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

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Tradebe Treatment & Recycling of Wisconsin, LLC)
5611 West Hemlock Street)
Milwaukee, Wisconsin 53223)
EPA Identification No.: WID988580056)
Respondent)

Docket No.: RCRA-05-2026-0007

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and Tradebe Treatment & Recycling of Wisconsin, LLC ("Respondent") enter into this Resource Conservation and Recovery Act ("RCRA") Expedited Settlement Agreement and Final Order ("ESA" or "Agreement") to settle the civil violations set forth in this Agreement for a penalty of ten thousand dollars (\$10,000).
2. The EPA inspected Respondent's facility located at 5611 West Hemlock Street in Milwaukee, Wisconsin (the "Facility") on March 26-27, 2024 (the "Inspection"). Complainant has determined Respondent violated sections of RCRA Subtitle C, conditions of their hazardous waste operating license ("License"), and the Wisconsin hazardous waste management program Wisconsin Administrative Code Chapters NR 662¹, 665, and 673, at the Facility:
 - a. Pursuant to Wis. Admin. Code § NR 662.034(3)(a)1., and NR 665.0173(1) (2006), a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or to remove waste.

At the time of the Inspection, one 5-gallon carboy of spent solvent in the facility laboratory was labeled as "Hazardous Waste" and managed as a satellite accumulation container. The container was open with a funnel in the bung. The carboy was stored in a larger pedal-operated flip-top container; however, the lid was settled loosely on the outer container and was not able to be fastened, in violation of NR 665.00173(b).

¹ We note that effective September 1, 2020, the State of Wisconsin promulgated revised regulations which have not yet been authorized by EPA. In April 2009, EPA authorized the 2006 edition of Wisconsin's hazardous waste regulations which remains the EPA-authorized RCRA provision in Wisconsin.

- b. License Condition #1 (from license modifications dated June 29, 2007 and April 15, 2020) and License Condition #2 (from license modifications dated December 20, 2007, June 16, 2010, November 20, 2014, and April 4, 2017) require that the facility shall, among other things, be operated in accordance with the approved Feasibility and Plan of Operation Report (FPOR), otherwise known as Part B of the facility license application and the requirements of Wis. Admin. Code ch. NR 660 to 670. License Condition #20 (from license modification dated June 29, 2007) requires the facility to analyze each waste stream in accordance with the waste analysis procedures set forth in the waste analysis plan (WAP) in Appendix D of the March 17, 2006 FPOR. According to the WAP, Respondent is to develop accurate waste profiles for each wastestream to be received at the facility using information provided by the generator or by analysis so that the waste is properly treated, stored, or disposed pursuant to Wis. Admin. Code § NR 664.0013(1) (2006). Records and results of waste analyses and determinations performed pursuant to Wisc. Admin. Code § NR 644.0013 (2006) are to be maintained in the operating record per Wis. Admin. Code § NR 664.0073(2)(c) (2006).

At the time of the Inspection, Respondent's waste profiles identified as # 240153-2, # 1000447216, and # 1000147741 were not supported by information supplied by the generator or by analysis, and thus Respondent failed to maintain complete and accurate chemical and physical analysis waste profiles that contain all the information which must be known to treat, store, or dispose of waste properly, in violation of NR 664.0013(1) and NR 664.0073(2)(c), and of License Condition #1 (from license modifications dated June 29, 2007 and April 15, 2020), of License Condition #2 (from license modifications dated December 20, 2007, June 16, 2010, November 20, 2014, and April 4, 2017), and of License Condition #20 (from license modification dated June 29, 2007).

- c. License Condition #8 (from license modification dated April 15, 2020) and Wis. Admin. Code § NR 664.0017 (2006) require that wastes shall be separated and segregated such that any potential leakage or spillage will not combine with other incompatible wastes or materials.

At the time of the Inspection, one 5-gallon bucket containing hydrochloric acid/sulfuric acid was located on the same spill pallet as a 5-gallon bucket containing hydrogen sulfide. These two wastestream are incompatible. Failure to keep incompatible wastes separated is a violation of License Condition #8 (from license modification dated April 15, 2020) and of NR 664.0017.

