



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

OCT 24 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 0000 7644 8086
RETURN RECEIPT REQUESTED

Mr. William J. Borner
Executive Vice President
Spraylat Corporation
143 Sparks Avenue
Pelham, New York 10803

Re: Spraylat Corporation
EPA ID No.: ILD 000 814 665
Consent Agreement and Final Order
Docket No.: RCRA- RCRA-05-2012-0001

Dear Mr. Borner:

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 October 24, 2011.

Please pay the civil penalty of \$24,875 in accordance with paragraph 132 of this CAFO, and reference your check with the number BD 2751242R001 and Docket Number RCRA-RCRA-05-2012-0001. 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,

A handwritten signature in cursive script that reads "Paul Little".

Paul Little, Acting Chief
RCRA Branch
Land and Chemicals 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 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:

**Spraylat Corporation
1702 East 122nd Street
Chicago, Illinois 60633**

Respondent.

Docket No. RCRA-05-2012-0001

**Proceeding to Commence and Conclude
an Action to Assess a Civil Penalty
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)**

RECEIVED

OCT 24 2011

Consent Agreement and Final Order

Preliminary Statement

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

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 (EPA), Region 5.
3. 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).
4. Respondent is Spraylat Corporation, a corporation doing business in the State of Illinois.

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, Waiver of Right to Hearing and Certification

8. Jurisdiction for this action is conferred upon EPA by Sections 3006(b) and 3008 of RCRA, 42 U.S.C. §§ 6926(b) 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. §§ 260.1 – 279.82.

Statutory and Regulatory Background

12. 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.

13. Under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of 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 under Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939(e)), or of any state provision authorized under 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. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violation of RCRA, requiring compliance immediately or within a specified period of time, or both.

14. The Administrator of 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, required EPA to adjust its penalties for inflation on a periodic basis. Under the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA occurring after March 15, 2004 through January 12, 2009, and a civil penalty of up to \$37,500 per day for each violation occurring or continuing after January 12, 2009.

15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of 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 (January 31, 1986). The Administrator of EPA granted Illinois final authorization to administer certain 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 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.*

16. Pursuant to Section 3005(a) of 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. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the issuance of permits are codified at 35 IAC Parts 702 and 703.

17. Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), includes a provision for “interim status” which allows hazardous waste treatment, storage, and/or disposal facilities (TSD facilities) to operate in certain circumstances pending receipt of a permit. EPA promulgated standards at 40 C.F.R. Part 265 that are applicable to facilities subject to interim status requirements. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the interim status standards for owners and operators of TSD facilities are codified at 35 IAC Part 725.

18. Pursuant to 35 IAC § 722.134, however, 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 set forth in 35 IAC § 722.134 [40 C.F.R. § 262.34(a)].

19. A generator who accumulates hazardous waste for more than 90 days is an operator of a TSD facility and is subject to the requirements of 35 IAC Part 725 and the permit requirements of 35 IAC §§ 703.121, 703.180, and 705.121, unless the generator has been granted an extension to the 90-day period. 35 IAC § 703.121(a), and Sections 3005 and 3006 of RCRA,

42 U.S.C. §§ 6925-6926. See also 40 C.F.R. § 270.1. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

20. Similarly, the failure to comply with any of the conditions of 35 IAC § 722.134 subjects the generator of hazardous waste to the requirements of 35 IAC Part 725 and the permit requirements of 35 IAC §§ 703.121, 703, 180, and 705.121. Thus, failure to comply with any of the conditions of 35 IAC § 722.134 subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status. See 35 IAC §§ 703.121(a) and (b), 703.180(c) and 705.121(a) [40 C.F.R. §§ 270.1(c), 270.10(a) and (d)].

General Allegations

21. Respondent was and is a “person” as defined by 35 IAC § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

22. On April 9, 2009, EPA conducted an inspection of the facility located at 1702 East 122nd Street, Chicago, Illinois, 60633 (the Facility).

