UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

DEC 0 8 2016

VIA HAND DELIVERY

Mr. Aron Rochester
Owner/President
Recycletronics
1304 46th Street
Sioux City, Iowa 51104

RE: Recycletronics
3313 Northbrook Drive
Sioux City, Iowa 51105

Recycletronics
1230 Steuben Street
Sioux City, Iowa 51105

RCRA
561360

Dear Mr. Rochester:

Letter of Warning/Request for Information

On June 16, 2015, and April 17, 2016, a representative of the U. S. Environmental Protection Agency inspected the Recycletronics facility located at 3313 Northbrook Drive (hereinafter "Northbrook Drive Facility"). These inspections were conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act. 42 U.S.C. § 6927. During each of these inspections you stated that the office computers were not working and therefore could not provide requested records. After each inspection, the EPA inspector requested that you submit the requested records. To date, those records have not been provided to the EPA.

On December 1, 2015, the EPA mailed Recycletronics a Letter of Warning/Request for Information issued pursuant to Section 3007 of RCRA. That certified letter was received by Recycletronics on February 22, 2016. The letter requested copies of the records requested during the inspections and additional information in order to determine Recycletronics' compliance with RCRA. To date, the EPA has not received a response to the Request for Information.

This current Letter of Warning/Request for Information incorporates many questions set forth in the December 1, 2015 letter. Therefore, there is no need for you to respond separately to the previous Letter of Warning.

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Please note that Section 3008(g) of RCRA authorizes the EPA to pursue penalties for failing to respond adequately to requests for submissions of required information. The statutory maximum penalty has been adjusted for inflation and is $37,500 for violations that occurred from January 12, 2009, through November 2, 2015, and $70,117 for violations that occur after November 2, 2015. Additionally, Section 3008(a) authorizes the EPA to initiate a civil judicial or administrative enforcement action if you fail to respond to this Letter of Warning/Request for Information. The statutory maximum penalty for violations of Section 3008(a) has been adjusted for inflation and is $93,750 for each day of non-compliance.

As previously stated, my staff has reviewed the inspection reports and determined that violations of RCRA were documented. The EPA is requesting additional information regarding the compliance status of the facilities cited above. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for failing to respond to the December 1, 2015 letter, this current request for information, and violations discovered as a result of these inspections, regardless of whether the violations were subsequently corrected.

Within 30 calendar days of receiving this letter, please mail your response to: Rebecca Wenner, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions to Rebecca Wenner, of my staff, at (913) 551-7644.

Sincerely,

Mary Goetz

Mary Goetz
Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures (3)

cc: Amie Davidson, Supervisor, Contaminated Sites Section
Iowa Department of Natural Resources
Bill Gidley, NDEQ
Susan Johnson, Quality Bureau-Solid Waste, IDNR

List of Violations
Recycletronics
Sioux City, Iowa

1. Title 40 Code of Federal Regulations § 262.34(a)(4) referencing 40 CFR § 265.31 – Failure to manage a facility to minimize the possibility of a release.
   a. During the July 16, 2015, inspection of the Northbrook Drive Facility, the inspector observed containers of electronic equipment which were stored outdoors while waiting to be processed. Photographic documentation shows these containers were open, in poor condition, and not weatherproofed. Additionally, photographic documentation shows the containers were overflowing. Broken plastic and metal scrap was observed on the concrete pad and the unpaved ground around these containers.

2. 40 CFR § 262.11 – Failure to perform a hazardous waste determination. In order to take advantage of the conditional exclusion from the definition of solid waste, used, broken cathode ray tubes and processed CRT glass undergoing recycling must be managed according to specific conditions. Specifically, the following condition was not met: intentionally breaking intact CRTs or further breaking or separating broken CRTs and sorting or otherwise managing glass removed from CRT monitors within a building with a roof, floor, and walls. 40 CFR § 261.39(b)(2)(i).
   a. During the July 16, 2015, and the May 23, 2016, inspections of the Northbrook Drive Facility, the inspector observed containers of electronic equipment which had been received and were being stored outdoors while waiting to be processed. These containers were open, in poor condition, and were not weatherproof. Additionally, photographic documentation shows the containers were overflowing on the ground.

List of Requested Information
Recycletronics
Sioux City, Iowa

1. Provide the following information about Recycletronics:
    a. Identify the current owner of Recycletronics and provide a current mailing address.
    b. Identify the legal status of Recycletronics (i.e. corporation, LLC, no legal status) along with relevant information as appropriate (i.e. legal name, state of incorporation, date of incorporation, registered agent).

2. Provide the following information about the Northbrook Drive Facility:
    a. Provide the name and address of the property owner.
    b. Provide the date, or approximate date, when Recycletronics' operations began at the Northbrook Drive Facility.
    c. Provide the current number of employees at the Northbrook Drive Facility.
    d. If Recycletronics' operations have ceased at this facility, provide the date that operations ended and current status of the Northbrook Drive Facility.

3. Provide the following information about the Steuben Facility:
    a. Provide the name and address of the property owner.
    b. Provide the date or approximate date when Recycletronics' operations began at the Steuben Facility.
    c. Provide the current number of Recycletronics employees at the Steuben Facility.
    d. If Recycletronics' operations have ceased at this facility, provide the date that operations ended and current status of the Steuben Facility.

4. Provide the following information about materials delivered to 2301 G Street, South Sioux City, Nebraska:
    a. Describe whether any materials processed at the Northbrook Drive Facility have been delivered or moved to 2301 G. Street, South Sioux City, Nebraska.
    b. If any materials have been delivered or moved to the G Street facility provide all invoices or bills of lading documenting those sales or movements.
    c. If materials have been delivered or moved to the G Street facility, explain when such activities began and the purpose of these shipments (i.e. storage, further processing).
    d. Identify your contact for this facility including name, current address, and title.
    e. If materials have been delivered or moved to the G Street facility, but are no longer being shipped there, identify when those activities ceased.
    f. Explain any other business relations between Recycletronics, or Aron Rochester, and this facility.

