

**FILED**

**August 21, 2024**

**12:39PM**

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY U.S. EPA REGION 7  
REGION 7  
HEARING CLERK**

**In the Matter of:**

Windsor Window Company  
d/b/a Windsor Windows & Doors  
West Des Moines, Iowa  
EPA ID IAD005301684

**Respondent.**

**Docket No. RCRA-07-2024-0112**

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

**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) Windsor Window Company, d/b/a Windsor Windows and Doors (“Respondent”) is the owner or operator of the facility located at 900 S. 19th Street, West Des Moines, Iowa, 50265 (“Facility”). The EPA inspected the Facility, on January 30, 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)(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 two 5-gallon hazardous waste accumulation containers of waste paint and solvent (found in the Paint Kitchen) and one 10-gallon hazardous waste accumulation container of solvent contaminated rags (found in the Blast Room) and with the words “Hazardous Waste.”
  - b. 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. The EPA determined that the Respondent did mark or label the indication of hazards on one 5-gallon hazardous waste accumulation container of waste paint and solvent (found in the Paint Kitchen) and one 10-gallon hazardous waste accumulation container of solvent contaminated rags (found in the Blast Room).
  - c. 40 C.F.R. § 262.16(b)(2)(iv) - At least weekly, a small quantity generator must inspect central accumulation areas for leaking containers and for deterioration of

containers caused by corrosion or other factors. The EPA determined that the Respondent did not conduct weekly hazardous waste inspections.

- d. 40 C.F.R. § 262.16(b)(6)(i)(A) - A small quantity generator must mark or label its containers "Hazardous Waste." The EPA determined that the Respondent did mark or label one 55-gallon container of waste paint and solvent (found on the Paint Line) and one 55-gallon container of solvent contaminated rags (found on the southeast wall of the Paint Line) with the words "Hazardous Waste."
  - e. 40 C.F.R. § 262.16(b)(6)(i)(C) - A small quantity generator must mark or label its containers with the date upon which each period of accumulation begins. The EPA determined that the Respondent did mark or label the accumulation start date on one 55-gallon container of waste paint and solvent (found on the Paint Line) and one 55-gallon container of solvent contaminated rags (found on the southeast wall of the Paint Line).
  - f. 40 C.F.R. § 262.16(b)(9)(ii) - The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and emergency telephone number of the emergency coordinator; (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) The telephone number of the fire department, unless the facility has a direct alarm. The EPA determined that the Respondent did not post the emergency coordinator's name and phone number, fire department's phone number, and locations of fire extinguishers and spill control equipment near a phone.
  - g. 40 C.F.R. § 262.18(d)(1) - A small quantity generator must re-notify EPA starting in 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted by September 1st of each year in which re-notifications are required. The EPA determined that the Respondent did not provide small quantity generator re-notification.
- 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 eight thousand seven hundred and fifty dollars (\$8,750.00) 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; (e) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (f) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (g) consents to electronic service of the filed ESA to the following email address: [plumley@woodgrain.com](mailto:plumley@woodgrain.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: (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.
- 9) 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.
- 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,

Mark Rieser

Name (print)

President

Title (print)

Mark Rieser

Signature

8/15/24

Date

APPROVED BY EPA:

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David Cozad  
Director  
Enforcement and Compliance Assurance Division

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Date

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Christopher Muehlberger, Attorney  
Office of Regional Counsel

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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.

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Karina Borromeo  
Regional Judicial Officer

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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 Windsor Window Company, d/b/a Windsor Windows and Doors, EPA Docket No. RCRA-07-2024-0112, 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*

Beckett Nichols, Enforcement and Compliance Assurance Division  
*Nichols.beckett@epa.gov*

Mike Martin, Enforcement and Compliance Assurance Division  
*Martin.mike@epa.gov*

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

Copy via e-mail to Respondent:

Phil Lumley, EHS Manager  
Windsor Window Company  
900 S. 19<sup>th</sup> Street  
West Des Moines, Iowa  
*plumley@woodgrain.com*

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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signed