UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

IN THE MATTER OF:	)	
	)	
Siouxland PC and Electronics Recycling LLC and Aaron Rochester,	)	**CONSENT AGREEMENT AND FINAL ORDER**
	)	
Respondents.	)	**Docket No.** RCRA-07-2017-0226
	)	
Proceeding under Sections 3008(a) of the Resource Conservation and Recovery Act as amended, 42 U.S.C. § 6928(a)	)	
	)	

I. PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and Siouxland PC and Electronics Recycling LLC and Aaron Rochester (hereinafter Recycletronics, Mr. Rochester, or Respondents) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

II. ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Sections 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondents violated Sections 3002, 3005, and 3007 of RCRA, 42 U.S.C §§ 6922, 6925, and 6927, and the standards for identification and listing of hazardous waste (40 C.F.R. § 261), and the standards applicable to generators of hazardous waste (40 C.F.R. § 262).

Parties

3. Complainant is the Branch Chief of the Waste Enforcement and Materials Management branch in the Air and Waste Management Division of EPA, Region 7, as duly delegated from the Administrator of the EPA.

4. Respondents are Siouxland PC and Electronic Recycling LLC, a single member LLC, which operated under the laws of Iowa and was administratively dissolved on August 14, 2017, and Mr. Aaron Rochester, the owner and single member. Mr. Rochester was the operator of an electronics recycling business commonly known as Recycletronics.

Statutory and Regulatory Framework

5. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

6. Section 3001 of RCRA, 42 U.S.C. § 6921(a), requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

7. The term "generator" means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation. 40 C.F.R. § 260.10.

8. The term "transportation" means the movement of hazardous waste by air, rail, highway, or water. 40 C.F.R. § 260.10.

9. The term "transporter" means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water. 40 C.F.R. § 260.10.

10. The term "facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. 40 C.F.R. § 260.10.

11. The term "treatment" means as any method, technique, or process designed to change the physical character or composition of any hazardous waste so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. 40 C.F.R. § 260.10.

12. The term "storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere. 40 C.F.R. § 260.10.

13. The term "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. 40 C.F.R. § 260.10.

14. Pursuant to 40 C.F.R. § 261.2, a "solid waste" is any discarded material that is not excluded under 40 C.F.R. § 261.4(a).

15. Pursuant to 40 C.F.R. § 261.3, a "hazardous waste" is a solid waste, as defined in § 261.2, if it exhibits any of the characteristics of hazardous waste identified in subpart C of Part 261.

16. The term "cathode ray tube or CRT" is defined as a vacuum tube, composed primarily of glass which is the visual or video display component of an electronic device. A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released. 40 C.F.R. § 260.10.

17. The term "CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation. 40 C.F.R. § 260.10.

18. The term "CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass. 40 C.F.R. § 260.10.

19. The term "CRT processing" means conducting all of the following activities:

a. Receiving broken or intact CRTs; and
b. Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
c. Sorting or otherwise managing glass removed from CRT monitors.

40 C.F.R. § 260.10.

20. The regulation at 40 § C.F.R. 261.4(a), identifies materials that are not solid wastes for purposes of Part 261, Identification and Listing of Hazardous Waste. Specifically, 40 C.F.R. § 261.4(a)(22) sets forth the following provisions:

a. Used, intact CRTs as defined in § 260.10 of this chapter are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in § 261.1(c)(8) by CRT collectors or glass processors.

b. Used, intact CRTs as defined in § 260.10 of this chapter are not solid wastes when exported for recycling provided that they meet the requirements of § 261.40.
c. Used, broken CRTs as defined in § 260.10 of this chapter are not solid wastes provided that they meet the requirements of § 261.39.
d. Glass removed from CRTs is not a solid waste provided that it meets the requirements of § 261.39(c).

21. The conditional exclusion for used, broken CRTs and processed CRT glass undergoing recycling is found at 40 C.F.R. § 261.39. This regulation states that used, broken CRTs are not solid wastes if they meet certain conditions. The regulation sets forth conditions: a) prior to processing, b) requirements for used CRT processing, c) processed CRT glass sent to CRT glass making or lead smelting; and d) use constituting disposal.

22. Prior to processing, used, broken CRTs are not solid wastes if they are destined for recycling and if they meet the following requirements:

a. The broken CRTs must be stored in a building with a roof, floor, and walls, or placed in a container that is constructed, filled, or closed to minimize releases to the environment of CRT glass (including fine solid materials). 40 C.F.R. §§ 261.39(a)(1)(i) and (ii).
b. Each container in which the used, broken CRT is contained is labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass" or "Leaded glass from televisions or computers" and must also be labeled "Do not mix with other glass materials." 40 C.F.R. § 261.39(a)(2).
c. The used, broken CRTs must be transported in a container meeting the requirements of 40 C.F.R. §§ 261.39(a)(1)(ii) and (2). 40 C.F.R. § 261.39(a)(3).
d. The used, broken CRTs are subject to the limitations on speculative accumulation as defined in paragraph (c)(8) (*sic*) of this section. If they are used in a manner constituting disposal, they must comply with the applicable requirements of part 266, subpart C instead of the requirements of this section. 40 C.F.R. § 261.39(a)(4).

23. Used, broken CRTs undergoing CRT processing as defined in § 260.10 of this chapter are not solid wastes if they meet the following requirements set forth at 40 C.F.R. § 261.39(b):

a. Used, broken CRTs undergoing processing are subject to the requirement of paragraph 40 C.F.R. § 261.39(a)(4); and
b. All activities specified in paragraphs (2) and (3) of the definition of "CRT processing" in § 260.10 of this chapter must be performed within a building with a roof, floor, and walls; and no activities may be performed that use temperatures high enough to volatilize lead from CRTs.

