



REGION 7

LENEXA, KS 66219

**URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Phil Carter
Cascade Asset Management LLC
2711 E Madison St., Suite 205
Seattle, WA 98112

Re: Recycletronics – Akron Farm Facility Superfund Site in Akron, Iowa

Dear Mr. Carter:

The United States Environmental Protection Agency has completed work to clean up the Recycletronics – Akron Farm Facility Superfund site, which is a Superfund site located in Akron, Plymouth County, Iowa. Superfund is a federal program administered by the EPA that is designed to clean up hazardous substances (“waste”) that may pose a threat to human health or the environment. (The full name of the Superfund law is the *Comprehensive Environmental Response, Compensation, and Liability Act*, or *CERCLA*.) To date, the EPA has taken multiple response actions at the site under the authority of the Superfund Program. Below is a brief description of the Superfund actions taken at the site.

- In August 2021, the EPA conducted a Removal Site Evaluation to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the site.
- In spring and summer of 2022, the EPA conducted a Removal Action to reduce any immediate threat to the environment or human health posed by the site. The Removal Action consisted of removal of approximately 1,431 gaylord boxes of CRT-containing glass, some of which were labeled with your name. The agency concluded on-site response actions on July 27, 2022, and incurred approximately \$1.32 million in costs.

The EPA is sending this information to you because you are potentially responsible for contributing a small amount of the waste to the site. The EPA has based this determination on evidence collected during the response action that was conducted.

Under the Superfund program, the EPA has the authority to take actions at sites such as the Recycletronics – Akron Farm Facility Superfund site to protect public health, welfare and the

environment. In addition, this law permits the EPA to request that parties who are responsible for the waste pay to clean up the site.

Potentially Responsible Parties

Those parties who may be responsible for the waste at sites are referred to as “potentially responsible parties” or Superfund “PRPs.” PRPs include individuals, businesses, governmental agencies, and other types of organizations. You may be a PRP if you are:

1. a current owner or operator of the site;
2. a former owner or operator of the site during the period of waste disposal;
3. a party that arranged for the treatment, disposal, or transportation of hazardous substances to the site; or
4. a party that transported hazardous substances to a site you selected.

“De Minimis” Settlements

Because the EPA believes you may have contributed only a small amount of waste in comparison to the total amount of waste at the site, you may be considered a “*de minimis*” PRP. Under Superfund, the EPA may offer special settlements to *de minimis* PRPs, which provide many benefits to settling parties. Through a *de minimis* settlement, you receive:

1. **“Covenant Not to Sue”** – This provision is a promise that the EPA will not bring any future legal actions against you regarding the site and the specific matters named.
2. **“Contribution Protection”** – This provision offers you protection from being sued in a contribution action by other PRPs at the site. Frequently, major waste contributors will sue many small waste contributors in contribution under Section 113(f) of *CERCLA* to recover cleanup costs. A *de minimis* settlement provides protection from such contribution suits that extends to all matters covered by the settlement. (You should note, though, that a settlement may not be able to protect you from all future claims by other PRPs. A 2007 Supreme Court case held that in certain situations, a PRP who has incurred cleanup costs at a site can sue other PRPs under *CERCLA* Section 107(a)(4)(B). These claims may not be barred by the contribution protection provided by a settlement.)

The amount a *de minimis* settlor may pay as part of the settlement varies from site to site. In general, the payment amount is the sum of a basic payment and a premium payment. The basic payment is calculated from the estimated cost to clean up the site and the amount of the *de minimis* party’s waste (as a percentage of the total waste at the site). The premium payment varies according to a variety of factors specific to both the site and the settlement. See the enclosed April 2008 brochure titled “Superfund and Small Waste Contributors” for more information. The brochure is also available for download at <http://www.epa.gov/enforcement/fact-sheet-superfund-and-small-waste-contributors>.

Taken together, contribution protection, the covenant not to sue, and other *de minimis* settlement terms can provide you with the most certainty that the EPA can offer, that your responsibilities to the EPA at a site are fulfilled and that you are protected from future contribution actions related to the

matters addressed in the settlement. The EPA has entered into more than 630 *de minimis* settlements with over 32,920 individuals, small businesses, and others to address their Superfund liability at more than 275 sites across the country.

