

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

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| <p>IN THE MATTER OF:</p> <p>Global Fiberglass Solutions, Inc.</p> | <p style="text-align:center">ADMINISTRATIVE ORDER</p> <p style="text-align:center">NO. 2021-SW- <u>06</u></p> |
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To: Paul Brush, Director of Plant Development
Global Fiberglass Solutions, Inc.
21222 30th Drive, SE
Suite 130, Building C
Bothell, Washington 98021

CC: Don Lilly, Managing Director
Andrew McKenzie, Legal Counsel

Re: Global Fiberglass Solutions, Inc. removal/disposal order for failing to comply with prior consent order, failure to obtain financial assurance, and speculative accumulation of solid waste.

I. SUMMARY

This administrative order (Order) is issued by the Iowa Department of Natural Resources (DNR) to Global Fiberglass Solutions, Inc. (Global) to address non-compliance with Iowa solid waste and recycling laws.

Global is ordered to immediately cease speculative accumulation of wind turbine blades at any site in the state of Iowa. Global is further ordered to properly dispose of all wind turbine blades located in the state of Iowa or to remove those blades from the state of Iowa within 60 days. Any additional accumulation of blades will be considered a separate violation of Iowa law subject to subsequent administrative orders with administrative penalties.

Any questions regarding this Order should be directed to:

Relating to technical requirements:
Michael Sullivan, Supervisor
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515-725-0348

Relating to legal requirements:
David Scott, Attorney
Iowa Department of Natural Resources
1023 W. Madison Street
Washington, Iowa 52353
Phone: 319-321-8504

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II. JURISDICTION

This Order is issued pursuant to Iowa Code § 455B.307(2) which authorizes the Director of the DNR to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division IV, Part 1 (solid waste) and the rules promulgated or permits issued pursuant thereto; Iowa Code § 455D.4A which addresses when a material is being speculatively accumulated, and Iowa Code § 455D.23 which authorizes the DNR to order such material to be disposed of properly; and, Iowa Code § 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

The facts enumerated in Administrative Consent Order 20-SW-09 are incorporated here by reference. Additional relevant facts include:

20. Global and DNR entered Administrative Consent Order 20-SW-09 on December 7, 2020. By signing the consent order, Global agreed to, among other provisions, provide a binding compliance plan and financial assurance (FA) within 60 days, and to limit the deposit of additional blades in the state of Iowa.

21. On February 16, 2021, DNR and Global signed Amendment 1 to Order 20-SW-09 which established a binding compliance and reporting plan and an obligation for Global to provide FA in the amount of \$2,000,000.00. The FA requirement is necessary to ensure that Iowa tax payers are not required to pay for site clean-up if the project operators are unable to do so. The FA was to be provided to DNR in early March, 2021.

22. At the request of Global, the deadline for providing FA to DNR was extended to April 1, 2021. Global was notified that failure to provide FA as agreed would force the DNR to require Global to remove or dispose of the remaining stockpile of blades in the state of Iowa. As of the date of this Order, no such FA has been provided.

IV. CONCLUSIONS OF LAW

1. Iowa Code § 455D.4A prohibits the speculative accumulation of materials for recycling. The DNR has determined that Global is speculatively accumulating wind turbine blades in the state of Iowa.

2. Iowa Code § 455D.23 authorizes the DNR to issue orders requiring removal and proper disposal of material deemed to be speculatively accumulated by the DNR and authorizes the DNR to categorize speculatively accumulated material as solid waste.

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3. Iowa Code § 455B.301(23) defines solid waste as garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials including but not limited to materials resulting from industrial and commercial activities such as construction and demolition debris.

4. Iowa Code § 455B.307(1) prohibits a person from dumping or depositing, or permitting the dumping or depositing, of any solid waste at any place other than a sanitary disposal project approved by the Director of the DNR.

5. Iowa Code § 455B.307(3) subjects any individual who violates the prohibition in 455B.307 to civil penalties of \$5,000.00 per day of violation.

6. Finally, DNR notes that the State of Iowa has adopted that Responsible Corporate Officer doctrine.

V. ORDER

THEREFORE, the DNR orders the following:

1. Global shall immediately cease speculative accumulation of wind turbine blades in the state of Iowa. No additional blades shall be deposited at any location in the state.

2. Within 60 days, at the sole expense of Global, all blades currently located in the state of Iowa will be either properly disposed of in, or removed from, the state of Iowa.

3. No administrative penalty will be assessed in this Order. However, depositing of wind turbine blades at any sites in Iowa will result in administrative penalties, as will delays in compliance with paragraph V.2, above.

VI. CIVIL PENALTY

1. Iowa Code § 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures authorizing the Director to assess administrative penalties at 567 IAC 10.

2. Iowa Code § 455B.307(3) provides for civil penalties of up to \$5,000.00 per day for solid waste violations. Iowa Code § 455B.146 authorizes civil penalties of up to \$10,000.00 per day for air quality violations.

3. 567 IAC 10 establishes the criteria that the DNR must consider in determining whether an administrative penalty is warranted, and if so how much the penalty should be. The general categories for consideration are the economic

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benefit of the alleged non-compliance by the violator, the gravity of the alleged violation, and the culpability of the violator.

4. The DNR has determined that proper disposal or removal of blades is sufficient, so no additional administrative penalty is included in this Order. The DNR reserves the right to pursue penalties for non-compliance with the requirements of this Order or for future violation of state law.

VII. APPEAL RIGHTS

A written Notice of Appeal may be filed with the Director within 60 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7.

VIII. NONCOMPLIANCE WITH THIS ORDER

Failure to comply with any requirement of this Order may result in the imposition of administrative penalties or referral to the Iowa Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code § 455B.146. Compliance with Section V (Order) of this Order constitutes full satisfaction of all requirements pertaining to the specific violations alleged by DNR described in Section IV (Conclusions of Law) of this Order.

Kayla Lyon, Director
Iowa Department of Natural Resources

Dated this _____ day of _____, 2021.

CC: Michael Sullivan; Theresa Stiner; David Scott; VI.C; VII.C.1.