24. Glass from CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in 40 C.F.R. § 261.1(c)(8). 40 C.F.R. § 261.39(c).

25. Glass from used CRTs that is used in a manner constituting disposal must comply with the requirements of 40 C.F.R. part 266, subpart C instead of the requirements of this section. 40 C.F.R. § 261.39(d)

26. A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. 40 C.F.R. 261.1(c)(8).

27. Pursuant to 40 C.F.R. § 266.20(a), the regulations at Part 266 apply to recyclable materials that are applied to or placed on the land. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to the applicable requirements of Parts 262 (Standards Applicable to Generators of Hazardous Waste) and 263 (Standards Applicable to Transporters of Hazardous Waste) of this chapter, and the notification requirement under section 3010 of RCRA.

28. According to the preamble to CRT rule, televisions and color computer monitors contain an average of four pounds of lead and studies show that CRTs leach lead at levels considerably above the toxicity characteristic regulatory level used to classify lead-container wastes as hazardous (40 C.F.R. § 261.24(b)). In addition, CRTs often contain mercury, cadmium, and arsenic. *See* 71 Fed. Reg. 42930 – 42931 (July 28, 2006).

29. The Toxicity Characteristic Leaching Test (TCLP) regulatory limit for lead is 5 mg/L, as found in subpart C of Part 261, 40 C.F.R. § 261.24.

30. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment. Specifically, such standards shall establish requirements including, but not limited to, use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage or disposal in, and arrives at, treatment, storage, or disposal facilities for which a permit has been issued as provided in this subchapter.

31. Pursuant to 40 C.F.R. § 262.12(a), "a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator."

32. Pursuant to 40 C.F.R. § 262.12(c), "a generator must not offer his hazardous

waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number."

33. Pursuant to 40 C.F.R. § 262.20(a) "a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal…must prepare a Manifest…."

34. Pursuant to 40 C.F.R. § 262.20(b), "a generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest."

35. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), requires the Administrator to promulgate regulations requiring each person owning or operating an existing facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit issued pursuant to this subpart.

General Factual Background

36. Respondents operate within the state of Iowa. Respondents are each considered a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

37. Respondents process electronic equipment for recycling. As part of the recycling process, cathode ray tubes are processed as described at 40 C.F.R. § 260.10. Other equipment received by Respondents is sold to brokers for reuse or recycling.

38. EPA is aware of additional sites where Respondents operated, however, the facilities at issue in this matter are located at:

a. 3313 Northbrook Drive, Sioux City, Iowa (hereinafter Northbrook Drive Facility),
b. 1313 11th Street, Sioux City, Iowa (hereinafter 11th Street Facility),
c. 1220 Steuben Street, Sioux City, Iowa (hereinafter Steuben Street Facility),
d. 2301 G Street, South Sioux City, Nebraska (hereinafter G Street Facility),
e. 16998 160th Street, Akron, Iowa (hereinafter Akron Farm Facility),
f. 3035 Highway 75 North, Sioux City, Iowa (hereinafter Feed Mill Facility),
g. 1801-03 4th Street, Sioux City, Iowa (hereinafter Scandinavian Building Facility), and
h. West 2/3 of Southeast 1/4 Southwest 1/4, Unplatted 22-29-5/25 acres Section-Township-Range 22-29-9E, Parcel ID 220054789, Sioux City, Iowa (hereinafter Foundry Road Facility).

39. EPA conducted the following inspections:

a. On or about June 16, 2015, (hereinafter June 2015 inspection), a representative of EPA conducted an inspection at the Northbrook Drive

Facility.

b. On or about April 17, 2016, (hereinafter April 2016 inspection), a representative of EPA conducted an inspection at the G Street Facility.
c. On or about May 23, 2016, (hereinafter May 2016 inspection), a representative of EPA conducted an inspection at the Northbrook Drive Facility and conducted an inspection at the G Street Facility.
d. On or about December 13, 2016, (hereinafter December 2016 inspection), representatives of EPA conducted an inspection at the Steuben Street Facility. As part of the inspection, the representatives drove by the Northbrook Drive Facility, 11th Street Facility and G Street Facility to ascertain whether any activities were ongoing.
e. On or about April 4-5, 2017, (April 2017 inspection), representatives of EPA conducted inspections at the Steuben Street Facility, G Street Facility, Foundry Road Facility, Akron Farm Facility, Feed Mill Facility and Scandinavian Building Facility. During these inspections, an x-ray fluorescence spectrometer (XRF) was utilized to screen lead levels in the glass, and physical confirmation samples were collected.

40. The Nebraska Department of Environmental Quality (NDEQ) collected photographs from the G Street Facility on or about October 5, 2015, and January 27, 2016.

41. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, EPA issued Respondents the following requests for information to obtain documents and records which would show whether or not Respondents were speculatively accumulating CRT glass or if the CRT glass was being used in a manner that constitutes disposal: December 1, 2015, December 13, 2016, and April 4, 2017.

Northbrook Drive Facility
June 2015 Inspection

42. During this inspection, Respondents were operating an electronics recycling facility at the Northbrook Drive Facility. Mr. Rochester indicated that Recycletronics had been operating at this location since 2013 and had seven employees.

