

FILED

April 14, 2025

7:13AM

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

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

In the Matter of:

Iowa Army National Guard
Johnston Camp Dodge
7105 NW 70th Avenue
Johnston, Iowa 52402
EPA ID IAD981504285,

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Docket No. RCRA-07-2024-0150

**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” 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 Army National Guard (IAANG) (“Respondent”) is the owner or operator of the facility located at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 52402 (“Facility”). The EPA inspected the Facility on April 3, 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) - A container 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 for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure. The EPA determined that the Respondent did not close one 55-gallon hazardous waste satellite accumulation container of waste shop towels in Building 2345.
 - b. 40 C.F.R. § 262.15(a)(5)(i) - A generator must mark or label its container with the words “Hazardous Waste.” The EPA determined that the Respondent did not mark or label one 55-gallon hazardous waste satellite accumulation drum of used antifreeze in Building 4410 HWCAA. The EPA determined that the Respondent did not mark or label one 55-gallon hazardous waste satellite accumulation drum of waste shop towels in Building 2326.

- 40 C.F.R. § 262.15(a)(5)(ii) - A generator must mark or label its container with an indication of the hazards of the contents ; hazard communication consistent with the Department of Transportation requirements; a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard; or a chemical hazard label consistent with the National Fire Protection Association code 704. The EPA determined that the Respondent did not mark or label two hazardous waste satellite accumulation containers: one container of used antifreeze and one container of waste shop towels.
- c. 40 C.F.R. § 262.17(a)(1)(v) - A large quantity generator must inspect central accumulation areas at least weekly and must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The EPA determined that the Respondent did not conduct weekly inspections.
 - d. 40 C.F.R. § 262.17(a)(5)(i)(c) - A large quantity generator must mark or label the containers with the date upon which each period of accumulation begins clearly visible for inspection on each container. The EPA determined that the Respondent did not indicate the accumulation start date of two 55-gallon hazardous waste accumulation containers of used antifreeze in Building 4410.
 - e. 40 C.F.R. § 262.17(a)(6) referencing 262.263(d) - A large quantity generator must update its list of emergency coordinators upon changes. The EPA determined that the Respondent did not update list of emergency coordinators changes.
 - f. 40 C.F.R. § 262.17(a)(7)(iii) - Facility personnel must take part in annual review of the initial training required in paragraph (a)(7)(i) of this section. The EPA has determined that the Respondent did not fulfill this training requirement.
 - g. 40 C.F.R. § 273.15(c) - A small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The EPA determined that the Respondent failed to mark an accumulation start date or otherwise track accumulation time for one 55-gallon drum of universal waste in Building 2314.
- 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 ten thousand dollars (\$10,000.00) 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 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: shannan.garretson.nfg@army.mil. 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.

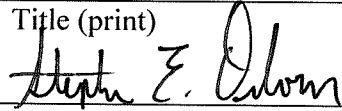
IT IS SO AGREED,

Major General, Stephen E. Osborn

Name (print)

The Adjutant General of the Iowa National Guard

Title (print)



Signature

This 19th day of March, 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 Iowa Army National Guard Johnston Camp Dodge, EPA Docket No. RCRA-07-2024-0150, 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

Donald Melton, Enforcement and Compliance Assurance Division
Melton.donald@epa.gov

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

Copy via e-mail to Respondent:

Iowa Army National Guard Johnston Camp Dodge
7105 NW 70th Avenue
Johnston, Iowa 52402
shannan.garretson.nfg@army.mil

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