a container of spent aerosol cans. Such failures to label satellite accumulation containers with an indication of the nature of the hazard of their contents are violations of 40 C.F.R. § 262.15(a)(5)(ii).
- d. 40 C.F.R. § 262.17(a)(1)(iv)(A) requires 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 the inspection, the EPA determined that the Respondent did not keep one (1) hazardous waste accumulation container closed. Specifically, the Respondent did not keep a less than 90-day hazardous waste accumulation container of waste paint related material closed. Such a failure to keep this hazardous waste accumulation container closed is a violation of 40 C.F.R. § 262.17(a)(1)(iv)(A).
- e. 40 C.F.R. § 262.17(a)(6), referencing 40 C.F.R. § 262.262(b), requires 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 (“LEPC”). At the time of the inspection, the EPA determined that the Respondent had most recently updated its contingency plan on or about March 15, 2021 but had not prepared a quick reference guide. Such a failure to prepare and submit a quick reference guide to local emergency responders or LEPC is a violation of 40 C.F.R. § 262.17(a)(6) and 40 C.F.R. § 262.262(b).
- f. 40 C.F.R. § 262.17(a)(7)(iii) requires facility personnel must take part in an annual review of the initial hazardous waste management training required in 40 C.F.R. § 262.17(a)(7)(i). At the time of the inspection, the EPA determined that the Respondent did not provide hazardous waste management training to facility personnel in the 2020 calendar year or within 15 months from the November 8, 2019, hazardous waste management training. Such a failure to provide hazardous waste management training to facility personnel annually is a violation of 40 C.F.R. § 262.17(a)(7)(iii).
- g. 40 C.F.R. § 262.17(a)(7)(iv)(D) requires a large quantity generator must maintain records that document that the hazardous waste management training or job experience, required under paragraphs 40 C.F.R. § 262.17(a)(7)(i), (ii), and (iii), has been given to, and completed by, facility personnel. At the time of the inspection, the EPA determined that the Respondent did not have documentation of hazardous waste management training or job experience for the on-site hazardous waste instructor. Such a failure to maintain records that document that

the required training or job experience has been given to, and completed by, facility personnel is a violation of 40 C.F.R. § 262.17(a)(7)(iv)(D).

- 4) The EPA and Respondent agree that settlement of this matter for a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) 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 Specialist
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:
dawn.march@michelin.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) Respondent is submitting proof of payment of the civil penalty with this Agreement, and (3) to the best of its knowledge, Respondent 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.
- 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) The 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.

Dawn March

Name (print)

EHS Manager

Title (print)

Dawn March

Signature

4-18-2022

Date

APPROVED BY EPA:

Candace Bednar
Chemical Branch Chief
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.

_____ Date _____
Karina Borromeo
Regional Judicial Officer

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:

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

Mike Martin, Enforcement and Compliance Assurance Division
martin.mike@epa.gov

Copy via e-mail to Respondent:

Dawn March, EHS Manager
Camso Manufacturing Ltd.



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, Chief (e-copy)
Solid Waste and Contaminated Sites Section
Iowa Department of Natural Resources
Michael.sullivan@dnr.iowa.gov

Dated this _____ day of _____, _____.

Signed