

FILED

Sep 10, 2025

11:49 am

U.S. EPA REGION 5
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2025-0026
)	
Republic Industrial & Energy Solutions, LLC)	Proceeding to Commence and Conclude an
Romulus, Michigan)	Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
Respondent.)	Conservation and Recovery Act,
)	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, 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 Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Republic Industrial & Energy Solutions, LLC (RIES), a limited liability company doing business in the State of Michigan.

4. U.S. EPA provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

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 through 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

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 of RCRA (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 Michigan final authorization to administer a state hazardous waste program in lieu of the federal government’s base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986). U.S. EPA subsequently approved amendments to the Michigan hazardous waste program effective June 15, 2022. 87 Fed. Reg. 36074.

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$121,275 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

16. Respondent is a “person” as defined by Mich. Admin. Code. r. 299.9106(i), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. §6903(15).

17. Respondent is the “owner” or “operator,” as those terms are defined under Mich.

Admin. Code. r. 299.9106(g) and (f) and 40 C.F.R. § 260.10, of a facility located at 28470 Citrin Drive, Romulus, Michigan ("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 Mich. Admin. Code. r. 299.9103(v) and 40 C.F.R. § 260.10.

20. Respondent's operations at the Facility consist of accepting, storing, treating, and disposing of listed and characteristic hazardous wastes in the form of wastewaters that carry several waste numbers. The site is licensed to accept waste in containers, tanker trucks, and rail cars. Most waste is received in tankers and is off-loaded into receiving tanks. The Facility also accepts non-hazardous waste in bulk tanker trucks. Typically, the wastes are treated in primary settling tanks (PSTs) through chemical pH adjustments. Reagents are added to promote flocculation and precipitation of suspended solids in the PSTs. The slurry generated from this process is pulled from the cone-shaped bottom of the PST and pumped over to the sludge-handling system, which consists of two sludge tanks (STs) and a filter press. The slurry is batch fed from the STs to the filter press which generates a filter cake sludge that is stored in a 20 cubic yard roll-off box. The effluent from the press is stored in the secondary storage tank (SST). This treated water can either be rerouted back to the head of the plant for additional processing, or it can be filtered to one micron and injected into one of two UIC wells regulated under a Clean Water Act UIC permit issued by U.S. EPA.

21. Respondent's actions and processes at the Facility cause the generation of filter

cake sludge; filters; filter socks; PPE; and laboratory liquid waste streams (acids and bases). The hazardous waste codes associated with the main hazardous waste types that are generated at the Facility are the following, but not limited to: D002, D004-D011, F007, F009, K062, U161, U239, and F039 waste streams, which are "hazardous waste," as that term is defined under Mich. Admin. Code. r. 299.9104(f) and 299.9203 and 40 C.F.R. § 261.3.

22. At the time of U.S. EPA's inspection, the inspector reviewed the Respondent's daily inspection reports for July 2023. From 7/2/23 through 7/18/23, each daily inspection report did not mark an indication of "presence of liquids or materials in containment area."

23. During the inspection of the Waste Off-Loading Area, the inspectors observed waste liquid accumulation amounts that were not accurately documented on the reviewed facility's daily inspection reports.

24. During the inspection of the Waste Off-Loading Area, the inspectors observed that three containment vaults and the secondary pipe trench had been accumulating liquid waste for more than 24 hours as indicated by the depth of the liquid waste observed in the containment vaults and secondary pipe trench.

25. The inspection form for the same day of inspection (July 18, 2023), and the previous sixteen days indicates that the unloading and sampling area containment is in satisfactory condition regarding the liquids or materials in the containment area. The amount of liquids and materials accumulated in the containment vaults and in the secondary pipe trench indicate that accumulation of liquid and material in this area has been occurring for some time and is not being captured on the facility's daily inspection reports.

26. Respondent is a "generator," as that term is defined under Mich. Admin. Code. r.

299.9104(a) and 40 C.F.R. § 260.10.

27. At all times relevant to this CAFO, Respondent had a license to store and treat hazardous waste at the Facility with EPA Identification Number MIR 000 016 055 ("License").

28. On July 18 and 19, 2023, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the "Inspection").

29. On May 24, 2024, U.S. EPA issued a Notice of Potential Violation and Opportunity to Confer to Respondent alleging certain violations of RCRA discovered during the inspection.

30. On June 27, 2024, Respondent submitted to U.S. EPA a written response to the Notice of Potential Violation and Opportunity to Confer.

