

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**FILED**

Jul 22, 2026

7:13 am

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

|                              |   |                                              |
|------------------------------|---|----------------------------------------------|
| <b>In the Matter of:</b>     | ) | <b>Docket No.: RCRA-05-2026-0029</b>         |
|                              | ) |                                              |
| <b>Aurorium Zeeland, LLC</b> | ) | <b>Proceeding to Commence and Conclude</b>   |
| <b>Zeeland, Michigan,</b>    | ) | <b>an Action to Assess a Civil Penalty</b>   |
|                              | ) | <b>Under Section 3008(a) of the Resource</b> |
|                              | ) | <b>Conservation and Recovery Act,</b>        |
| <b>Respondent.</b>           | ) | <b>42 U.S.C. § 6928(a)</b>                   |
| _____                        | ) |                                              |

**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 Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Aurorium Zeeland, LLC, a limited liability company doing business in the State of Michigan.

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, pursuant to Sections 3001 – 3007 and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 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 federal regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or of 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 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).

15. U.S. EPA is enforcing Michigan hazardous waste management program requirements as approved and authorized by the United States on October 30, 1986, and the revisions to the hazardous waste program as approved and authorized by the United States through June 15, 2022. 87 FR 36074 (June 15, 2022).

16. 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 \$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 and Alleged Violations**

17. At all times relevant to this CAFO, Respondent has been a limited liability company incorporated in the State of Michigan.

18. Therefore, Respondent is a "person" as defined by Mich. Admin. Code R. 299.9106(i) and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. Respondent is an "operator" or "owner," as those terms are defined under Mich. Admin. Code R. 299.9106(f) and (g), of a facility located at 215 North Centennial Street, Zeeland, Michigan 49464 (Facility).

20. 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.

21. Respondent's Facility is a "facility" as that term is defined under Mich. Admin. Code R.

299.9103(v) and 40 C.F.R § 260.10.

22. At all times relevant to this CAFO, Respondent used solvents and other chemicals in manufacturing and cleaning processes.

23. On June 21-22, 2023, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (“Inspection”).

24. At the time of the Inspection, Respondent consolidated small quantities of used or unused chemicals in a lab pack.

25. At the time of the Inspection, while rinsing empty containers with water, Respondent generated a wastewater that was collected in a tank identified as 23-TK-1101 for phase separation between the aqueous and immiscible organic liquids.

26. At the time of the Inspection, Respondent discarded secondary materials, including but not limited to, used chemicals from manufacturing and cleaning, used or unused chemicals in lab packs and phase-separated organics from wastewater.

27. Respondent determined that these secondary materials exhibited a variety of hazardous waste characteristics and/or fell within certain legal hazardous waste listings, including but not limited to D001, D002, D021, F003, and F005.

28. At the time of the Inspection, Respondent’s discarded secondary materials were “waste” as that term is defined under Mich. Admin. Code R. 299.9109(II) and R. 299.9202, and “solid waste” as that term is defined under 40 C.F.R § 261.2.

29. At the time of the Inspection, Respondent’s discarded secondary materials were “hazardous waste” as that term is defined under Mich. Admin. Code R. 299.9104(f) and R. 299.9203 and 40 C.F.R § 261.3.

30. Therefore, Respondent is a “generator,” as that term is defined in Mich. Admin. Code R. 299.9104(a) and 40 C.F.R. § 260.10.

31. At the time of the Inspection, Respondent held or treated the discarded secondary

materials for temporary periods in drums, totes, and tank systems in central accumulation areas (CAA) before shipping the materials from the Facility for treatment, storage, disposal, burning, or incineration elsewhere.

32. Therefore, Respondent stored, treated, or otherwise handled such hazardous waste in “containers” and in “tank systems” as those terms are defined under Mich. Admin. Code R. 299.9102(u) and Mich. Admin. Code R. 299.9108(b), respectively, and 40 C.F.R. § 260.10.

33. At the time of the Inspection, Respondent’s holding of such hazardous waste in containers and tank systems constituted hazardous waste “storage,” as that term is defined under Mich. Admin. Code R. 299.9107(ii) and 40 C.F.R. § 260.10.

34. At the time of the Inspection, Respondent’s phase separation of hazardous waste from wastewater in a tank system constituted hazardous waste “treatment,” as that term is defined under Mich. Admin. Code R. 299.9108(m) and 40 C.F.R. § 260.10.

35. On or about November 19, 1980, an owner or operator of the Facility prior to Respondent was generating and/or managing hazardous waste. At all times relevant to this CAFO, the Facility was generating and managing hazardous waste.

