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U.S. EPA REGION 5
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	Docket No. TSCA-05-2026-0004
	)	
Jackson Electric Cooperative	)	Consent Agreement and Final
Black River Falls, WI	)	Under Section 16(a) of the Toxic
	)	Substances Control Act,
	)	15 U.S.C §2615 (a)
Respondent.	)	
_____	)	

Consent Agreement and Final Order

Preliminary Statement

1. This is a civil administrative action instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C §2615(a), and Sections 22.1(a)(5), 22.13(b), 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.1(a)(5), 22.13(b), and 22.18(b)(2) and (3).
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 Jackson Electric Cooperative (Respondent), an electric cooperative doing business in the State of Wisconsin, with a place of business at N6868 County Road F, Black River Falls, WI 54615.
4. 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).
5. 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.
6. 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

7. Jurisdiction for this action is conferred upon U.S. EPA by Section 16 of TSCA, 42 U.S.C. § 2615(a).

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 Section 6(e) of TSCA, 15 U.S.C. § 2605(e), EPA promulgated regulations governing PCBs at 40 C.F.R. Part 761.

11. Section 15 of TSCA makes it unlawful for any person to fail or refuse to comply with any rule promulgated or order issued under Section 2604 or 2605 of TSCA, TSCA Section 15(1)(C), 15 U.S.C. § 2614(1)(C).

12. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes U.S. EPA to assess a civil penalty for each violation of Section 15 of TSCA, 15 U.S.C. § 2614.

13. "Person" means any individual, corporation, partnership, or association; any State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government. *See* 40 C.F.R. § 761.3.

14. "PCB" and "PCBs" mean any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substances. *See* 40 C.F.R. § 761.3.

15. “PCB Article Container” means any package, can, bottle, bag, barrel, drum, tank, or other device used to contain PCB Articles or PCB Equipment, and whose surface(s) has not been in direct contact with PCBs. *See* 40 C.F.R. § 761.3.
16. “PCB container” means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs. *See* 40 C.F.R. § 761.3.
17. “PCB Item” means any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs. *See* 40 C.F.R. § 761.3.
18. “PCB-contaminated electrical equipment” means any electrical equipment including, but not limited to, transformers, that contains PCBs at concentrations of greater than 50 but less than 500 ppm in the contaminating fluid. *See* 40 C.F.R. § 761.3.
19. “PCB Transformer” means any transformer that contains 500 ppm or greater PCBs. *See* 40 C.F.R. § 761.3.
20. “PCB waste(s)” means those PCBs and PCB Items that are subject to the disposal requirements of Subpart D of 40 C.F.R. Part 761. *See* 40 C.F.R. § 761.3.
21. “Generator of PCB waste” mean any person whose act or process produces PCBs that are regulated for disposal under Subpart D of Part 761, or whose act first causes PCBs or PCB Items to become subject to the disposal requirements of Subpart D of Part 761, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated and therefore is subject to the disposal requirements of Subpart D Part 761. *See* 40 C.F.R. § 761.3.
22. “Storage for disposal” means temporary storage of PCBs that have been designated for disposal. *See* 40 C.F.R. § 761.3.

23. “Disposal” to mean, inter alia, to intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB items, including spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB items. *See* 40 C.F.R. § 761.3.

Factual Allegations and Alleged Violations

24. Respondent is a “person” as defined by 40 C.F.R §761.3 and is subject to the requirements and prohibitions set forth at 40 C.F.R Part 761.

25. Respondent is the “owner” or “operator,” of the facility (Facility) located at N6868 County Road F, Black River Falls, WI 54615. The Facility contains an administrative building, and a maintenance building, which includes a PCB storage area.

26. The Facility is registered as a PCB generator with onsite generation and storage under the U.S. EPA identification number WIW000132811.

27. On July 10, 2023, a U.S. EPA inspector conducted an inspection of Respondent’s Facility pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, to determine Respondent’s compliance with the PCB regulations (the Inspection).

28. During the Inspection, the inspector requested review of certain records, including the annual document logs, and annual records consisting of manifests, certificates of disposal, and records of inspection for the storage area.

29. Respondent provided the 2022 annual document log for the Facility, which stated that Respondent did not generate, store or dispose of any PCB items or transformers for the calendar year 2022.

30. At the time of the Inspection, Respondent was unable locate or make available for inspection various documents requested by U.S. EPA’s inspector.

31. During the Inspection the inspector thus requested that Respondent provide certain follow-up documents and records, including annual documents logs, manifests, and inspection

records.

32. On July 13, 2023, Respondent provided the requested follow-up records.

33. The annual document log Respondent subsequently provided for the calendar year 2021 showed Respondent removed from service for disposal two PCB-contaminated transformers containing between 50 and 500 ppm PCBs, having a total weight of 304 kg of PCB waste. The transformers were stored at the Facility prior to being sent for disposal.

