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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Richmond, Virginia Electronics Recycling Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and AERC Acquisition Corporation dba AERC Recycling Solutions (“AERC”) entered into a February 25th Consent Agreement (“CA”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) regulations (which the State of Virginia has adopted). See Docket No. RCRA-03-2020-0070.

The CA provides that AERC performs electronics and universal recycling at a facility (“Facility”) in Richmond, Virginia.

The Facility is described as consisting of 40,000 square feet of building space that has been in operation as an electronics recycler since 2013. The Facility is stated to have begun recycling waste lamps in 2014.

AERC is stated to have submitted to the Virginia Department of Environmental Quality (“VDEQ”) May 6, 2014, and May 30, 2017, notifications indicating the Facility is a small quantity generator of hazardous waste at the Facility. Such notices are also stated to have indicated the Facility was a large quantity handler of universal waste along with being a transporter and a transfer facility.

The Facility is stated to not have a permit for the treatment, storage, or disposal of hazardous waste.

An inspector from EPA is stated to have undertaken a Compliance Evaluation Inspection (“CEI”) of the Facility on August 22, 2017. The purpose of the CEI was stated to be the examination of the Facility’s compliance with Subtitle C of RCRA and associated Virginia regulations.

EPA is stated to have sent an information request letter to AERC to acquire additional information. AERC responded to the request in a letter dated September 16, 2019.

A Request to Show Cause was also provided to AERC to which EPA and AERC met to discuss alleged violations.

The CA alleges the following violations have occurred at the Facility:

- Operating a treatment, storage, and disposal facility without a permit or interim status
- Failure to label or mark clearly a number of containers of hazardous waste lamps with the prescribed words

- Boxes stored in a manner that prevented the inspector from observing whether they were properly labeled and dated
- Failure to mark containers of waste lamps with the date upon which each period of accumulation began
- Failure to mark with the date upon which accumulation began, or otherwise track accumulation start date for certain containers of hazardous waste lamps
- Failure to maintain a tracking system documenting the length of time the containers are accumulated on site
- Failure to meet certain requirements of the Generator Accumulation Exemption
- Failure to keep containers storing waste lamps closed except when it is necessary to add or remove waste
- Failure to minimize risk of release, and failure to immediately contain all releases of waste lamps

The CA assesses a civil penalty of \$10,000.

The CA also provides that AERC will within 90 days of the effective date of the document conduct an electronics recycling event within and in coordination with the City of Richmond, Virginia. The cost of such event will be no less than \$40,000.

A copy of the CA can be downloaded [here](#).