



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

FEB 10 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7677 9463
RETURN RECEIPT REQUESTED

Mr. Frank Jalili
President
Chromium Corporation
8701 Union Avenue
Cleveland, Ohio 44105

Re: Consent Agreement and Final Order
Chromium Corporation
Docket No: RCRA-05-2016-0004

Dear Mr. Jalili:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed with the Regional Hearing Clerk on February 16, 2016.

Please pay the civil penalty in the amount of \$16,300 in the manner prescribed in paragraph 56 of the CAFO, and reference all checks with the docket number RCRA-05-2016-0004. Your payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret M. Guerriero".

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosures

cc: Teri Finfrock, Ohio EPA -- (teri.finfrock@epa.ohio.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 1-4 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 SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2016-0004
)	
Chromium Corporation)	Proceeding to Commence and Conclude
8701 Union Avenue)	an Action to Assess a Civil Penalty
Cleveland, Ohio 44105)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
U.S. EPA ID #: OHD061023768)	42 U.S.C. § 6928(a)
)	
Respondent.)	
<hr/>		



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. U.S. EPA provided notice of commencement of this action to the State of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Chromium Corporation, a corporation doing business in the State of Ohio.

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.

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

Jurisdiction and Waiver of Right to Hearing

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

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

10. 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.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. Parts 260 - 279.

Statutory and Regulatory Background

12. 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 3001 – 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

13. 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 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.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Ohio 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).

15. 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.

16. 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 Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

17. Respondent was and is a "person" as defined by OAC 3745-50-10(88), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is the "owner" or "operator," as those terms are defined under OAC 3745-50-10(94) or (93) and 40 C.F.R. § 260.10, of a facility located at 8701 Union Avenue,

Cleveland, Ohio 44105 (Facility).

19. The Facility consists of land and structures, other appurtenances, and improvements on the land used for the electroplating of heavy equipment.

20. Respondent's Facility is a "facility," as that term is defined in OAC 3745-50-10(46) and 40 C.F.R. § 260.10.

21. Respondent's processes at the Facility produce hazardous wastes identified or listed in OAC 3745-51-01 to 3745-51-35 or cause a hazardous waste to become subject to regulation under OAC Rules 3745-50-01 to 3745-270 [40 C.F.R. Parts 260-270].

22. The hazardous wastes generated by Respondent's processes include, but are not limited to, EPA hazardous waste numbers D002, D007, and D008.

23. Respondent is a "generator," as that term is defined in OAC 3745-50-10(45) [40 C.F.R. § 260.10].

24. Respondent produced more than 1,000 kilograms (2,205 pounds) of hazardous waste each calendar month prior to the inspection, and was a large quantity generator.

25. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Ohio regulations as part of the applicable state hazardous waste management program for the State of Ohio, or both.

26. On May 13, 2015, U.S. EPA conducted a Compliance Evaluation inspection of the Facility (the inspection).

27. On August 3, 2015, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the inspection.

28. At all times relevant to this CAFO, the State of Ohio has not issued a permit to Respondent to treat, store, or dispose of hazardous waste at the Facility.

29. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at the Facility.

Count 1: Storage of Hazardous Waste without a License or Interim Status

30. Complainant incorporates paragraphs 1 through 29 of this CAFO as though set forth in this paragraph.

31. Pursuant to 3005(a) or RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

32. Pursuant to OAC 3745-52-34 and 40 C.F.R. § 262.34(a), and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions of OAC 3745-52-34 and 40 C.F.R. § 262.34(a).

33. If the conditions of OAC 3745-52-34 [40 C.F.R. § 262.34] are not met, then the generator must apply for an operating permit under OAC 3745-50-40 to 3745-50-66; 3745-54 to 3745-57; 3745-205 and 3745-256 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c), 270.10(a) and (d), and 270.13].

34. As determined after the inspection, Respondent stored hazardous waste in its hazardous waste storage tank system for greater than 90 days (i.e. 91 days, 92 days, 93 days, 94 days, and 111 days) on at least five separate occasions in 2013 and 2014, failing to meet the applicable conditions of OAC 3745-52-34(A) and (B) [40 C.F.R. §§ 262.34(a) and (b)].

