



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 1 - 2012

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL 7001 0320 0005 8921 9670
RETURN RECEIPT REQUESTED

Mr. Paul A. Kirkpatrick
President
Terralpha Industrial, Inc.
2640 Rolling Meadows Drive
Naperville, Illinois 60564

Re: Terralpha Industrial, Inc., Chao Xia Zhang-Kirkpatrick, and Paul Kirkpatrick
EPA ID No.: ILR 000 159 079
Consent Agreement and Final Order
Docket No. RCRA 05-2011-0008

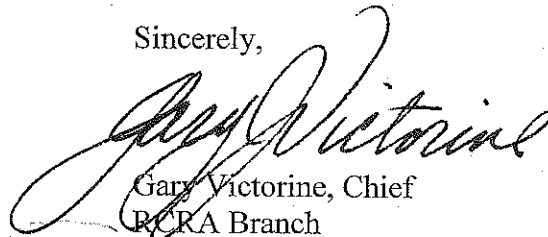
Dear Mr. Kirkpatrick:

Enclosed, please find a copy of the signed and fully executed Consent Agreement and Final Order (CAFO) in resolution of the referenced case. We filed the originals with the Regional Hearing Clerk on APR 1 - 2012.

Please ensure that you and your co-respondents pay the civil penalty of \$11,450.00 in accordance with paragraph 10 of this CAFO, and reference your check with the number BD _____ and Docket Number RCRA 05-2011-0008. 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,



Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, IEPA [todd.marvel@illinois.gov] (w/o CAFO)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
APR 11 2012

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL 7001 0320 0005 8921 9663
RETURN RECEIPT REQUESTED

Ms. Chao Xia Zhang-Kirkpatrick
Secretary
Terralpha Industrial Inc.
709 Citadel Drive
Westmont, Illinois 60559

Re: Terralpha Industrial, Inc., Chao Xia Zhang-Kirkpatrick, and Paul Kirkpatrick
EPA ID No.: ILR 000 159 079
Consent Agreement and Final Order
Docket No. RCRA 05-2011-0008

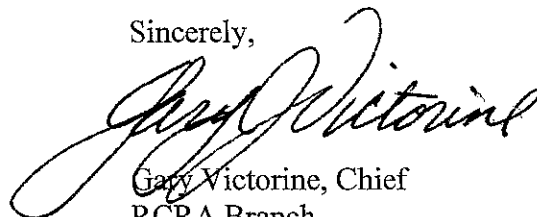
Dear Ms. Zhang-Kirkpatrick:

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 APR 11 2012.

Please ensure that you and your co-respondents pay the civil penalty of \$11,450.00 in accordance with paragraph 10 of this CAFO, and reference your check with the number BD 2751242 R005 and Docket Number RCRA 05-2011-0008. 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,


Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, IEPA [todd.marvel@illinois.gov] (w/ CAFO)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 11 2012

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL 7001 0320 0005 8921 9700
RETURN RECEIPT REQUESTED

Ms. Chao Xia Zhang-Kirkpatrick
Registered Agent for Terralpa Industrial Inc.
1274 Rand Road
Des Plaines, Illinois 60016

Re: Terralpa Industrial, Inc., Chao Xia Zhang-Kirkpatrick, and Paul Kirkpatrick
EPA ID No.: ILR 000 159 079
Consent Agreement and Final Order
Docket No. RCRA 05-2011-0008

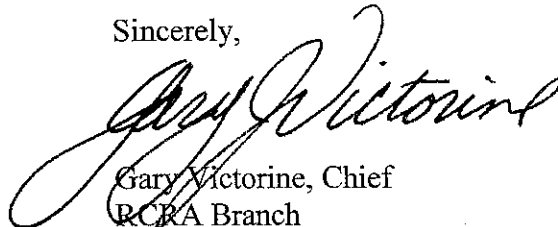
Dear Ms. Zhang-Kirkpatrick:

Enclosed, please find a copy of the signed and fully executed Consent Agreement and Final Order (CAFO) in resolution of the referenced case. We filed the originals with the Regional Hearing Clerk on APR 11 2012.

Please ensure that you and your co-respondents pay the civil penalty of \$11,450.00 in accordance with paragraph 10 of this CAFO, and reference your check with the number BD 2751242R005 and Docket Number RCRA 05-2011-0008. 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,



Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, IEPA [todd.marvel@illinois.gov] (w/o CAFO)

RECEIVED
APR 11 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:)	Docket No. RCRA 05-2011-0008
)	
Terralpha Industrial, Inc.,)	
Chao Xia Zhang-Kirkpatrick, and)	
Paul Kirkpatrick)	Proceeding to Assess a Civil Penalty
2640 Rolling Meadows Drive,)	Under Section 3008(a) of the Resource
Naperville, Illinois 60564)	Conservation and Recovery Act,
Respondents.)	42 U.S.C. § 6928(a)
)	

Consent Agreement and Final Order

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 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 April 7, 2011, U.S. EPA filed the Complaint in this action against Respondents Chao Xia Zhang-Kirkpatrick, Paul Kirkpatrick and Terralpha Industrial, Inc. The Complaint alleges that Respondents violated Subtitle C, Section 3008 (a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), at its facility in Naperville, Illinois by failing to comply with the notice and consent requirements for the export of hazardous waste and failing to use a hazardous waste manifest to ship an export of hazardous waste, and further violated Section 3007(a) of RCRA, 42 U.S.C. § 6927(a) by failing to timely respond to a RCRA information request issued to Respondents.

