

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

FILED

Jan 26, 2026

2:29 pm

U.S. EPA REGION 5
HEARING CLERK

In the Matter of:)	Docket No. RCRA-05-2026-0014
)	
Libra Industries Inc)	Proceeding to Commence and Conclude
Elk Grove Village, Illinois,)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
_____)	

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 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 Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. 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 Libra Industries, Inc., 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 to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. 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 its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

Statutory and Regulatory Background

11. U.S. 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 3001 – 3007 of RCRA, 42 U.S.C. §§ 6921 – 6927, among others.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. 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.

13. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. 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. *See* 51 Fed. Reg. 3778 (January 31, 1986).

15. The Illinois hazardous waste program approved by U.S. EPA included "Standards Applicable to Generators of Hazardous Waste" of hazardous waste set forth at Ill. Adm. Code Title 35, Part 722 (Illinois Generator Standards).

16. The Illinois Generator Standards include, *inter alia*, 35 Ill. Adm. Code § 722.134, which has been in effect since February 23, 2006.¹

17. U.S. 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. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, the Administrator of U.S. EPA may assess a civil penalty of up to \$124,426 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015. *See* Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

¹On November 19, 2018, the State of Illinois promulgated revised hazardous waste regulations which EPA has not yet authorized (the New Regulations). At the same time, Illinois also repealed, *inter alia*, the Illinois Generator Standards at 35 Ill. Admin. Code § 722.134. Until U.S. EPA authorizes the New Regulations, or grants Illinois interim status for the New Regulations, the previously-authorized regulations remain in effect as the U.S. EPA authorized RCRA regulations for generators in Illinois, including 35 Ill. Admin. Code § 722.134.

Factual Allegations and Alleged Violations

18. Respondent is a “person” as defined by 35 Ill. Adm. Code § 720.110, 329 IAC §§ 3.1-4-1 and 3.1-4-1(b), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent is the “owner” or “operator,” as those terms are defined by 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 1951 Arthur Avenue, Elk Grove Village, Illinois (Facility).

20. 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.

21. Respondent’s Facility is a “facility” as that term is defined by 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

22. At all times relevant to this CAFO, Respondent laundered used safety equipment using dry-clean machines.

23. At all times relevant to this CAFO, Respondent’s activities laundering used safety equipment with tetrachloroethylene using dry-clean machines, generated tetrachloroethylene waste.

24. At all times relevant to this CAFO, the tetrachloroethylene waste Respondent generated at the Facility was a “solid waste” as that term is defined by 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

25. At all times relevant to this CAFO, the tetrachloroethylene waste Respondent generated at the Facility was “hazardous waste” as that term is defined under 35 Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3.

26. Respondent characterized the hazardous waste it generated at the Facility as “waste tetrachloroethylene” with the waste code D039.

27. At all times relevant to this CAFO, Respondent was a “generator,” as that term is defined by 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

28. At all times relevant to this CAFO, Respondent stored, transported, disposed of, or otherwise handled its hazardous waste in:

- a. “Containers,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10;
- b. A “tank,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10; or
- c. A “tank system,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10.

29. At all times relevant to this CAFO, Respondent’s holding of hazardous wastes in “containers” constituted hazardous waste “storage,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10.

30. At all times relevant to this CAFO, Respondent’s holding of hazardous wastes in a “tank” constituted hazardous waste “storage,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10.

31. At all times relevant to this CAFO, Respondent’s holding of hazardous wastes in a “tank system” constituted hazardous waste “storage,” as that term is defined by 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 260.10.

32. The Facility generated and managed hazardous waste after November 19, 1980.

33. On March 25, 2024, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the Inspection).

34. On April 24, 2025, U.S. EPA issued a Notice of Potential Violation and Opportunity to Confer to Respondent (the Notice) alleging certain violations of RCRA discovered during the inspection.

35. On May 24, 2025, Respondent submitted to U.S. EPA a written response to the Notice.

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

37. 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.

38. On or about May 15, 2008, Respondent submitted a Hazardous Waste Notification to EPA for the Facility.

39. The Hazardous Waste Notification stated that Respondent is a “Large Quantity Generator” of hazardous waste, as defined by 40 C.F.R. 260.10 and 35 Ill. Adm. Code §§ 720.110 and 722.127 (Board Note).

40. For each calendar year relevant to this CAFO, the Facility generated more than 1,000 kg of hazardous waste in a calendar month.

**Count 1: Failure to Properly Label Containers with the
Accumulation Start Date**

41. Complainant incorporates paragraphs 1 through 40 of this CAFO as though set forth in this paragraph.

42. Subject to certain exceptions, 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.

43. For a large quantity generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly and visibly mark each container with the date upon which each period of hazardous waste accumulation began. *See* 35 Ill. Adm. Code § 722.134(a)(2).

44. At the time of the Inspection, Respondent failed to clearly and visibly mark with the date upon which each period of hazardous waste accumulation began: a) one tote storing hazardous waste; and b) one container storing hazardous waste in the secondary containment of the hazardous waste storage tank.²

45. Respondent's failure to clearly and visibly mark hazardous waste storage containers with the storage accumulation date violated 35 Ill. Adm. Code § 722.134(a)(2).

Count 2: Failure to Properly Label Containers as Hazardous Waste

46. Complainant incorporates paragraphs 1 through 40 of this CAFO as though set forth in this paragraph.

47. Subject to certain exceptions, 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.

48. For a large quantity generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must, *inter alia*, label or clearly mark each container storing hazardous waste with the words "Hazardous Waste." See 35 Ill. Adm. Code § 722.134(a)(3).