23. At the time of the 2009 inspection, the Facility was leased and operated by Spraylat Corporation.

24. The Facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

25. Respondent manufactures paint and protective industrial coatings.

26. At all times relevant to this CAFO, the process at the Facility has generated “solid wastes” as defined in 35 IAC § 721.102 [40 C.F.R. § 261.2].

27. At all times relevant to this CAFO, the process at the Facility has generated several hazardous wastes identified or listed in 35 IAC §§ 721.120 - 721.131 or caused a hazardous

waste to become subject to regulation under 35 IAC Parts 720-729 [40 C.F.R. Parts 260-270].

28. Respondent is and was a “generator” of hazardous waste under 35 IAC § 720.110 [40 C.F.R. § 261.2] at all times relevant to this CAFO.

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

30. At all times relevant to this CAFO, the Facility held ignitable, characteristic and listed hazardous waste, for temporary periods in containers before the material was shipped from the Facility for treatment, storage and/or disposal elsewhere.

31. At all times relevant to this CAFO, Respondent has generated ignitable, characteristic and listed hazardous waste.

32. At all times relevant to this CAFO, Respondent has identified and characterized its hazardous waste on hazardous waste manifests and annual reports as EPA hazardous waste numbers D001, D005, D007, D008, D035 and F003.

33. At all times relevant to this CAFO, the holding of the D001, D005, D007, D008, D035 and F003 hazardous waste at the Facility constitutes hazardous waste “storage” as that term is defined in 35 IAC § 721.102 [40 C.F.R. § 261.2].

34. Respondent notified the EPA on or about March 1, 1998, that it generates hazardous wastes in an amount greater than 1000 kilograms a month.

35. At all times relevant to this CAFO, Respondent generated on average during each calendar month more than 1000 kg of hazardous waste at the Facility.

36. The Facility was and is assigned EPA Identification Number ILD000814665.

37. Respondent has never filed, with the EPA or the Illinois Environmental Protection Agency, a RCRA Part A Permit Application for the storage of hazardous wastes at the Facility.

38. Respondent has never filed, with the EPA or the Illinois Environmental Protection Agency, a RCRA Part A Permit Application for the storage of hazardous wastes at the Facility.

39. The Facility has never operated under interim status, pursuant to 35 IAC § 703.121(a), for the storage of hazardous waste.

40. On April 9, 2009, EPA conducted a Compliance Evaluation Inspection (CEI) at the Facility.

41. During the April 9, 2009 CEI, Facility personnel allowed the EPA inspector to observe plant operations related to the handling of hazardous waste and review records at the Facility.

42. During the April 9, 2009 CEI, Kevin Cappelletti, the Facility's Corporate Health, Safety and Environmental Manager, accompanied the EPA inspector during the inspection and answered the inspector's questions.

43. On June 1, 2009, EPA issued a Request for Information (Information Request) to the Respondent. The Information Request asked the Respondent to respond within 30 days of receipt.

44. Respondent received the Information Request on or about July 3, 2009.

45. Respondent requested an extension of time in which to reply to the Information Request. EPA granted an extension of time until July 15, 2009.

46. Respondent responded to the Information Request on or about July 13, 2009.

47. On September 22, 2009, EPA issued a Notice of Violation (the NOV) to the Respondent. The NOV requested that the Respondent respond to the allegations in the NOV within 30 days of receipt of the NOV.

48. Respondent received the NOV on or about September 23, 2009.

49. Respondent requested an extension of time in which to reply to the NOV. The EPA granted an extension of time until November 3, 2009.

50. Respondent responded to the NOV on or about November 3, 2009.

51. On August 30, 2010, EPA sent a Pre-Filing Notice and Opportunity to Confer (PFN) letter to the Respondent.

52. Respondent received the PFN on or about August 31, 2010.

COUNT 1 – Failure to Properly Mark Hazardous Waste Containers

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

54. Except as otherwise provided, a generator may, for 90 days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Illinois hazardous waste permit, provided that the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] are met.

