



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2016

VIA EMAIL

REPLY TO THE ATTENTION OF

Ms. Sarah Kowalczyk
In-House Legal Counsel & Interim Vice President EHS
Tradebe Environmental Services, LLC
47 Gracey Avenue
Meriden, Connecticut 06451
sarah.kowalczyk@tradebe.com

Re: Tradebe Treatment and Recycling, LLC
EPA ID No.: IND 000 646 943
Expedited Settlement Agreement
Docket No.: **RCRA-05-2016-0021**

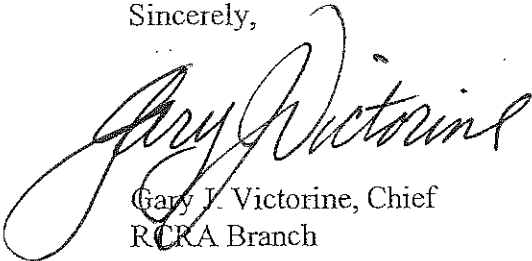
Dear Ms. Kowalczyk:

Attached please find a copy of a fully executed Expedited Settlement Agreement (ESA) in resolution of the above-referenced case. We filed the original with the Regional Hearing Clerk on September 30, 2016.

Attached is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

If you have any questions regarding this matter, please contact Graciela Scambiatterra, of my staff, at (312) 353-5103 or scambiatterra.graciela@epa.gov.

Sincerely,



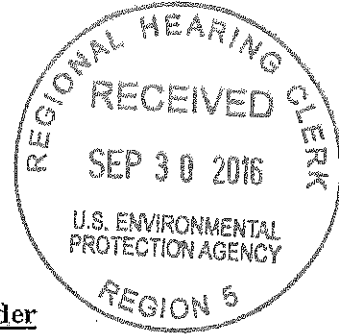
Gary J. Victorine, Chief
RCRA Branch

Attachments

cc: Nancy Johnston, (w/ESA) Indiana Department of Environmental Management
(njohnsto@idem.in.gov)
Tita LaGrimas, (w/ESA), Tradebe Treatment and Recycling, LLC (tita.lagrimas@tradebe.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2016-0021
)	
Tradebe Treatment and Recycling, LLC)	Expedited Settlement Agreement
4343 Kennedy Avenue)	and Final Order
East Chicago, Indiana 46312)	
)	
U.S. EPA ID: IND 000 646 943)	
)	
Respondent.)	
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Expedited Settlement Agreement and Final Order

1. The U.S. Environmental Protection Agency alleges that Tradebe Treatment and Recycling, LLC (Respondent), owner or operator of the facility at 4343 Kennedy Avenue, East Chicago, Indiana 46312 (Facility) and an exporter of hazardous waste, is subject to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*

2. EPA Region 5 alleges that Respondent violated the requirements applicable to generators and exporters of hazardous waste found at Title 40 of the Code of Federal Regulations (C.F.R.) § 262.56(a) and 40 C.F.R. § 262.54, as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM (Form), Attachment A, which is hereby incorporated by reference.

3. Under 40 C.F.R. § 262.56(a), Respondent is required to submit annual reports detailing its exports of hazardous waste. Respondent's annual reports for years 2011, 2013, and 2014 included unreported or underreported quantities of hazardous waste exported by Respondent.

4. Under 40 C.F.R. § 262.54, Respondent is also required to complete manifests that describe the hazardous waste subject to export. In 2014, Respondent completed or used eight

hazardous waste manifests that were missing EPA and state hazardous waste codes identifying the composition of the exported waste.

5. The parties enter into this Expedited Settlement Agreement and Final Order (Agreement) in order to settle the civil violations described in the Form.

This Agreement is Subject to the Following Terms and Conditions

6. For purposes of this proceeding, Respondent admits it is subject to the requirements set forth in 40 C.F.R. § 262.56(a) and 40 C.F.R. § 262.54, and that EPA has jurisdiction pursuant to RCRA over the Respondent and the Respondent's conduct as described in the Form.

7. Respondent neither admits nor denies the factual allegations in the Form or in this Agreement.

8. Respondent shall prepare a written Certification of Compliance, subject to civil and criminal penalties for making a false submission to the United States Government, describing how it has corrected the violations identified in this Agreement and attached Form and the corrective actions Respondent will take to prevent future violations of RCRA. When submitting this information, one of Respondent's officers must sign and certify as follows: "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, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations." This information and certification shall be mailed within thirty (30) days of the effective date of this Agreement to Ms. Graciela Scambiaterra (LR-8J), RCRA Branch, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and is subject to approval by EPA.

9. In addition, within thirty (30) days of the effective date of this Agreement,

Respondent shall submit all corrected annual reports of exported hazardous waste (for years 2011, 2013, and 2014) to Scott Nelson, U.S. EPA Headquarters, William Jefferson Clinton Building, 1200 Pennsylvania Avenue, N.W., Mail Code: 2254A, Washington, DC 20460.

Respondent shall send a notification to Ms. Graciela Scambiatterra at scambiatterra.graciela@epa.gov when the corrected annual reports have been mailed to EPA HQ. The corrected annual reports are subject to review and approval by EPA.

10. Furthermore, within thirty (30) days of the effective date of this Agreement, Respondent shall send a certified check in the amount of \$11,000.00, payable to the "Treasurer of the United States," to the United States Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, Missouri 63197-9000. Respondent shall write "EPA," and the docket number of this case on the check. A copy of the check shall be mailed to the Regional Hearing Clerk, (Mailcode E-13J), U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604 and to Ms. Graciela Scambiatterra (LR-8J), RCRA Branch, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. Respondent consents to the assessment of this penalty and the requirements to submit a Certification of Compliance and corrected annual reports, as specified in paragraphs 8 and 9.

