



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JAN 31 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DE-9J

Bernice Hutton  
Hutton Auto Body Inc.  
1532 Burgundy Parkway  
Streamwood, Illinois 60107

Re: Hutton Auto Body, Inc.  
EPA ID Number: ILD 984 915 918  
Consent Agreement and Final Order  
Docket Number: RCRA-05-2007- 0004

Dear Ms. Hutton,

Enclosed please find one of two original signed copies of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the referenced case. We filed the originals with the Regional Hearing Clerk on JAN 31 2007.

U.S. EPA received your payment of \$ 100.00 on January 16, 2007 and we have referenced your money order with the number BD 2750742R003 and Docket Number RCRA-05-2007- 0004. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*.

Thank you again for your cooperation in resolving this matter.

Sincerely,

Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (w/ CAFO)

## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions L-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

2007 JUN 21 PM 2:41  
REGIONAL CLERK

IN THE MATTER OF: )  
)  
**HUTTON AUTO BODY, Inc.** )  
1532 Burgundy Parkway )  
Streamwood, Illinois 60107; )  
**BERNICE HUTTON**, individually and )  
d/b/a Hutton Auto Body; and )  
**JIMMIE HUTTON**, individually and )  
d/b/a Hutton Auto Body )  
)  
)  
)  
)  
Respondents. )  
\_\_\_\_\_ )

DOCKET NO **RCRA-05-2007-0004**

Proceeding to Assess a Civil Penalty under  
Section 3008(a) of the Resource  
Conservation and Recovery Act of 1976,  
as amended, 42 U.S.C. § 6928(a).

**CONSENT AGREEMENT AND FINAL ORDER**

1. This is a civil administrative action commenced and concluded pursuant to Section 3008(a) of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. § 6928(a), and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Termination/ Suspension of Permits” (Consolidated Rules) as codified at 40 C.F.R. Part 22.

**I. JURISDICTION AND NOTICE**

2. Jurisdiction for this action is conferred upon the United States Environmental Protection Agency (U.S. EPA) by Sections 2002(a)(1), 3006(b) and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b) and 6928.

3. The complainant is, by lawful delegation, the Chief, Enforcement & Compliance Assurance Branch, Waste, Pesticides & Toxics Division, Region 5, U.S. EPA.

4. Respondents are Hutton Auto Body, Inc. (“Hutton Auto Body”), Bernice Hutton and Jimmie Hutton. Respondent Hutton Auto Body was at all times relevant to the violations alleged against it in this Consent Agreement and Final Order (CAFO), a corporation incorporated under the laws of Illinois, and the owner and operator of a facility as defined by 35 I.A.C. 720.110 and 40 C.F.R. § 260.10, located at 1532 Burgundy Parkway, Streamwood, IL 60107 (the “Facility”). Respondents Bernice Hutton and Jimmie Hutton owned and/or operated the Facility after the dissolution of Hutton Auto Body on June 8, 2004, until at least December 28, 2004, when Tri-Village Autobody, LLC, was incorporated using the Facility address as the principal place of business.

5. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store and dispose of hazardous waste.

6. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or of any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

7. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government’s base RCRA program effective January 31, 1986. (51 Fed. Reg. 3778). The Administrator of U.S. EPA granted Illinois final authorization to

administer certain HSWA and additional RCRA requirements effective March 5, 1988, 53 Fed. Reg. 126 (January 5, 1988); April 30, 1990, 55 Fed. Reg. 7320 (March 1, 1990); June 3, 1991, 56 Fed. Reg. 13595 (April 3, 1991); August 15, 1994, 59 Fed. Reg. 30525 (June 14, 1994); May 14, 1996, 61 Fed. Reg. 10684 (March 15, 1996); and October 4, 1996, 61 Fed. Reg. 40520 (August 5, 1996). The U.S. EPA-authorized Illinois regulations are codified at 35 Illinois Administrative Code (IAC) Part 703 *et seq.* See also 40 C.F.R. § 272.700 *et seq.*

8. U.S. EPA has provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2) in a letter dated January 8, 2007.

## **II. FACTUAL ALLEGATIONS AND VIOLATIONS**

9. The Respondent Hutton Auto Body was at all times relevant to the violations alleged against it in this CAFO, a corporation incorporated under the laws of Illinois, and the owner and operator of a facility as defined by 35 I.A.C. 720.110 and 40 C.F.R. § 260.10, located at 1532 Burgundy Parkway, Streamwood, IL 60107 (the "Facility").