43. At the time of the inspection, the Respondents had not notified EPA of any hazardous waste activity.

44. The inspector observed approximately 200, 1-cubic-yard cardboard containers of equipment waiting to be processed.

45. Mr. Rochester indicated that CRTs are processed by separating leaded and unleaded glass debris.

46. The inspector observed approximately 60, 1-cubic-yard cardboard containers of leaded glass in the warehouse and approximately 40, 1-cubic-yard cardboard containers of leaded glass in the glass room.

47. The inspector estimated that approximately seventy-five percent of the boxes failed to include the labeling required pursuant to 40 C.F.R. § 261.39(a)(2).

48. Mr. Rochester asserted that leaded glass is "recycled" by either Closed Loop Refining and Recovery (CLRR) of Phoenix, Arizona or by Technologies Displays America (TDA) of Calexico, California.

49. At the time of the inspection, the inspector requested documentation to verify the leaded glass was shipped to CLRR or TDA in order to ascertain whether Respondents were speculatively accumulating used, broken CRT glass pursuant to 40 C.F.R. § 261.39(b)(1) referencing 40 C.F.R. §§ 261.39(a)(4) and 261.1(c)(8).

50. Mr. Rochester indicated that the office computer crashed and no CLRR records were available.

51. Mr. Rochester produced one shipping document from TDA dated July 2, 2014. This invoice showed a shipment of thirteen boxes of leaded CRT glass which included a material safety data sheet showing the approximate percentage by weight of lead to be 25-30%. The shipment was for 39,808 pounds of leaded glass.

52. The inspector emailed Mr. Rochester on June 23, 2015, and July 1, 2015, asking whether any additional shipping documents were recovered from the computer. Mr. Rochester responded and indicated that the documents were not available. Specifically, Respondents did not provide any additional shipping records or other documentation regarding the used, broken CRTs or any records regarding speculative accumulation.

December 2015 Request for Information

53. On or about December 1, 2015, EPA issued a request for information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. The letter requested additional information regarding Recycletronics' recycling operations, and any records related to shipments of used, broken CRTs among other items.

54. Respondents received the request for information on February 22, 2016, and never provided a response. Specifically, Respondents did not provide any shipping records or other documentation regarding the used, broken CRTs or any records regarding speculative accumulation.

May 2016 Inspection

55. During this inspection, Respondents were operating an electronics recycling facility at the Northbrook Drive Facility.

56. At the time of the inspection, Respondents had not notified EPA of any hazardous waste activity.

57. The inspector observed 1, 1-cubic-yard cardboard container of leaded glass.

58. The inspector observed 24 containers of unprocessed electronic equipment outside and over 50 containers of unprocessed used electronic equipment in the warehouse.

59. The inspector requested documentation to ascertain whether the leaded CRT glass was being speculatively accumulated pursuant to 40 C.F.R. § 261.39(b)(1) referencing 40 C.F.R. §§ 261.39(a)(4) and 261.1(c)(8).

60. Mr. Rochester did not produce any shipping records and stated that the computer "crashed" May 20, 2016, and that no shipping records were available.

61. The inspector emailed Mr. Rochester on May 31, 2016, and June 1, 2016, asking whether any shipping documents were recovered from the computer.

62. Respondents failed to respond to the follow-up email requests. Specifically, Respondents did not provide any shipping records regarding the used, broken CRTs or any records regarding speculative accumulation.

December 2016 Inspection

63. EPA drove by Northbrook Drive Facility and observed that no equipment, electronic waste or CRTs were stored outside the building.

11th Street Facility
December 2016 Inspection

64. Mr. Rochester provided information regarding operations at the 11th Street Facility.

65. Mr. Rochester stated that the 11th Street Facility was in operation from 2013 to 2015.

66. Mr. Rochester stated that during the summer of 2015 through October 2015, he directed his employees to crush the leaded and non-leaded glass together with a skid loader.

67. Mr. Rochester stated that during the summer of 2015 through October 2015, he directed his employees to transport the crushed CRT glass to the G Street Facility.

68. Neither respondent had requested, nor had EPA issued, a permit to either respondent to treat hazardous waste at the 11th Street Facility.

69. Neither respondents prepared a hazardous waste manifest prior to transporting hazardous waste from the 11th Street Facility to the G Street Facility.

70. Neither respondents had requested, nor had EPA issued, an EPA identification number to transport hazardous waste.

71. EPA has not issued a treatment, storage, and disposal facility (TSDF) permit to any entity allowing the G Street Facility to accept and/or store hazardous waste.

72. During the December 2016 Inspection, EPA drove by 11th Street Facility and observed that no equipment, electronic waste or CRTs were stored outside the building.

G Street Facility

NDEQ Site Visit

73. On or about October 5, 2015 and January 27, 2016, Representatives from NDEQ photographed crushed CRT glass stored at an outside parking lot at the G Street Facility. The photographs show an un-containerized pile of crushed CRT glass on a concrete pad. Snow was observed on the pile during the January Site Visit.

April, May and December 2016 Inspections

74. During the April 2016 inspection, an EPA representative observed the pile of CRT glass from public access points. The north wall of the pile was comprised of approximately 30, 275-gallon plastic and metal framework totes, and was approximately 100-feet long. The east and west walls of the pile were comprised of approximately 13, 275-gallon plastic and metal framework totes, and was approximately 40-feet long.