11. EPA and Respondent agree that settlement of this matter for a penalty of \$11,000.00 is in the public interest.

12. The civil penalty is not deductible for federal tax purposes.

13. Upon receipt by EPA of the penalty payment and EPA approval of Respondent's Certification of Compliance and submissions pursuant to paragraphs 8 and 9, EPA will take no further civil action against the Respondent for the specific violations of 40 C.F.R. § 262.56(a) and 40 C.F.R. § 262.54, described in the Form. However, EPA does not waive any rights to take

any enforcement action for any other past, present, or future violations by the Respondent of RCRA, this Agreement, or of any other federal or state statute or regulation.

14. Upon signing and returning this Agreement, Respondent waives any and all remedies, claims for relief, opportunities for hearing, and any otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Agreement, including but not limited to the opportunity for a hearing or appeal pursuant to Section 3008 of RCRA, 40 C.F.R. § 22.15(c), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06. Further, Respondent consents to EPA's approval of the Agreement without further notice.

15. If the Respondent does not sign and return this Agreement as directed by EPA, the proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

16. 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.

17. Each party shall bear its own costs and fees, if any.

18. Each person signing this consent 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.

19. This Agreement is binding on the parties signing below, as well as any of Respondent's successors or assigns.

20. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and by 40 C.F.R. §


22.13(b). This Agreement is a "final order" under 40 C.F.R. § 22.31, and, in accordance with 40 C.F.R. § 22.31(b), the Agreement is effective upon filing.

21. 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 Agreement by e-mail at the following valid e-mail addresses: rountree.jillian@epa.gov (for EPA) and tita.lagrimas@tradebe.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

IT IS SO AGREED,

Name (print): Tita Lagrimas

Title (print): Executive VP of Regulatory Affairs

Signature: 

Date September 23, 2016

APPROVED BY EPA:



Margaret M. Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date 9/28/2014

In the Matter of:
Tradebe Treatment and Recycling

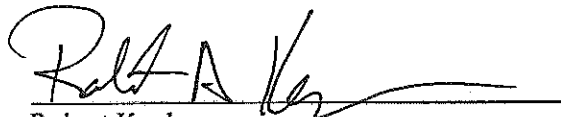
Docket Number RCRA-05-2016-0021

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. § 22.18 and 22.31.

IT IS SO ORDERED:

9/29/16
Date


Robert Kaplan
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

Attachment A
FINDINGS AND ALLEGED VIOLATIONS FORM
Trade Treatment and Recycling
Violations discovered from EPA HQ Referral

	NATURE OF VIOLATION	CITATION OF REGULATION OR LAW
Count 1	Failure to report, or underreported hazardous waste in Annual Reports submitted to the EPA for calendar year 2011.	40 C.F.R. § 262.56(a)
Count 2	Failure to report, or underreported hazardous waste in Annual Reports submitted to the EPA for calendar year 2013.	40 C.F.R. § 262.56(a)
Count 3	Failure to report, or underreported hazardous waste in Annual Reports submitted to the EPA for calendar year 2014.	40 C.F.R. § 262.56(a)
Count 4	Failure to report the federal or state code(s) for exported hazardous waste on 5/20/2014 on manifest #011910607JJK.	40 C.F.R. § 262.54
Count 5	Failure to report the federal or state code(s) for exported hazardous waste on 7/22/2014 on manifest #011910864JJK, line item #1.	40 C.F.R. § 262.54
Count 6	Failure to report the federal or state code(s) for exported hazardous waste on 7/22/2014 on manifest #011910864JJK, line item #5.	40 C.F.R. § 262.54
Count 7	Failure to report the federal or state code(s) for exported hazardous waste on 8/19/2014 on manifest #011910828JJK.	40 C.F.R. § 262.54
Count 8	Failure to report the federal or state code(s) for exported hazardous waste on 9/8/2014 on manifest #011919814JJK.	40 C.F.R. § 262.54
Count 9	Failure to report the federal or state code(s) for exported hazardous waste on 9/30/2014 on manifest #011910970JJK.	40 C.F.R. § 262.54
Count 10	Failure to report the federal or state code(s) for exported hazardous waste on 10/29/2014 on manifest #011910926JJK.	40 C.F.R. § 262.54
Count 11	Failure to report the federal or state code(s) for exported hazardous waste on 12/29/2014 on manifest #0139122013JJK.	40 C.F.R. § 262.54

Expedited Settlement Agreement
In the matter of: Tradebe Treatment and Recycling, LLC
Docket Number: **RCRA-05-2016-0021**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number **RCRA-05-2016-0021**, which was filed on September 30, 2016 in the following manner to the following addressees:

Copy by E-Mail to Respondent: Ms. Tita LaGrimas
Executive VP of Regulatory Affairs,
Tradebe Treatment and Recycling, LLC
tita.lagrimas@tradebe.com

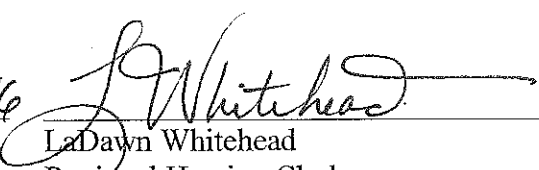
Copy by E-mail to
Attorney for Respondent: Sarah Kowalczyk
In-House Legal Counsel & Interim Vice President EHS,
Tradebe Environmental Services, LLC
sarah.kowalczyk@tradebe.com

Copy by E-mail to
Attorney for Complainant: Jillian Rountree
rountree.jillian@epa.gov

Copy by E-mail to
EPA enforcement staff contact: Graciela Scambiatterra
scambiatterra.graciela@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: September 30, 2016



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5