



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 12 2018

REPLY TO THE ATTENTION OF:

VIA EMAIL

Mr. John V. Ballun
President and CEO
Val-Matic Valve and Manufacturing Corporation
905 South Riverdale Drive
Elmhurst, Illinois 60126
jvb@valmatic.com

Re: Consent Agreement and Final Order
Val-Matic Valve and Manufacturing Corporation
Docket No: **RCRA-05-2018-0013**

Dear Mr. Ballun:

Attached please find a copy of the signed, fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on June 12, 2018, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$54,959 in the manner prescribed in paragraph 53 of the CAFO, and reference all checks with the docket number **RCRA-05-2018-0013**. Your payment is due on within 30 calendar days of the effective date of the CAFO. Also, attached is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

If you have any questions regarding this matter, please contact Sheila Burrus, of my staff, at burrus.sheila@epa.gov or (312) 886-3587.

Sincerely,

A handwritten signature in blue ink that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

Attachments

cc: Mr. Todd Marvel, Illinois EPA (todd.marvel@illinois.gov)

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**

In the Matter of:)	Docket No. RCRA-05-2018-0013
Val-Matic Valve and Manufacturing Corporation)	Proceeding to Commence and
Elmhurst, Illinois)	Conclude an Action to Assess a Civil
U.S. EPA ID No.: ILD005979406)	Penalty Under Section 3008(a) of the
Respondent.)	Resource Conservation and Recovery
)	Act, 42 U.S.C. § 6928(a)

Respondent.



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded 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), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Val-Matic Valve and Manufacturing Corporation, a corporation doing business in the State of Illinois.
4. U.S. EPA 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).
5. Where the parties agree to settle one or more causes of action before the filing of a

complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

Jurisdiction and Waiver of Right to Hearing

7. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

8. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

9. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

10. 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, pursuant to Sections 3002-3005 of RCRA, 42 U.S.C. §§ 6922-6925.

11. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, 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.

12. Any violation of regulations promulgated pursuant to Subtitle C or 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.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), 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 June 30, 1989. 54 *Fed. Reg.* 27170 (June 28, 1989).

14. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both.

Factual Allegations

15. Respondent was and is a "person" as that term is defined under 35 IAC § 720.110, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

16. Respondent is an "owner" or "operator," as those terms are defined under 35 IAC § 720.110 [40 C.F.R. § 260.10] of a facility located at 905 Riverside Drive, Elmhurst, Illinois.

17. Respondent's facility consists of land and structures, other appurtenances, and improvements on the land, portions of which are used for storing hazardous waste.

18. Respondent's facility constitutes a "facility," as that term is defined under 35 IAC § 720.110 [40 C.F.R. § 260.10].

19. Respondent's actions and processes at the facility cause the production of "hazardous waste," as that term is defined under 35 IAC § 720.110 [40 C.F.R. § 260.10].

20. Respondent is a "generator" of hazardous waste, as that term is defined under 35 IAC § 720.110 [40 C.F.R. § 260.10].

21. For all times relevant to this CAFO, Respondent generated 1000 kilograms or greater of hazardous waste in a calendar month (qualifying it as a "Large Quantity Generator"), which it shipped off-site to a treatment, storage, or disposal facility within the United States.

22. On May 10, 2017, U.S. EPA sent to Respondent a Notice of Potential RCRA Violations and Opportunity for Settlement.

23. The Notice letter identified potential RCRA violations and areas of concern at the facility warranting an evaluation of RCRA compliance, and an option and timeline for resolution of the matter through a streamlined settlement process.

24. The goal of the streamlined settlement process is to quickly and efficiently assess and resolve the matter, bring the facility into compliance, and enter into an agreed upon CAFO.

25. Thereafter, Respondent engaged with U.S. EPA to assess and evaluate the facility's compliance, in part through voluntarily providing U.S. EPA all necessary information.

Alleged Violations

Count I: Operating as a Storage Facility without a RCRA Permit or Interim Status

26. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

27. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925(a), the treatment, storage, or disposal of hazardous waste by any person without a RCRA permit or interim status is prohibited.

28. At all times relevant to this CAFO, Respondent did not have a RCRA permit or interim status to treat, store, or dispose of hazardous waste at its facility.

29. Pursuant to 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)], applicable to Large Quantity Generators, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided it meets the conditions specified under 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)].