75. The totes appeared to be filled with crushed glass and were not labeled.

76. The south side of the pile of crushed glass was not in totes but laying on the open ground.

77. During the May 2016 inspection, the pile appeared to be covered with a tarp. The north, east and west walls of the pile appeared to be approximately the same size as during the April 2016 inspection. There were approximately 30, 275-gallon totes on the west side that were approximately half full of crushed glass that were not part of the west wall. The inspector observed some of the crushed glass had been removed from the south side of the pile. The north and east walls were in standing water.

78. During the December 2016 inspection, the pile appeared to be about the same size as during the April and May inspections and appeared to be partially covered. An additional 19, 275-gallon plastic and metal framework totes with crushed glass were located on top of the tarp.

April 2017 Inspection

79. Representatives of EPA conducted XRF screening for lead on the soil around the outdoor pile of broken glass and collected confirmatory soil samples. EPA collected a surface water sample around the outdoor pile of broken glass. EPA conducted XRF screening for lead

and collected a confirmatory sample of leaded glass. All confirmatory samples, and the water sample, were submitted to the EPA Region 7 laboratory for lead analysis.

80. Two of the four soil samples collected at the G Street Facility indicated the presence of lead, but did not exceed the TCLP regulatory limit. The water sample indicated the presence of lead.

81. The physical sample of leaded glass collected from the G Street Facility exceeded the regulatory limit for lead. The analytical results for the leaded glass revealed lead concentrations up to 78.4 mg/L.

82. Based on information collected during the April 2017 inspection, EPA estimates that approximately 3,378,684 pounds of crushed leaded glass is stored at the G Street Facility.

Steuben Street Facility
December 2016 Inspection

83. During this inspection, Respondents were operating an electronics recycling facility at the Steuben Street Facility. Mr. Rochester indicated Recycletronics moved to the Steuben Street Facility in September 2016. Respondents employed approximately five employees at this location.

84. At the time of the inspection, Respondents had not notified EPA of any hazardous waste activity.

85. Mr. Rochester indicated that the facility had the capability to process 500 pounds of electronics per day. Mr. Rochester further indicated that during a busy month 13 to 60, 1-cubic-yard cardboard boxes of broken leaded funnel glass can be generated.

86. The inspector observed approximately 300, 1-cubic-yard cardboard containers of leaded glass, unleaded panel glass, and electronics inside the warehouse.

87. Of the 300 containers, at least 5, 1-cubic-yard cardboard containers contained broken CRTs and were labeled with the words "Used Cathode Ray Tubes – Contains Lead Glass" and "Do Not Mix with Other Glass Material" and at least 4, 1-cubic-yard cardboard containers of broken leaded funnel panel glass labeled with the words "Used Cathode Ray Tubes – Contains Lead Glass" and "Do Not Mix with Other Glass Material". Due to lack of aisle space and safety considerations, the inspector was unable to visually inspect the contents of the remaining containers.

88. The inspector observed approximately 96, 1-cubic-yard cardboard containers of broken leaded funnel glass, unleaded panel glass, and electronics outside the warehouse on the dock. A facility representative indicated that the containers had been on-site since August or September 2016 when they were moved from the Northbrook Drive Facility. Due to lack of aisle space and safety considerations, the inspector was unable to visually inspect the contents of each container.

89. The inspector observed a 50-foot long pile, approximately four-feet high, of televisions and computer monitors on the ground on the west side of the dock. According to an employee, the pile had been accumulating for at least four to five weeks.

90. The inspector observed a 100-foot long pile, approximately three feet high, of CRT containing televisions and CRT containing computer monitors on the east side of the dock. The pile contained a minimum of 50, 1-cubic-yard containers of broken glass, intact CRTs, broken CRTs, and electronics. According to an employee, these materials had been accumulating for approximately four to five weeks.

91. Within the 100-foot pile at least 2, 1-cubic-yard containers of broken CRTs were open and unlabeled and at least 1, 1-cubic-yard container of broken glass and one broken CRT that was open, unlabeled and filled with snow.

92. The inspector requested documentation to ascertain whether the leaded CRT glass was being speculatively accumulated pursuant to 40 C.F.R. § 261.39(b)(1) referencing 40 C.F.R. §§ 261.39(a)(4) and 261.1(c)(8).

93. Mr. Rochester did not produce any shipping records and stated that he did not have any electronic shipment records.

December 2016 Request for Information

94. At the end of the December 2016 inspection, EPA hand-delivered a request for information issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. The letter requested, among other things, additional information regarding Respondents' recycling operations, and any records related to shipments of used, broken CRTs and generation rate.

95. EPA received a response from Mr. Rochester on January 19, 2017, but the response did not include any shipping records or other documentation regarding the used, broken CRTs or any records regarding speculative accumulation.

April 2017 Inspection

96. Representatives of EPA conducted XRF screening for lead on glass stored at the Steuben Street Facility and collected a physical sample of leaded glass and non-leaded glass.

97. The physical sample of leaded glass collected from the Steuben Street Facility exceeded the regulatory limit for lead. The analytical results for the leaded glass revealed lead concentrations up to 6.84 mg/L.

98. Based on information collected during the April 2017 inspection, EPA estimates that approximately 1,248,000 pounds of broken leaded glass is stored at the Steuben Street Facility.

April 2017 Request for Information

99. At the end of the April 2017 inspection, EPA hand-delivered a request for information issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. The letter requested, among other things, additional information regarding recycling operations, and any records related to shipments of used, broken CRTs and generation rate.

100. Respondents failed to respond to the request for information. Specifically, Respondents did not provide any shipping records or other documentation regarding the used, broken CRTs or any records regarding speculative accumulation.

