

**FILED**

**MAR 14 2013**

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING  
EOC DOCKET NO. 13-5901**

Jim Ruby, Executive Secretary  
Environmental Quality Council

**IN THE MATTER OF THE ADMINISTRATIVE )  
ORDER ON CONSENT ISSUED TO TATOOINE ) ORDER APPROVING  
INDUSTRIES INTERNATIONAL, LLC. ) ORDER ON CONSENT  
)**

The Department of Environmental Quality, Solid and Hazardous Waste Division, issued an Administrative Order on Consent, Docket, No. 5129-13, to the Tatoonie Industries International, Inc. This matter having been considered by the Environmental Quality Council pursuant to the provisions of W.S. 35-11-112(a)(ii), and the Council being fully advised in the premises;

IT IS HEREBY ORDERED THAT the Order of the Department of Environmental Quality entered herein be and the same hereby is approved.

DATED this 14th day of March, 2013.

\_\_\_\_\_  
Tom Coverdale, Chairman  
Environmental Quality Council  
Room 1714, Herschler Building, 1<sup>st</sup> Floor West  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002  
Phone: 307-777-7170  
Fax: 307-777-6134

**CERTIFICATE OF SERVICE**

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 18<sup>th</sup> day of March, 2013, I served a copy of the foregoing **ORDER APPROVING ADMINISTRATIVE ORDER ON CONSENT** by electronic mail to the following:


Todd Parfitt  
Director, DEQ  
[Todd.Parfitt@wyo.gov](mailto:Todd.Parfitt@wyo.gov)

Mike Barrash  
Asst. Attorney General  
[Mike.Barrash@wyo.gov](mailto:Mike.Barrash@wyo.gov)

Carl Anderson, Administrator  
Solid and Hazardous Waste Division  
[Carl.Anderson@wyo.gov](mailto:Carl.Anderson@wyo.gov)

and also by United States Mail, postage pre-paid, addressed as follows:

Tatooine Industries International, LLC.  
6520 Hinesley Road  
Cheyenne, WY 82001

  
\_\_\_\_\_  
Jessica Brown, Office Assistant  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134

February 8, 2013

13-5901  
**FILED**

**FEB 12 2013**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE )  
ADMINISTRATIVE ORDER ON )  
CONSENT ISSUED TO: )  
TATOOINE INDUSTRIES INTERNATIONAL, INC. )  
DBA TATOOINE ELECTRONIC SYSTEMS )

Docket No. 5129-13

ADMINISTRATIVE ORDER ON CONSENT (AOC)

W.S. §35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (DEQ) for the location, design, construction, operation, modification or closure of a solid waste management facility. On April 26, 2011, DEQ issued Notice of Violation number 4827-11 (NOV 4827-11) to Tadooine Industries International, Inc., a Wyoming corporation doing business as Tadooine Electronic Systems (Tadooine), for failing to obtain such a permit for solid waste activities occurring at 4390 I-80 Service Road, Burns, WY. Wastes managed at the facility include but are not necessarily limited to Cathode Ray Tubes (CRT), printed circuit boards (PCB), electronic components containing mercury, electronic component cabinets/casings, crushed glass from CRTs, whole computers, and various electronic controllers/components.

Tadooine has initiated the permit application process. This AOC is intended to authorize interim operation of this facility pending issuance or denial of a permit by the Department and establishes the following schedule of specified actions for Tadooine to assure compliance with regulatory requirements under W.S. §35-11-502 and Chapters 1, 6, 7 and 8 of the DEQ Solid Waste Rules and Regulations (SWRR) and applicable DEQ Hazardous Waste Rules and Regulations (HWRR), and to address compliance with federal requirements for the management of electronic wastes.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Beginning on March 1, 2013, Tadooine shall adhere to the schedule set forth in Exhibit 1 to remove leaded CRT glass and intact CRTs to a facility authorized to accept such material.
2. Beginning on April 1, 2013, Tadooine shall submit bimonthly reports (once every two months) to DEQ no later than the first week of the subsequent month documenting all incoming and outgoing CRTs and other electronic wastes and inventory at the end of the reporting period. The reports shall include, at a minimum, the inventory, shipping, and receiving records presented on a single ledger equivalent to Exhibit 2. Incoming and outgoing waste inventory documentation must include dates, origins (sources) of the waste, type(s) of electronic waste (designated as CRT, printed circuit boards, intact computers, etc.), estimated or scale weight of each load received or shipped, and volume estimates from transport cargo dimensions or other reliable methods as demonstrated by Tadooine. If no weigh scales are available, Tadooine may estimate weight from approximate bulk density of wastes and transport vehicle cargo dimensions. After Tadooine has reduced the on-site tonnage below 250 U.S. tons, the reporting frequency may be reduced as mutually agreed by both parties.
3. No later than April 30, 2013, Tadooine shall submit to DEQ's Solid Waste Permitting and Corrective Action Program for review and approval the proposed form and amount of financial assurance needed to assure proper removal and disposal of all electronic waste, hazardous waste,

and sorted/processed electronic waste material that may be present at the facility, and for facility closure.

4. No later than February 28, 2014, Tatoonine shall demonstrate and document that at least seventy-five percent (75%) of electronic waste (primarily leaded CRT glass and intact CRTs) in the facility's inventory during the previous year has been recycled or sent to authorized off-site facilities.

5. For the purpose of this AOC, Tatoonine's financial assurance shall comply with W.S. 35-11-504 and Chapter 7 of the DEQ Solid Waste Rules. The amount of financial assurance shall be calculated based upon the following factors and updated annually:

- The number of truckloads needed to transport the wastes to a permitted facility;
- The capacity (volume) of each truckload;
- The name, location, and distance to each permitted facility;
- Per truckload transportation cost and solid waste management fees; and
- Cost of facility closure by a third party at maximum volumes.

