

FILED

December 31, 2024

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No.: RCRA-05-2025-0011
)	
)	
Rayven LLC - Owatonna)	
405 24th Ave. SW)	EXPEDITED SETTLEMENT
Owatonna, Minnesota 55060)	AGREEMENT AND
EPA ID No.: MNS000166496)	FINAL ORDER
)	
Respondent)	
)	

EXPEDITED SETTLEMENT AGREEMENT

- 1) The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Rayven, LLC - Owatonna (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“ESA” or “Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$8,750.

- 2) EPA inspected Rayven LLC - Owatonna on August 18, 2023, and reviewed information you provided on June 23, 2024, in response to a Notice of Potential Violation sent on May 20, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Minnesota hazardous waste management program, Minn. R. 7045, at Respondent’s facility located at 405 24th Ave. SW, Owatonna, Minnesota (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Minn. R. 7001.0020 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Minn. R. 7045.0292, Subpart 1.
 - (i) Under Minn. R. 7045.0292, Subpart 1.C, a generator must clearly label or mark each container holding hazardous waste with a waste accumulation start date, which, must be visible for inspection. On August 18, 2023, four containers that were used as shipping containers were not visible for inspection and two containers did not have waste accumulation start dates. Respondent stored hazardous waste without a

permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Minn. R. 7001.0020 because it failed to have all hazardous waste containers visible during inspection.

- (ii) Under Minn. R. 7045.0292, Subpart 1.F., a generator must clearly label or mark each container holding hazardous waste with the words “Hazardous Waste.” On August 18, 2023, one container was not clearly marked with the words “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Minn. R. 7001.0020 because it failed to comply with the conditions for an exemption as described above.

- b. Failure to comply with any of the conditions of Minn. R. 7045.0292, Subpart 1.G, subjects the generator of hazardous waste to the requirements Minn. R. 7045.0558. Under Minn. R. 7045.0558, Subpart 5 and 6.D., facility personnel shall take part at least once per calendar year in a review of the initial training required in subparts 1 to 3 of Minn. R. 7045.0558 and maintain a record at the facility. On August 18, 2023, Respondent had not provided annual training to facility personnel for years 2021 and 2022. Respondent’s failure to conduct annual training program for years 2021 and 2022 violated Minn. R. 7045.0558, Subpart 5 and 6.D.

- c. Under Minn. R. 7045.0248, Subpart 1.B., large quantity generators must submit a license renewal application containing information required for the biennial report required by the EPA under Code of Federal Regulations, title 40, section 262.41 for each hazardous waste produced during the proceeding calendar year by March 1 of every even-numbered year. On August 18, 2023, Respondent had not submitted a biennial report for the year 2021. Respondent’s failure to submit biennial reports for the year 2021 violated Minn. R. 7045.0248, Subpart 1.B.

- d. Under Minn. R. 7045.0466 Subpart 5.B., a copy of the contingency plan and all revisions to the plan must be submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. On August 18, 2023, Respondent was unable to demonstrate it submitted the revised 2023 to local emergency response agencies.

- e. Under Minn. R. 7045.0526, Subpart 4a, containers must be clearly labeled with the words “Hazardous Waste” and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be

accessible in some other form that will allow ready identification of the contents without having to move the containers. On August 18, 2023, Respondent had three containers with illegible labels that could not be clearly read and was not accessible in some other form that allowed for ready identification of the contents.

- 3) The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) is in the public interest.
- 4) EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
- 5) EPA provided notice of commencement of this action to the state of Minnesota pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
- 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) waives the opportunity for a hearing as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) 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 ESA.
- 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, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
- 8) Respondent shall have paid a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website:
<https://www.epa.gov/financial/makepayment>. For additional instructions see:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
- 9) Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Dierich.andrea@epa.gov and
r5lecab@epa.gov

Tamara Carnovsky
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
carnovsky.tamara@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

- 10) The civil penalty is not deductible for federal tax purposes.
- 11) This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
- 12) EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
- 15) In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: carnovsky.tamara@epa.gov (for Complainant), and PRiehle@Rayven.com (for Respondent).
- 16) Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Kevin Coffey

Name (print)

Director of Operations

Title (print)

Kevin Coffey

Signature

11/20/2024

Date

APPROVED BY EPA:

Michael D. Harris

Division Director

Enforcement and Compliance Assurance Division

**In the Matter of:
Rayven LLC - Owatonna
Docket No.: RCRA-05-2025-0011**

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5