55. If the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] are not met, then the generator must apply for an operating permit under 35 IAC § 703.180 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

56. Under 35 IAC § 722.134(a)(3) [40 C.F.R. § 262.34(a)(3)], a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if, among other things, the generator clearly labels or marks each hazardous waste

accumulation container or tank with the words, "Hazardous Waste." See also 35 IAC 722.134(c)(1)(B) [40 C.F.R. 262.34(c)(1)(ii)].

57. Under 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)], a generator of hazardous waste may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if, among other things, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container of hazardous waste.

58. Under 35 IAC § 722.134(c)(1) [40 C.F.R. § 262.34(c)(1)] a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without obtaining a permit or interim status and without complying with 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)], provided the generator complies with 35 IAC § 722.134(c)(1)(i) and (ii) [40 C.F.R. § 262.34(c)(1)(i) and (ii)].

59. Under 35 IAC § 722.134(c)(2) [40 C.F.R. § 262.34(c)(2)] a generator who accumulates hazardous waste in excess of 55 gallons at or near any point of generation must, with respect to that amount of excess waste, comply within three days with 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)] and other applicable provisions. During the three day period, the generator must continue to comply with 35 IAC § 722.134(c)(1)(i) and (ii) [40 C.F.R. § 262.34(c)(1)(i) and (ii)], and the generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

60. During the April 9, 2009 CEI, the EPA inspector inspected the Facility's manufacturing and storage building, including the Lacryl and Small Batch Manufacturing Area and the Hazardous Waste Storage Area. During the April 9, 2009 CEI, there were one white

55-gallon container and one black 55-gallon container in the Facility's Hazardous Waste Storage Area that were labeled with the word, "waste," but not dated.

61. During the April 9, 2009 CEI, there was one white 55-gallon satellite accumulation container in the Facility's Lacryl and Small Batch Manufacturing Area that was labeled with the words, "Waste Mixed Solvents Flammable," and dated, but had not been moved to the Hazardous Waste Storage Area within three days of the date.

62. By failing to mark the accumulation start date on at least the two 55-gallon hazardous waste accumulation containers, Respondent failed to mark and make visible the accumulation start date on hazardous waste accumulation containers, in violation of 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)].

63. By failing to move a excess hazardous waste satellite accumulation container within three days after dating the hazardous waste accumulation container, Respondent is in violation of 35 IAC § 722.134(c)(2) [40 C.F.R. § 262.34(c)(2)].

64. As set forth above, Respondent did not meet the conditions of 35 IAC § 722.134 [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 has stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations found at 35 IAC § 703.180 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

65. Respondent's violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

**COUNT 2 – Failure to Comply with Hazardous Waste Container
Inspection Requirements**

66. Complainant incorporates paragraphs 1 through 65 of this CAFO as though set forth in this paragraph.

67. Under 35 IAC § 722.134(a)(1)(A), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable hazardous waste accumulation container requirements of Subpart I of 35 IAC Part 725.

68. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725 [40 C.F.R. Part 265], including Subpart I of 35 IAC Part 725.

69. Under 35 IAC § 725.274 [40 C.F.R. § 265.174], the owner or operator must inspect areas where hazardous waste accumulation containers are stored on at least a weekly basis. The owner or operator must look for leaking containers and for deterioration of containers by corrosion or other factors.

70. During the April 9, 2009 CEI, the EPA inspector noted that the records of inspection that were located in the Hazardous Waste Storage Area did not include inspections of all of the hazardous waste containers then stored in the Hazardous Waste Storage Area, including a hazardous waste container that was dated August 31, 2008, and stored for greater than 90 days.

71. During the April 9, 2009 CEI, the EPA inspector noted that, due to a lack of aisle space between pallets of double-stacked 55-gallon drums and containers, she could not easily access all the containers of hazardous waste in the Hazardous Waste Storage Area, to compare

the records of inspections to the hazardous waste containers in storage, or to look for leaking containers and for deterioration of containers by corrosion or other factors.