36. On or about August 13, 1980, an owner or operator of the Facility prior to Respondent submitted to U.S. EPA and the State of Michigan a Hazardous Waste Notification that first indicated that the prior owner or operator was a Large Quantity Generator of hazardous waste.

37. Respondent is an “Existing Facility” as that term is defined by Mich. Admin. Code R. 299.9103(o) and 40 C.F.R. § 260.10.

38. On August 19, 2024, U.S. EPA issued a Notice of Violation and Opportunity to Confer to Respondent alleging certain violations of RCRA discovered during the inspection.

39. On October 21, 2024, Respondent submitted to U.S. EPA a written response to the Notice of Violation and Opportunity to Confer.

40. At all times relevant to this CAFO, the State of Michigan had not issued a RCRA License

to Respondent to treat, store, or dispose of hazardous waste at its Facility.

41. 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.

42. On or about March 1, 2024, Respondent submitted a Hazardous Waste Notification to the State of Michigan for the Facility.

43. The Hazardous Waste Notification indicated that Respondent is a Large Quantity Generator of hazardous waste.

44. At all times relevant to this CAFO, the Facility generated more than 1,000 kg of hazardous waste during at least one month in each calendar year.

**Count 1: Storage of Hazardous Waste Without a RCRA License**

45. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

46. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at Mich. Admin. Code R. 299.9502(1), 299.9508, and 299.9510, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit (RCRA license) is prohibited.

47. In order for a Large Quantity Generator of hazardous waste that accumulates hazardous waste on-site to be exempt from the requirement to have a RCRA License, it must, among other things, keep containers of hazardous waste closed at all times during storage except when adding or removing wastes. Mich. Admin. Code R. 299.9307(1)(b)(i)(D).

48. At the time of the Inspection, Respondent was storing spent manufacturing or cleaning chemicals identified as hazardous waste in one 250-gallon tote labeled as “Pic Dryer Solvent” in Drum Lot #4 of the Facility, and failed to close this tote though it was neither being filled nor emptied at that time.

49. In order for a Large Quantity Generator to be exempt from the requirement to have a

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RCRA License, it must, among other things, inspect areas where containers of hazardous waste are stored at least weekly, looking for leaking containers and for deterioration of containers caused by corrosion or other factors. Mich. Admin. Code R. 299.9307(1)(b)(i)(F).

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50. At the time of the Inspection, the Facility's weekly inspection records showed the following gaps in weekly inspections: from February 4, 2022 through March 4, 2022 (3 weeks); March 11, 2022 through June 10, 2022 (12 weeks); September 12, 2022 through September 30, 2022 (1 week); October 28, 2022 through November 11, 2022 (1 week); December 16, 2022 through January 6, 2023 (2 weeks); and January 13, 2023 through January 27, 2023 (1 week).

51. In order for a Large Quantity Generator to be exempt from the requirement to have a RCRA License, it must, among other things, label, or mark clearly and visibly for inspection, each container with the date upon which each period of accumulation begins. Mich. Admin. Code R. 299.9307(1)(b)(i)(I)(III).

52. At the time of the Inspection, Respondent was storing spent manufacturing or cleaning chemicals identified as hazardous waste in a 250-gallon tote labeled as "EMA HW WW Low pH" in Building 31 of the Facility and failed to mark this tote with a start date of accumulation.

53. In order for a Large Quantity Generator to be exempt from the requirement to have a RCRA License, it must, among other things, label tanks storing hazardous waste with the words "Hazardous Waste." Mich. Admin. Code R. 299.9307(1)(b)(ii)(A)(I).

54. At the time of the inspection, tank system 23-TK-1101 was not labeled with the words "Hazardous Waste."

55. In order for a Large Quantity Generator to be exempt from the requirement to have a RCRA License, it must, among other things, provide an annual review of training that teaches employees to perform their duties in a way that ensures compliance with the hazardous waste regulations. The Facility is required to maintain documentation of such training. Mich. Admin. Code R. 299.9307(1)(h) and (i).

56. At the time of the Inspection, training documentation was not available for one employee for the years 2021 through 2023.

57. Accordingly, Respondent failed to satisfy the above conditions for maintaining an exemption from the requirement to have a RCRA License. Respondent therefore was storing hazardous waste without a RCRA License and without having interim status.

58. Respondent's storage of hazardous waste without a RCRA License or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the licensing requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510.

### **Count 2: Failure to Submit a Contingency Plan**

59. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

60. In order for a Large Quantity Generator to be exempt from the requirement to have a RCRA License, it must, among other things, submit copies of the Facility contingency plan to all local emergency responders. Mich. Admin. Code R. 299.9307(1)(c) and 40 C.F.R., part 262, subpart M.