Information to Assist Potentially Responsible Parties

The EPA encourages good faith negotiations between PRPs and the EPA, as well as among PRPs. To assist in this effort, we have attached a list of the names and addresses of individuals who have received this letter, or previous letters, because they are potentially responsible for cleaning up the waste at the Recycletronics – Akron Farm Facility Superfund site. It may be useful to talk to or meet with other *de minimis* parties at the site before talking to the EPA or to other non-*de minimis* PRPs. It is important to note that this list is preliminary. It is not a final determination of parties that may be responsible for the cost of cleaning up the site; EPA may modify this list of PRPs at any time.

To the extent such information is available, the EPA has also enclosed a list of the volume of waste materials contributed by each party. Note that this list is also preliminary and does not constitute a final determination of contribution or liability.

Information about the Site

The EPA encourages you to become familiar with the site. To assist you in this effort, the EPA has compiled certain key documents about the site. Copies of these documents are located at the EPA Region 7 Regional Office, 11201 Renner Blvd, Lenexa, Kansas 66219 and the Akron Public Library, 350 Reed Street, Akron, Iowa 51001, and are available to the public for inspection and comment. They are also available online at <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0720353>.

A *de minimis* settlement may be in your best interest. The EPA encourages you to carefully read the enclosed fact sheet about the site and about *de minimis* settlements. Please contact the EPA within 30 days of your receipt of this letter to indicate your interest in participating in future negotiations at this site. You may respond individually or through a group or committee, if such a group has been formed. The EPA will be holding a question-and-answer session regarding next steps and a potential *de minimis* settlement via Microsoft Teams at **10:00 a.m. Central time on Thursday, April 10, 2025**. To access this Teams meeting, please dial **(913) 608-8349** and then enter the passcode **48444815#**.

If you have any questions concerning this letter, please contact (or direct your attorney to contact) Cathie Chiccine at (913) 551-7917 or Chiccine.catherine@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

Robert D. Jurgens
Division Director
Superfund & Emergency Management Division

Enclosures

cc: Amie Davidson, Iowa Department of Natural Resources (via email only)
Catherine Chiccine, EPA Office of Regional Counsel (via email only)

Name	Tonnage	Percentage	Contact	Address	De Minimis?
Dynamic Lifecycle Innovations, Inc.	155.18	16.432	George H. Buermann	1037 Raymond Blvd., Suite 1010, Newark, NJ 07102	No
Waste Management of Iowa, Inc.	46.53	4.927	Kyle E. Foote	1201 Walnut Street, Suite 2900, Kansas City, MO 64106	No
Carpet Pad Recovery, LLC	7.62	0.08	Sunnay Emmanuel	5086 S. 160 th Cr. Omaha, NE 68135	Yes
Recycling Services, Inc.	1.96	0.021	William A. Currier	516 East Second Street, South Boston, MA 02127	Yes
Allied Plastics LLC	0.92	0.009	Timothy A. Neal	150 Holy Hill Rd., Twin Lakes, WI 53181	Yes
Universal Recycling Technologies LLC	0.82	0.008	Corporation Service Company	33 E. Main St. Suite 610, Madison, WI 53703	Yes
OmniSource, LLC	0.71	0.008	Anne Simerman	7575 W. Jefferson Blvd. Fort Wayne, IN 46804	Yes
APC Recycling (n/k/a Schneider Electric)	0.57	0.006	CSC – Lawyers Incorporating Service Co. Corporation Service Company	233 S. 13 th St., Suite 1900 Lincoln, NE 68508 505 5 th Ave. Suite 729 Des Moines, IA 50309	Yes
Schupan -- Iowa, LLC a/k/a Schupan & Sons, Inc.	0.51	0.005	Corporation Service Company	505 5 th Ave. Suite 729 Des Moines, IA 50309	Yes
Astro Industries, Inc.	0.48	0.005	Jimmy Green	2445 Cypress School Rd., West Monroe, LA 71292	Yes
Cascade Asset Management LLC	0.47	0.005	Phil Carter	2711 E Madison St Suite 205, Seattle, WA 98112	Yes
Penda Corp.	0.43	0.005	C T Corporation System	301 S. Bedford Street Suite 1 Madison, WI 53703	Yes

*This information does not constitute a non-binding preliminary allocation of responsibility under CERCLA § 122(e)(3). This information should not be construed as an allocation of responsibility or liability by the EPA. This waste-in list and volumetric ranking is provided solely for your information. This list is preliminary and subject to revisions based upon new information as, and if, it becomes available.