10. Respondent Hutton Auto Body was an Illinois corporation doing business in Illinois.

11. On June 8, 2004, Hutton Auto Body was voluntarily dissolved.

12. Pursuant to Illinois State law, 805 ILCS § 5/12.80, an action may be commenced within five years of dissolution for any right or claim existing, or any liability incurred, prior to such dissolution.

13. Respondent Hutton Auto Body is a "person," as defined by 35 I.A.C. 720.110 and 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

14. Respondent Hutton Auto Body operated an auto body repair shop, including spray painting of vehicles in a paint booth.

15. As a result of such production, Respondent Hutton Auto Body generated, among other things, used oil, used fluorescent bulbs, and spent solvent waste at the Facility.

16. A solid waste is any discarded material as defined by 35 I.A.C. 721.102 [40 CFR § 261.2].

17. Used fluorescent bulbs are a solid waste as defined by 35 I.A.C. 721.102 [40 C.F.R. § 261.2].

18. Spent solvent waste is a solid waste as defined by 35 I.A.C. 721.102 [40 C.F.R. § 261.2].

19. Spent solvent waste is a hazardous waste as defined by 35 I.A.C. 721.103 [40 C.F.R. § 261.3].

20. Therefore, Respondent Hutton Auto Body was a generator of hazardous waste as defined by 35 I.A.C. 720.110 [40 C.F.R. § 260.10].

21. Therefore, Respondent Hutton Auto Body's facility was a hazardous waste facility as defined by 35 I.A.C. 720.110 [40 C.F.R. § 260.10].

22. Respondents Bernice Hutton, individually and doing business as Hutton Auto Body, and Jimmie Hutton, individually and doing business as Hutton Auto Body, were at all times relevant to the violations alleged against them in this CAFO, the owners and/or operators of a facility as defined by 35 I.A.C. 720.110 and 40 C.F.R. § 260.10, located at 1532 Burgundy Parkway, Streamwood, IL 60107 (the "Facility").

23. Respondents Bernice Hutton and Jimmie Hutton owned and/or operated the Facility after the dissolution of Hutton Auto Body on June 8, 2004, until at least December 28, 2004, when Tri-Village Autobody, LLC, was incorporated using the Facility address as the principal place of business.

24. Respondents Bernice Hutton and Jimmie Hutton are “person[s],” as defined by 35 I.A.C. 720.110 and 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

25. Respondents Bernice Hutton and Jimmie Hutton operated an auto body repair shop, including spray painting of vehicles in a paint booth.

26. As a result of such production, Respondents Bernice Hutton and Jimmie Hutton generated, among other things, used oil and used fluorescent bulbs at the Facility.

27. U.S. EPA conducted inspections at the Facility on March 24, 2003, and September 14, 2004.

**COUNT 1**  
**Hutton Auto Body’s Failure to Make a Hazardous Waste Determination**

28. Complainant incorporates paragraphs 1 through 27 of this CAFO as though set forth in this paragraph.

29. Pursuant to 35 I.A.C. 722.111 [40 CFR 262.11], a generator is required to conduct a hazardous waste determination on all generated solid wastes.

30. During the March 24, 2003 inspection of the Facility, U.S. EPA observed and photographed burned-out fluorescent bulbs.

31. These used fluorescent bulbs were not labeled as hazardous waste.

32. Respondent Hutton Auto Body had not determined if these used fluorescent bulbs were a hazardous waste.

33. During the March 24, 2003 inspection of the Facility, U.S. EPA observed and photographed solvent-laden disposable wipes.

34. These solvent-laden disposable wipes were not labeled as hazardous waste.

35. Respondent Hutton Auto Body had not determined if these solvent-laden disposable wipes were a hazardous waste.

36. Respondent Hutton Auto Body's violation of 35 I.A.C. 722.111 [40 CFR 262.11] subjects it to civil penalties of up to \$27,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.