61. At the time of the Inspection, Respondent had not submitted its Facility contingency plan to the local police department or hospital.

62. Respondent's failure to submit the contingency plan to the local police department or hospital was a violation of 40 C.F.R. § 262.262(a), and was a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License.

63. Respondent's storage of hazardous waste without a RCRA License or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the licensing requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510.

### **Count 3: Failure to Comply with 40 CFR Part 265 Subparts J, BB, and CC Regulations for**

#### **Hazardous Waste Tank**

64. Paragraphs 64-93 are related to tank system TK-23-1101 and consisted of one event centered on the use of a single tank system. For the purposes of this CAFO, each applicable regulation and alleged violation related to tank system TK-23-1101 has been described separately, but compressed into one count.

65. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

66. Under Mich. Admin. Code R. 299.9307(1)(b)(ii), in order for a Large Quantity Generator to be exempt from the requirement to have an RCRA License, it must, among other things, store and treat hazardous waste in a tank system that is managed pursuant to the applicable requirements in 40 C.F.R. part 265, subpart J, which is incorporated by reference. With respect to tank systems used to store hazardous waste, the standards in 40 C.F.R. Part 265, Subpart J, include specific requirements for the design, installation, assessment and operation of such tank systems (see 40 C.F.R. §§ 265.192, 265.193 and 265.195).

67. 40 C.F.R. § 265.192 requires owners or operators to conduct a design and installation assessment for new hazardous waste tank systems.

68. At the time of the Inspection, Respondent did not produce documentation that it had conducted a design and installation assessment for tank system 23-TK-1101.

69. Respondent's failure to conduct a design and installation assessment for 23-TK-1101 was a violation of 40 C.F.R. § 265.192, and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

70. 40 C.F.R. § 265.193(c)(3) requires that owners or operators provide tank systems with leak detection systems.

71. At the time of the Inspection, Respondent had not provided tank system 23-TK-1101 with a leak detection system.

72. Respondent's failure to provide tank system 23-TK-1101 with a leak detection system was a violation of 40 C.F.R. § 265.193(c)(3), and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

73. 40 C.F.R. § 265.195(b) requires owners or operators to conduct inspections of tank systems each operating day.

74. At the time of the Inspection, Respondent was not conducting inspections of tank system 23-TK-1101 each operating day.

75. Respondent's failure to conduct inspections at 23-TK-1101 each operating day was a violation of 40 C.F.R. § 265.195(b), and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

76. Under Mich. Admin. Code R. 299.9307(1)(b)(ii), in order for a Large Quantity Generator to be exempt from the requirement to have an RCRA License or interim status, it must, among other things, store and treat hazardous waste in a tank system that is managed pursuant to the applicable requirements in 40 C.F.R. part 265, subpart BB, which is incorporated by reference.

77. 40 C.F.R. § 265.1050(c) requires that each piece of equipment to which 40 C.F.R. part 265, subpart BB applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

78. At the time of the Inspection, Respondent failed to mark each piece of equipment associated with 23-TK-1101 to which 40 C.F.R. part 265, subpart BB applied in such a manner that it could be distinguished readily from other pieces of equipment.

79. Respondent's failure to mark each piece of equipment to which 40 C.F.R. part 265, subpart BB applied was a violation of 40 C.F.R. § 265.1050(c), and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement that to have a RCRA License under

Mich. Admin. Code R. 299.9307(1)(b)(ii).

80. 40 C.F.R. § 265.1064(g)(6) requires that an owner or operator record in a log the identification, either by list or location, of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.

81. At the time of the Inspection, Respondent failed to identify either by list or location certain equipment associated with 23-TK-1101 that contained or contacted hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.

82. Respondent's failure to identify certain equipment associated with 23-TK-1101 that contained or contacted hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year was a violation of 40 C.F.R. § 265.1064(g)(6), and was a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

83. Under Mich. Admin. Code R. 299.9307(1)(b)(ii), in order for a Large Quantity Generator to be exempt from the requirement to have an RCRA License or interim status, it must, among other things, store and treat hazardous waste in a tank system that is managed pursuant to the applicable requirements in 40 C.F.R. part 265, subpart CC, which is incorporated by reference.

84. 40 C.F.R. § 265.1084(a) requires a waste determination procedure to determine the average volatile organic concentration of a hazardous waste at the point of waste origination.

85. At the time of the Inspection, Respondent failed to determine the average volatile organic concentration of hazardous waste stored in 23-TK-1101.