31. Respondent is a licensed hazardous waste storage, treatment, and disposal Facility (TSDF), and from at least January 1, 2023, through July 19, 2023, Respondent generated hazardous waste using its U.S. EPA identification number in amounts greater than 1,000 kg per month, also qualifying it as a Large Quantity Generator under Mich. Admin. Code. r. 299.9303 and as defined in Mich. Admin. Code. r. 299.9105(h).

Count I

32. Complainant incorporates Paragraphs 1 through 31 of this CAFO as though set forth in this paragraph.

33. As an operator of a TSDF, Respondent is subject to the requirements of Mich. Admin. Code. r. 299.9605(1) and 40 C.F.R. § 264.15.

34. As an operator of a TSDF, Respondent is subject to the requirements of Mich. Admin. Code. r. 299.9521(3)(b) and r. 299.9615 and 40 C.F.R. § 264.193(c)(4).

35. Pursuant to the Operating License Condition II.C.1 – General Inspection Requirements, Attachment 3, of the License, and the inspection requirements of Mich. Admin. Code. r. 299.9605(1) and 40 C.F.R. § 264.15, Respondent must document daily inspection observations for areas included in Attachment 3 of the License, which includes the Waste Off-Loading Areas.

36. Pursuant to the Operating License Condition IV.H.1 – Disposition of Accumulated Liquids, Tank Systems, Attachment 9, Respondent shall remove spilled or leaked waste and accumulated precipitation from the tank system within 24 hours of detection and manage it in accordance with the requirements of Part 111 of Act 451 and the rules, and the procedures in Tank Systems, Attachment 9, of the License. (Mich. Admin. Code. r. 299.9521(3)(b) and r. 299.9615 and 40 C.F.R. § 264.193(c)(4)).

37. As set forth in Paragraphs 22 to 25 above, Respondent inaccurately documented daily inspection report observations of the Waste Off-Loading Areas in violation of the Respondent's Operating License Condition II.C.1 – General Inspection Requirements, Attachment 3, of the license, and the inspection requirements of Mich. Admin. Code. r. 299.9605(1) and 40 C.F.R. § 264.15.

38. As set forth in Paragraph 24 to 25 above, Respondent did not timely remove the accumulated waste liquid from at least the three containment vaults and the secondary pipe trench had been accumulating liquid waste for more than 24 hours as indicated by the depth of the liquid waste observed in the containment vaults and secondary pipe trench.

39. Respondent's failure to document daily inspection observations for areas included in Attachment 3 of the License violated Respondent's License, Mich. Admin. Code. r.

299.9605(1) and 40 C.F.R. § 264.15.

40. Respondent's failure to timely remove accumulated waste liquid violated Respondent's License, Mich. Admin. Code. r. 299.9521(3)(b) and r. 299.9615, and 40 C.F.R. § 264.193(c)(4)).

Civil Penalty

41. 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 \$25,916. In determining the penalty amount, Complainant took into account the seriousness of the violations 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.

42. Respondent agrees to pay a civil penalty in the amount of \$25,916 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

43. 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>.

44. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2025-0026,
- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following
person(s):

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

Bryan Gangwisch
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
gangwisch.bryan@epa.gov and
R5LECAB@epa.gov

Carlene J. Dooley
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
dooley.carlene@epa.gov

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

“Proof of payment” means, as applicable, a copy of the check, 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 U.S. EPA requirements, in the
amount due, and identified with the appropriate docket number and
Respondent’s name.

45. 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 per this Agreement, U.S. 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 thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (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 U.S. EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, U.S. EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (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 (6%) 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 ninety (90) days. Any such amounts will accrue from the Filing Date.

46. 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 per this Agreement, U.S. EPA may take additional actions. Such actions U.S. EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 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, per 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 U.S. EPA or engaging in programs U.S. EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

47. 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.

48. Tax Treatment of Penalties. Penalties, interest, and other charges paid

pursuant to this Agreement shall not be deductible for purposes of federal taxes.

General Provisions

49. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: dooley.carlene@epa.gov (for Complainant), and dbuongiorno@republicservices.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

50. 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.

51. 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.

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

53. Respondent certifies that it is complying fully with the statutory and regulatory provisions alleged to have been violated in this CAFO.

54. 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).

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

56. 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.

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

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

Republic Industrial & Energy Solutions, LLC Respondent

8/22/25
Date


Scott Binder
Vice President
Republic Industrial & Energy Solutions, LLC

United States Environmental Protection Agency, Complainant

Date

Carolyn Persoon
Acting Division Director
Enforcement and Compliance Assurance
Division
U.S. Environmental Protection Agency, Region 5

In the Matter of:
Republic Industrial & Energy Solutions
Docket No. RCRA-05-2025-0026

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