



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUL 13 2018**

REPLY TO THE ATTENTION OF:

**Via Email**

Felix Simon, President  
Circuit Engineering, LLC  
1390 Lunt Avenue  
Elk Grove Village, Illinois 60007  
felix@circuiteng.com

Re: Consent Agreement and Final Order - In the Matter of: Circuit Engineering, Elk  
Grove Village, Illinois **RCRA-05-2018-0017**

Dear Mr. Simon:

Enclosed, please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above-referenced case. This document was filed on July 13, 2018, with our Regional Hearing Clerk.

The civil penalty in the amount of \$13,324 is to be paid in the manner described in paragraphs 61 and 62 of the CAFO. Please be certain that your company's name and the docket number of this case are written on both the transmittal letter and on the check, or in the comments field if you are paying by electronic funds transfer. Payment is due within thirty (30) calendar days of the filing date.

Thank you for your cooperation in resolving this matter. Please do not hesitate to contact me at (312) 886-0863 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julie Morris".

Julie Morris, Acting Chief  
RCRA Branch

Enclosures

cc: Todd Marvel, (w/CAFO), Illinois Environmental Protection Agency  
([todd.marvel@illinois.gov](mailto:todd.marvel@illinois.gov))



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

<p>In the Matter of:</p> <p>Circuit Engineering, LLC Elk Grove Village, Illinois,</p> <p style="text-align: right;">Respondent.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. <b>RCRA-05-2018-0017</b></p> <p><b>Proceeding to Commence and Conclude Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)</b></p>
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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is Circuit Engineering, LLC, a corporation doing business in the State of Illinois.
5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents: (a) to the assessment of the civil penalty specified in this CAFO; (b) to implement the Supplemental Environmental Project (SEP) as described herein; and (c) to the terms of this CAFO.

#### **Jurisdiction and Waiver of Right to Hearing**

8. Jurisdiction for this action is conferred upon EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives: (a) its right to request a hearing as provided at 40 C.F.R. § 22.15(c); (b) any right to contest the allegations in this CAFO; and (c) its right to appeal this CAFO.

#### **Statutory and Regulatory Background**

11. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, 6924.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g,

or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA and is subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

14. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, note (1996), required EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule published at 40 C.F.R. Part 19, EPA may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009 and before August 1, 2016.

#### **Factual Allegations**

16. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110, Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.

17. Respondent is an "owner" or "operator," as those terms are defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 1390 Lunt Avenue, Elk Grove Village, Illinois (the Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

19. Respondent's Facility is a "facility," as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent manufactured circuit boards involving copper and tin plating, as well as etching.

21. At all times relevant to this CAFO, Respondent's acts or processes produced a corrosive waste.

22. At all times relevant to this CAFO, Respondent's corrosive waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

23. At all times relevant to this CAFO, Respondent's corrosive waste was a "hazardous waste" as that term is defined under 35 Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3.

24. At all times relevant to this CAFO, Respondent was a "generator" as that term is defined under 35 Ill. Adm. Code § 720.110 because its corrosive waste was a hazardous waste.

25. At all times relevant to this CAFO, Respondent generated during each calendar month, more than 1,000 kg of hazardous waste at the Facility. Therefore, Respondent is a large quantity generator.

26. At all times relevant to this CAFO, Respondent's holding of corrosive waste in containers and tanks constituted "storage" of hazardous waste as that term is defined as under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

27. Respondent generated and managed hazardous waste at its Facility after November

19, 1980.

28. On July 17, 2015, EPA conducted an initial Compliance Evaluation Inspection of the Facility (the July 2015 CEI).

29. On April 13, 2016, EPA issued a Notice of Violation (NOV) to Respondent alleging certain violations of RCRA discovered during the July 2015 CEI.

30. On May 18, 2016, Respondent submitted to EPA a written response to the NOV.

31. On February 15, 2017, EPA issued a Pre-Filing Notice and Opportunity to Confer (PFN) to Respondent alleging certain violations of RCRA that were discovered during the July 2015 CEI and follow-up correspondence.

32. On April 4, 2017, Respondent submitted to EPA a written response to the PFN.

33. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at its Facility.

34. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

35. Respondent's initial Hazardous Waste Notification was submitted on or near March 1, 2008.

36. In its Hazardous Waste Notifications referenced above, Respondent identified itself as a generator of hazardous waste.

#### **Alleged Violations**

##### **Count 1 - Storage of Hazardous Waste Without a Permit or Interim Status**

37. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in full in this paragraph.

38. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

39. Pursuant to 35 Ill. Adm. Code § 722.134(a) and 40 C.F.R. § 262.34(a), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status provided that the generator complies with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134(a) and (c), and 40 C.F.R. § 262.34(a) and (c) including, but not limited to, requirements for owners and operators in Subparts C, D and I of 35 Ill. Adm. Code Part 725 and 35 Ill. Adm. Code 725.116.

40. At the time of the July 2015 CEI, Respondent was not complying with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134(a) and (c), and 40 C.F.R. § 262.34(a) and (c) including, but not limited to, requirements for owners and operators in Subparts C, D and I of 35 Ill. Adm. Code Part 725 and 35 Ill. Adm. Code 725.116, and did not have a State of Illinois permit to treat, store, or dispose of hazardous waste at its Facility, nor did it have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

#### **Count II - Failure to Maintain Training Records**

41. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in full in this paragraph.

42. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must implement a hazardous waste management procedures training program and maintain and keep all documents required for personnel training. See 35 Ill. Adm. Code §§ 722.134(a)(4) and 725.116(d) [40 C.F.R. §§ 262.34(a)(4) and 265.16(d)].

43. At the time of the July 2015 CEI, Respondent failed to maintain any documents and records providing the written job titles, job descriptions and a description of the type and amount of both introductory and continuing training that had been given to employees at the Facility.

44. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement to have an operating permit or interim status when it failed to maintain records that provided the type and amount of both introductory and continuing training to be given to at least one employee filling a hazardous waste management position.

#### **Count III - Failure to Date Hazardous Waste Containers**

45. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in full in this paragraph.

46. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container holding hazardous waste with the date upon which the period of accumulation began. See 35 Ill. Adm. Code § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)].

47. At the time of the July 2015 CEI, Respondent had not marked several containers of hazardous waste with the date upon which the period of accumulation began.

48. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement to have an operating permit or interim status when it failed to mark at least one container of hazardous waste with the accumulation start date.

#### **Count IV - Failure to Label Hazardous Waste Containers**

49. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in full in this paragraph.



50. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must label or mark each container holding hazardous waste clearly with the words "Hazardous Waste." See 35 Ill. Adm. Code § 722.134(a)(3) [40 C.F.R. § 262.34(a)(3)].

51. At the time of the July 2015 CEI, Respondent had not labeled or marked several containers and hazardous waste storage tanks holding hazardous waste with the words "Hazardous Waste."

52. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status when it failed to label or mark at least one containers of hazardous waste with the words "Hazardous Waste."

**Count V - Failure to Obtain a Certified Written Tank Assessment and Conduct Inspections**

53. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in full in this paragraph.

54. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must obtain and submit a written assessment, reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for storing and treating of hazardous waste. See 35 Ill. Adm. Code §§ 722.134(a) and 725.292(a) [40 C.F.R. §§ 262.34(a) and 265.192(a)].

55. At the time of the July 2015 CEI, Respondent failed to have certified written tank assessments for several tanks that were storing hazardous waste.

56. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status when it failed to have a written assessment for its tanks systems.

57. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must document in the operating record of the facility, at least once each operating day, the following items in accordance with 35 Ill. Adm. Code § 725.295 [see 40 C.F.R. § 265.195]:

- a. A schedule and procedure for inspecting overfill controls;
- b. Data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design;
- c. Inspection of the above-ground portions of the tank system, if any, to detect corrosion or release of waste; and,
- d. Inspection of the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste.

58. At the time of the July 2015 CEI, Respondent failed to conduct and document an inspection, at least once each operating day, for one of the tanks that stored hazardous waste.

59. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status when it failed to maintain hazardous waste tank inspection records for its tanks system.