86. Respondent's failure to determine the average volatile organic concentration of hazardous waste stored in 23-TK-1101 was a violation of 40 C.F.R. § 265.1084(a), and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement that to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

87. 40 C.F.R. § 265.1084(c)(1) requires an owner or operator to determine the maximum

organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls.

88. At the time of the Inspection, Respondent failed to determine the maximum organic vapor pressure of hazardous waste stored in 23-TK-1101.

89. Respondent's failure to determine the maximum organic vapor pressure of hazardous waste stored in TK-23-1101 was a violation of 40 C.F.R. § 265.1084(c)(1), and was therefore a failure to satisfy a condition for maintaining an exemption from the requirement that to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

90. 40 C.F.R. § 265.1090(a) requires an owner or operator to maintain records of compliance with 40 C.F.R. part 265, subpart CC.

91. At the time of the Inspection, Respondent failed to maintain records of compliance with 40 C.F.R. part 265, subpart CC.

92. Respondent's failure to maintain records of compliance with 40 C.F.R. part 265, subpart CC was a violation of 40 C.F.R. § 265.1090(a) and was a failure to satisfy a condition for maintaining an exemption from the requirement to have a RCRA License under Mich. Admin. Code R. 299.9307(1)(b)(ii).

93. Respondent's failure to maintain the conditions for an exemption from the requirement to have a RCRA License, as described above, resulted in Respondent storing hazardous waste without a RCRA License or interim status. Respondent's storage of hazardous waste without a RCRA License or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the licensing requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510.

#### **Count 4: Failure to Submit Exception Report**

94. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

95. Mich. Admin. Code R 299.9312(4)(b) requires that a Large Quantity Generator that ships hazardous waste off-site to a TSDF on a manifest must obtain confirmation that the owner or operator

of the designated facility has received the waste and applied a handwritten signature on the manifest within 45 days of the date the waste was accepted by the initial transporter. Otherwise, the generator shall submit an exception report to the Director of the Michigan Department of Environment, Great Lakes and Energy and to the Regional Administrator of EPA.

96. At the time of the Inspection, Respondent produced copies of all requested manifests other than a copy of Manifest 017295257FLE dated December 12, 2022, for a lab pack, that included a signature and date from the designated facility.

97. At the time of the Inspection, Respondent had not submitted an exception report for Manifest 017295257FLE.

98. Respondent submitted the exception report on October 21, 2024, and submitted a copy of Manifest 017295257FLE to EPA on March 6, 2026.

99. Respondent's failure to timely submit an exception report was a violation of Mich. Admin. Code R. 299.9312(4)(b) and Section 3002 of RCRA, 42 U.S.C. § 6922.

### **Civil Penalty**

100. 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 \$51,514. 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.

101. Respondent agrees to pay a civil penalty in the amount of \$51,514 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). 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.](#)

102. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name and the docket number of this

Agreement, **RCRA-05-2026-0029**,

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](mailto:r5hearingclerk@epa.gov)

Brenda Whitney  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5  
[whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov) and  
[R5LECAB@epa.gov](mailto:R5LECAB@epa.gov)

Nora Wells  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[wells.nora@epa.gov](mailto:wells.nora@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
Via electronic mail to:  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable, 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.

103. 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.

104. 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.

105. 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.

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

107. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, 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 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." 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 EPA with sufficient information to enable it to fulfill these obligations, 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 EPA's Cincinnati Finance Center at [wise.milton@epa.gov](mailto: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 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 EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

#### **General Provisions**

108. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [wells.nora@epa.gov](mailto:wells.nora@epa.gov) (for Complainant), and [fberaldi@aurorium.com](mailto:fberaldi@aurorium.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

109. 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.

110. 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.

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

112. Respondent certifies that it is complying fully with applicable regulatory citations subject to this CAFO.

113. 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).

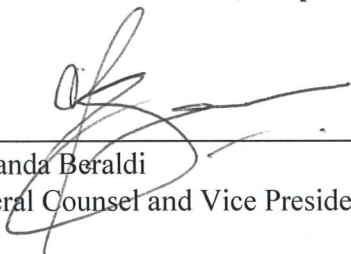
114. The terms of this CAFO bind Respondent, its successors, and assigns.

115. 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.

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

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

**Aurorium Zeeland LLC, Respondent**

  
\_\_\_\_\_  
Fernanda Beraldi  
General Counsel and Vice President

July 15 2026  
\_\_\_\_\_  
Date

**United States Environmental Protection Agency, Complainant**

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

**In the Matter of:**  
**Aurorium Zeeland, LLC**  
**Docket No.: RCRA-05-2026-0029**

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**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.

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