



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB - 7 2018

REPLY TO THE ATTENTION OF:

**VIA EMAIL**

Mr. James F. Smith  
Director – Safety Health Environmental Affairs  
Heligear Acquisition Co. d/b/a  
Northstar Aerospace (Chicago), Inc.  
6006 West 73<sup>rd</sup> Street  
Bedford Park, Illinois 60638-6106  
jsmith@nsaero.com

Re: Expedited Settlement Agreement and Final Order  
Heligear Acquisition Company d/b/a, Northstar Aerospace, Incorporated  
Docket No: **RCRA-05-2018-0004**

Dear Mr. Smith:

Attached please find a copy of the signed, fully-executed Expedited Settlement Agreement and Final Order in resolution of the above case. The original was filed with the Regional Hearing Clerk on

*February 7, 2018.*

Thank you for your payment and for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Jamie L. Paulin, of my staff, at 312-886-1771.

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief  
RCRA Branch

Attachment

cc: Todd Marvel, Illinois EPA, ([todd.marvel@illinois.gov](mailto:todd.marvel@illinois.gov)) (w/attachments)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )  
)  
Heligear Acquisition Company d/b/a )  
Northstar Aerospace, Inc. )  
6006 West 73<sup>rd</sup> Street )  
Bedford Park, Illinois )  
U.S. EPA ID: ILR 000 009 795 )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. RCRA-05-2018-0004  
Expedited Settlement Agreement  
and Final Order



Expedited Settlement Agreement and Final Order

1. Heligear Acquisition Company d/b/a Northstar Aerospace, Inc. (“Respondent”) is a corporation doing business in the State of Illinois, and is the owner and/or operator of the facility located at 6006 West 73rd Street, Bedford Park, Illinois (the “Facility”).
2. On June 11, 2015, the U.S. Environmental Protection Agency Region 5 (EPA) conducted an inspection at the Facility, to determine compliance with the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq. as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984 (HSWA).
3. EPA alleges that Respondent violated the requirements applicable to generators of hazardous waste found at Ill. Admin. Code tit. 35 IAC § 722.134(a)-(c), because it: (a) failed to mark the start date of accumulation on two hazardous waste containers and failed to make labels visible for inspection for several containers of hazardous waste; (b) failed to maintain a copy of its Contingency Plan at the Facility; (c) failed to successfully complete an employee training program; (d) failed to conduct weekly inspections of the hazardous waste storage area; and, (e) failed to maintain a copy of the land disposal restriction notification for hazardous waste. [40

C.F.R. § 262.34(a)-(c)]; 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)]; 35 IAC § 722.134(a)(1) [40 C.F.R. § 262.34(a)(1)]; 35 IAC § 725.116(a)(2), (c), (d) and (e) [40 C.F.R. § 265.16(a)(2), (c), (d) and (e)]; 35 IAC § 725.274 [40 C.F.R. § 265.174]; 35 IAC § 728.107(a)(8) [40 C.F.R. § 268.7(a)(8)]. On May 4, 2016, EPA issued an NOV to Respondent, alleging these violations. Respondent has informed EPA that it has come into compliance with the requirements cited above via the company's May 20, 2016 response to the NOV.

4. EPA and Respondent are authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) under the authority vested in the EPA Administrator by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and by 40 C.F.R. § 22.13(b).

5. The parties enter into this Agreement in order to settle the civil violations alleged above.

This Agreement is Subject to the Following Terms and Conditions

6. For purposes of this proceeding, Respondent admits it is subject to the requirements set forth in Ill. Admin. Code tit. 35 § 722.134(a)-(c) [40 CFR § 262.34(a)-(c)] and 35 § 722.111 [40 CFR 262.11], and that EPA has jurisdiction pursuant to RCRA over the Respondent and the Respondent's allegations set forth above.

7. Respondent neither admits nor denies the factual allegations set forth above.

8. Respondent consents to the assessment of the civil penalty specified herein;

9. Respondent waives any right to contest the allegations contained herein.

10. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations have been corrected and that Respondent is complying with the applicable sections of RCRA and its implementing regulations.

