



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

July 20, 2022

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Ms. Sheetal Patel
Director of Administration
Aurora Circuits, Inc.
2250 White Oak Circle
Aurora, Illinois 60502
sheetal@auroracircuits.com

Re: Consent Agreement and Final Order
Facility Name: Aurora Circuits, Inc.
EPA Identification No.: ILR000006908
Docket No: **RCRA-05-2022-0012**

Dear Ms. Patel:

Attached, please find a signed, fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The CAFO was filed on July 20, 2022, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$17,500.00 in the manner prescribed in paragraphs 74 – 76 of the CAFO, and reference all checks with the docket number RCRA-05-2022-0012. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Graciela Scambiaterra, of my staff, at scambiaterra.graciela@epa.gov or 312-353-5103.

Sincerely,

MICHAEL

CUNNINGHAM

Digitally signed by
MICHAEL CUNNINGHAM
Date: 2022.06.08
14:23:34 -05'00'

Michael Cunningham, Chief
Compliance Section 1

Attachment

cc: Mr. Christopher Kalmus, President, Aurora Circuits (ckalmus@auroracircuits.com)
Paul Eisenbrandt, Illinois EPA (paul.eisenbrandt@illinois.gov)
James Jennings, Illinois EPA (james.m.jennings@illinois.gov)
Jamie Getz, U.S. EPA (getz.jamie@epa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2022-0012
)	
Aurora Circuits, Inc.)	Proceeding to Commence and Conclude
Aurora, Illinois)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent ILR000006908)	42 U.S.C. § 6928(a)
<hr/>)	

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

4. Respondent is Aurora Circuits, Inc., a corporation doing business in the State of Illinois.

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.

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 through 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 (Sections 3001 through 3023 of RCRA, 42 U.S.C. §§ 6921 through 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 Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

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 of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$99,681 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 35 Ill. Adm. Code 720.110 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 35 Ill. Adm. Code 720.110 and 40 C.F.R. § 260.10, of a facility located at 2250 White Oak Circle, Aurora, Illinois (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 35 Ill. Adm. Code 720.110.

20. At all times relevant to this CAFO, Respondent was a printed circuits design and fabrication company.

21. At all times relevant to this CAFO, Respondent used sulfuric acid to prepare circuit boards for the developing process with an acidic wash.

22. At all times relevant to this CAFO, the acidic wash generated sulfuric acidic waste which is collected and stored in a 150-gallon capacity tank.

23. At all times relevant to this CAFO, Respondent held sulfuric acidic waste, a discarded material, for temporary periods in a 150-gallon capacity tank before the waste was sent to another onsite hazardous waste storage tank located in the shipping/receiving area of the facility.

24. In its hazardous waste manifesting and annual reporting, Respondent characterized its sulfuric acidic waste as hazardous waste code D002.

25. Respondent stored, transported, disposed of, or otherwise handled its sulfuric acidic waste in a "tank" as that term is defined by 35 Ill. Adm. Code 720.110.

26. At all times relevant to this CAFO, Respondent's sulfuric acidic waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code 721.102.

27. At all times relevant to this Complaint, Respondent's sulfuric acidic waste was a "hazardous waste" as that term is defined under Ill. Adm. Code 721.103.

28. At all times relevant to this CAFO, Respondent's holding of its sulfuric acidic waste in the 150-gallon capacity tank constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code 720.110.

29. At all times relevant to this CAFO, Respondent used a sodium hydroxide solution to strip and etch the circuit boards.

30. At all times relevant to this CAFO, the circuit board stripping and etching process generated alkaline waste that was stored in two secondary containment tanks, each with a 600-gallon capacity, both located in the Facility.

31. At all times relevant to this CAFO, Respondent held alkaline waste, a discarded material, for temporary periods in 600-gallon capacity tank secondary containment tanks before the waste was sent to another onsite hazardous waste storage tank located in the shipping/receiving area of the facility.

32. In its hazardous waste manifesting and annual reporting, Respondent characterized its alkaline waste as hazardous waste code D002.