Akron Farm Facility
April 2017 Inspection

101. Mr. Rochester stated that he used a 9,000 square-foot building at the Akron Farm Facility to store electronics and a mixture of "everything". He indicated that he began sending material to the building in 2013. Mr. Rochester stated that he pays monthly rent.

102. At the time CRT glass was being taken to the Akron Farm Facility, the Northbrook Drive Facility was actively processing CRT glass. EPA has requested shipping records that would document management of CRTs as early as 2013 through 2017. Respondents have only provided one shipping record from 2014.

103. Representatives of EPA conducted XRF quantitative screening on leaded glass stored at the Akron Farm Facility, and collected a physical sample of leaded glass.

104. The physical sample of leaded glass collected from the Akron Farm Facility exceeded the regulatory limit for lead. The analytical results for the leaded glass revealed lead concentrations up to 11 mg/L.

105. Based on information collected during the April 2017 inspection, EPA estimates that approximately 8,424,000 pounds of broken leaded glass is stored at the Akron Farm Facility. EPA representatives estimate that 1-cubic yard cardboard boxes were placed sixteen wide, forty-five long and stacked three high. The EPA representatives observed that the boxes appear to be mostly broken glass, but some intact/broken CRTs were observed.

Feed Mill Facility
April 2017 Inspection

106. Mr. Rochester stated that he previously rented the Feed Mill Facility and began taking CRT glass to the building between 2012 and 2013. Mr. Rochester stated that, at the time of the April 2017 inspection, there may be some full units, but should just be CRT glass.

107. At the time CRT glass was being taken to the Feed Mill Facility, the Northbrook Drive Facility was actively processing CRT glass. EPA has requested shipping records that would document management of CRTs as early as 2013 through 2017. Respondents have only

provided one shipping record from 2014.

108. Representatives of EPA conducted XRF quantitative screening on leaded glass stored at the Feed Mill Facility, and collected a physical sample of leaded glass.

109. The physical sample of leaded glass collected from the Feed Mill Facility exceeded the regulatory limit for lead. The analytical results for the leaded glass revealed lead concentrations up to 8.54 mg/L.

110. Based on information collected during the April 2017 inspection, EPA estimates that approximately 2,199,600 pounds of broken leaded glass is stored at the Feed Mill Facility.

Scandinavian Building Facility
April 2017 Inspection

111. The owner of the Scandinavian Building Facility stated that he began renting the third floor of the building to Mr. Rochester in 2012-2013.

112. The owner of the Scandinavian Building Facility stated that Mr. Rochester moved used, broken CRTs to the Scandinavian Building Facility in 2012-2013.

113. At the time CRT glass was being taken to the Scandinavian Building Facility, the Northbrook Drive Facility was actively processing CRT glass. EPA has requested shipping records that would document management of CRTs as early as 2013 through 2017. Respondents have only provided one shipping record from 2014.

114. Representatives of EPA conducted XRF quantitative screening on leaded glass stored at the Scandinavian Building Facility, and collected a physical sample of leaded glass.

115. The physical sample of leaded glass collected from the Scandinavian Building Facility exceeded the regulatory limit for lead. The analytical results for the leaded glass revealed lead concentrations up to 7.71 mg/L.

116. Based on information collected during the April 2017 inspection, EPA estimates that approximately 496,780 pounds of intact and/or broken CRTs is stored at the Scandinavian Building Facility.

Foundry Road Facility
April 2017 Inspection

117. Representatives of EPA spoke with the owner of the Foundry Road Facility. He stated that Mr. Rochester brought cardboard boxes of glass to the site in October 2015.

118. The owner of the Foundry Road Facility indicated that he instructed his employees to dump the glass on the ground and burned the glass, cardboard boxes, and pallets. The employees then removed the metal, and glass was left on the ground.

119. Representatives of EPA conducted XRF quantitative screening on leaded glass stored on the ground at the Foundry Road Facility, and collected a physical sample of the leaded glass.

120. The physical sample of leaded glass collected from the Foundry Road Facility was within the TCLP regulatory limit for lead.

121. Based on information collected during the April 2017 inspection, EPA estimates that approximately 1,170,987 pounds of broken leaded glass is mixed with soil on the ground at the Foundry Road Facility.

Violations

122. Complainant hereby states and alleges that Respondents have violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1
Failure to Conduct Hazardous Waste Determination

123. Complainant hereby incorporates the general factual allegations contained in Paragraphs 36 through 121 above, as if fully set forth herein.

124. Pursuant to 40 C.F.R. § 261.2, a "solid waste" is any discarded material that is not excluded under 40 C.F.R. § 261.4(a).

125. 40 C.F.R. 261.4(a)(22) sets forth an exclusion from the definition of solid waste for used CRTs.

126. The conditions for meeting the exclusion are found at 40 C.F.R. § 261.39. If a recycler fails to comply with any of these conditions, the CRT exclusion no longer applies and the CRTs are considered a solid waste.

127. The condition set forth at 40 C.F.R. § 261.39(c) states that glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in § 261.1(c)(8).