34. The annual document log subsequently provided for the calendar year 2022 showed Respondent removed from service for disposal one PCB transformers containing greater than 500 ppm PCBs, and two PCB-contaminated transformers containing between 50 ppm and 500 ppm PCBs, having a total weight of 413 kg of PCB waste. The transformers were stored at the Facility prior to being sent for disposal.

Count 1 – Inspection of Storage for Disposal

35. Complainant incorporates paragraphs 1 through 34 of the CAFO as if set forth in this paragraph.

36. 40 C.F.R. § 761.65 applies to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater.

37. 40 C.F.R. § 761.65(c) requires that all PCB Items in storage shall be checked for leaks at least once every 30 days. Any leaking PCB Items and their contents shall be transferred immediately to properly marked non-leaking containers. Any spilled or leaked materials shall be immediately cleaned up and the materials and residues containing PCBs shall be disposed of in accordance with 40 C.F.R. § 761.61. Records of inspections, maintenance, cleanup and disposal must be maintained in accordance with 40 C.F.R. § 761.180(a) and (b).

38. 40 C.F.R. § 761.180(a)(iii) requires that records of inspection and any cleanups performed in accordance with 40 C.F.R. § 761.65(c) shall be maintained for at least three years and shall be available for inspection at the facility where they are maintained by authorized representatives of U.S. EPA during normal business hours, and each owner or operator of a

facility subject to these requirements shall know the location of these records.

39. At the time of the Inspection, and in its follow-up document production to U.S. EPA, Respondent did not provide records of inspection of the storage area for the years 2020-2023, and stated that no such records existed.

40. The Respondent's failure to perform inspections of the storage area and maintain records of inspections constitute a violation of 40 C.F.R. §§ 761.65(c)(5) and 761.180(a)(1)(iii).

Count 2 – Annual Records

41. Complainant incorporates paragraphs 1 through 34 of the CAFO as if fully set forth in this paragraph.

42. 40 C.F.R. § 761.207(a) requires that a generator of PCB waste who transfers or offers for transport PCB waste for off-site disposal must prepare a manifest containing the information specified by rule for each bulk load of PCBs, each PCB transformer, each PCB Article Container, PCB Container, and other items.

43. 40 C.F.R. § 761.180(a) requires that annual records, including manifests and certificates of disposal, shall be maintained for at least three years and shall be available for inspection at the facility where they are maintained by authorized representatives of U.S. EPA during normal business hours, and each owner or operator of a facility subject to these requirements shall know the location of these records.

44. At the time of the Inspection, Respondent was unable to provide and failed to maintain copies of manifests for the years 2021 and 2022.

45. Respondent's failure to maintain copies of, or provide, manifests constitute a violation of 40 C.F.R. § 761.180(a)(1)(i).

Count 3 – Annual Document Logs

46. Complainant incorporates paragraphs 1 through 34 of the CAFO as if fully set forth in this paragraph.

47. 40 C.F.R. § 761.180(a) requires that each owner or operator of a facility, other than a commercial sorter or a disposer of PCB waste, using or storing at any one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain at the facility or a central facility provided they are maintained at that facility, all annual records, including the written annual document logs of the disposition of PCBs and PCB Items. The written annual document log must be prepared for each facility by July 1 covering the previous calendar year.

48. 40 C.F.R. § 761.180(a) requires that the annual document logs shall be available for inspection at the facility where they are maintained by authorized representatives of U.S. EPA during normal business hours, and each owner or operator of a facility subject to these requirements shall know the location of these records.

49. 40 C.F.R. § 761.180(a)(2)(iii) requires that the annual document logs shall include, inter alia, the total number by specific type of PCB Articles and the total weight in kilograms of PCBs in PCB Articles, the total number of PCB Article Containers and total weight in kilograms of the contents of PCB Article Containers, the total number of PCB Containers and the total weight in kilograms of the contents of PCB Containers, and the total weight in kilograms of bulk PCB waste that was placed into storage for disposal or disposed during the calendar year.

50. During calendar year 2021, Respondent generated PCB waste and had stored at one time at least 45 kilograms of PCBs contained in PCB Containers, or one or more PCB-contaminated Transformers, or 50 or more PCB Large High or Low Voltage Capacitors.

51. At the time of the inspection, the Facility had not created, and was unable to make available for inspection, an annual document log for the calendar year 2021.

52. During the calendar year 2022, Respondent generated PCB waste and had stored at one time at least 45 kilograms of PCBs contained in PCB Containers, or one or more PCB-contaminated or PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors.

53. At the time of the Inspection, the Facility's annual document log for calendar year 2022 stated that no PCB waste was disposed of in 2022. Respondent subsequently provided a corrected annual document log for the calendar year 2022 stating that 412.31 kg of PCB waste was disposed in 2022, including 104.31 kilograms of PCBs over 500 ppm.

54. Respondent's Failure to prepare and make available for inspection the annual document log for calendar year 2021, and failure to include the required information on the annual document log for calendar year 2022, constitutes a violation of 40 C.F.R. § 761.180(a) and (a)(2)(iii).