#### **Civil Penalty**

60. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$13,324. In determining the penalty amount, Complainant considered the facts and circumstances of this case with specific reference to (a) EPA's 2003 RCRA Civil Penalty Policy; (b) EPA's Supplemental Environmental

Projects (SEP) Policy; (c) Respondent's willingness to complete the SEP as described herein; (d) Respondent's cooperation to settle this matter; and (e) other factors as justice may require, including an ability-to-pay analysis as to whether Respondent had an ability to pay a civil penalty for the violations alleged herein.

61. Within thirty (30) days after the effective date of this CAFO, Respondent shall pay a \$13,324 civil penalty for the RCRA violations alleged herein:

A. To pay by a cashier's or certified check by regular U.S. Postal Service mail, payment should be addressed to "Treasurer, United States of America" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must state Respondent's name and the docket number of this CAFO.

B. To pay by a cashier's or certified check by express mail, payment should be addressed to "Treasurer, United States of America," and sent to:

U.S. Bank  
Government Lockbox 979077  
U.S. Environmental Protection Agency Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must state Respondent's name and the docket number of this CAFO.

C. To pay by electronic funds transfer, payment should be addressed to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message is  
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the case title: "Circuit Engineering, LLC," the docket number of this CAFO, and the billing document number.

D. For an ACH payment, also known as REX or remittance express, payment should be addressed to "Treasurer, United States of America," and sent to:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

E. For an on-line payment, go to:

www.pay.gov, and use the "Search Public Forms" option and enter "sfo 1.1" in the search field. Open the form and complete the required fields.

62. After paying the civil penalty, Respondent agrees to send evidence of that payment, and a cover letter stating Respondent's name, the case title: "In the Matter of: Circuit Engineering, LLC, Elk Grove, IL," and the case docket number, to:

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

Graciela Scambiatterra  
Environmental Scientist  
RCRA Branch (LR-17J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

Terence Stanuch  
Office of Regional Counsel (C-17J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

63. This civil penalty is not deductible for federal tax purposes.

64. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

65. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a fifteen dollar (\$15) handling charge each month that any portion of the penalty is more than thirty (30) days past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.

#### **SUPPLEMENTAL ENVIRONMENTAL PROJECT**

66. Respondent agrees to complete a SEP (described in Attachment A to this CAFO) by installing at its Facility an on-site wastewater treatment system and an elementary neutralization unit, designed to treat and reduce the volume of hazardous waste generated at the Facility and sent off-site for treatment and disposal.

67. Respondent agrees to expend at least \$49,962 to complete this SEP at its Facility.
68. Respondent agrees to complete this SEP within five (5) months after the effective date of this CAFO.
69. EPA and Respondent agree that any modifications to this SEP shall be effective only if agreed to by both Parties in writing.
70. Respondent shall be responsible for applying for and obtaining all permits and approvals necessary for the implementation and completion of the SEP.
71. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.
72. EPA may inspect the Facility at any time to monitor Respondent's implementation and compliance with this SEP.
73. Respondent shall submit a SEP Completion Report to EPA within thirty (30) calendar days after installation of the SEP is complete. This report shall contain the following information:
- a. Detailed description of the SEP as completed;
  - b. Description of any operating problems and the actions taken to correct the problems;
  - c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
  - d. Certification that Respondent has completed the SEP in compliance with this CAFO; and

e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

74. Respondent agrees to submit the SEP Completion Report by first class mail to Ms. Scambiatterra at her address listed above.

75. Respondent shall certify that the SEP Completion Report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information to the United States government, including the possibility of fines and imprisonment for knowing violations.

76. Following receipt of the SEP Completion Report described above, EPA shall notify Respondent in writing that:

- a. EPA agrees that Respondent has satisfactorily completed the SEP and approves the SEP Completion Report;
- b. There are deficiencies in the SEP as completed or in the SEP Completion Report and Respondent shall have thirty (30) days after being notified of these deficiencies to correct them; or
- c. Respondent has not satisfactorily completed the SEP or the SEP Completion Report and EPA will assess an additional civil penalty as described below.