128. EPA requested documentation to ascertain whether used, broken CRTs at any of the following facilities were being speculatively accumulated as early as 2013 through 2017:

a. Northbrook Drive Facility, 3313 Northbrook Drive, Sioux City, Iowa
b. 11th Street Facility, 1313 11th Street, Sioux City, Iowa
c. Steuben Street Facility, 1220 Steuben Street, Sioux City, Iowa
d. G Street Facility, 2301 G Street, South Sioux City, Nebraska
e. Akron Farm Facility, 16998 160th Street, Akron, Iowa
f. Feed Mill Facility, 3035 Highway 75 North, Sioux City, Iowa

g. Scandinavian Building Facility, 1801-03 4th Street, Sioux City, Iowa
h. Foundry Road Facility, West 2/3 of Southeast 1/4 Southwest 1/4, Unplatted 22-29-5/25 acres Section-Township-Range 22-29-9E, Parcel ID 220054789, Sioux City, Iowa

129. Respondents have failed to provide any documentation to show the material was not being speculatively accumulated.

130. As a result of Respondents' failure to document they were not speculatively accumulating CRT glass, they failed to meet the conditional exclusion for used, broken CRTs and processed CRT glass undergoing recycling found at 40 C.F.R. § 261.39. Accordingly, the processed CRTs that were stored at the facilities cited above are solid wastes.

131. Because of the lead content described in Paragraphs 81, 97, 104, 109, and 115, in addition to information and studies of lead levels in used, broken CRTs found in the preamble to the CRT Rule as described in Paragraph 28, the used, broken CRTs and processed CRT glass (broken glass) at the facilities cited above constitute "hazardous waste" as defined in 40 C.F.R. §§ 260.10, 261.3, 261.24, 262.11 and Section 3001(a) of RCRA, 42 U.S.C. § 6921.

132. Respondents' failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of 40 C.F.R. § 262.11.

Count 2
Operating a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

133. Complainant hereby incorporates the allegations contained in Paragraphs 36 through 121, above, as if fully set forth herein.

134. Section 3005 of RCRA, 42 U.S.C. § 6925, requires each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

135. During the summer of 2015, Respondents treated hazardous waste when:

a. Mr. Rochester directed his employees to mix the leaded glass with non-leaded glass in an effort to render the material non-hazardous, and
b. Respondents reduced the volume of CRT hazardous waste using a skid loader at the 11th Street Facility.

136. At no time has EPA issued a RCRA permit to Respondents to operate a treatment facility at the 11th Street Facility.

137. Respondents were not authorized to treat hazardous waste at the 11th Street Facility, and therefore was operating a hazardous waste treatment, storage or disposal facility

without a permit in violation of violation of Section 3005 of RCRA, 42 U.S.C. § 6925 and the implementing regulations found at 40 C.F.R. Part 265.

Count 3
Treatment, Disposal and Transportation of Hazardous Waste Without an EPA Identification Number

138. Complainant hereby incorporates the general factual allegations contained in Paragraphs 36 through 121 above, as if fully set forth herein.

139. Pursuant to 40 C.F.R. § 262.12(a), a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number.

140. Pursuant to 40 C.F.R. § 262.12(c), a generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

141. Beginning at a time unknown, but at least as early as the summer of 2015, Mr. Rochester directed his employees to treat used, broken CRT hazardous waste at the 11th Street Facility without an EPA Identification Number, transport used, broken CRT hazardous waste from the 11th Street Facility to the G Street Facility, and dispose of CRT hazardous waste at the G Street Facility.

142. Beginning at a time unknown, but at least as early as 2012, Mr. Rochester directed employees to transport used, broken CRT hazardous waste from the Northbrook Facility and Steuben Street Facility to the Akron Farm Facility, Feed Mill Facility, Scandinavian Building Facility and Foundry Road Facility. Respondents disposed of used, broken CRT hazardous waste at these facilities.

143. Respondents had not requested, nor had EPA assigned Respondents, an EPA identification number prior to the treatment, transportation, and disposal of used, broken CRT hazardous waste described above.

144. The following facilities have not received an EPA identification number: G Street Facility, Akron Farm Facility, Feed Mill Facility, Scandinavian Building Facility and Foundry Road Facility.

145. Respondents' treatment, transportation and disposal of used, broken CRT hazardous waste without an EPA Identification Number is a violation of 40 C.F.R. § 262.12(a).

146. Respondents' transportation and disposal of used, broken CRT hazardous waste to facilities without an EPA identification number is a violation of 40 C.F.R. § 262.12(c).

Count 4
Failure to Manifest Hazardous Waste

147. Complainant hereby incorporates the general factual allegations contained in Paragraphs 36 through 121 above, as if fully set forth herein.

148. Pursuant to 40 C.F.R. 262.20(a), a generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage, or disposal must prepare a Manifest, EPA Form 8700-22, before the waste is transported off-site.

149. Beginning at a time unknown, but at least as early as 2012, Mr. Rochester directed employees to transport CRT hazardous waste for off-site treatment, storage or disposal.

150. Respondents did not prepare a Manifest, EPA Form 8700-22, before transporting waste to the G Street Facility, Akron Farm Facility, Feed Mill Facility, Scandinavian Building Facility or Foundry Road Facility.

151. Respondents' failure to prepare a Manifest, EPA Form 8700-22, before the CRT hazardous waste was transported off-site is a violation of 40 C.F.R. § 262.20(a).

Count 5
Disposal of Hazardous Waste at a Facility Not Permitted to Handle Hazardous Waste

152. Complainant hereby incorporates the general factual allegations contained in Paragraphs 36 through 121 above, as if fully set forth herein.

153. Pursuant to Section 3002(a)(5), 42 U.S.C. § 6923(a)(5), EPA was charged with establishing regulations which included use of a manifest system to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in, and arrives at, treatment, storage, or disposal facilities for which a permit has been issued as provided pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925.

