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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2026-0008
)	
Holbrook Auto Parts-YSPI, LLC)	Consent Agreement and Final Order
Ypsilanti, Michigan)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
U.S. EPA ID No.: MIK133987322)	42 U.S.C. § 6928(a)
)	
Respondent.)	
)	

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 Holbrook Auto Parts-YSPI, LLC, a limited liability company in the State of Michigan.
4. U.S. EPA provided notice 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.

Jurisdiction and Waiver of Right to Hearing

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

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

9. 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

10. Pursuant to Sections 3002-3005 of RCRA, 42 U.S.C. §§ 6922-6925, U.S. EPA 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.

11. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, 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.

12. 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.

13. 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)¹.

14. 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.

Factual Allegations

15. Respondent was and is a "person" as defined by Michigan Administrative Code (MAC) R 299.9106(i), and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

16. Respondent is an "owner" or "operator," as those terms are defined under MAC R 299.9106(f) and MAC R 299.9106(g) and 40 C.F.R. § 260.10, of a facility located at 2574 State Street, Ypsilanti, Michigan 48198 ("Facility").

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

¹ See Mich. Admin. Code R 299. EPA is enforcing Michigan hazardous waste management program requirements as approved and authorized by the United States on October 30, 1986 (see 51 FR 36804-36805) and the revisions to the hazardous waste program as approved and authorized by the United States through June 15, 2022 (see 87 FR 36074).

18. Respondent's Facility is a "facility," as that term is defined under MAC R 299.9103(v) and 40 C.F.R. § 260.10.

19. Respondent's actions and processes at the Facility cause the production of "hazardous waste," as that term is defined under MAC R 299.9104(f) and MAC R 299.9203 and 40 C.F.R. § 261.3.

20. Respondent was a "generator" of hazardous waste, as that term is defined under MAC R 299.9104(a) and 40 C.F.R. § 260.10.

21. In 2021, Respondent generated 1000 kilograms or greater of D008 hazardous waste in some calendar months (qualifying it as a "Large Quantity Generator"), which it shipped off-site to a treatment, storage or disposal facility within the United States.

22. On May 20, 2024, U.S. EPA sent to Respondent a Notice of Violation and Opportunity for Settlement.

23. The Notice letter identified RCRA violations, and an option and timeline for resolution of the matter through a streamlined settlement process.

24. On November 20, 2024, Respondent notified U.S. EPA by email that the Facility was no longer operating and that the facility has ceased operations in 2024.

25. The goal of the streamlined settlement process is to quickly and efficiently assess and resolve the matter, bring the Facility into compliance, and enter into an agreed upon CAFO.

26. Thereafter, Respondent engaged with U.S. EPA to expeditiously assess the matter agrees to entry of this CAFO.

Alleged Violations

Count I: Notification of Change of Hazardous Waste Activity

27. Complainant incorporates paragraphs 1 through 26 of this CAFO as though set forth in this paragraph.

28. Pursuant to MAC R 299.9303 (40 C.F.R. § 262.13), a generator must determine the quantity of hazardous waste generated per month, so as to allow the generator to determine the applicability of the provisions of MAC R 299.9303 (40 C.F.R. § 262.13), that are dependent on quantity generated per month.

29. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators are required to file with an authorized State a notification (or if necessary, a subsequent notification) including the types of wastes handled and the type of hazardous waste activity (*e.g.*, change to Large Quantity Generator status).

30. Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), is implemented through EPA Form 8700-12 (OMB 2050-0024), which requires notification if, among other things, a generator's hazardous waste activity changes to Large Quantity Generator status.

31. On January 12, 2021, Respondent shipped approximately 62.97 tons of D008 hazardous waste off-site for eventual disposal on Manifest Tracking Numbers 020134267JJK and 020134268JJK.

32. In 2021, Respondent did not submit a notification of the change of the Facility's type of hazardous waste activity to Large Quantity Generator status to the State, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

33. On August 28, 2025, Respondent submitted Site Identification Form (EQP5150) to the State of Michigan notifying that Holbrook Auto Parts-YPSI, LLC is out of business and no longer generating waste.

Count II: Biennial Reporting

34. Complainant incorporates paragraphs 1 through 26 of this CAFO as though set forth in this paragraph.

35. Pursuant to MAC R 299.9312(1), generator who is a large quantity generator for at least 1 month of an odd-numbered year, the reporting year, who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall complete and submit EPA Form 8700-13 A/B (a Biennial Report) to the director or the director's designee by March 1 of the following even-numbered year and covering generator activities during the previous year.

36. In 2022, Respondent did not prepare and submit a Biennial Report to the State of Michigan by March 1 for the preceding calendar year, in violation of MAC R 299.9312(1).

Civil Penalty Order

37. 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 \$1,371.50. In determining the penalty amount, Complainant took into account the above Factual Allegations, the seriousness of the violations, any good faith efforts to comply with the applicable requirements, and other factors as justice may require. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003, and conducted an analysis of Respondent's financial information and determined Respondent has a limited ability to pay. Consequently, in accordance with applicable law, EPA determined that the penalty is an appropriate amount to settle this action.

38. Within 30 days after the effective date of this CAFO, Respondent shall pay the

penalty \$1,371.50 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>.

39. Respondent must send a notice of payment that states Respondent's name and the docket number of this Agreement, RCRA-05-2026-0008 to EPA at the following addresses when it pays the penalty:

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

Land Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
R5lecab@epa.gov

Kyla Douglas
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
douglas.kyla@epa.gov

Naeha Dixit
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
dixit.naeha@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

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

41. If Respondent does not timely pay the civil penalty, U.S. 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.

42. 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 \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

43. Respondent certifies that it is complying fully with the statutory and regulatory provisions alleged violated in this CAFO.

44. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: dixit.naeha@epa.gov (for Complainant), and crichards@taftlaw.com (for Respondent).

45. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

46. 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.

47. Payment of the civil penalty does not affect Respondent's continuing obligation to comply with RCRA and other applicable federal, state, local laws or permits.

48. 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).

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

50. 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.


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

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

Holbrook Auto Parts-YPSI, LLC, Respondent

1-15-26

Date


Signatory Name: *Simon Savaya*
Signatory Title: *Owner*
Holbrook Auto Parts-YPSI, LLC

United States Environmental Protection Agency, Complainant

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

**In the Matter of:
Holbrook Auto Parts-YPSI, LLC
Docket No. RCRA-05-2026-0008**

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.

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