35. As determined during the inspection, Respondent did not label certain containers of hazardous waste with the words “Hazardous Waste” and did not clearly mark containers holding hazardous waste with the date upon which each period of accumulation began, failing to meet the

applicable conditions of OAC 3745-52-34(A)(2)-(3) [40 C.F.R. §§ 262.34(a)(2)-(3)]

36. As set forth above, Respondent did not meet the conditions of OAC 3745-52-34 [40 C.F.R. § 262.34] necessary to exempt it from the requirement to obtain interim status or apply for and obtain a permit for the storage of hazardous waste; therefore, Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations found at OAC 3745-50-40 to 3745-50-66; 3745-54 to 3745-57; 3745-205 and 3745-256 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c), 270.10(a) and (d), and 270.13].

Count 2: Failure to Manage Satellite Containers of Hazardous Waste

37. Complainant incorporates paragraphs 1 through 29 of this CAFO as though set forth in this paragraph.

38. In order for a generator of hazardous waste to maintain its exemption from the requirement to have a permit or interim status, it must comply with certain container management requirements in OAC 3745-66 [40 C.F.R. Part 265, Subpart I], as required by OAC 3745-52-34 [40 C.F.R. § 262.34].

39. OAC 3745-52-34(C)(1)(a) [40 C.F.R. §§ 262.34(c)(1)(i) and 265.173(a)] requires that generators of hazardous waste that accumulate as much as 55 gallons of hazardous waste in containers at or near the point of waste generation (“satellite containers”) must keep such containers closed when waste is neither being added nor removed.

40. At the time of inspection, Respondent maintained a satellite container that was accumulating hazardous waste plastic liners in one of its electroplating areas. This container was open at the time of inspection while waste was neither being added nor removed.

41. By failing to properly manage satellite containers of hazardous waste, Respondent

violated OAC 3745-66-73(A) [40 C.F.R. § 265.173(a)].

Count 3: Failure to Maintain Adequate Aisle Space

42. Complainant incorporates paragraphs 1 through 29 of this CAFO as though set forth in this paragraph.

43. In order for a generator of hazardous waste to maintain its exemption from the requirement to have a permit or interim status, it must comply with certain preparedness and prevention requirements in OAC 3745-65 [40 C.F.R. Part 265, Subpart C], as required by OAC 3745-52-34 [40 C.F.R. § 262.34].

44. OAC 3745-52-34(A)(4) [40 C.F.R. §§ 262.34(a)(4) and 265.35] requires that generators must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

45. At the time of inspection, Respondent maintained a waste staging area in the north side of its main production building. The configuration of the containers of waste during the inspection limited the ability to inspect the containers, and would obstruct the movement and effectiveness of fire protection, spill control, and decontamination equipment in the event of an emergency.

46. By failing to maintain the required aisle space within its Facility, Respondent violated OAC 3745-65-35 [40 C.F.R. § 265.35].

Count 4: Universal Wastes – Failure to Properly Manage Universal Waste Lamps

47. Complainant incorporates paragraphs 1 through 29 of this CAFO as though set forth in this paragraph.

48. OAC 3745-273-14(E) [40 C.F.R. § 273.14(e)] requires that a small quantity handler

of universal waste must label or clearly mark each lamp or a container or package in which lamps are stored with any one of the following phrases: “Universal Waste – Lamp(s),” “Waste Lamp(s)” or “Used Lamp(s).”

49. At the time of inspection, Respondent was storing five boxes of waste metal halide lamps and one box of waste fluorescent lamps that were not labeled with any of the required phrases above.

50. OAC 3745-273-15(A) and (C)(1)-(6) [40 C.F.R. §§ 273.15(a) and (c)(1)-(6)] requires that a small quantity handler of universal waste accumulate universal waste for no longer than one year from the date the universal waste was generated. The handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated since the date it became a waste. The handler may make this demonstration by, among other things, labeling the container in which the universal waste accumulates with the earliest date that any universal waste in the container became a waste.