**COUNT 2**  
**Bernice Hutton and Jimmie Hutton's Failure to Make a Hazardous Waste Determination**

37. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in this paragraph..

38. Pursuant to 35 I.A.C. 722.111 [40 CFR 262.11], a generator is required to conduct a hazardous waste determination on all generated solid wastes.

39. During the September 14, 2004 inspection of the Facility, U.S. EPA observed and photographed burned-out fluorescent bulbs.

40. These used fluorescent bulbs were not labeled as hazardous waste.

41. Respondents Bernice Hutton and Jimmie Hutton had not determined if these used fluorescent bulbs were a hazardous waste.

42. Respondents Bernice Hutton and Jimmie Hutton's violation of 35 I.A.C. 722.111 [40 CFR § 262.11] subjects them to civil penalties of up to \$32,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.



### COUNT 3

#### Hutton Auto Body's Failure to Label Hazardous Waste Containers

43. Complainant incorporates paragraphs 1 through 42 of this CAFO as though set forth in this paragraph.

44. Pursuant to 35 I.A.C. 722.134(d)(4)[40 CFR 262.34(d)(4)], a generator may without a permit or interim status accumulate hazardous waste on-site for 180 days or less provided the generator marks containers of hazardous waste with the words, "Hazardous Waste."

45. During the March 24, 2003 inspection of the Facility, U.S. EPA observed and photographed containers of hazardous waste.

46. These hazardous waste containers were not labeled with the words, "Hazardous Waste" nor with other words that identify the contents of the containers.

47. Respondent Hutton Auto Body's violation of 35 I.A.C. 722.134(d)(4)[40 CFR 262.34(d)(4)] subjects it to civil penalties of up to \$27,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.

### COUNT 4

#### Hutton Auto Body's Failure to Mark Hazardous Waste Containers with the Accumulation Start Date

48. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

49. Pursuant to 35 I.A.C. 722.134(d)(4)[40 CFR 262.34(d)(4)], a generator may without a permit or interim status accumulate hazardous waste on-site for 180 days or less provided the generator marks containers of hazardous waste with the accumulation start date.

50. During the March 24, 2003 inspection of the Facility, U.S. EPA observed and photographed containers of hazardous waste.

51. These hazardous waste containers were not labeled with the accumulation start dates.

52. Respondent Hutton Auto Body's violation of 35 I.A.C. 722.134(d)(4)[40 CFR 262.34(d)(4)] subjects it to civil penalties of up to \$27,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.

#### **COUNT 5**

#### **Hutton Auto Body's Failure to Mark Used Oil Containers**

53. Complainant incorporates paragraphs 1 through 52 of this CAFO as though set forth in this paragraph.

54. Pursuant to 35 IAC § 739.122(c)(1) [40 CFR § 279.22(c)(1)], generators of used oil are required to label or mark clearly containers of used oil with the words, "Used Oil."

55. During the March 24, 2003 inspection of the Facility, U.S. EPA observed and photographed containers of used oil.

56. These used oil containers were not labeled with the words, "Used Oil."

57. Respondent Hutton Auto Body's violation of 35 IAC § 739.122(c)(1) [40 CFR § 279.22(c)(1)] subjects it to civil penalties of up to \$27,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.

#### **COUNT 6**

#### **Bernice Hutton and Jimmie Hutton's Failure to Mark Used Oil Containers**

58. Complainant incorporates paragraphs 1 through 57 of this CAFO as though set forth in this paragraph.

59. Pursuant to 35 IAC § 739.122(c)(1) [40 CFR § 279.22(c)(1)], generators of used oil are required to label or mark clearly containers of used oil with the words, "Used Oil."

60. During the September 14, 2004 inspection of the Facility, U.S. EPA observed and photographed containers of used oil.

61. These used oil containers were not labeled with the words, "Used Oil."

62. Respondents Bernice Hutton and Jimmie Hutton's violation of 35 IAC § 739.122(c)(1) [40 CFR § 279.22(c)(1)] subjects them to civil penalties of up to \$32,500 per day of violation, to be assessed by the Administrator under authority of Section 3008(a) of RCRA and 40 C.F.R. Part 19.