154. In order to accomplish that charge, pursuant to 40 C.F.R. § 262.20(b), a generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

155. Beginning at a time unknown, but at least as early as 2012, Respondents discarded hazardous waste at the following facilities: G Street Facility, Akron Farm Facility, Feed Mill Facility, Scandinavian Building Facility, and Foundry Road Facility.

156. The G Street Facility, Akron Farm Facility, Feed Mill Facility, Scandinavian Building Facility, and Foundry Road Facility are not permitted to handle hazardous waste.

157. Respondents failed to designate and assure discarded CRT hazardous waste arrived at facilities that were permitted to handle hazardous waste in violation of RCRA Section 3002(a)(5) and 40 C.F.R. § 262.20(b).

Count 6
Failure to Respond to Requests for Information

158. Complainant hereby incorporates the allegations contained in Paragraphs 36 through 121 above, as if fully set forth herein.

159. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous waste shall, upon request of any officer, employee or representative the EPA, furnish information relating to such wastes.

160. On or about February 22, 2016, Respondents received a request for information, dated December 1, 2015, issued pursuant to Section 3007 of RCRA. The request for information required a response within thirty (30) days of receipt of the request for information.

161. Respondents failed to respond to any of the questions set forth in the request for information.

162. On or about April 4, 2017, EPA hand-delivered a request for information issued pursuant to Section 3007 of RCRA. The request for information required a response within fifteen (15) days of receipt of the request for information.

163. Respondents failed to respond to any of the questions set forth in the request for information.

164. Respondents' failure to respond to the December 1, 2015, and April 4, 2017, requests for information are violations of Section 3007 of RCRA, 42 U.S.C. § 6927.

CONSENT AGREEMENT

165. Respondents and EPA agree to the terms of this Consent Agreement and Final Order and Respondents agree to comply with the terms of the Final Order portion of this Consent Agreement and Final Order.

166. Respondents admit the jurisdictional allegations of this Consent Agreement and Final Order and agree not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this Consent Agreement and Final Order set forth below.

167. Respondents neither admit nor deny the factual allegations set forth in this Consent Agreement and Final Order.

168. Respondents waive their right to contest any issue of fact or law set forth above and their right to appeal the Final Order accompanying this Consent Agreement.

169. Respondents and Complainant agree to conciliate the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

170. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondents' obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

171. This Consent Agreement and Final Order shall only resolve Respondents' liability for the injunctive relief actually performed and documented in response to the RCRA violations alleged in this Consent Agreement and Final Order.

172. Complainant reserves the right to pursue penalties pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, for the violations alleged in this Consent Agreement and Final Order, and the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

173. This Consent Agreement and Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondents' obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

174. The undersigned representative 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 Respondents to it.

175. Respondents consent to the issuance of this Consent Agreement and Final Order.

Effective Date

176. This Consent Agreement and Final Order shall be effective upon filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Reservation of Rights

177. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms of the Final Order portion of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondents in an amount not to exceed Fifty-Six Thousand Four Hundred Sixty-Seven Dollars ($56,467) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

178. Complainant reserves the right to take enforcement action against Respondents

for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

179. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from any facilities described herein.

180. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondents' facility, or any other facilities described herein, may present an imminent and substantial endangerment to human health and the environment.

181. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

182. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondents have fully implemented the actions required in the Final Order.

FINAL ORDER

A. Work To Be Performed

1. Respondents shall apply for an EPA Identification Number pursuant to 40 C.F.R. § 262.12 and notify the EPA within fourteen (14) days of the effective date of the Final Order.

2. Within fourteen (14) days of the effective date of this Final Order, Respondents shall provide written or documentary evidence that Respondents have secured access for Respondents, as well as for EPA personnel and IDNR/NDEQ personnel (as appropriate). Locations include: Akron Farm Facility, G Street Facility, Scandinavian Building Facility, Steuben Street Facility, Feed Mill Facility, and Foundry Road Facility.

3. The Parties agree that prioritizing the sites for cleanup is in the public interest. As such, the work shall be performed at the sites in the following order:

a. Akron Farm Facility,
b. G Street Facility,
c. Scandinavian Building Facility,
d. Steuben Street Facility,
e. Feed Mill Facility, and
f. Foundry Road Facility.

4. Respondents shall:

   a. Cease all CRT processing (as that term is defined at 40 C.F.R. § 260.10) until a valid state-issued recycling permit is issued.
   b. Post warning signage at each facility identified in Paragraph 2 and ensure the facilities are secure so that trespassing does not occur.
   c. Notify EPA seven (7) business days before any on-site work at any facility in order to allow EPA, IDNR, NDEQ, or their representatives to observe work being performed. Respondents shall provide notification in writing to the EPA contact in Paragraph 9 below. A duplicate copy may be made by email. In the written notification, Respondents shall describe the work to be performed and the date, times and location of the work.
   d. Maintain all containers of leaded and unleaded glass and all containers of broken and unbroken CRTs in good condition at the site where cleanup work is being performed to ensure that the contents thereof will not be released to the ground or floor or otherwise leave the container during cleanup work.
   e. Annually manifest at least three (3) semi-truck loads of used, broken CRTs and/or containers of leaded glass to an EPA-approved treatment, storage and disposal facility, in accordance with all applicable federal, state and local regulations. Each load should comprise approximately 45,000 pounds of leaded glass. More shipments may be completed, but notifications and requests as described in Subparagraph (c) above and (f) below, shall be followed.
   f. Request for EPA approval, in writing, of the treatment, storage and disposal facility ten (10) business days prior to each shipment of hazardous waste. The request shall be sent to the EPA contact in Paragraph 9 below.
   g. Ship the first load of leaded glass within one hundred and twenty (120) calendar days of the effective date of this CAFO, and subsequent shipments within at least 120 calendar days of the previous shipment.
   h. Prioritize shipments of leaded glass or containers with leaded waste over non-leaded shipments or intact, unprocessed CRTs.
   i. Respondents agree to submit a written request to EPA at least sixty (60) calendar days prior to any shipment of any non-leaded shipment or intact, unprocessed CRTs seeking approval to send a non-leaded shipment or intact, unprocessed CRTs. Respondents shall not ship a non-leaded shipment or intact, unprocessed CRTs without EPA approval. If an EPA-approved CRT processor is unavailable, Respondents shall send the intact, unprocessed CRTs to an EPA-approved treatment, storage and disposal facility as hazardous waste, in accordance with all applicable federal, state and local regulations.
   j. Use a transporter with an EPA RCRA ID Number for each load of hazardous waste.
   k. Provide EPA a legible copy of each signed, returned, and completed