Count 4 – Manifest – General Requirements

55. Complainant incorporates paragraphs 1 through 34 of the CAFO as if set forth in this paragraph.

56. A PCB generator who transports, or offers for transport, PCB waste for commercial off-site storage or off-site disposal, and a commercial storage or disposal facility who offers for transport a rejected load of PCB waste, must prepare a manifest that includes the information specified under 40 C.F.R. § 761.207(a).

57. 40 C.F.R. § 761.207(a) requires that the PCB generator must specify: (1) for each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste; (2) for each PCB transformer, the serial number if available, or other identification if there is no serial number; the date of removal from service for disposal; and weight in kilograms of the PCB waste in each PCB transformer; (4) for each PCB Article Container, the unique identifying number, type of PCB waste, earliest date of removal from service for disposal, and weight in kilograms of the PCB waste; (5) for each PCB Container, the unique identifying number, type of PCB waste, earliest date of removal from service for disposal, and weight in kilograms of the PCB waste, and (6) for each other item, the type of PCB waste, earliest date of removal from service for disposal, and weight in kilograms of the PCB waste.

58. 40 C.F.R. § 761.210(a) requires that a PCB generator must: sign the manifest certification; and obtain the signature of the initial transporter and date of acceptance on the

manifest; and retain one copy in accordance with § 761.214(a)(1).

59. 40 C.F.R. § 761.210(b) requires that the PCB generator must give the transporter the remaining copies of the manifest.

60. During calendar years 2021 and 2022, Respondent generated PCB waste and shipped it off site for disposal. Respondent was consequently required to: 1) prepare manifests meeting the requirements of 40 C.F.R. § 761.207(a); and 2) comply with the requirements of 40 C.F.R. § 761.210(a) and (b).

61. Respondent stated that it did not test or analyze the concentration of electrical equipment sent off site for disposal. The Respondent stated it relied on the disposal facility to test the concentration of PCBs in the electric equipment prior to disposal.

62. On July 13, 2023, Respondent provided shipping documents for PCB-contaminated Transformers sent for disposal in 2021. Respondent signed a Straight Bill of Lading with the number 001294 on April 7, 2021 that was signed by the carrier, A-Line EDS, for the amount of 80 items with 1340 pounds of electrical equipment.

63. On July 13, 2023, Respondent provided shipping documents for PCB-contaminated and PCB Transformers sent for disposal in 2022. Respondent signed a manifest other than U.S. EPA Form 8700-22 with the number ALN104893, on April 6, 2022 and was signed by the destination facility, A-Line EDS, on April 7, 2022. The non-hazardous waste manifest was originally filled out for the amount of 25 items for a total of 6560 pounds and was adjusted to 22 items once testing was completed by the destination facility.

64. Respondent failed to use a U.S. EPA Form 8700-22 manifest to ship PCB-contaminated and PCB Transformers off site on April 7, 2021 and April 6, 2022 thereby violating 40 C.F.R. §§ 761.207(a) and 761.210(a) and (b).

Civil Penalty

65. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$8,230. In determining the penalty amount,

Complainant considered the nature, circumstances, extent and gravity of the violations, and, with respect to Respondent's ability to pay, effect on ability to continue to do business, any history of such prior violations, the degree of culpability. Complainant also considered U.S. EPA's Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12, and 13.

66. Respondent agrees to pay a civil penalty in the amount of \$8,230 (Assessed Penalty) within 30 days after the effective date of this CAFO.

67. Full payment of the penalty and compliance with this CAFO resolves only Respondent's liability under TSCA, 15 U.S.C. §§ 2601-2629, for federal civil penalties for the violations alleged in the CAFO.

68. 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 U.S. EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

69. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CAFO, TSCA-05-2026-0004;
- 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. EPA, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
Dierich.andrea@epa.gov
and
R5lecab@epa.gov

John Matson
Office of Regional Counsel
U.S. EPA, 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, 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.

70. 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 any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and U.S. EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the effective date of this CAFO. 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.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

71. 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 CAFO, 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 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, 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, 40 C.F.R. § 13.17.

- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 136l(a)(5).

72. 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.

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

74. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, U.S. 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 U.S. 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." U.S. 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, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide U.S. EPA with sufficient information to enable it to fulfill these obligations, U.S. 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 U.S. 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 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 U.S. 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

75. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Matson.John@epa.gov (for Complainant), and bbella@ecec.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.
76. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.
77. 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.
78. This CAFO does not affect Respondent's responsibility to comply with TSCA and other applicable federal, state, local laws or permits.
79. Respondent certifies that it is complying with TSCA, 15 U.S.C. §§ 2601-2629, and the regulations at 40 C.F.R. § 711.
80. The terms of this CAFO bind Respondent, its successors, and assigns.
81. 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.

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

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

Jackson Electric Cooperative, Respondent

October 2, 2025
Date

Carol J. Blaken
Carol Blaken
General Manager/ Chief Executive Office
Jackson Electric Cooperative

In the Matter of:
Jackson Electric Cooperative
Docket No. TSCA-05-2026-0004

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:
Jackson Electric Cooperative
Docket No. TSCA-05-2026-0004**

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