### **III. TERMS OF SETTLEMENT**

63. U.S. EPA and Respondents agree that the settlement of this matter pursuant to 22.13(b) of the Consolidated Rules, 40 C.F.R. §22.13(b), is in the public interest and that the entry of this CAFO without engaging in litigation is the most appropriate means of resolving this matter.

64 Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO

65. Respondents consent to the issuance of this CAFO and the assessment of the civil penalty in Section IV of this CAFO.

66. Respondents no longer own and/or operate the Facility.

67. Respondents consent to the issuance of this CAFO and payment of the civil penalty, as set forth below in this CAFO.

#### **IV. CIVIL PENALTY**

68. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collections Improvements Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004 and to \$32,500 per day of violation for violations that occurred after March 15, 2004.

69. Complainant determined the proposed civil penalty according to RCRA Section 3008, 42 U.S.C. § 6928. In assessing a civil penalty, the Administrator of U.S. EPA must consider “the seriousness of the violation and any good faith efforts to comply with applicable requirements.” Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to U.S. EPA’s 2003 RCRA Civil Penalty Policy. This policy provides a consistent method of applying the statutory penalty factors to this case.

70. Based on an analysis of the applicable statutory penalty factors, as well as the penalty policy, and based on the foregoing, the nature and seriousness of the violations alleged in Section II of this CAFO, the potential harm to human health and the environment, Respondents’ willfulness/negligence or lack thereof, Respondents’ compliance history, the inability of Respondents to pay a larger penalty, information exchanged by the parties, and other relevant factors, U.S. EPA has determined that \$100 is an appropriate civil penalty to settle the alleged violations in Section II of this CAFO and the parties have agreed to a civil penalty in that amount, to be paid as specified below.

71. Within 30 days following the effective date of this CAFO, Respondents shall pay a civil penalty in the amount of \$100. Payment shall be made by certified or cashier's check, payable to "Treasurer, the United States of America", and shall be sent to:

U.S. EPA – Region 5  
P.O. Box 371531  
Pittsburg, PA 15251-7531

72. The check shall bear Respondent's name, docket number of this CAFO, and the assigned "BD" billing document number (the U.S. EPA will assign this BD number after this CAFO is filed).

73. A transmittal letter, stating the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondents must send a copy of the check and transmittal letter to:

Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Blvd. (E-13J)  
Chicago, Illinois 60604-3590

Robert H. Smith  
U.S. EPA, Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Graciela Scambiaterra  
U.S. EPA, Region 5  
77 West Jackson Boulevard (DE-9J)  
Chicago, Illinois 60604-3590

74. This civil penalty is not deductible for federal tax purposes.

75. Pursuant to 31 U.S.C. §3717, Respondents shall pay the following amounts on any amount overdue under this CAFO:

(a) Interest. Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. §102.13(c).

(b) Monthly Handling Charge. Respondents shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.

(c) Non-Payment Penalty. On any portion of a civil penalty more than 90 calendar days past due, Respondents shall pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) above.

76. Respondent's failure to timely comply with any provision of this CAFO will render the entire unpaid portion of the proposed penalty immediately due and payable, together with all accrued interest. Such failure may also subject Respondents to a civil action pursuant to Section 3008(c) of RCRA to collect penalties for any noncompliance with the Order (as well as injunctive relief) and any unpaid portion of the assessed penalty, together with interest, handling charges and nonpayment penalties as set forth above. In any such collection action, the validity, amount and appropriateness of this CAFO or the penalty and charges assessed hereunder will not be subject to review.

## **VI. GENERAL PROVISIONS**

77. This CAFO only resolves liability for federal civil penalties for the violations and facts alleged in this CAFO.

78. Respondents waive its right to request a hearing as provided at 40 CFR § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

79. If Respondents fail to comply with any provision contained in this CAFO, Respondents waive any rights it may possess in law or equity to challenge the authority of U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with this CAFO and/or seek an additional penalty for noncompliance with the CAFO.