72. In the EPA's June 1, 2009 Information Request, EPA requested that Respondent provide copies of all documentation of daily inspection of hazardous waste tanks at the Facility, and weekly inspections of hazardous waste containers at the Facility, for the period of January 1, 2005, to the date of the Information Request.

73. In response to the Information Request, Respondent provided Hazardous Waste Weekly Inspection Forms (Forms). These Forms do not contain entries of weekly inspections, including: the week of May 25, 2009, and the week of June 8, 2009.

74. Respondent failed to adequately document inspections of areas where containers were stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors, in violation of 35 IAC §§ 722.134(a)(1)(A) and 725.274 [40 C.F.R. §§ 262.34(a)(1)(i) and 265.174].

75. By failing to comply with the requirements of 35 IAC § 725.274, Respondent failed to satisfy the conditions of 35 IAC § 722.134(a)(1)(A) necessary to exempt the Facility from the requirement to obtain a permit or interim status for the storage of hazardous waste. Therefore, Respondent stored hazardous waste at the Facility without obtaining a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

76. Respondent's violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and 35 IAC § 725.274 [40 C.F.R. § 265.174], subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 3 – Failure to Comply with Personnel Training Requirements

77. Complainant incorporates paragraphs 1 through 76 of this CAFO as though set forth in this paragraph.

78. Under 35 IAC § 722.134(a)(4), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable requirements of 35 IAC § 725.116: Personnel Training Requirements [40 C.F.R. § 265.16].

79. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725 [40 C.F.R. Part 265], including 35 IAC § 725.116: Personnel Training Requirements [40 C.F.R. § 265.16].

80. 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] requires that all facility personnel must complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with applicable hazardous waste storage facility performance standards. 35 IAC § 725.116(a)(2) [40 C.F.R. § 265.16(a)(2)] specifies that the training 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 were employed.

81. Under 35 IAC § 725.116(b) [40 C.F.R. § 265.16(b)], hazardous waste management training required under 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] must be given to new employees within six months of employment.

82. Under 35 IAC § 725.116(c) [40 C.F.R. § 265.16(c)], an annual review of hazardous waste management training required under 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] must be provided to employees involved in hazardous waste management.

83. 35 IAC § 725.116(d)(1) [40 C.F.R. § 265.16(d)(1)] requires that the owner or operator maintain at the facility, job titles for each position related to hazardous waste management at the facility and the name of the employee filling each job.

84. 35 IAC § 725.116(d)(2) [40 C.F.R. § 265.16(d)(2)] requires that the owner or operator maintain at the facility, a written job description (including requisite skill, education and/or other qualifications and duties) of each position related to hazardous waste management at the facility.

85. 35 IAC § 725.116(d)(3) [40 C.F.R. § 265.16(d)(3)] requires that the owner or operator maintain at the facility, a description of the type and amount of initial and continuing training given to each person filling a position relating to hazardous waste management at the facility.

86. 35 IAC § 725.116(d)(4) [40 C.F.R. § 265.16(d)(4)] requires that the owner or operator of the facility maintain at that facility, records documenting that the training relating to the hazardous waste management or job experience required to be provided has been given to and completed by facility personnel.

87. 35 IAC § 725.116(e) [40 C.F.R. § 265.16(e)] requires that the owner or operator keep training records relating to hazardous waste management on current personnel until closure of the facility, and training records on former employees must be kept for a least three years from the date the employee last worked at the facility.

88. During the April 9, 2009 CEI, the Respondent could not access or did not have certain records that documented that it had ensured that Facility personnel had completed a program of classroom instruction or on-the-job training that taught Facility personnel to perform their duties in a way that ensures the Facility's compliance with applicable hazardous waste storage facility performance standards, that they had reviewed such training annually, that the program was directed by a person trained in hazardous waste management procedures, or that the instruction had taught Facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they were employed.

89. During the April 9, 2009 CEI, the Respondent did not have any records documenting the job title for each position at the Facility related to hazardous waste management, the name of the employee filling each job, as well as a written job description, a written description of the training, or training records on current and former employees.

