



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 19 2010

REPLY TO THE ATTENTION OF:

LR-8J

Certified Mail: 7001 0320 0006 0187 9912
Return Receipt Requested

Mr. John Sconiers
100 Hugh Muir Lane
Maywood, Illinois 60153

Re: Consent Agreement and Final Order
John Sconiers
U.S. EPA ID: ILR 000150912
Docket No: RCRA-05-2010-0019

NP275117R02

Dear Mr. Sconiers:

Please find enclosed a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on NOV 19 2010, 2010 with the Regional Hearing Clerk. The agreement contains the terms previously discussed to resolve this matter.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Little".

Paul J. Little, Acting Chief.
RCRA Branch
Land and Chemicals Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2010-0019
)	
John Sconiers)	Proceeding to Assess a Civil Penalty
100 Hugh Muir Lane)	Under Section 3008(a) of the Resource
Maywood, Illinois,)	Conservation and Recovery Act,
)	42 U.S.C. § 6928(a)
U.S. EPA ID #: ILR 000150912)	
)	
Respondent.)	
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Consent Agreement and Final Order **REGIONAL HEARING CLERK**
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty and a compliance order under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a).

2. On July 12, 2010, U.S. EPA filed the Complaint and Compliance Order (Complaint) in this action against Respondent John Sconiers. The Complaint alleges that Respondent violated Section 3007 of RCRA, 42 U.S.C. § 6027, by failing to respond in a timely manner to an Information Request issued to Respondent by letter dated June 19, 2009.

3. Respondent filed an Answer on September 24, 2010, and requested a hearing under Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.15.

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

5. Respondent waives any right to contest the allegations in the Complaint and his right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that he does not currently generate, store, treat, transport, dispose of, or otherwise handle hazardous wastes as defined at 35 Ill. Adm. Code 721.103 (40 C.F.R. § 261.3) for purposes of RCRA, 42 U.S.C. §§ 6901 – 6992k. Respondent further certifies he has no present intention to engage in such activities in the future.

7. Respondent has provided a detailed written response to the Information Request issued by U.S. EPA on June 19, 2009.

8. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

9. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalty

10. In consideration of the inability of Respondent to pay the proposed penalty, and of other factors, Complainant agrees to mitigate the proposed penalty of \$102,680 to \$0 (zero dollars).

General Provisions

11. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

12. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

13. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws and permits.

14. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

15. The terms of this CAFO bind Respondent, his successors, and assigns.

16. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

17. Each party agrees to bear its own costs and attorney's fees in this action.

18. This CAFO constitutes the entire agreement between the parties.

John Sconiers, Respondent

~~10-10-10~~ 11-1-10
Date


Mr. John Sconiers

United States Environmental Protection Agency, Complainant

11-16-10
Date


for Bruce Sypniewski
Acting Director
Land and Chemicals Division

**In the Matter of:
John Sconiers
100 Hugh Muir Lane
Maywood, Illinois
Docket No. 05-2010-0019**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-18-10
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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In the Matter of:
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U.S. ENVIRONMENTAL
PROTECTION AGENCY

CERTIFICATE OF SERVICE

I, Spiros Bourgikos, hereby certify that I delivered a copy of the foregoing Consent Agreement and Final Order, Docket No. RCRA-05-2010-0019, to the person designated below, on the date below, by depositing it in the U.S. Mail, certified-return receipt requested, postage prepaid, at Chicago, Illinois, in an envelope addressed to:

John Sconiers
100 Hugh Muir Lane
Maywood, Illinois 60153

I have further filed the original of the Consent Agreement and Final Order and this Certificate of Service in the Office of the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, on the date below.

Dated this 19 day of November, 2010.



Spiros Bourgikos, Environmental Engineer
RCRA Branch
U.S. EPA, Region 5