5. Provide the following information for any additional sites where Recycletronics has operated since 2013, or where Recycletronics currently operates:
    a. Identify the address.
    b. Provide the name and address of the property owner.
    c. Explain the operations performed at each property identified in question 5.a.
    d. Provide the date, or approximate date, when operations began at each additional property.
    e. Provide the current number of employees at each property.
    f. If operations have ceased at any of the properties identified above, provide the date that operations ended and current status of each property.

6. During the Northbrook Drive inspections, the inspectors observed unprocessed and processed materials stored outdoors in containers that were open, not weather resistant, and in poor condition. Inspectors also observed broken pieces of plastic and metal on the ground at the Northbrook Drive Facility. Please describe:
    a. The steps you have taken to minimize the possibility of a release of hazardous waste and/or hazardous constituents from the Northbrook Drive Facility.
    b. The steps you have taken to comply with the requirement to process incoming CRTs and manage all glass removed from CRTs inside a building with a roof, floor, and walls to correct Violations 1 and 2.

7. Provide a thorough description of the recycling activities/processes at The Northbrook Drive Facility and Steuben Facility. For each of these facilities, provide:
    a. A map/layout to designate the location where each process occurs.
    b. The maximum capacity of CRTs that can be processed in a day (i.e. number of units or pounds of CRTs and/or CRT components).
    c. A detailed description outlining how the glass (leaded and unleaded glass) parts are separated from the non-glass portions (i.e., scrap plastic scrap metal, etc.) of the equipment.
    d. A detailed description of how the leaded glass is separated from the unleaded glass.
    e. A description of how LCDs are handled and processed from receipt until they leave the facility (both intact and as processed parts). Include a description of any changes to the procedure if the LCDs are received broken and/or if they are broken during handling or processing. The descriptions should include a discussion of how items are evaluated for mercury releases and how mercury spills are managed, as well as how any mercury contaminated items are disposed.
    f. A description of how televisions potentially containing polychlorinated biphenyls are handled and processed from receipt until they leave the facility (both intact and as processed parts). Include a description of how any part or items potentially containing PCBs are managed on-site and how and where they are sent for disposal.

8. During the June 16, 2015 inspection at the Northbrook Drive Facility, you stated that unleaded glass debris was sent to Gill Hauling of Sioux City, Iowa to be used as aggregate or fill. Please provide the following information regarding that statement:
    a. List the amount of unleaded glass, with supporting documentation, Recycletronics sent to Gill Hauling of Sioux City, Iowa, each year from 2013 to the present.
    b. State whether a special waste or any other permit was required by the State of Iowa or the local government for the use of unleaded glass as aggregate or fill. If a special waste or other permit was required, please provide documentation that the unleaded glass was appropriately used in accordance with any issued permits, and include a copy of the permit.
    c. Provide a complete list, with supporting document, of any other items sent to Gill Hauling for use, reuse, recycling, disposal, or any other purpose.

9. The federal regulations state that intact CRTs as defined by 40 CFR § 260.10 are not solid wastes within the United States unless they are disposed and/or speculatively accumulated as defined in 40 CFR § 261.1(c)(8) by CRT collectors or glass processors. 40 CFR § 261.4(a)(22)(i). The federal regulations also state that glass removed from CRTs is not a solid waste provided it meets the requirements of 40 CFR § 261.39(c). 40 CFR § 261.4(a)(22)(iv). The regulations at 40 CFR § 261.39(c) state that processed CRT glass sent to a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in 40 CFR § 261.1(c)(8).

   If Recycletronics is claiming that its CRTs and the glass removed from CRTs are not solid waste, it must provide the calculations and supporting documentation to demonstrate that Recycletronics was not speculatively accumulating either waste stream (i.e. CRTs and Glass removed from CRTs). Please provide a thorough accounting, with supporting documentation, demonstrating how Recycletronics met the conditional exclusion for CRTs in calendar year 2015. The accounting should include, at a minimum, a detailed description, with supporting documentation, of the calculation showing that Recycletronics recycled at least 75 percent by weight or volume of the amount of material accumulated at the beginning of the period (January 1, 2015).

10. Please provide the following information regarding your current operations:
    a. Provide a thorough description with supporting documentation on how Recycletronics is currently managing CRT materials on site at the Northbrook Facility and Steuben Facility.
    b. Include a description on how Recycletronics is currently documenting incoming materials, including, but not limited to photographic documentation showing the date accumulation for each storage unit, or a legible copy of Recycletronics' inventory log or other appropriate method for documentation.
    c. Provide documentation showing how incoming materials are treated as a commodity and that there is a current market for these processed materials.

3007 RESPONSE INSTRUCTIONS

* Identify the Person(s) responding to this request on your behalf.

* Address each numbered item separately, and precede each answer with the number of the item to which it responds.

* For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)

* For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.

* For each numbered item, identify all persons consulted in the preparation of the answer.

* For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.

* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.

* If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.

* If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

* You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."

* The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.

* A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.

* Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.

* This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

* The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties up to $93,750 per violation, per day of continued noncompliance. Providing false, fictitious or fraudulent statements or representation could lead to criminal penalties.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Letter of Warning/Request for Information issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, was hand delivered on _____

to_____.

_____
Name

_____
Title

_____
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Letter of Warning/Request for Information issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, was hand delivered on December 13, 2016 to Aaron Rochester.

Rebecca Werner
Name

Life Scientist
Title

12/13/2016
Date