3. Respondents filed an Appearance on May 17, 2011.

Stipulations

4. Respondents admit the jurisdictional allegations in the Complaint and neither admit nor deny the factual allegations in the Complaint.

5. Respondents waive any right to contest the allegations in the Complaint and their right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondents certify that they are complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. §§ 260.1 – 279.82.

7. Respondents consent to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

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

Civil Penalty

9. In consideration of Respondents' documented inability to pay the proposed civil penalty, Complainant agrees to mitigate the proposed penalty of \$186,195.00 to \$11,450.00.

10. Within 30 days after the effective date of this CAFO, Respondents must pay the \$11,450.00 civil penalty for the RCRA violations by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for checks sent by regular U.S. Postal Service mail]

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

[for checks sent by express mail]

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

The check must state: **In the Matter of: Terralpa Industrial, Inc., Chao Xia Zhang Kirkpatrick and Paul Kirkpatrick Docket No. RCRA 05-2011-0008** and the billing document number.

11. A transmittal letter stating Respondents' name, 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 (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

William Damico (LR-8J)
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Luis Oviedo (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

13. If Respondents do 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.

14. Pursuant to 31 C.F.R. § 901.9, Respondents must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount 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). Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

15. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the Complaint.

16. 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.

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

18. 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).

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

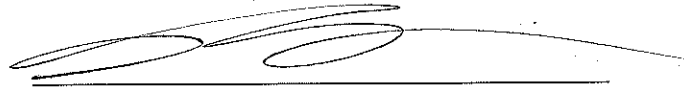
20. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

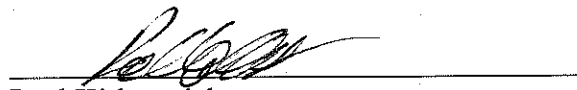
Terralpha Industries, Inc. Respondent

3/20/2012
Date


Chao Xia Zhang Kirkpatrick, for
Terralpha Industrial, Inc.

Paul Kirkpatrick, Respondent

3/20/2012
Date


Paul Kirkpatrick

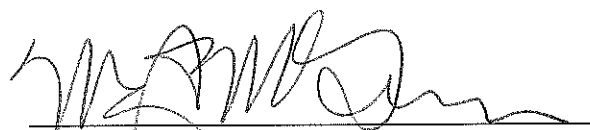
Chao Xia Zhang Kirkpatrick, Respondent

3/20/2012
Date


Chao Xia Zhang Kirkpatrick

United States Environmental Protection Agency, Complainant

April 6, 2012
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of:
Terralpha Industrial, Inc., Chao Xia Zhang-Kirkpatrick and
Paul Kirkpatrick
Docket No. RCRA 05-2011-0008**

RECEIVED

APR 11 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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.

4-9-12

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

CASE NAME: Terralpa Industrial, Inc., Chao Xia Zhang-Kirkpatrick, and Paul Kirkpatrick
DOCKET NO: RCRA 05-2011-0008

RECEIVED

APR 11 2012

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 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:

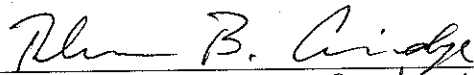
Mr. Paul A. Kirkpatrick, President
Terralpa Industrial, Inc.
2640 Rolling Meadows Dr.
Naperville, Illinois 60564

Ms. Chao Xia Zhang-Kirkpatrick, Secretary
Terralpa Industrial Inc.
709 Citadel Dr.
Westmont, Illinois 60559

Ms. Chao Xia Zhang-Kirkpatrick,
Registered Agent for Terralpa Industrial Inc.
1274 Rand Rd.
Des Plaines, Illinois 60016

Certified Mail Receipt # 's 7001 0320 0005 8921 9670
7001 0320 0005 8921 9663
7001 0320 0005 8921 9700

Dated: 4-11, 2012


~~Gaye Cuerington~~ **RUEBEN B. ARIDGE**
Administrative Program Assistant
United States Environmental Protection Agency
Region 5
Land and Chemicals Division LR-8J
RCRA Branch
77 W. Jackson Blvd, Chicago, IL 60604-3590