

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

Received by  
EPA Region 7  
Hearing Clerk

<b>In the Matter of</b>	)	
	)	
Valmont Coatings, Inc.	)	<b>Docket No. RCRA-07-2023-0065</b>
Siouxland Galvanizing Facility	)	
2301 Bridgeport Drive	)	<b>EXPEDITED SETTLEMENT</b>
Sioux City, Iowa 51111	)	<b>AGREEMENT AND FINAL ORDER</b>
RCRA ID No.: IAD981504780	)	

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(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) Valmont Coatings – Siouxland Galvanizing (“Respondent”) is the owner or operator of the facility located at 2301 Bridgeport Drive, Sioux City, Iowa 51111 (“Facility”). The EPA inspected the Facility, on April 27, 2022. 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. § 262.17(a)(6) requires that a Large Quantity Generator (“LQG”) complies with the standards of Preparedness, Prevention, and Emergency Procedures. This includes a description of response to explosions in the RCRA contingency plan, as established in 40 C.F.R. § 262.261(a). At the time of the EPA inspection, the facility’s contingency plan did not include a description in their contingency plan for their response to an explosion.
  - b. 40 C.F.R. § 262.17(a)(6) requires that an LQG complies with the standards of Preparedness, Prevention, and Emergency Procedures. This includes a description in the facility’s contingency plan of the capabilities of emergency equipment, as established in 40 C.F.R. 262.261(e). At the time of the EPA inspection, the facility’s contingency plan did not include a sufficient description of the capabilities of their spill kits.
  - c. 40 C.F.R. § 262.17(a)(6) requires that an LQG complies with the standards of Preparedness, Prevention, and Emergency Procedures. This includes the inclusion of

all elements of the Quick Response Guide in the facility's contingency plan, as established in 40 C.F.R. 262.262(b). At the time of the EPA inspection, the facility's contingency plan included a Quick Response Guide, but it did not have all required elements.

- d. 40 C.F.R. § 262.17(a)(7)(iv)(D) requires that an LQG maintain records that document required annual hazardous waste training for its employees. At the time of EPA inspection, an employee had completed the required hazardous waste training, but records of this training were not maintained by the facility.
- 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 five thousand dollars (\$5,000.00) 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 979077  
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: (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:

*bpaulsen@valmont.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: (1) the alleged violations have been corrected, and (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.
- 9) 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.
- 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,

ROBERT L. PAULSON

Name (print)

General Manager

Title (print)

*Robert L. Paulson*

Signature

4-13-23

Date

APPROVED BY EPA:

---

Candace Bednar  
Chemical Branch Chief  
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, Valmont Coatings – Siouxland Galvanizing, EPA Docket No. RCRA-07-2023-0065, 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*

Koba Butkovich, Enforcement and Compliance Assurance Division  
*butkovich.koba@epa.gov*

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

Copy via e-mail to Respondent:

Robert Paulsen  
Assistant General Manager  
Valmont Coatings - Siouxland Galvanizing  
2301 Bridgeport Drive  
Sioux City, Iowa 51111  
*bpaulsen@valmont.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