90. During the April 9, 2009 CEI, Respondent could not access training documentation in regard to hazardous waste management maintained at the Facility.

91. In its response to EPA's June 1, 2009, Information Request, Respondent did not provide copies of any specific records or other specific documents on personnel training, but only supplied records of other training such as "Haz Com" and documents that were dated after the April 9, 2009 CEI. Respondent's failure to ensure that Facility personnel had successfully completed a program of classroom instruction or on-the-job training that taught them to perform their duties in a way that ensured the Facility's compliance with applicable hazardous waste storage facility performance standards; that they had reviewed such training annually; that the program was directed by a person trained in hazardous waste management procedures; that the instruction had taught Facility personnel hazardous waste management procedures (including

contingency plan implementation) relevant to the positions in which they were employed; and that hazardous management training records were maintained, as required by 35 IAC § 725.116, constitute a violation of 35 IAC § 725.116(a)-(e) [40 C.F.R. § 265.16(a)(1)-(3),(b),(c),(d)(1)-(4) and (e)].

92. Respondent did not meet all of the requirements of 35 IAC § 725.116; therefore, Respondent did not satisfy the conditions at IAC § 722.134(a)(4) necessary to exempt it from the requirement to obtain a permit or interim status for the storage of hazardous waste. Therefore, Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

93. Respondent's violation at the Facility of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) and 35 IAC § 725.116(a) through (e) [40 C.F.R. § 265.16(a) through (e)] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

**COUNT 4 – Failure to Comply With Facility Contingency Plan
and Emergency Procedures**

94. Complainant incorporates paragraphs 1 through 93 of this CAFO as though set forth in this paragraph.

95. Under 35 IAC § 722.134(a)(4), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable requirements of Subpart D of 35 IAC Part 725, Contingency Plan and Emergency Procedures.

96. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134, [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725, including Subpart D of 35 IAC Part 725.

97. Subpart D at 35 IAC § 725.151(a) [40 C.F.R. § 265.51(a)] requires, among other things, that owners or operators of a facility have a contingency plan for the facility designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. Under 35 IAC § 725.151(b) [40 C.F.R. § 265.51(b)], the provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

98. 35 IAC § 725.152(a) [40 C.F.R. § 265.52(a)] provides that the contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

99. 35 IAC § 725.152(d) [40 C.F.R. § 265.52(d)] provides that the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

100. 35 IAC § 725.152(e) [40 C.F.R. § 265.52(e)] provides that the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment where this equipment is required). This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities. 35 IAC § 725.153(a) [40 C.F.R. § 265.53(a)] requires that a copy of the contingency plan be maintained at the facility.

101. 35 IAC § 725.153(b) [40 C.F.R. § 265.53(b)] requires that a copy of the contingency plan be maintained at the facility, and that it must submit a copy to each local police department, fire department, hospital, and state or local emergency response team that may be called upon to provide emergency services at the facility.

102. 35 IAC § 725.154(c), (d), and (e) [40 C.F.R. § 265.54(c), (d) and (e)], require that a facility must review and revise the facility contingency plan when the facility changes in a way that modifies the emergency response necessary, when information regarding the emergency coordinator changes, or when emergency equipment changes.

103. During the April 9, 2009 CEI, the EPA inspector requested Respondent to provide for review its contingency plan. In response, the Respondent did not provide a Facility contingency plan.

104. In the Information Request, EPA requested that Respondent provide to EPA a complete copy of the Facility's Hazardous Waste Contingency Plan, as well as the Hazardous Waste Contingency Plan in effect at the time of the April 9, 2009 CEI.

105. In response to the Information Request, Respondent provided a Hazardous Waste Contingency Plan that stated it was "last revised November 2004," and also indicates it was updated July 2009.

106. At the time of the April 9, 2009 CEI, Respondent failed to submit a copy of the Facility's Hazardous Waste Contingency Plan to certain local police departments, fire departments, hospitals and local response teams that may be called upon to provide emergency services, in violation of 35 IAC § 725.153(b) [40 C.F.R. §§ 262.34(a)(4) and 265.53 (b)].