33. Respondent stored, transported, disposed of, or otherwise handled its alkaline waste in tanks as that term is defined by 35 Ill. Adm. Code 720.110.

34. At all times relevant to this CAFO, Respondent's alkaline waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code 721.102.

35. At all times relevant to this Complaint, Respondent's alkaline waste was a "hazardous waste" as that term is defined under Ill. Adm. Code 721.103.

36. At all times relevant to this CAFO, Respondent's holding of its alkaline waste in the two 600-gallon capacity tanks constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code 720.110.

37. At all times relevant to this CAFO, Respondent was a "generator" as that term is defined in 35 Ill. Adm. Code 720.110.

38. At all times relevant to this CAFO, Respondent generated during each calendar month, more than 1,000 kg of hazardous waste at the Facility.

39. The Facility was generating and managing hazardous waste after November 19,

1980.

40. On September 13, 2017, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the Inspection).

41. On May 23, 2018, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the Inspection.

42. On June 20, 2018, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

43. On November 17, 2020, U.S. EPA issued a Notice of Potential Violation and Opportunity to Confer (NOPV/OTC) to Respondent alleging certain violations of RCRA discovered during the Inspection.

44. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or disposed of hazardous waste at its Facility.

45. On or about July 12, 1995, Respondent submitted a Hazardous Waste Notification to EPA for the Facility.

46. The Hazardous Waste Notification indicated that Respondent is a Large Quantity Generator.

47. At all times relevant to this CAFO, the Facility generated during each calendar month more than 1000 kg of hazardous waste.

Count 1: Storage of Hazardous Waste Without a Permit or Interim Status

48. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

49. 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.

50. Pursuant to 35 Ill. Adm. Code 722.134, 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 35 Ill. Adm. Code 722.134.

51. 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 35 Ill. Adm Code 722.134 and the permit requirements of 35 Ill. Adm. Code 703.121, 703.180, and 705.121 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.

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

53. Similarly, the failure to comply with any of the conditions of 35 Ill. Adm. Code 722.134 subjects the generator of hazardous waste to the requirements of 35 Ill. Adm. Code Part 724 and the permit requirements of 35 Ill. Adm. Code 703.121, 703.180, and 705.121.

54. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must label or mark each container holding hazardous waste clearly with the words "Hazardous Waste."

55. At the time of the Inspection, Respondent had failed to mark three tanks at the Facility holding hazardous waste with the words "Hazardous Waste."

56. Accordingly, Respondent failed to satisfy all of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status.

57. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 Ill. Adm. Code 722.134, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

58. 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 35 Ill. Adm. Code 703.121, 703.180(c), and 705.120(a).

Count 2: Failure to Obtain Written Assessments for Hazardous Waste Storage Tanks

59. Complainant incorporates paragraphs 1 through 58 of this CAFO as though set forth in this paragraph.

60. As the operator of TSDF, Respondent is subject to the requirement of 35 Ill. Adm. Code 724.292(a).

61. 35 Ill. Adm. Code 724.292(a) requires that the operator of a TSDF obtain and submit a written assessment that is reviewed and certified by a qualified Professional Engineer attesting that each tank system has sufficient structural integrity and is acceptable for storing and treating of hazardous waste.

62. At the time of the Inspection, Respondent failed to have certified written tank assessments for three tanks that were storing hazardous waste at the Facility.

63. Respondent's failure to have a certified written tank assessment for three tanks that were storing hazardous waste at the Facility violated 35 Ill. Adm. Code 724.292(a).

Count 3: Failure to Conduct Daily Inspections of Hazardous Waste Storage Tank

64. Complainant incorporates paragraphs 1 through 58 of this CAFO as though set forth in this paragraph.

65. As the operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code 725.295(g).

66. 35 Ill. Adm. Code 725.295(g) requires that an operator of a TSDF document in the operating record of the facility an inspection of the items in subsections (a) and (b). 35 Ill. Adm. Code 725.295(a) and (b) require inspections of data gathered from monitoring and leak detection equipment, overfill/spill control equipment, above-ground portions of the tank system, and construction materials and the area immediately surrounding the externally accessible portion of the tank system.

