

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

- 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) Iowa State University (“Respondent”) is the owner or operator of the facility located at 2408 Wanda Daley Drive, Ames, Iowa 50011 (“Facility”). The EPA inspected the Facility, on May 13, 2024. 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)(4) requires that for a large quantity generator (LQG), satellite containers holding hazardous waste must be closed at all times, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary. At the time of the EPA inspection, Respondent was accumulating hazardous waste in numerous satellite accumulation containers, but seven containers were not closed.
 - b. 40 C.F.R. § 262.15(a)(5) requires that an LQG mark or label its hazardous waste satellite accumulation containers with the words “Hazardous Waste” and an indication of the hazards of the contents. At the time of the EPA inspection, Respondent was accumulating hazardous waste in numerous satellite accumulation containers. Seven of those containers were not labeled with the words “Hazardous Waste.” Four of those containers were not labeled with an indication of the hazards of the contents.
 - c. 40 C.F.R. § 262.17(a)(1)(iv)(A) requires, for an LQG, 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 the EPA inspection, Respondent had an open container of hazardous waste acetone accumulating in the ad hoc central accumulation area (CAA) in Food Science Room 1131.
- d. 40 C.F.R. § 262.17(a)(1)(v) requires an LQG to, at least weekly, inspect CAAs. At the time of the EPA inspection, Respondent had not been inspecting the ad hoc CAA in Food Science Room 1131.
 - e. 40 C.F.R. § 262.17(a)(5)(i) requires an LQG to mark or label its containers with the following:
 - i. 40 C.F.R. § 262.17(a)(5)(i)(A) requires an LQG to mark or label its containers with the words “Hazardous Waste.” At the time of the EPA inspection, Respondent had not labeled or marked, four containers of hazardous waste accumulating in the ad hoc CAA in Food Science Room 1131 with the words “Hazardous Waste.”
 - ii. 40 C.F.R. § 262.17(a)(5)(i)(B) requires an LQG to mark or label its containers with an indication of the hazards of the contents. At the time of the EPA inspection, Respondent had not labeled or marked, three containers of hazardous waste accumulating in the ad hoc CAA in Food Science Room 1131 with an indication of the hazards of the contents.
 - iii. 40 C.F.R. § 262.17(a)(5)(i)(C) requires an LQG to clearly mark or label for inspection its containers with the date upon which each period of hazardous waste accumulation begins. At the time of the EPA inspection, Respondent had not dated, five containers of hazardous waste accumulating in the ad hoc CAA in Food Science Room 1131.
 - f. 40 C.F.R. Part 273 requires small quantity handlers of universal waste lamps to manage those lamps in specific ways. Respondent failed to manage waste lamps appropriately in the following five ways:
 - i. 40 C.F.R. § 273.13(d)(1) requires small quantity handlers of universal waste lamps to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage. At the time of the EPA inspection, in the General Services Building, Respondent had accumulated four universal waste lamp containers that were not closed.
 - ii. 40 C.F.R. § 273.14(e) requires small quantity handlers of universal waste lamps to label containers of lamps with the words “universal waste lamps,” “waste lamps,” or “used lamps.” At the time of the EPA inspection, in the General Services Building, Respondent had accumulated three universal waste lamp containers that were not properly labeled.

- iii. 40 C.F.R. § 273.15(a) allows small quantity handlers of universal waste to accumulate universal waste for no longer than one year from the date the universal waste is generated. At the time of the EPA inspection, in the General Services Building, Respondent had accumulated one universal waste container of eight-foot lamps for approximately four years.
 - iv. 40 C.F.R. § 273.15(c) requires small quantity handlers of universal waste who accumulate universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste. At the time of the EPA inspection, in the General Services Building, Respondent had accumulated six universal waste containers that were not labeled with the accumulation start date. Respondent used no other method of demonstrating accumulation time.
 - v. 40 C.F.R. § 273.16 requires small quantity handlers of universal waste to inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. At the time of the EPA inspection, Respondent had failed to adequately inform maintenance personnel about universal waste lamp management.
- 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 seven thousand five hundred dollars (\$7,500.00) 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: *wmdiess@iastate.edu*. Respondent understands that the ESA will become publicly available upon filing.
- 8) 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.
- 9) 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.
- 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,

Sean Reader
Name (print)

SVP Operations and Finance
Title (print)

Sean Reader 3/19/2025
Signature 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 Construction Trailer Specialists, Inc., EPA Docket No. RCRA-07-2025-0033, 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

Edwin G. Buckner, Enforcement and Compliance Assurance Division
buckner.edwin@epa.gov

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

Copy via e-mail to Respondent:

William Diesslin
EHS Director
Iowa State University
2408 Wanda Daley Drive
Ames, Iowa 50011
wmdiess@iastate.edu

Copy via e-mail to the State of Iowa:

Mike Sullivan, Supervisor
Contaminated Sites Section, Iowa Department of Natural Resources
Michael.Sullivan@dnr.iowa.gov

Dated this _____ day of _____, _____.

Signed