- d. Pursuant to Wis. Admin. Code § NR 673.32 (2006), Tradebe has notified as a large quantity handler (LQH) of universal waste. At the time of the Inspection, Respondent failed to comply with the following LQH requirements:

- Manage lamps in a way that prevents releases of universal waste or components of universal waste to the environment by ensuring, among other things, that containers of lamps remain closed. *See*, Wis. Admin. Code § NR 673.33(4)(a) (2006).

At the time of Inspection, one 4-foot box labeled as "Universal Waste Fluorescent Lamps" was open, in violation of NR 673.33(4)(a).

- Clearly label or mark universal waste batteries or containers in which the batteries are contained with one of the following phrases: "Universal Waste – Batteries," or "Waste Batteries," or "Used Batteries." See, Wis. Admin. Code § NR 673.34(1) (2006). At the time of Inspection, in violation of NR 673.34(1):
 - One 5-gallon bucket of used batteries was marked as "Lithium batteries for reclaim" and "Non-regulated Waste." The container was not marked to indicate universal waste;
 - One 5-gallon bucket marked as "Lithium batteries for reclaim" and "DOT Regulated Hazardous Material" was not marked to indicate universal waste;
 - One 5-gallon bucket marked as "Lead-acid batteries for reclaim" was not marked to indicate universal waste; and,
 - One 6-gallon bucket marked as "Lithium Batteries for reclaim" was not marked to indicate universal waste.
- Clearly label or mark universal waste lamps or containers in which the lamps are contained with one of the following phrases: "Universal Waste – Lamps," or "Waste Lamps," or "Used Lamps." See, Wis. Admin. Code § NR 673.34(5) (2006).

At the time of Inspection, one container of used lamps was marked as "Lamps for Mercury Retort" and "Non-Regulated Waste." The container was not marked to indicate universal waste, in violation of NR 673.34(5).

- e. Pursuant to Wis. Admin. Code §§ NR 668.07(1)(b) and NR 668.07(2)(e) (2006) respectively, when waste or treatment residue will be further managed at a different treatment, storage or disposal facility, when waste or contaminated soil does not meet the applicable treatment standards in NR 688.40, 688.45, or 688.49, the treatment storage or disposal facility that is sending the waste or treatment residue to the different treatment facility must comply with the notice and certification requirements applicable to generators under NR 668.07, which requires EPA hazardous waste numbers to be included on the one-time written land disposal restriction (LDR) notice the facility sends to the disposal facility. As noted at the Inspection, Respondent failed to include EPA hazardous waste numbers on LDR notices in the following instances:

- The waste numbers on an LDR associated with a waste stream on inbound manifest 023792094JJK did not match the waste numbers on the LDR associated with the corresponding outbound manifest 017668175FLE.
- The waste numbers on the waste profile for the lab contaminated debris did not match the waste numbers on the LDR.
- The waste numbers on the waste profile for the lab sample retains did not match the waste numbers on the LDR.

Failure to include all applicable EPA hazardous waste numbers on LDR notices is a violation of NR 668.07(1)(b) and (2)(e).

- f. Under Wis. Adm. Code § NR 662.011(3) (2006), a person who generates a solid waste, as defined in NR 661.02, must determine whether the waste exhibits one or more hazardous characteristics as identified in subchapter C of NR 661.

Respondent generates corrosive hazardous waste from a spectrometer, which analyzes lab samples for the presence of hexavalent chromium. At the time of the Inspection, the waste determination for this waste did not indicate whether it has been analyzed for heavy metals or whether heavy metals are present as an underlying hazardous constituent in violation of NR 662.011(3).

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of ten thousand dollars (\$10,000) is in the public interest.
4. The EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
5. The EPA provided notice of commencement of this action to the state of Wisconsin pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty; and (5) waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) 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 Expedited Settlement Agreement.
7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of ten thousand dollars (\$10,000) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall have paid the penalty 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>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

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

Brenda Whitney
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
whitney.brenda@epa.gov and
R5LECAB@epa.gov

Ariel MacMillan-Sanchez
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
macmillansanchez.ariel@epa.gov

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

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: macmillansanchez.ariel@epa.gov (for Complainant), and art.fillerton@tradebe.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Oriel Hatan

Name (print)

Chief Executive Officer

Title (print)



Signature

10/06/2025

Date

APPROVED BY EPA:

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

In the Matter of: Tradebe Treatment & Recycling of Wisconsin, LLC
Docket No.: RCRA-05-2026-0007

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and 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