30. Pursuant to 35 IAC § 722.134(a)(4) [40 C.F.R. § 262.34(a)(4)], these conditions

include the requirements for owners or operators under Subpart D of 35 IAC Part 725, entitled “Contingency Plan and Emergency Procedures;” and 35 IAC § 725.116, entitled “Personnel Training.” [Subparts C and D of 40 C.F.R. Part 265, 40 C.F.R. § 265.16, and 40 C.F.R. § 268.7(a)(5)].

31. Respondent failed to meet the conditions specified below.

Contingency Plan

32. Pursuant to 35 IAC §§ 722.134(a)(4) and 725.152(c) [40 C.F.R. §§ 262.34(a)(4) and 265.52], a facility’s contingency plan must describe arrangements agreed to by local fire and police departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services.

33. At all times relevant to this CAFO, Respondent’s contingency plan did not describe arrangements agreed to by local fire and police departments, hospitals, contractors and state and local emergency response teams.

34. Pursuant to 35 IAC §§ 722.134(a)(4) and 725.152(d) [40 C.F.R. §§ 262.34(a)(4) and 265.52(d)], the facility’s written contingency plan must include, among other things, the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

35. At all times relevant to this CAFO, Respondent’s contingency plan did not list the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

36. Pursuant to 35 IAC §§ 722.134(a)(4) and 725.152(e) [40 C.F.R. §§ 262.34(a)(4) and 265.52(e)], the facility’s contingency plan must identify all emergency equipment including its description, capability and location.

37. At all times relevant to this CAFO, Respondent's contingency plan did not identify emergency equipment, including its description, capability and location.

Personnel Training

38. Pursuant to 35 IAC §§ 722.134(a)(4) and 725.116(a) [40 C.F.R. §§ 262.34(a)(4)], a facility must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at a facility, and must take part in an annual review of this initial training thereafter.

39. At all times relevant to this CAFO, Respondent did not provide hazardous waste training to its employees that handle and manage hazardous waste during the years 2013, 2014, 2015 and 2016.

Count II: Manifest

40. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

41. Pursuant to 35 IAC § 722.140 [40 C.F.R. § 262.40 (a)], a facility must keep a copy of each signed manifest received from the designated facility for at least 3 years from the date the waste was accepted by the initial transporter.

42. At all times relevant to this CAFO, Respondent did not have signed copies of

manifest numbers 012797733 and 013162473 from the designated receiving facility.

Count III: Annual Reporting

43. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

44. Pursuant to 35 IAC § 722.141 [40 CFR 262.41], a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit an annual report to the Illinois EPA by March 1 for the preceding calendar year, regarding each shipment of hazardous waste shipped off-site, including for each shipment the type, quantity, transporter and receiving treatment, storage or disposal facility.

45. Respondent did not prepare and submit an annual report to the Illinois EPA by March 1 for the preceding calendar year for the years 2013, 2014, 2015, and 2016.

46. On or about July 17, 2017, Respondent submitted to Illinois EPA annual reports for the years 2013, 2014, 2015, and 2016.

Count IV: Notification of Change of Hazardous Waste Activity

47. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

48. Pursuant to 35 IAC § 722.110(b) [40 C.F.R. § 262.10(b)], a generator must determine the quantity of hazardous waste generated per month, so as to allow the generator to determine the applicability of the provisions of 35 IAC Part 722 [40 C.F.R Part 262] that are dependent on quantity generated per month.

49. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators are required to file with an authorized State a notification including (or if necessary a subsequent notification) the types of wastes handled and the type of hazardous waste activity (*e.g.*, change to Large

Quantity Generator status).

50. Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), is implemented through EPA Form 8700-12 (OMB 2050-0024), which requires notification if, among other things, a generator's hazardous waste activity changes to Large Quantity Generator status.

51. Respondent did not submit a notification of the change of the facility's type of hazardous waste activity to Large Quantity Generator status for the years 2013, 2014, 2015, and 2016.

Civil Penalty

52. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$54,959. In determining the penalty amount, Complainant took into account the above Factual Allegations, the seriousness of the violations, any good faith efforts to comply with the applicable requirements, and other factors as justice may require. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

53. Within 30 days after the effective date of this CAFO, Respondent must pay a \$54,959 civil penalty for the RCRA violations by:

For checks sent by regular U.S. Postal Service mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must state Respondent's name and the docket number of this CAFO.

For checks sent by express mail, sending a cashier's or certified check, payable to

“Treasurer, United States of America,” to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state Respondent’s name and the docket number of this CAFO.

For electronic funds transfer, sending funds electronically, payable to “Treasurer,
United States of America,” and to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state Respondent’s
name and the docket number of this CAFO.