107. At the time of the April 9, 2009 CEI, Respondent failed to make available a copy of the Facility's Hazardous Waste Contingency Plan, in violation of 35 IAC § 725.153(a) [40 C.F.R. §§ 262.34(a)(4) and 265.53 (a)].

108. By failing to comply with the requirements of 35 IAC § 725.153(a) and (b), Respondent has failed to satisfy the conditions of 35 IAC § 722.134(a)(4) [40 C.F.R. § 262.34(a)(4)] necessary to exempt Respondent from the requirement to obtain a permit or interim status for the storage of hazardous waste. Therefore, Respondent has stored hazardous waste at the Facility without obtaining a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

109. Respondent's violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and 35 IAC § 725.153 [40 C.F.R. § 265.53] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 5 – Failure to Comply With Facility Requirements for Preparedness and Prevention

110. Complainant incorporates paragraphs 1 through 109 of this CAFO as though set forth in this paragraph.

111. Facilities that fail to meet the conditions for a generator permit exemption for hazardous waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the preparedness and prevention standards for treatment, storage, and disposal facilities in Illinois as set forth in 35 IAC § 725 Subpart C [40 C.F.R. Part 264, Subpart C].

112. Generators of hazardous waste who accumulate hazardous waste for less than 90 days are also required to comply with the same preparedness and prevention standards as set forth in 35 IAC § 722.134 [40 C.F.R. § 262.34].

113. 35 IAC § 725.135 [40 C.F.R. § 265.35] requires that an owner or operator of a hazardous waste facility 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.

114. 35 IAC § 725.131 [40 C.F.R. § 265.31] requires that an owner or operator of a hazardous waste facility maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

115. During the April 9, 2009 CEI, the EPA inspector observed that Respondent had stored flammable hazardous waste and non-hazardous waste containers without sufficient aisle space in the Hazardous Waste Storage Area of the Facility in such a way that the EPA Inspector could not determine the conditions and markings of the containers and floor, and the EPA Inspector feared that the containers stacked two-high on wooden pallets might topple.

116. In addition, the EPA inspector observed that Respondent had stored flammable hazardous waste and non-hazardous waste containers without sufficient aisle space in the Hazardous Waste Storage Area of the Facility in such a way that the free movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to this area of facility operation in an emergency was obstructed.

117. Respondent's failure to ensure that aisle space was maintained in the Hazardous Waste Storage Area 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, constitutes a violation of 35 IAC § 725.135 [40 C.F.R. § 265.35].

118. Respondent's failure to ensure that the Facility was maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, constitutes a violation of 35 IAC § 725.131 [40 C.F.R. § 265.31].

119. Respondent's violation of 35 IAC § 725.131 [40 C.F.R. § 265.31] and 35 IAC § 725.135 [40 C.F.R. § 265.35] renders Respondent subject to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 6 – Failure to Attempt to Make Arrangements to Familiarize Potential Emergency Responders of Hazardous Waste at the Facility

120. Complainant incorporates paragraphs 1 through 119 of this CAFO as though set forth in this paragraph.

121. 35 IAC § 725.137 [40 C.F.R. § 265.37] requires that an owner or operator of a hazardous waste facility, attempt to make arrangements to familiarize: 1) police and fire departments with the layout of the facility, the properties of the hazardous waste handled at the facility, etc.; and 2) local hospitals with the properties of the hazardous waste handled at the facility and the types of injuries that could result from fires, or explosions at the facility.

122. During the April 9, 2009 CEI, the Respondent failed to provide the EPA inspector upon request, documentation substantiating that it had made arrangements to familiarize: 1) police and fire departments with the layout of the Facility, the properties of the hazardous waste handled at the Facility, etc.; and 2) local hospitals with the properties of the hazardous

waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility.

123. In its Response to the EPA's June 1, 2009 Information Request, Respondent did not identify the date(s) of and provide copies of documentation that substantiates all attempts or arrangements that were made to familiarize the local police department, fire department and hospital with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility, as of the date of the Information Request.