51. At the time of inspection, Respondent was storing five boxes of waste metal halide lamps and one box of waste fluorescent lamps that were not dated. An additional box of waste fluorescent lamps was dated February 1, 2012, indicating it had been stored on site for longer than one year.

52. OAC 3745-273-13(D)(1) [40 C.F.R. § 273.13(d)(1)] requires that a small quantity handler of universal waste contain universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

53. At the time of the inspection, Respondent was storing five boxes of waste metal

halide lamps and one box of waste fluorescent lamps that were not closed or structurally sound to prevent breakage.

54. By failing to properly store, label and date its universal waste lamps, Respondent violated OAC 3745-273-14(E) [40 C.F.R. § 273.14(e)], OAC 3745-273-15(A) and (C)(1)-(6) [40 C.F.R. §§ 273.15(a) and (c)(1)-(6)], and OAC 3745-273-13(D)(1) [40 C.F.R. § 273.13(d)(1)].

Civil Penalty

55. 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 \$16,300. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

56. Within 30 days after the effective date of this CAFO, Respondent must pay a \$16,300 civil penalty for the RCRA violations by:

a. Sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

(i) 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

(ii) 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: Chromium Corporation*” and the docket number of this CAFO.

- b. Or by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state “*In the Matter of: Chromium Corporation*” and the docket number of this CAFO.

- c. Or by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by on line payment and following the instructions found here:

WWW.PAY.GOV
Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

57. If Respondent is paying by check, a transmittal letter stating Respondent’s name, the case title (“*In the Matter of: Chromium Corporation*”) and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

LaDawn Whitehead, Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd. (E-19J)
Chicago, IL 60604

Brian Kennedy, Environmental Engineer
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Blvd. (LR-8J)
Chicago, IL 60604

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

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

59. 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.

60. 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.

General Provisions

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

62. 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.

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

64. 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).

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

66. 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.

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

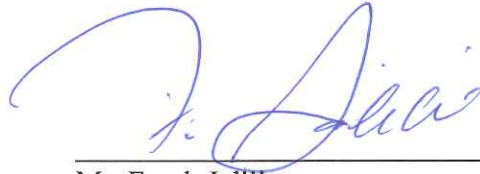
68. This CAFO constitutes the entire agreement between the parties.

69. 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: perdomo.susan@epa.gov (for Complainant), and CLevine@gaf.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. 22.6.

Chromium Corporation, Respondent

Jan, 18, 2016

Date

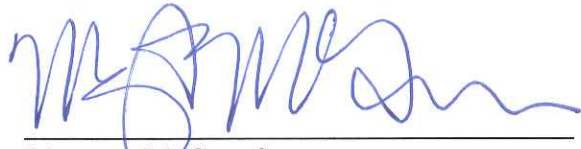


Mr. Frank Jalili
President
Chromium Corporation

United States Environmental Protection Agency, Complainant

2/5/2016

Date



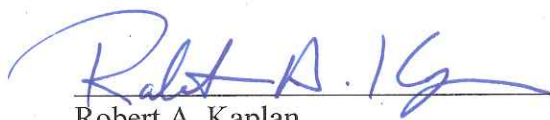
Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Chromium Corporation
Docket No. RCRA-05-2016-0004

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.

2-11-14
Date


Robert A. Kaplan
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: Chromium Corporation
Docket Number: RCRA-05-2016-0004

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 2/16/2016, this day in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Mr. Frank Jalili
Chromium Corporation
8701 Union Avenue
Cleveland, Ohio 44105

Copy by e-mail to
Attorney for Complainant:

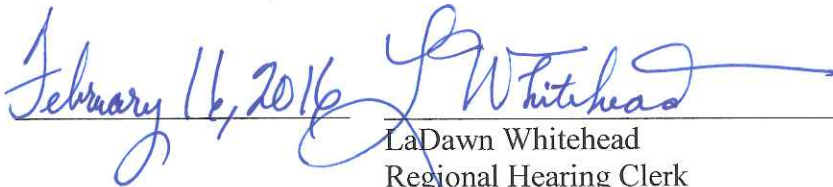
Susan Perdomo
perdomo.susan@epa.gov

CLevine@gaf.com
valid e-mail address for Respondent

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

February 16, 2016 

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