77. If EPA exercises option b. above, Respondent may object in writing to the deficiency notice within ten (10) days of receiving the notice. The parties will have thirty (30) days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA shall give Respondent a written decision on its objection.

78. Respondent agrees to be bound by EPA's determination as to whether Respondent satisfactorily completed the SEP and/or approves of the SEP Completion Report, and agrees to comply with any requirements that EPA imposes in its decision.

79. Respondent acknowledges that, for purposes of this CAFO, the SEP is not considered as being complete until EPA approves the SEP Completion Report.

80. If Respondent does not complete the SEP as required by this CAFO, Respondent shall pay an additional civil penalty of \$49,962 to the United States.

81. Respondent agrees to pay the additional \$49,962 civil penalty assessed pursuant to this CAFO within fifteen (15) days of receiving EPA's written demand for such penalty. Respondent shall use one of the methods of payment specified in the "Civil Penalty" section above, and shall pay interest, handling charges, and nonpayment penalties on any overdue amounts.

82. Any public statement that Respondent makes referring to the SEP shall include the following language: "Circuit Engineering, LLC undertook this project pursuant to a settlement with the United States Environmental Protection Agency regarding alleged violations of the Resource Conservation and Recovery Act at its Elk Grove Village, Illinois facility."

83. Nothing in this CAFO is intended to nor shall be construed to constitute EPA approval of any equipment or technology installed or utilized by Respondent with regard to the SEP implemented under the terms of this CAFO.

84. The costs of the SEP described herein is not deductible or depreciable for federal tax purposes.

#### **General Provisions**

85. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 - 6939e, its implementing regulations at 40 C.F.R. §§ 260.1 - 279.82, and the federally-authorized Illinois corollaries to the federal regulations.



86. This CAFO resolves Respondent's liability only for federal civil penalties for the violations and facts alleged in this CAFO.

87. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

88. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

89. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, and EPA's RCRA Civil Penalty Policy and Hazardous Waste Civil Enforcement Response Policy.

90. The terms of this CAFO apply to and shall legally bind Respondent, its officers, directors, servants, employees, agents, successors, and assigns.

91. Each person signing this CAFO certifies that he or she has the authority to sign this CAFO for the party whom he or she represents and to legally bind that party to its terms.

92. Each party agrees to bear its own costs and attorneys' fees in this action.

93. This CAFO constitutes the entire agreement between the parties.

94. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules" (dated March 27, 2015), the parties consent to service of this CAFO by email at the following valid email addresses: stanuch.terry@epa.gov (for Complainant) and felix@circuiteng.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

95. The effective date of this CAFO shall be the day it is filed with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5, in accordance with Section 22.18(b)(3) of the Consolidated Rules, 40 C.F.R. § 22.18(b)(3).

**In the Matter of: Circuit Engineering, LLC, Elk Grove Village, Illinois**

**Docket No. RCRA-05-2018-0017**

**Circuit Engineering, LLC, Respondent**

6/19/2018  
Date

Felix Simon  
Felix Simon  
President  
Circuit Engineering, LLC  
Elk Grove Village, Illinois

**In the Matter of: Circuit Engineering, LLC, Elk Grove Village, Illinois**

**Docket No. RCRA-05-2018-0017**

**United States Environmental Protection Agency, Complainant**

Date July 9, 2018

Tinka G. Hyde  
Tinka G. Hyde  
Division Director  
Land and Chemicals Division

**In the Matter of: Circuit Engineering, LLC, Elk Grove Village, Illinois**

**Docket No. RCRA-05-2018-0017**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

July 11, 2018  
Date

  
\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

**In the Matter of: Circuit Engineering, LLC, Elk Grove Village, Illinois**

**Docket No. RCRA-05-2018-0017**

**ATTACHMENT A**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

Project name: Hazardous Waste Segregation - reduction & elimination

Phase 1 - Segregation:

A. Identification of materials which currently make up hazardous waste being shipped off-site for treatment & disposal.

1. Identify all waste streams which are currently being dumped into the hazardous waste storage tank as follows:

- a. process line
- b. contents
- c. volume
- d. change rate
- e. hazardous-yes/no
- f. contain regulated metals-yes/no
- g. new storage location
  - i. non-hazardous
  - ii. regulated metal bearing
  - iii. neutralization

B. Testing - all wastes going into the tanks will be tested in the following manner:

1. pH
2. Possibility of containing regulated metals

C. Analyses and waste stream identification:

1. pH between 3-9 and no regulated metals-non-hazardous
2. pH below 3 or above 9 and no regulated metals-neutralization
3. Regulated metal bearing requiring copper treatment

See Flow Chart and Tank Identification Chart 1.