11. Within thirty (30) days of the effective date of this Agreement, Respondent shall send a certified check in the amount of \$5,000 payable to the "Treasurer of the United States" to the United States Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, Missouri 63197-9000. Respondent shall write "EPA," and the docket number of this case on the check. Copies of the check shall be mailed to the Regional Hearing Clerk, (Mailcode E-13J); U.S. EPA, Region 5; 77 West Jackson Blvd.; Chicago, IL 60604; and Jamie Paulin; Environmental Engineer, U.S. EPA, Region 5; 77 West Jackson Boulevard (LR-17J); Chicago, IL 60604.

12. Respondent consents to the assessment of this penalty.

13. Respondent acknowledges that the civil penalty assessed herein is not deductible for federal tax purposes.

14. If Respondent does not timely pay the civil penalty as agreed to herein, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in any such collection action.

15. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount of the civil penalty that is overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a fifteen dollar (\$15) handling charge each month that any portion of the penalty is more than thirty (30) days past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.

16. Respondent's payment of the civil penalty resolves Respondent's liability for

federal civil penalties for these alleged violations.

17. EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of RCRA, this Agreement, or of any other federal or state statute or regulation.

18. Upon signing and returning this Agreement, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008 of RCRA and consents to EPA's approval of the Agreement without further notice.

19. EPA reserves all of its rights to take any enforcement action for any other past, present or future violations of RCRA by Respondent, or for any other violations of any federal statute or regulation, or this Agreement.

20. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief, opportunities for hearing, and any otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Agreement, including but not limited to the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), 40 C.F.R. § 22.15(c), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent also consents to EPA's approval of this Agreement without further notice.

21. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928, and by 40 C.F.R. § 22.13(b). This Agreement is a "final order" under 40 C.F.R. § 22.31.

22. If the Respondent does not timely sign and return this Agreement, the proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

23. Each party shall bear its own costs and fees associated with this matter.

24. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: paulin.jamie@epa.gov and daugavietis.andre@epa.gov (for EPA) and JSMITH@NSAERO.COM (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

25. This Agreement is binding on the parties signing below and any of Respondent's successors or assigns and, in accordance with 40 C.F.R. 22.31(b), is effective upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5.

26. This Agreement is binding on the parties signing below, and effective upon filing.

IT IS SO AGREED:

APPROVED BY HELIGEAR ACQUISITION COMPANY (Northstar Aerospace, Inc.):

Name (print): JAMES F SMITH

Title (print): DIRECTOR SHEA

Signature: 

Date 08-14-18

APPROVED BY EPA:

Michael D. Harris <sup>for M.G.</sup>  
Margaret M. Guerriero  
Division Director  
Land and Chemicals Division

Date 01/30/2018

**In the Matter of:**  
**Heligear Acquisition Company d/b/a**  
**Northstar Aerospace, Inc.**

Docket Number RCRA-05-2018-0004

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

IT IS SO ORDERED:

February 2, 2018  
Date

Ann Coyle  
Ann Coyle  
Regional Judicial Officer

Expedited Settlement Agreement and Final Order  
In the matter of: Heligear Acquisition Company  
d/b/a Northstar Aerospace (Chicago), Incorporated  
Docket Number: **RCRA-05-2018-0004**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number **RCRA-05-2018-0004**, which was filed on February 7, 2018, in the following manner to the following addressees:

Copy by Certified Mail and by  
E-mail to Respondent:

Mr. James F. Smith  
Heligear Acquisition Company d/b/a  
Northstar Aerospace, Incorporated  
6006 West 73<sup>rd</sup> Street  
Bedford Park, Illinois 60638-6106  
[jsmith@nsaero.com](mailto:jsmith@nsaero.com)

Copy by E-mail to  
Attorney for Complainant:

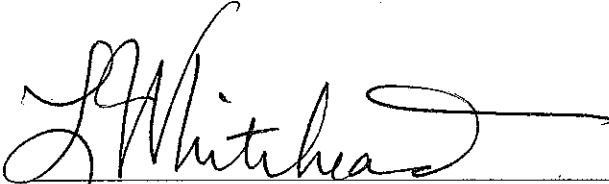
Andre Daugavietis  
[daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov)

Copy by E-mail to  
Technical Contact for  
Complainant:

Jamie Paulin  
[paulin.jamie@epa.gov](mailto:paulin.jamie@epa.gov)

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: February 7, 2018 

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5