124. Respondent's failure to make arrangements to familiarize: 1) police and fire departments with the layout of the Facility, the properties of the hazardous waste handled at the Facility, etc.; and 2) local hospitals with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility, constitutes a violation of 35 IAC § 725.137 [40 C.F.R. § 265.37].

125. Respondent's violation of 35 IAC § 725.137 [40 C.F.R. § 265.37] subjects the Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 7 – Storage of Hazardous Waste Greater Than 90 Days

126. Complainant incorporates paragraphs 1 through 125 of this CAFO as though set forth in this paragraph.

127. A generator of hazardous waste who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility and is subject to the requirements of 40 C.F.R. Part 270 unless he has been granted an extension to the 90-day period. See 35 IAC § 722.134 (b) [40 C.F.R. § 262.34 (b)].

128. During the April 9, 2009 CEI, the EPA inspector observed that Respondent had accumulated hazardous waste in at least three containers in the Hazardous Waste Storage Area for more than 90 days without having applied for or obtained an extension to the 90-day period.

129. Respondent's failure to apply for and obtain a hazardous waste storage permit, violated the permitting requirements of 35 IAC §§ 703.121(a) and (b), 703.180(c) and 705.121(a) [40 C.F.R. §§ 270.1(c), 270.10(a) and (d)].

130. Respondent's violation of 35 IAC §§ 703.121(a) and (b), 703.180(c) and 705.121(a) [40 C.F.R. §§ 270.1(c), 270.10(a) and (d)], subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Civil Penalty

131. 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 \$24,875. 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 and Respondent's agreement to perform a supplemental environmental project. Complainant also considered EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

132. Within 30 days after the effective date of this CAFO, Respondent must pay a \$24,875 civil penalty for the RCRA violations by electronic funds transfer (EFT), payable to "Treasurer, United States of America," and remit 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, Respondent should state "Spraylat Corporation," the docket number of this CAFO, and the billing document number.

133. A letter identifying the docket number of this CAFO, the billing document number and the EFT shall be sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
77 West Jackson Boulevard (E-13J)
Chicago, Illinois 60604-3590

Larry Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590

Diane Sharrow
RCRA Branch
Land and Chemicals Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

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

135. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 148 below, 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.

136. 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

137. Respondent must complete a Supplemental Environmental Project (SEP) designed to protect the environment and public health and prevent pollution by funding and ensuring the implementation of a solvent and hazardous waste reduction program at the Respondent's Chicago, Illinois facility.

138. Respondent must spend at least \$77,344 to fund and implement the SEP.

139. 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.

140. EPA may inspect the Facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

141. Respondent must maintain for a period of three years after the SEP Completion Report is approved, copies of the underlying research, as well as technical and financial data for all reports submitted to EPA according to this CAFO. Respondent must provide the

documentation of any underlying research, as well as technical and financial data to EPA within seven days of EPA's request for the information.

142. Respondent must submit a draft SEP Final Report by June 30, 2012, and a SEP Final Report by September 30, 2012.

143. In determining the costs associated with the implementation of the SEP and reported in the SEP Final Report, Respondent must exclude all costs necessary to assure compliance with statutory, regulatory, or permit requirements.

144. Respondent must submit all notices and reports required by this CAFO by first class mail to Diane Sharrow at the address specified in paragraph 133.

145. In each report that Respondent submits as provided by this CAFO, Respondent 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.

146. Following receipt of the SEP Final Report described in paragraph 142 above, EPA must notify Respondent in writing that: Respondent has satisfactorily completed the SEP and the SEP Final Report; that there are deficiencies in the SEP as completed or in the SEP Final Report and EPA will give Respondent 30 days to correct the deficiencies; or Respondent has not satisfactorily completed the SEP or the SEP Final Report and EPA will seek stipulated penalties as specified in paragraph 148 below.