Phase 2 - Processing of the three identified waste streams:

A. Non-hazardous waste water:

1. Test water to determine if it meets MWRD and federal categorical discharge limits
2. Pass (Yes) - discharge to sewer
3. Fail (No) - determine why
  - a. High solids - filter and re-test
  - b. Pass (Yes) after filtering and re-testing - discharge to sewer
  - c. Test solids for disposal as non-special waste so it can be disposed in the regular refuse
  - d. Other - further processing to be determined

B. Neutralization:

1. Neutralize waste water to a pH between 3 and 6 (no solids should be present)
2. Test water to determine if it meets MWRD and federal categorical discharge limits
  - a. Pass (Yes) - discharge to sewer
  - b. Fail (No) - determine why
  - c. High regulated metals - find source and remove
  - d. If neutralized water cannot be discharged, send off-site as non-hazardous waste water

C. Regulated metals treatment:

1. Treat regulated metal bearing waste water to form copper hydroxide sludge
2. Send copper hydroxide sludge off-site for recycling
3. Test resulting filtrate to determine if it meets MWRD and federal categorical discharge limits
  - a. Pass (Yes) - discharge to sewer
  - b. Fail (No) - determine why
  - c. High regulated metals - send back for regulated metals treatment
  - d. Other - further processing to be determined

See Flow Chart and Tank Identification Chart 2.

Definitions:

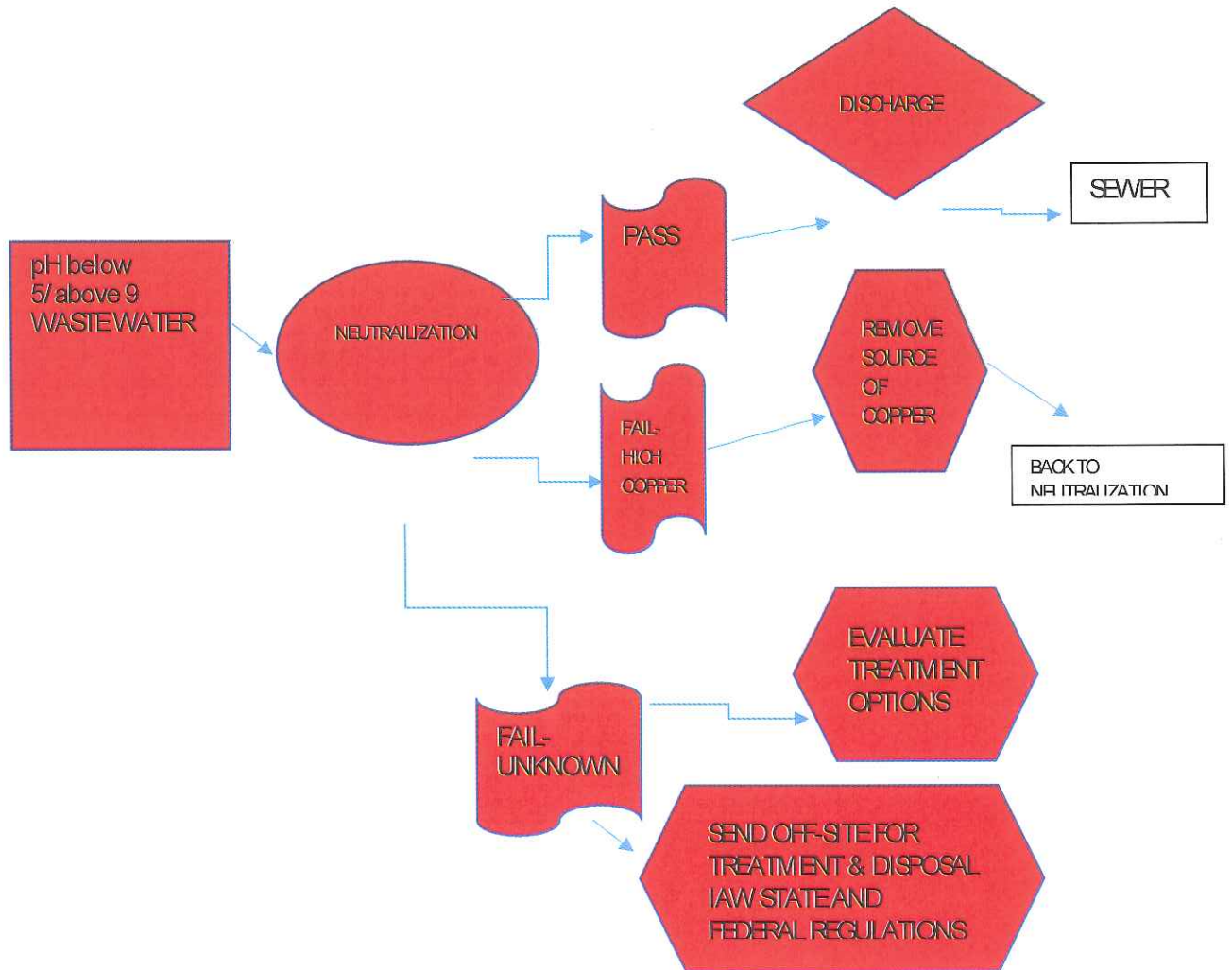
Regulated metal - means any metal that is regulated as a hazardous waste by RCRA or is regulated as part of 40 C.F.R. Part 433 (the Metal Finishing Point Source Category).

