

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

FILED

April 17, 2025

8:34AM

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

In the Matter of:

Aura Cacia A Division of Frontier
Distribution LLC
5398 31st Avenue
Urbana, Iowa 52345
RCRA ID No.: IAR000527663

Respondent.

Docket No. RCRA-07-2025-0035

**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) Aura Cacia, A Division of Frontier Distribution, LLC (“Respondent”) is the owner or operator of the facility located at 5398 31st Avenue, Urbana, Iowa 52345 (“Facility”). The EPA inspected the Facility, on October 25, 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)(5) requires a generator must mark or label its container with the words “Hazardous Waste” and an indication of the hazards of the contents.

As a result of review of the inspection report, it was determined that the facility did not label one container of approximately 15 gallons of hazardous waste stored in a Satellite accumulation container with the words “Hazardous Waste,” nor provide an indication of the nature of the hazard.

- b. 40 C.F.R. § 262.17(a)(7)(iv)(C) requires a large quantity generator maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) at the facility.

As a result of review of the inspection report, it was determined that the written job descriptions failed to include a description of the type and amount of introductory and continuing training.

- c. 40 C.F.R. § 262.17(a) requires as a condition for exemption for a large quantity generator that accumulates hazardous waste, that the large quantity generator accumulates hazardous waste on site for no more than 90 days,

The facility made hazardous waste determinations after receiving a Eurofins analytical report on October 31, 2022. They received their EPA ID number on February 8, 2023, and initiated the first shipment of accumulated waste on June 7, 2023. Based on these dates, it appears that Aura accumulated hazardous waste beyond 90 days without a RCRA permit, as prohibited by Section 3005 of RCRA.

- 29 days beyond 90 days if using the starting date of when the EPA ID was issued February 8, 2023.
 - 130 days beyond 90 days if using the starting date of when the results were received, October 31, 2022.
- 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 three thousand seven hundred and fifty dollars (\$3,750.00) 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: (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: *Cathy.Miller@frontiercoop.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,

Matthew Tucker

Name (print)

Safety Manager

Title (print)



Signature

3/4/2025

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 Aura Cacia, A Division of Frontier Distribution LLC, EPA Docket No. RCRA-07-2025-0035, 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

Marc Matthews, Enforcement and Compliance Assurance Division
Matthews.marc@epa.gov

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

Copy via e-mail to Respondent:

Cathy Miller, Plant Superintendent
Aura Cacia A Division of Frontier Distribution LLC
5398 31st Ave
Urbana, Iowa 52345
Cathy.Miller@frontiercoop.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 _____, _____.

Signed