

FILED

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U.S. EPA REGION 5
HEARING CLERK

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) Docket No.: RCRA-05-2024-0016
)
)
Bridge Point McCook 3, LLC)
9130 W. 55th St. McCook, IL) **EXPEDITED SETTLEMENT**
EPA ID. No. ILR000215186) **AGREEMENT AND**
) **FINAL ORDER**
Respondent)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Bridge Point McCook 3, LLC (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$7,500.
2. EPA sent a request for information to Bridge Point McCook 3, LLC (“Bridge” or “you”) on August 15, 2023, and reviewed information you provided on October 3, 2023. EPA sent a Notice of Potential Violation (NOV) to Bridge on January 25, 2024, and reviewed your response provided on March 29, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35 at Respondent’s facility located at 9130 W. 55th St., McCook, IL (the “Facility”):
 - A. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 §§ 703.123 and 722.134 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status.
 - i. Under Ill. Admin. Code tit. 35 § 722.134(a) and (b), however, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period. On December 14, 2021, Bridge purchased 87 acres along with all assess from Progress Rail Locomotive, Inc. On April 27, 2022, 2,400 lbs of hazardous waste were sent off-site for disposal. This shipment was generated on December 14, 2021, when Bridge took ownership of the property with the intent to demolish and redevelop the property. As such, Bridge stored the

above waste for 143 days from generation date and Respondent had not obtained a permit, interim status nor an extension of the 90-day period. On May 6, 2022, Bridge sent 1,026 lbs of hazardous waste off-site for disposal. This shipment was generated on December 14, 2021, when Bridge took ownership of the property with the intent to demolish and redevelop the property. As such, Bridge stored the above waste for over 143 days from generation date and Respondent had not obtained a permit, interim status nor an extension of the 90-day period. Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 § 722.134 because it failed to comply with the 90-day accumulation period requirement.

- B. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134, subjects the generator of hazardous waste to the requirements Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit. 35 § 725.151, each owner or operator must have a contingency plan for their facility. Respondent stated in their response on October 3, 2023, that a Contingency Plan, Emergency Action Plan, or equivalent Spill Prevention, Control, and Countermeasures Plan had not been prepared for the Facility. In the NOV response on March 29, 2024, Respondent stated, “The Bridge facility did not have a RCRA contingency plan that meets all the requirements in 35 IAC 722 Subpart M.” Respondent’s failure to have a contingency plan for their facility violated Ill. Admin. Code tit. 35 § 725.151.
- C. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134, subjects the generator of hazardous waste to the requirements Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit. 35 § 725.116, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility’s compliance with requirements of RCRA. This program must be directed by a person trained in hazardous waste management procedures and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed among other requirements. Respondent stated in responses on October 3, 2023 and March 29, 2024, that they had not provided nor did they have a program in place to provide applicable training to facility personnel. Respondent’s failure to implement an applicable training program violated Ill. Admin. Code tit. 35 § 725.116.
- D. Under Ill. Admin. Code tit. 35 § 722.112, every facility owner or operator must apply to the Agency for a USEPA identification number. Respondent shipped hazardous waste offsite on April 27, 2022 (014521312 FLE) and May 6, 2022 (014521307FLE and 01451309 FLE) under the prior owner’s name Progressive Rail – McCook with an ID of ILD006009600. Respondent failed to obtain a USEPA identification number in violation of Ill. Admin. Code tit. 35 § 722.112.

- E. Under Ill. Admin. Code tit. 35 §§ 722.141(a) and 725.175, a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. Respondent stated in the October 3, 2023 response “Annual reports have not been submitted.” Respondent failed to file an annual report by March 1, 2023, for the hazardous waste it generated in 2022 in violation of Ill. Admin. Code tit. 35 §§ 722.141(a) and 725.175.
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of seven thousand five hundred dollars (\$7,500) is in the public interest.
 4. 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. 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).
 6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
 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 seven thousand, five hundred dollars (\$7,500) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay 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

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Dierich.andrea@epa.gov and r5lecab@epa.gov

Sarah Baehr
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
baehr.sarah@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. 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: baehr.sarah@epa.gov (for Complainant), and mhouser@bridgeindustrial.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Nick Siegel

Name (print)

Vice President

Title (print)

DocuSigned by:
Nick Siegel
5A4C0A2328704DC

07/02/2024

Signature

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:

Bridge Point McCook 3, LLC

Docket No.: RCRA-05-2024-0016

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