



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No.: RCRA-05-2024-0020
)	
)	
Northshore Mining Company)	
10 Outer Dr. Silver Bay, Minnesota 55614)	EXPEDITED SETTLEMENT
EPA ID. No. MND006449649)	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 Northshore Mining Company (“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 (\$8,750).

2. EPA inspected Northshore Mining Company on July 31, 2023 and reviewed information Respondent provided on December 12, 2023, May 16, 2024, and May 21, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Minnesota hazardous waste management program, Minn. R. 7045, at Respondent’s facility located at 10 Outer Dr., Silver Bay, Minnesota (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Minn. R. 7045 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Minn. R. 7045.0292, Subpart 2, including, but not limited to, clearly marking each container holding hazardous waste with the date upon which each period of accumulation begins. *See* Minn. R. 7045.0292, Subpart 2. On July 31, 2023, two (2) containers were not clearly marked with the date upon which the period of accumulation began, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Minn. R. 7045

because it failed to comply with the conditions for an exemption as described above.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Minn. R. 7045 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Minn. R. 7045.0292, Subpart 1.F. including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words “Hazardous Waste.” See Minn. R. 7045.0292, Subpart 1.F. On July 31, 2023, two (2) containers were not clearly marked with the words “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Minn. R. 7045, because it failed to comply with the conditions for an exemption as described above.
- c. Under Minn. R. 7045.0214, a generator must accurately determine whether its waste is hazardous. At the time of the inspection, Respondent had not made a determination whether the waste generated as expired liquid material in two containers and multiple smaller waste containers in central accumulation area were hazardous. Respondent’s failure to make a hazardous waste determination violated Minn. R. 7045.0214.
- d. Under Minn. R. 7045.0248, Subpart 1(B), large quantity generators must submit a license renewal application containing information required for the biennial report required by the EPA under Code of Federal Regulations, title 40, section 262.41 for each hazardous waste produced during the proceeding calendar year by March 1 of every even-numbered year. At the time of the Inspection, Respondent had not submitted a biennial report for the year 2021. Respondent’s failure to submit biennial reports for the year 2021 violated Minn. R. 7045.0248, Subpart 1(B).
- e. Under Minn. R. 7045.0855, Subpart 2.C., containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” On July 31, 2023, 13 containers of used oil were not labeled or marked with the words, “Used Oil.” Respondent’s failure to label or mark used oil containers with the words “Used Oil” violated Minn. R. 7045.0855, Subpart 2.C.
- f. Under Minn. R. 7045.0855, Subpart 2.D, upon detection of a release of used oil, a generator must stop the release, contain the released used oil, clean up, and manage properly the released used oil and other materials contaminated with used oil. On July 31, 2023, two (2) releases of used oil were observed and had

not been managed properly. Respondent's failure to detect and manage used oil releases violated Minn. R. 7045.0855 2.D.

- g. Under Minn. R. 7045.1400, a large quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." Respondent is a large quantity handler of universal waste because it accumulates 5,000 kilograms or more of universal waste at any time. On July 31, 2023, 1 container of lamps was not labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." Respondent's failure to label or clearly mark universal waste lamps or containers or packages containing universal waste lamps, as described above, violated Minn. R. 7045.1400.
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred and fifty dollars (\$8,750) 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 Minnesota 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 as provided at 40 C.F.R. § 22.15(c); and (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.
 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 eight thousand seven hundred and fifty dollars (\$8,750) 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

Jeffrey A. Cahn
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
cahn.jeff@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: cahn.jeff@epa.gov (for Complainant), and Andrea.Hayden@clevelandcliffs.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

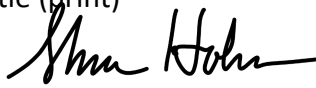
IT IS SO AGREED,

Shane Holman

Name (print)

General Manager

Title (print)



Signature

8/5/2024

Date

APPROVED BY EPA:

Michael D. Harris

Division Director

Enforcement and Compliance Assurance Division

In the Matter of: Northshore Mining Company
Docket No.: RCRA-05-2024-0020

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