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

81. The U.S. EPA expressly reserves the right to enforce compliance with this CAFO, including through a referral to the Department of Justice.

82. Nothing in this CAFO shall be construed to relieve Respondents from its obligation to comply with all applicable federal, state and local statutes and regulations, including the Subtitle C requirements at 40 C.F.R. Parts 260 through 273.

83. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

84. This CAFO is a “final order” for purposes of U.S. EPA’s RCRA Civil Penalty Policy.

85. The terms of this CAFO bind Respondents and their successors and assigns.

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

87. Each party agrees to bear its own costs and fees, including attorneys’ fees in this action.

88. This CAFO shall terminate upon payment by Respondents of the civil penalty as required under Section IV.

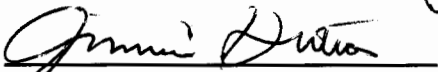
89. This CAFO constitutes the entire agreement between the parties.

Agreed to this 16<sup>th</sup> day of January, 2007.



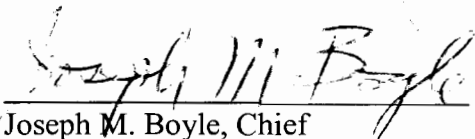
**Bernice Hutton**  
**Individually, d/b/a Hutton Auto Body,**  
**and as owner/operator of Hutton Auto Body, Inc.**  
1532 Burgundy Parkway  
Streamwood, Illinois 60107

Agreed to this 16<sup>th</sup> day of January, 2007.



**Jimmie Hutton**  
**Individually, d/b/a Hutton Auto Body,**  
**and as owner/operator of Hutton Auto Body, Inc.**  
1532 Burgundy Parkway  
Streamwood, Illinois 60107

Agreed to this 24<sup>th</sup> day of January, 2007.



**Joseph M. Boyle, Chief**  
**Enforcement and Compliance Assurance Branch**  
**Waste, Pesticides and Toxics Division**  
**U.S. EPA Region 5**

**RCRA-05-2007-0004**

2007 JUN 21 PM 2:41  
REGIONAL CLERK



IN THE MATTER OF:

**Bernice Hutton**

**Individually, d/b/a Hutton Auto Body,**

**and as owner/operator of Hutton Auto Body, Inc.; and**

**Jimmie Hutton**

**Individually, d/b/a Hutton Auto Body,**

**and as owner/operator of Hutton Auto Body, Inc.**

1532 Burgundy Parkway


Streamwood, Illinois 60107

DOCKET NO. [ ] **RCRA-05-2007-0004**

**VI. FINAL ORDER**

The Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Ordered this 25<sup>th</sup> Day of January, 2007.

By:   
Margaret M. Guerriero, Director  
Waste, Pesticides and Toxics Division  
U.S. EPA Region 5

RECEIVED  
REGIONAL HEARING CLERK  
2007 JAN 31 PM 2:42

**CASE NAME: Hutton Auto Body, ILD 984 915 918**  
**DOCKET NO: RCRA-05-2007-0004**

**CERTIFICATE OF SERVICE**

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, IL 60604-3590.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

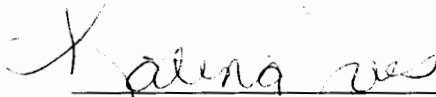
Ms. Bernice Hutton  
Hutton Auto Body  
1532 Burgundy Parkway  
Streamwood, IL 60107

Certified Mail Receipt # 7001 0320 0006 1448 4554

And Via 1<sup>st</sup> Class Mail to:

Todd Marvel  
Bureau of Land  
Illinois Environmental Protection Agency  
Post Office Box 19276  
Springfield, IL 62794-9276

Dated: January 31, 2007



Katrina Jones, Administrative Program Asst.  
United States Environmental Protection Agency, Region V  
Waste, Pesticides and Toxics Division  
77 W. Jackson Blvd., DE-9J  
Chicago, IL 60604-3590  
(312) 353-5882

2007 JAN 31 PM 2:42

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
77 W. JACKSON BLVD.  
CHICAGO, IL 60604-3590