6. Within 20 days after DEQ approves Tatoonine's proposed form and amount of financial assurance for the facility, Tatoonine shall post with DEQ the approved form of financial assurance in an amount calculated to be adequate to assure proper removal and disposal of all electronic waste and hazardous waste materials and sorted/processed electronic waste material that may be present at the facility, and for facility closure.

7. Tatoonine shall issue and maintain receipts for all waste materials received at the facility and shall obtain and maintain receipts for all waste materials transferred to a permitted facility, including the facility name, date of transport, and quantity of wastes transferred.

8. Tatoonine may dispose potentially hazardous wastes (including, but not limited to leaded glass CRTs and electronic waste components that contain or have contained mercury, cadmium, or other extractable hazardous constituents) only at facilities authorized to accept such wastes. Tatoonine shall maintain a written record in facility files of all RCRA waste determinations for any such wastes. The RCRA waste determination must meet the requirements of DEQ HWRR, Chapter 8, Section 1(b) to document whether a waste is hazardous or non-hazardous and can reference established/documented characteristics for certain types of equipment or manufacture dates. The waste determination must be supported by readily available, published information directly applicable to the corresponding waste. Exhibits 3 and 4 provide examples of waste determinations for non-hazardous electronic waste combined with a load manifest to identify and document non-hazardous wastes. Tatoonine may prepare its own form, but the information must be equivalent to that in Exhibit 3. Any non-hazardous waste sent for disposal to a Wyoming facility shall have written documentation that a non-hazardous waste determination was provided to the receiving facility.

9. Tatoonine shall clearly and legibly label all containers of potentially hazardous electronic waste with the date the wastes were placed in storage, the general contents of the container (e.g., CRT glass, electronic mercury switches/components, Nickel/Cadmium batteries, electronic ballast), and specific potential hazard descriptor (e.g., CRT glass containing lead, leaded CRT glass, batteries containing Cadmium). Because containers may be reused, strikeouts or lines drawn through any previous dates on containers shall designate the most recent, applicable start dates for storage.

10. In every area storing electronic components that contain free, elemental mercury, Tatoonie shall maintain suitable, conventional mercury spill supplies and equipment [e.g., vacuum suction bulbs or powdered ('flour') sulfur] available within the same room of the building storing the components. In addition to compliance with all applicable DEQ HWRR, Tatoonie will adhere to HWRR, Chapter 14, including but not limited to, Section 1(d), Section 2(d)(iii) pertaining to mercury waste management, and all other sections of Chapter 14 applicable to Tatoonie's handling of mercury or other universal wastes covered by DEQ HWRR.

11. Tatoonie shall reduce leaded CRT glass and intact CRT inventories on-site to less than fifty (50) tons before August 1, 2013.

12. During any sixty-day rolling period, Tatoonie may not receive more electronic waste (other than leaded CRT glass and intact CRT's as described in paragraph 13) than the combined amount of electronic waste (other than leaded CRT glass and intact CRT's) that Tatoonie has recycled or shipped to authorized off-site facilities during the same sixty-day period. The total on-site inventory for electronic waste other than leaded CRT glass and intact CRT's shall not exceed 500 tons at any time.

13. Once Tatoonie decreases leaded CRT glass and intact CRT inventories on-site to below fifty (50) tons pursuant to paragraph 11, Tatoonie may not receive an amount of leaded CRT glass and inert CRTs during any sixty-day rolling period that exceeds the amount of leaded CRT glass and intact CRTs that Tatoonie has recycled or shipped to authorized facilities during the same sixty-day period.

14. Tatoonie is authorized to operate the electronic waste facility in accordance with this order, DEQ SWRR, and DEQ HWRR. Tatoonie must comply with any EPA RCRA electronic waste regulations for which DEQ may not have primacy, including, but not limited to 40 CFR 261.39 (requiring storage of broken CRTs inside either a building or a closed container) and 40 CFR 273.9 (mercury-containing equipment management). This authorization shall be valid for a period of eighteen (18) months from the date of this Order or until the facility obtains a solid waste permit, whichever occurs first. In the event the facility has not obtained a permit within eighteen (18) months, the facility is no longer authorized to operate unless an extension is mutually agreed upon.

15. The signatories are authorized to bind their respective parties to this AOC.

16. After execution by DEQ and Tatoonie, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).

17. This AOC is issued with Tatoonie's consent. Tatoonie will not file a request for hearing before the EQC to contest the validity of its terms under W.S. 35-11-701(c)(ii). However, Tatoonie reserves the right to request a hearing before the EQC to contest any later enforcement of the terms of this AOC related to permit review and approval.

18. The effective date of this AOC is the date the final signature is attached and is binding upon all successors of the facility.

19. The stipulated requirements of this AOC may be modified only by written agreement of both parties.

February 8, 2013


The signatories certify that they are duly authorized to bind their respective Parties to this Administrative Order on Consent.

WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

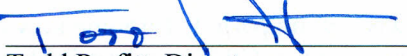
Date: 2/11, 2013

By:

  
\_\_\_\_\_  
Carl Anderson, Administrator  
Solid and Hazardous Waste Division

Date: 2/11, 2013

By:

  
\_\_\_\_\_  
Todd Parfitt, Director  
Wyoming Department of Environmental Quality

FOR TATOOINE INDUSTRIES INTERNATIONAL, INC., doing business as TATOOINE ELECTRONIC SYSTEMS:

Date: 2-8, 2013

By:

  
\_\_\_\_\_  
Jeff Stumpf  
President