manifest for each load.

j. Notify EPA when each facility is empty of leaded and non-leaded glass and intact and broken CRTs. EPA will inspect the facility before Respondents can move to the next prioritized site.
k. Prepare a Health and Safety Plan (HASP) to ensure the safety of the individuals working on the management and disposal of used, broken CRTs that are not containerized or are in containers which are in poor condition. The HASP shall be consistent with applicable Occupational Safety and Health Administration regulations. The HASP will not be subject to EPA approval or disapproval.

5. Within five (5) business days after each shipment, Respondents shall submit a Disposal Summary Report to the EPA contact in Paragraph 9 that includes all of the following information:

a. A description of work leading up to the shipment;
b. The date of shipment;
c. The names and EPA Identification Numbers of the transporter(s) and TSDF(s) utilized for the shipment;
d. The total amount (in pounds) of hazardous waste included in the shipment;
e. A legible copy of the hazardous waste manifest for the shipment;
f. An estimated date for the next shipment; and
g. A certification from Mr. Rochester as to the accuracy of the Disposal Summary Report. The certification shall read:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

6. Respondents agree to submit a completed Ability To Pay (ATP) evaluation form to EPA by October 31 of each year until EPA approves the Completion Report described in Paragraph 7 below. If the annual ATP evaluation shows a change in Respondents' ability to pay for the injunctive relief required, the work to be performed may be amended with written consent of both parties, without need for formal amendment of the CAFO.

7. Within fourteen (14) days of the final shipment of hazardous waste, Respondents will submit to EPA a Completion Report that includes all of the following:

a. A list of the date and manifest number for each shipment of hazardous waste;
b. A legible copy of all hazardous waste manifests for each shipment of waste;
c. A summary of the total amount (in pounds) of hazardous waste disposed;

d. A detailed summary of the actual cost of Respondents' performance of the actions described in the Completion Report. These costs should be supported by legible copies of all invoices, bills, and receipts along with documentation that all costs have been paid by Respondents.
e. A certification from Respondents as to the accuracy of the Completion Report. The certification shall be identical to the certification in Paragraph 5(g) above.

8. EPA will review the Completion Report. If EPA finds that the work has not been completed satisfactorily, Respondents shall submit a Work Plan for the remaining work as described by EPA. If EPA finds that the work has been completed satisfactorily, EPA will approve the Completion Report.

9. Respondents shall submit all documentation generated to comply with the requirements as set forth in Paragraphs 1 - 8 above to the following address:

If by mail:
Rebecca Wenner, AWMD/WEMM
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
If by email: *Wenner.Rebecca@epa.gov*

B. Parties Bound

10. The Final Order portion of this Consent Agreement and Final Order shall apply to and be binding upon Respondents and Respondents' agents, successors and/or assigns. Respondents shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondents with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

28 Nov 2017
Date

Mary Goetz, Branch Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

11/27/17
Date

Kelley Catlin
Office of Regional Counsel

RESPONDENTS:

SIOUXLAND PC AND ELECTRONICS RECYCLING LLC

11/27/17
Date

Siouxland PC and Electronic Recycling LL
Signature

Aaron Rochester Siouxland PC and Electronic Recycling LLC
Printed Name

Owner
Title

AARON ROCHESTER

11/27/17
Date

Signature

IT IS SO ORDERED. This Final Order shall become effective upon filing.

Nov. 29, 2017
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

IN THE MATTER OF	)	
	)	
Siouxland PC and Electronics	)	Docket No. RCRA-07-2017-0226
Recycling LLC and Aaron	)	
Rochester	)	
	)	
_____	)	

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), facsimile/electronic filing of page (26) of the Expedited Settlement Agreement (ESA) is authorized in this proceeding.

Dated: Nov. 29, 2017

Karina Borromeo

Karina Borromeo

Regional Judicial Officer

Region 7

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy delivered to Attorney for Complainant:

Kelley Catlin (e-copy)

Copy delivered to the Respondent:

Aaron Rochester (e-copy)

Copy delivered to the State of Nebraska:

Nebraska Electronic Docket (e-copy)

David Haldeman, Administrator (e-copy)
Waste Management Division
Nebraska Department of Environmental Quality

Jeff Edwards (e-copy)
Nebraska Department of Environmental Quality

Copy delivered to the State of Iowa:

Amie Davidson, Chief (e-copy)
Contaminated Sites Section
Iowa Department of Natural Resources

Dated: Nov. 29, 2017 By: Lisa Haugen

Lisa Haugen
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7