67. At the time of the Inspection, Respondent had failed to document daily inspections for one tank that was storing hazardous waste.

68. Respondent's failure to document daily inspections for one tank that was storing hazardous waste violated 35 Ill. Adm. Code 725.295(g).

Count 4: Failure to Conduct Annual Training

69. Complainant incorporates paragraphs 1 through 58 of this CAFO as though set forth in this paragraph.

70. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code 725.116(c).

71. 35 Ill. Adm. Code 725.116(c) requires that an operator of a TSDF maintain records that document that facility personnel have successfully completed a training program within six months after the date of their employment or assignment to a facility, or to a new position at a facility, and must take part in an annual review of this training thereafter.

72. At the time of the inspection, Respondent had not conducted annual training for employees who work at the Facility between January 2015 and October 2017.

73. By failing to conduct annual training for employees who work at the Facility between January 2015 and October 2017, Respondent violated 35 Ill. Adm. Code 725.116(c).

Civil Penalty

74. 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 \$17,500.00. In determining the penalty amount, Complainant accounted for 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.

75. Within 30 days after the effective date of this CAFO, Respondent must pay a \$17,500.00 civil penalty for the RCRA violations alleged herein:

For checks sent by regular U.S. Postal Service mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check must state Respondent's name and the docket number of this CAFO.

For checks sent by express mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must state Respondent's name and the docket number of this CAFO.

For electronic funds transfer, sending funds electronically, payable to "Treasurer, United States

of America," and to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

For ACH, also known as REX or remittance express, sending by ACH electronic funds

transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

For on-line payment, sending by on-line payment. To pay on-line go to:

WWW.PAY.GOV
Use the Search Public Forms option and enter 'sfo 1.1' in the search field.
Open form and complete required fields.

76. After paying the civil penalty, Respondent shall send evidence of that payment, and a cover letter stating Respondent's name and the case title, "In the Matter of: Aurora Circuits Inc., Aurora, IL," and the case docket number, to:

Regional Hearing Clerk
U.S. EPA, Region 5
R5hearingclerk@epa.gov

Graciela Scambiatterra
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
scambiatterra.graciela@epa.gov and
r5lecab@epa.gov

Jamie Getz
Office of Regional Counsel
U.S. EPA, Region 5
getz.jamie@epa.gov

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

78. 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.

79. 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

80. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: getz.jamie@epa.gov (for Complainant), and sheetal@auroracircuits.com (for Respondent).

81. 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.

82. 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.

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

84. Respondent fully certifies that it is complying fully with 42 U.S.C. § 6925(a) and 35 Ill. Adm. Code 724.292(a), 725.295(g), and 725.116(c).

85. 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).

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

87. 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.

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

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

Aurora Circuits, Inc.
Consent Agreement and Final Order
Signature Page

Aurora Circuits, Inc., Respondent

18 May, 2022
Date

CE Kalmus
Dr. Christopher E. Kalmus, President
Aurora Circuits, Inc.

United States Environmental Protection Agency, Complainant

Date

MICHAEL HARRIS Digitally signed by
MICHAEL HARRIS
Date: 2022.07.08
14:12:40 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of: Aurora Circuits, Inc.
Docket No. RCRA-05-2022-0012

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 COYLE Digitally signed by ANN
COYLE
Date: 2022.07.15 12:14:47
-05'00'

Date

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

In the matter of: Aurora Circuits, Inc.
Docket Number: RCRA-05-2022-0012

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on July 20, 2022, this day in the following manner to the addressees:

Copy by email to Respondent's Representatives: Ms. Sheetal Patel
Director of Administration
Aurora Circuits
sheetal@auroracircuits.com

Mr. Christopher Kalmus
President
Aurora Circuits, Inc.
ckalmus@auroracircuits.com

Copy to email to Enforcement Officer: Graciela Scambiatterra
scambiatterra.graciela@epa.gov

Copy by email to Attorney for Complainant: Jamie Getz
getz.jamie@epa.gov

Copy by email to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Date

Isidra Martinez
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 5
R5hearingclerk@epa.gov