54. Respondent must send a notice of payment that states Respondent’s name and the
case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Sheila Burrus (LR-17J)
Land and Chemicals Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Jeffrey Cahn (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

56. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

57. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

58. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by: Purchasing a Graco epoxy paint system that mixes the two-part epoxy paint on demand thereby eliminating much of the epoxy paint waste and use of solvents for cleanup on-site.

59. At the facility, Respondent must complete the SEP as follows: Award a contract, receive, and install the new paint system equipment. Respondent shall complete installation of the equipment, and the new paint system must be in operation, within 180 days of the effective date of this CAFO.

60. Respondent must spend at least \$39,491 to purchase and install the equipment for the new paint system.

61. Respondent must continuously use or operate the equipment for the new paint system for a minimum of three (3) years following its installation.

62. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

63. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

64. Respondent must submit a SEP completion report to U.S. EPA with one month after completing the installation of the equipment for the new paint system. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. description of any operating problems and the actions taken to correct the problems;
- c. itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

65. Respondent must submit all notices and reports required by this CAFO by first class or overnight mail to Sheila Burrus of the RCRA Branch.

66. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

67. Following receipt of the SEP completion report described in paragraph 64, above, the U.S. EPA must notify Respondent in writing that:

- a. Respondent has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 69.

68. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice with ten (10) days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay a stipulated penalty to the United States under paragraph 69, below.

69. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 64, Respondent must pay an additional penalty of \$15,492.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent (i) made good faith and timely efforts to complete the SEP and (ii) certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 60, Respondent will not be liable for a stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 60, Respondent must pay a penalty of \$3,800.
- d. If Respondent did not timely submit the SEP completion report required by paragraph 64, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100	1 st through 14 th day
\$250	15 through 30 day
\$300	31 st day and beyond

70. The U.S. EPA's determination of whether Respondent satisfactorily completed the SEP and whether Respondent made a good faith and timely efforts to complete the SEP will bind Respondent.

71. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 53, above and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

72. Any public statement the Respondent makes referring to the SEP must include the following language, “Val-Matic Valve and Manufacturing Corporation, undertook this project under the settlement of the United States Environmental Protection Agency’s enforcement against Val-Matic Valve and Manufacturing Corporation for violations of the Resource Conservation and Recovery Act.

73. If an event occurs which causes or may cause a delay in completing the SEP as required by the CAFO:

- a. Respondent must notify U.S. EPA in writing within ten days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent’s past, current and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delay in completing the SEP will not be excused.

- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

74. For Federal Income Tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP, except as permitted by law.

General Provisions

75. Respondent certifies that it is complying fully with applicable requirements of RCRA, 42 U.S.C. §§ 6901 – 6939(e), the regulations at 40 C.F.R. §§ 260.1 – 279.82 and the federally-authorized Illinois corollaries to the federal regulations.

76. 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 CAFO by e-mail at the following valid e-mail addresses: cahn.jeffrey@epa.gov (for Complainant), and jvb@valmatic.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

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

78. 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 violations of law.

79. This CAFO does not affect Respondent’s responsibility to comply with RCRA and

other applicable federal, state, local laws or permits.

80. 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).

81. The terms of this CAFO bind Respondent, its successors, and assigns.


82. 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.

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

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

Val-Matic Valve and Manufacturing Corporation, Respondent


4-17-18
Date



John V. Ballun
President and CEO
Val-Matic Valve and Manufacturing Corporation

United States Environmental Protection Agency, Complainant

6/8/2018
Date



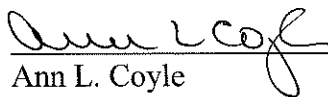
Michael D. Harris
Acting Division Director
Land and Chemicals Division

In the Matter of:
Val-Matic Valve and Manufacturing Corporation
Docket No. RCRA-05-2018-0013

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.

June 12, 2018
Date



Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: Val-Matic Valve and Manufacturing Corporation
Docket Number: **RCRA-05-2018-0013**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on June 12, 2018, in the following manner to the following addressees:

Copy by e-mail to Respondent: Mr. John V. Ballun
President and CEO
Val-Matic Valve and Manufacturing Company
905 South Riverdale Drive
Elmhurst, Illinois 60126
jvb@valmatic.com

Copy by e-mail to
Attorney for Complainant: Jeffrey Cahn
cahn.jeffrey.epa.gov

Copy by e-mail to
Attorney for Respondent: Jacob Chodash
jac@eckhart.com

Copy by e-mail to
Technical Contact for
Complainant: Sheila Burrus
burrus.sheila@epa.gov

Copy by e-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: June 12, 2018

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