Non-hazardous - means waste water that is not hazardous by characteristic 40 C.F.R. Part 261, Subpart C or by 40 C.F.R. Part 433 metal finishing limits.

Federal categorical discharge limits - means discharge limits listed at 40 C.F.R. Part 433 (the Metal Finishing Point Source Category).

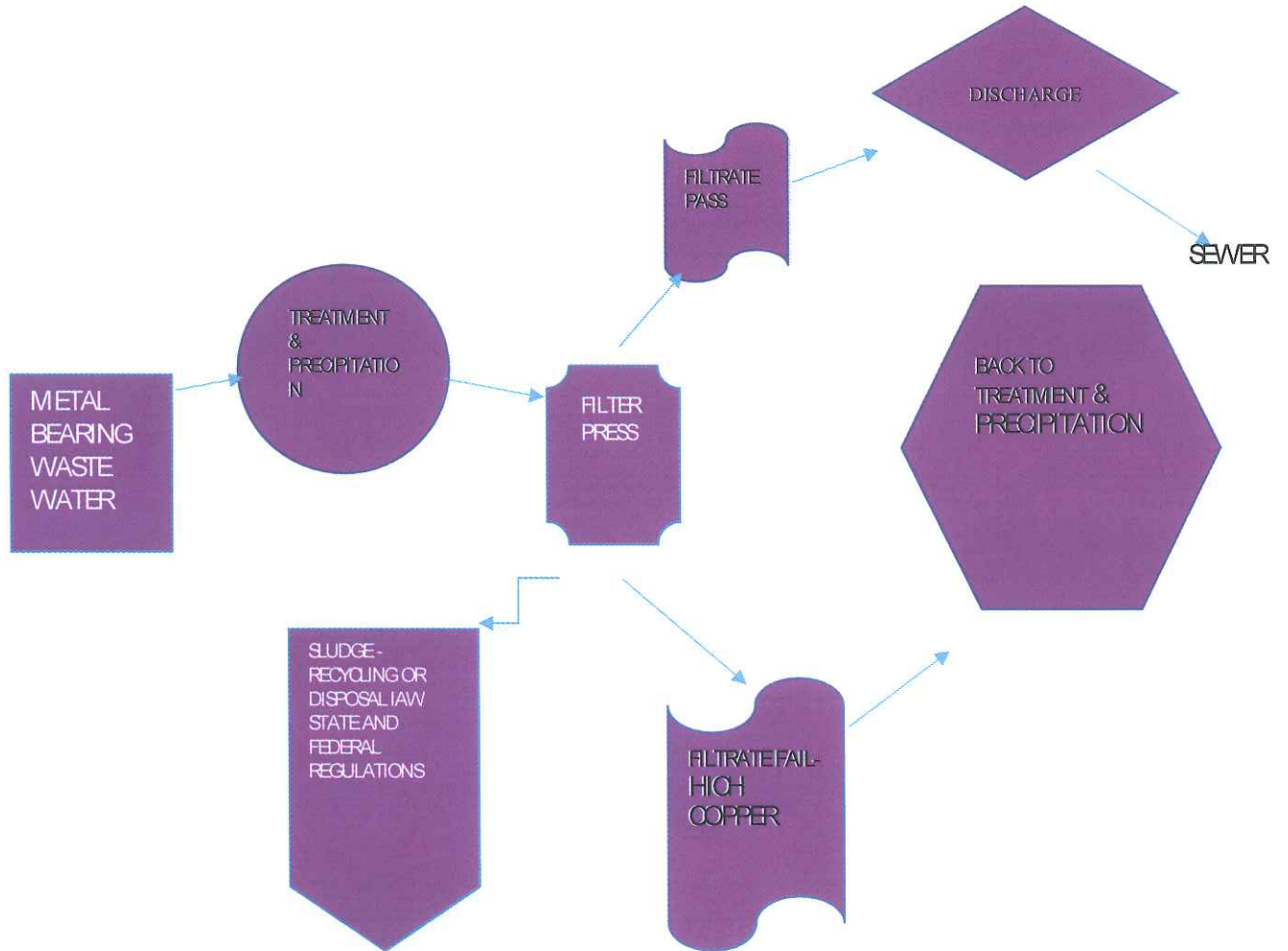
MWRD Discharge Limits - means discharge limits established by the Metropolitan Wastewater Reclamation District of Greater Chicago, pursuant to Discharge Authorization (DA) No. 26425-4.

Flow Chart and Tank Identification Chart 1.





Flow Chart and Tank Identification Chart 2.



Consent Agreement and Final Order  
In the Matter of: Circuit Engineering, Elk Grove Village, Illinois  
Docket Number: RCRA-05-2018-0017