49. At the time of the Inspection, Respondent failed to clearly and visibly mark with the words "Hazardous Waste:" a) one tote storing hazardous waste; and b) one container storing hazardous waste in the secondary containment of the hazardous waste storage tank area.

50. Respondent's failure to clearly and visibly mark hazardous waste storage containers with the words "Hazardous Waste" violated 35 Ill. Adm. Code § 722.134(a)(3).

² Respondent also failed to clearly and visibly mark one hazardous waste storage tank with the date upon which each period of hazardous waste accumulation began.

Count 3: Failure to Properly Store Containers

51. Complainant incorporates paragraphs 1 through 40 of this CAFO as though set forth in this paragraph.

52. Subject to certain exceptions, 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.

53. Pursuant to 35 Ill. Adm. Code § 722.134(a)(1)(A), for a large quantity generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, if it places the hazardous waste in containers the generator must comply, *inter alia*, with Subpart I of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code §§ 725.270 - 725.278.

54. 35 Ill. Adm. Code § 725.273(a) requires that a generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

55. At the time of the Inspection, EPA observed one open container containing hazardous waste, at a time when Respondent was not adding or removing waste from the container.

56. Respondent's failure to close all hazardous waste containers during storage violated 35 Ill. Adm. Code §§ 722.134(a)(1)(A) and 725.273(a).

**Count 4: Failure to Obtain Written Assessment of a
Hazardous Waste Storage Tank**

57. Complainant incorporates paragraphs 1 through 40 of this CAFO as though set forth in this paragraph.

58. Subject to certain exceptions, 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.

59. Pursuant to 35 Ill. Adm. Code § 722.134(a)(1)(B), for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, if the generator places the hazardous waste in tanks, it must, *inter alia*, comply with Subpart J of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code §§ 725.290 – 725.302.

60. 35 Ill. Adm. Code § 725.292(a) requires that a generator of hazardous waste must ensure that the foundation, structural support, seams, connections, and pressure controls are adequately designed for a new tank system and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by a qualified Professional Engineer attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

61. At the time of the Inspection, Respondent had failed to obtain the required written tank assessment of its hazardous waste storage tank by a qualified Professional Engineer.

62. Respondent's failure to obtain the written assessment of its hazardous waste storage tank from a qualified Professional Engineer violated 35 Ill. Adm. Code §§ 722.134(a)(1)(B) and 725.292(a).

Count 5: Failure to Conduct Daily Tank Inspections

63. Complainant incorporates paragraphs 1 through 40 of this CAFO as though set forth in this paragraph.

64. Subject to certain exceptions, 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.

65. Pursuant to 35 Ill. Adm. Code § 722.134(a)(1)(B), for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, if the generator places hazardous waste in tanks it must, *inter alia*, comply with Subpart J of 35 Ill. Adm. Code 725, 35 Ill. Adm. Code §§ 725.290 – 725.302.

66. Thus, 35 Ill. Adm. Code § 725.295(a) requires that the owner or operator must inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design.

67. At the time of the Inspection, Respondent had failed to conduct inspections of its hazardous waste storage tank at least once each operation day.

68. Respondent's failure to conduct daily inspections of its hazardous waste tanks violated 35 Ill. Adm. Code §§ 722.134(a)(1)(B) and 725.295(a).

Civil Penalty

69. 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 \$100,675. In determining the penalty amount, Complainant considered the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

70. Respondent agrees to pay a civil penalty in the amount of \$100,675 (Assessed Penalty) within 30 days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (Filing Date).

71. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

72. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2026-0014,
- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Jamie Paulin
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
paulin.jamie@epa.gov and
R5LEECAB@epa.gov

John Matson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
matson.john@epa.gov

U.S. Environmental Protection
Agency Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

73. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty pursuant to this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within 30 days, interest accrued is waived. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first 30-day period after the Filing Date. Additional handling charges will be assessed every 30 days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than 90 days. Any such amounts will accrue from the Filing Date.

74. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties pursuant to this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency pursuant to 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds to 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds pursuant to 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection pursuant to 40 C.F.R. § 13.33.

75. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

76. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

77. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (IRS) annually, a completed IRS Form 1098-F (Fines, Penalties, and Other Amounts) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty pursuant to 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

78. The parties to this CAFO consent to service of this CAFO by e-mail at the following valid e-mail addresses: matson.john@epa.gov (for Complainant), and clagoni@librasafety.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

79. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

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

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

82. Respondent certifies that it is complying fully with 3008(a) of RCRA, 42 U.S.C. § 6928(a).

83. This CAFO is a “final order” for purposes of 40 C.F.R. § 22.31, U.S. EPA’s RCRA Civil Penalty Policy, and U.S. EPA’s Hazardous Waste Civil Enforcement Response Policy (December 2003).

84. The terms of this CAFO bind Respondent, its successors, and assigns.

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

86. Each party agrees to bear its own costs and attorney’s fees in this action.

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

Libra Industries, Inc., Respondent

1/19/26
Date


William M. Maki
CEO/Owner
Libra Industries, Inc.

In the Matter of:
Libra Industries, Inc.
Docket No. RCRA-05-2026-0014

United States Environmental Protection Agency, Complainant

Date

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division

**In the Matter of:
Libra Industries, Inc.
Docket No. RCRA-05-2026-0014**

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. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

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