147. If EPA determines that there are material deficiencies in the SEP as completed or in the SEP Final Report, and notifies Respondent that the deficiencies must be corrected in 30 days

as provided above, Respondent may object in writing to the deficiency notice within 10 days of its receipt. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements to complete the SEP that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 148 below.

148. 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 substantially complete the SEP satisfactorily according to this CAFO, Respondent must pay a stipulated penalty of seventy five thousand two hundred dollars (\$75,200).
- b. If Respondent did not substantially complete the SEP satisfactorily, but 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 required amount on the SEP, Respondent will not be liable for any stipulated penalty.
- c. If Respondent satisfactorily completed the SEP, but spent less than 90 percent of the required amount on the SEP, Respondent must pay a stipulated penalty of seven thousand five hundred twenty dollars (\$7,520).
- d. If Respondent failed to timely submit the draft SEP Final Report, or the SEP Final Report, Respondent must pay a stipulated penalty of \$200.00 for each day after the Report was due until Respondent submits the Report.
- e. If Respondent failed to timely submit any other Reports, Respondent must pay a stipulated penalty of \$100.00 for each day after the report was due until Respondent submits the Report.

149. The EPA's good faith and reasonable determination of whether Respondent satisfactorily completed the SEP will bind Respondent.

150. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 132 above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

151. Any public statement that Respondent makes referring to the SEP must include the following language, "Spraylat Corporation undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Spraylat Corporation for violations of Section 3005 of RCRA and the Illinois Administrative Code."

152. The SEP may be modified in writing by the Respondent and subject to the approval by EPA without amendment to this CAFO as necessary to ensure the effective implementation of this SEP.

V. FORCE MAJEURE

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

- a. Respondent must notify EPA in writing within 10 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 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 EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, 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.

154. Nothing in this CAFO is intended to, nor will be construed to, constitute EPA approval of the equipment or technology installed by the Respondent in connection with the SEP under this CAFO.

155. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

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

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

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

159. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, EPA's RCRA Civil Penalty Policy, and EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

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

161. 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.

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

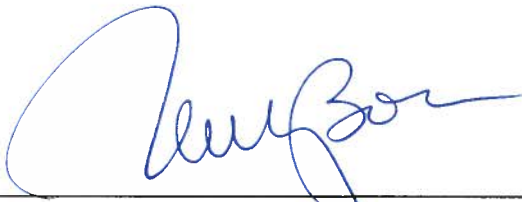
163. This CAFO constitutes the entire agreement between the parties.

In the Matter of: Spraylat Corporation

Docket No.

Spraylat Corporation, Respondent

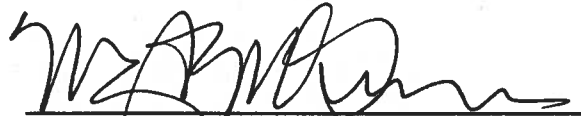
SEPTEMBER 27, 2011
Date


Name WILLIAM J. BORMAN
Title EXECUTIVE VICE PRESIDENT

**In the Matter of: Spraylat Corporation
Docket No.**

United States Environmental Protection Agency, Complainant

Oct. 12, 2011
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of: Spraylat Corporation
Docket No. RCRA-05-2012-0001

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.

10-17-11

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency

RECEIVED

OCT 24 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASE NAME: Spraylat Corporation, ILD 000 814 665
DOCKET NO: RCRA-05-2012-0001

RECEIVED
OCT 24 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

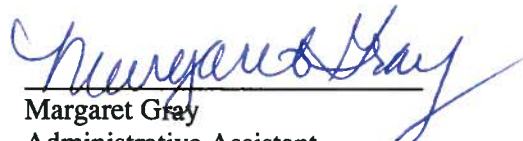
CERTIFICATE OF SERVICE

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-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590. I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

William J. Borner
Executive Vice President
Spraylat Corporation
143 Sparks Avenue
Pelham, New York 10803

Certified Mail # 7009 1680 0000 7644 8086
Return Receipt Requested

Dated: 10/24/11


Margaret Gray
Administrative Assistant
RCRA Branch, Land and Chemical Division
United States Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5028