

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

Received by
EPA Region 7
Hearing Clerk

In the Matter of

Mahle Engine Components USA, Inc.
60428 Marne Road
Atlantic, Iowa 50022
RCRA I.D. No.: IAD096526108

Docket No. RCRA-07-2023-0039

**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) MAHLE Engine Components USA, Inc. ("Respondent") is the owner or operator of the facility located at 60428 Marne Road, Atlantic, Iowa 50022 ("Facility"). The EPA inspected the Facility on June 8, 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)(1)(v) requires large quantity generators (LQG) to inspect container central accumulation areas at least weekly for leaking containers and for deterioration of containers caused by corrosion or other factors. Respondent failed to inspect its container central accumulation areas from 1/29/22 through 2/12/22; 9/17/21 through 10/1/21; 4/17/21 through 4/30/21; and 6/23/20 through 7/17/20. totaling approximately nine weeks over two years.
 - b. 40 C.F.R. § 262.17(a)(6) references 40 C.F.R. § 262.261(d), which requires an LQG, in its contingency plan, to list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Respondent's contingency plan was updated in March 2020 but did not include the updated designated emergency coordinator in March 2021.
 - c. 40 C.F.R. § 262.17(a)(6) references 40 C.F.R. § 262.261(f), which requires an LQG, in its contingency plan, to include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes. Respondent's contingency plan did not include evacuation routes or alternate evacuation routes.

- d. 40 C.F.R. § 262.17(a)(6) references 40 C.F.R. § 262.262(b) which requires an LQG that first becomes subject to these provisions after May 30, 2017, or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at 40 C.F.R. § 262.262(a) or, as appropriate, the Local Emergency Planning Committee. Respondent has not developed or submitted a quick reference guide to such persons.
- e. 40 C.F.R. § 262.17(a)(7)(iv) requires an LQG to maintain the following documents and records at the facility:
 - (A) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - (B) A written job description for each position listed under 40 C.F.R. § 262.17(a)(7)(iv)(A). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
 - (C) 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 40 C.F.R. § 262.17(a)(7)(iv)(A).

Respondent's wastewater treatment plant operator is responsible for signing hazardous waste manifests as identified under 40 C.F.R. § 262.17(a)(7)(iv)(A), but there was no written description of the type and amount of hazardous waste training required for that position as required by 40 C.F.R. § 262.17(a)(7)(iv)(C).
- f. 40 C.F.R. § 273.14(a) requires small quantity handlers of universal waste batteries to label or mark the universal waste to identify the type of universal waste. Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." Respondent was accumulating universal waste batteries in a five-gallon can that was labeled "Spent Batteries."

- 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. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made 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
P.O. Box 979077
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

- 5) 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.

- 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) 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: jodi.allen@mahle.com. Respondent understands that the ESA will become publicly available upon filing.
- 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, (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, and (3) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- 8) 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. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
- 9) EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- 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,

Cody Weaver

Name (print)

Plant Manager

Title (print)



Signature

3/13/2023

Date