

FILED

Apr 25, 2025

12:56 pm

U.S. EPA REGION 5
HEARING CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2025-0002
)	
The Meyers Printing Companies, Inc.)	Proceeding to Commence and Conclude
Brooklyn Park, MN)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
)	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 The Meyers Printing Companies, Inc., a corporation doing business in the State of Minnesota.

4. U.S. EPA provided notice of commencement of this action to the State of Minnesota 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 or used oil, pursuant to Sections 3001 – 3007, 3013, and 3014, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, 6934, and 6935.

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 Minnesota final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective February 11, 1985. 50 Fed. Reg. 3756 (Jan. 28, 1985).

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 \$124,426 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

16. Respondent was and is a "person" as defined by Minn. R. 7045.0020, Subpart 66, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is an "owner" or "operator," as those terms are defined under Minn. R. 7045.0020, Subparts 62 and 64 and 40 C.F.R. § 260.10, of a facility located at 7277 Boone Ave. N., Brooklyn Park, MN 55428 (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 Minn. R. 7045.0020, Subpart 24 and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent used methyl ester, 2-propenoic acid, 2-phenoxyethyl ester of acrylic acid, ethyl acetate, isopropyl alcohol, and silver to clean printing press equipment, manufacturing equipment, and rags.

21. At all times relevant to this CAFO, while cleaning printing press equipment, manufacturing equipment, and rags, Respondent generated silver and solvent waste, which is collected in 55-gallon containers and stored in satellite hazardous waste storage areas.

22. At all times relevant to this CAFO, Respondent held silver and solvent waste, a discarded material, for temporary periods in 55-gallon containers before the material is shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

23. Respondent characterized its silver and solvent waste as hazardous waste with hazardous waste codes D001, D002, D011, and F003.

24. Respondent stored, transported, disposed of, or otherwise handled its silver and solvent waste in containers as that term is defined under Minn. R. 7045.0020, Subpart 11 and 40 C.F.R. § 260.10.

25. At all times relevant to this CAFO, Respondent's silver and solvent waste was a "solid waste" as that term is defined under Minn. R. 7035.0300, Subpart 100 and 40 C.F.R. § 261.2.

26. At all times relevant to this CAFO, Respondent's silver and solvent waste was a

“hazardous waste” as that term is defined under Minn. R. 7045.0020, Subpart 33 and 40 C.F.R. § 261.3.

27. At all times relevant to this CAFO, Respondent’s holding of silver and solvent waste in containers constituted hazardous waste “storage,” as that term is defined under Minn. R. 7045.0020, Subpart 87 and 40 C.F.R. § 260.10.

28. Respondent is a “generator” of hazardous waste, as that term is defined under Minn. R. 7045.0020, Subpart 31, and 40 C.F.R. § 260.10.

29. The Facility was generating and managing hazardous waste on or before November 19, 1980.

30. On January 8, 2024, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the Inspection).

31. On October 24, 2024, U.S. EPA sent to Respondent a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the Inspection.

32. On October 29, 2024, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

33. At all times relevant to this CAFO, the State of Minnesota had not issued a permit to Respondent to treat, store, or disposed 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. During the Inspection, EPA staff reviewed records showing that during November 2021, March and October 2022, and September 2023, Respondent generated 1000 kilograms or greater of hazardous waste in some calendar months, which it shipped off-site to a treatment,

storage or disposal facility within the United States.

36. From at least November 2021 until March 11, 2024, Respondent did not submit a notification of the change of the Facility's type of hazardous waste activity to Large Quantity Generator status in relevant months.

Alleged Violations

Count I: Notification of Change of Hazardous Waste Activity

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

38. Pursuant to Minn. R. 7045.0206, 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 Minn. R. 7045.0205 through Minn. R. 7045.0350 that are dependent on quantity generated per month.

39. 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).

40. From at least November 2021 until March 11, 2024, Respondent did not submit a notification of the change of the Facility's type of hazardous waste activity to Large Quantity Generator status in relevant months, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

41. On March 11, 2024, Respondent fulfilled its notification requirement via a biennial report submission with Minnesota Pollution Control Agency, providing notification of the

Facility's change in hazardous waste activity to the status of Large Quantity Generator.

Count II: Biennial Reporting

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

43. Pursuant to Minn. R. 7045.0248, Subpart 1.B., by March 1 of every even-numbered year, a generator of 1,000 kilograms of hazardous waste or more must submit a license renewal application to the commissioner of the Minnesota Pollution Control Agency or the commissioner's designee that includes information required for the biennial report required by the U.S. EPA under 40 C.F.R. § 262.41 (a Biennial Report).

44. Respondent did not prepare and submit a Biennial Report to the commissioner of the Minnesota Pollution Control Agency or the commissioner's designee by March 1, 2022 for reporting year 2021, in violation of Minn. R. 7045.0248, Subpart 1.B.

45. On March 11, 2024, Respondent submitted to the Minnesota Pollution Control Agency a Biennial Report for the year 2021.

Count III: Storage of Hazardous Waste Without a Permit or Interim Status

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

47. 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.

48. Pursuant to Minn R. 7045.0292, however, and 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 Minn R. 7045.0292, including, but not limited to, requirements for owner and operators in Minn. R. 7045.0626.

49. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of Minn. R. 7045.0552 to Minn. R. 7045.0650 and the permit requirements of Minn. R. 7001.0010 to Minn. R. 7001.0210, Minn. R. 7001.0500 through Minn. R. 7001.0730, unless the generator has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

50. At all times relevant to this CAFO, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

51. Similarly, the failure to comply with any of the conditions of Minn. R. 7045.0292 subjects the generator of hazardous waste to the requirements of Minn. R. 7045.0552 to Minn. R. 7045.0650 and the permit requirements of Minn. R. 7001.0010 to Minn. R. 7001.0210, Minn. R. 7001.0500 through Minn. R. 7001.0730.

52. In order 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 always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste. Minn. R. 7045.0292, Subpart 1.B. and Minn. R. 7045.0626, Subpart 4.

53. At the time of the Inspection, Respondent failed to keep closed when waste was not being added or removed one (1) container labeled with the words "Hazardous Waste" that was located in the staging area directly outside roll-to-roll Function 47 without obtaining or

applying for a permit.

54. Accordingly, Respondent failed to satisfy a condition for maintaining its exemption from the requirement that it have an operating permit or interim status.

55. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by Minn. R. 7045.0292, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

56. Respondent's storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of Minn R. 7001.0010 to Minn R. 7001.0210, Minn R. 7001.0500 through Minn R. 7001.0730.

Count IV: Failure to Comply with Used Oil Requirements

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

58. At the time of the Inspection, Respondent generated used oil and was a "used oil generator" subject to Minn. R. 7045.0855.

59. Pursuant to Minn. R. 7045.0855, Subpart 2.C., used oil generators must ensure that containers used to store used oil at generator sites must be marked with the words "Used Oil."

60. At the time of the Inspection, two (2) containers of used oil, located in Respondent's storage areas, were not labeled with the words "Used Oil."

61. Respondent's failure to ensure containers used to store used oil at the Facility were labeled or marked clearly with the words "Used Oil" violated Minn. R. 7045.0855, Subpart 2.C.

62. At the time of the Inspection, Respondent generated used oil filters and was a

“used oil filter generator” subject to Minn. R. 7045.0990.

63. Pursuant to Minn. R. 7045.0990, Subpart 3.A., used oil filter generators must store used oil filters in closed, leakproof containers labeled with the words “Used Oil Filters.”

64. At the time of the Inspection, one (1) container of used oil filters was labeled with the words “Oil Filters,” not “Used Oil Filters.”

65. Respondent’s failure to ensure containers used to store used oil filters were labeled with the words “Used Oil Filters” violated Minn. R. 7045.0990, Subpart 3.A.

Count V: Failure to Comply with Universal Waste Requirements

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

67. Pursuant to Minn. R. 7045.1400, the State of Minnesota adopted and incorporated by reference the federal Universal Waste Management regulations at 40 C.F.R. Part 273.

68. Pursuant to Minn. R. 7045.1400 [40 C.F.R. § 273.9], batteries and lamps are subject to the universal waste requirements at 40 C.F.R. Part 273.

69. Pursuant to Minn. R. 7045.1400 [40 C.F.R. § 273.9], a “universal waste handler” means “a generator . . . of universal waste.”

70. At all times relevant to this CAFO, Respondent generated universal wastes in the form of lamps and batteries.

71. Pursuant to Minn. R. 7045.1400 [40 C.F.R. § 273.9], a “small quantity handler of universal waste” means “a universal waste handler . . . who does not accumulate 5,000 kilograms or more of universal waste . . . at any time.”

72. At all times relevant to this CAFO, Respondent was a small quantity handler of

universal waste within the meaning of Minn. R. 7045.1400 [40 C.F.R. § 273.9].

73. Pursuant to Minn. R. 7045.1400 [273.13(d)(1)], a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such waste lamp containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

74. At the time of the Inspection, Respondent was not managing six (6) boxes of waste lamps located in the non-hazardous storage room in closed containers.

75. Respondent's failure to manage six (6) boxes containing waste lamps in closed containers violated Minn. R. 7045.1400 [273.13(d)(1)].

76. Pursuant to Minn. R. 7045.1400 [40 C.F.R. 273.14(a)], a small quantity handler of universal waste must label or clearly mark each universal waste battery or a container in which such batteries are contained with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

77. At the time of the Inspection, three (3) containers of universal waste batteries located in the 90-day hazardous waste storage room were not labeled or marked with any of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." Respondent's failure to label or clearly mark three (3) containers of universal waste batteries violated Minn. R. 7045.1400 [40 C.F.R. 273.14(a)].

Civil Penalty

78. 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 \$18,441. In determining the penalty amount, Complainant took into account 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.

79. Respondent agrees to pay a civil penalty in the amount of \$18,441 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

80. 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>.

81. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2025-0002,
- 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

Dan Martinez
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
martinez.daniel@epa.gov and
R5LECAB@epa.gov

Elyse Voyen
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
voyen.elyse@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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

82. 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, 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 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 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.

83. 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, 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, 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 EPA or engaging in programs 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.

84. 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.

85. 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

86. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: voyen.elyse@epa.gov (for Complainant), and lremakel@fredlaw.com and ddriscoll@fredlaw.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

87. 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.

88. 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.

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

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

91. 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).

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

93. 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.

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

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

In the Matter of: The Meyers Printing Companies, Inc.
Docket No. RCRA-05-2025-0002

The Meyers Printing Companies, Inc., Respondent

Date



Christopher Dillon, CEO
The Meyers Printing Companies, Inc.

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of: The Meyers Printing Companies, Inc.
Docket No. RCRA-05-2025-0002

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