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number RCRA-05-2018-0017, which was filed on

July 13, 2018, 2018, in the following manner to the following addressees:

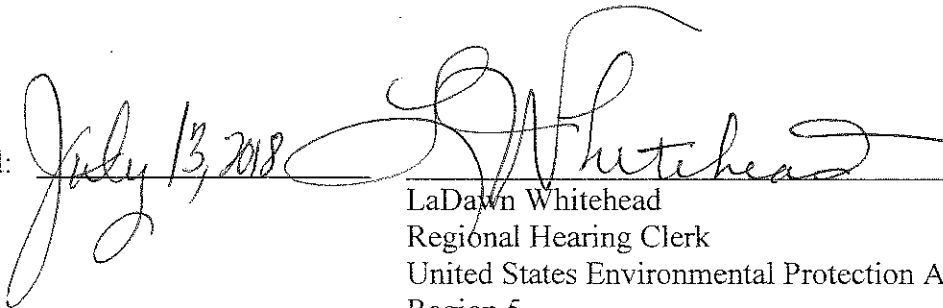
Copy by E-mail to  
Regional Judicial Officer: Ms. Ann L. Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Copy by E-mail to  
Respondent: Mr. Felix Simon  
[felix@circuiteng.com](mailto:felix@circuiteng.com)

Copy by E-mail to  
Complainant: Ms. Graciela Scambiatterra  
[scambiatterra.graciela@epa.gov](mailto:scambiatterra.graciela@epa.gov)

Copy by E-mail to  
Attorney for Complainant: Mr. Terence Stanuch  
[stanuch.terry@epa.gov](mailto:stanuch.terry@epa.gov)

Dated: July 13, 2018

  
\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 5