

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

Received by  
EPA Region 1  
Hearing Clerk

_____	)	
IN THE MATTER OF:	)	
	)	<b>EPA Docket No. RCRA-01-2023-0036</b>
Nylo Metal Finishing, LLC	)	
730 N Main Street	)	
Waterbury, CT 06704	)	
	)	<b>CONSENT AGREEMENT</b>
	)	<b>AND</b>
Respondent	)	<b>FINAL ORDER</b>
	)	
Proceeding under Section 3008(a)	)	
Resource Conservation and Recovery	)	
Act, 42 U.S.C. § 6928(a)	)	
_____	)	

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, alleges that Nylo Metal Finishing, LLC (“Nylo Metal” or “Respondent”) has violated the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901– 6987, and the Connecticut General Statutes and Regulations of Connecticut State Agencies (“RCSA”) set forth at Sections 22a-449(c)-100 through 22a-449(c)-110. EPA Region I (“Complainant”) and Nylo Metal (together, the “Parties”) have agreed to settle this matter through this Consent Agreement and Final Order (“CAFO”). EPA’s procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice (“Consolidated Rules”) at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to the State of

Connecticut pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

## **II. BACKGROUND FACTS**

4. Nylo Metal is a Connecticut limited liability company that owns and operates a metal finishing and coating plant located at 730 North Main Street, Waterbury, Connecticut (the “Facility”).

5. On July 22, 2021, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9604, EPA sent Nylo Metal a request for information to determine Nylo Metal’s compliance with RCRA and the RCRA.

6. On September 20, 2021, Nylo Metal responded to EPA’s request for information by providing EPA with written narrative descriptions of the Facility’s hazardous waste operations with supporting documentation.

## **III. ALLEGED RCRA VIOLATIONS**

### **A. RCRA Statutory and Legal Framework**

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste (“TSDFs”).

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA

deems the state program to be equivalent to the federal program.

9. In December 1990, EPA granted the State of Connecticut final authorization to administer the RCRA base hazardous waste program. *See* 55 Fed. Reg. 51707 (December 17, 1990). This authorization became effective on December 31, 1990. In September 2004, EPA granted Connecticut final authorization for additional RCRA requirements and regulations. *See* 69 Fed. Reg. 57842 (September 28, 2004).

10. The Connecticut Department of Energy and Environmental Protection (“CT DEEP”) administers the Connecticut hazardous waste program through hazardous waste management regulations set out in the RCSA, Title 22a, §§ 22a-449(c)-100 through 22a 449(c)-110. Connecticut’s hazardous waste regulations contain EPA-authorized hazardous waste regulations together with certain non-federally authorized regulations and requirements. Many of Connecticut’s hazardous waste regulations incorporate federal hazardous waste regulations contained in the Code of Federal Regulations as revised as of July 1, 2000. *See* RCSA § 22a 449(c)-100(c)(5).

11. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

12. Pursuant to Sections 3006(g) and 3008(a) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

13. Pursuant to the Civil Penalties Inflation Adjustment Act of 1990 (“CPIAA”), as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of

2015, and the CPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occurred from January 13, 2009 through November 2, 2015, are subject to penalties of up to \$37,500 per day for each violation, while violations that occurred after November 2, 2015, for which penalties are assessed after January 6, 2023, are subject to penalties of up to \$87,855 per day for each violation. *See* 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

### **B. General Allegations**

14. Respondent is a limited liability company and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10 and RCSA § 22a-449(c)-100(c)(22). At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined in 40 C.F.R. § 260.10.

15. At all times relevant to the allegations set forth in this CAFO, the Facility has generated "hazardous wastes" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. § 261.3, and RCSA § 22a-449(c)-101(a)(1), which incorporates 40 C.F.R. § 261.3 by reference.

16. From May 13, 2019 to June 14, 2021, Respondent generated hazardous waste at the Facility and shipped generated hazardous waste from the Facility. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent was a "generator" of hazardous wastes at the Facility as defined in 40 C.F.R. § 260.10 and RCSA § 22a-449(c)-100(b)(1), which incorporates 40 C.F.R. § 260.10 by reference.

17. Between May 13, 2019 and June 14, 2021, Respondent accumulated more than 1,000 kilograms of hazardous waste at the Facility at numerous points in time. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent was a "large quantity generator" of hazardous wastes at the Facility as defined in RCSA § 22a-449(c)-100(b)(1) which incorporates

40 C.F.R. § 260.10 by reference.

### **C. RCRA Violations**

#### **I. Failure to Notify as Large Quantity Generator**

18. As alleged in Paragraphs 14 through 17 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility as defined in RCSA § 22a-449(c)-100(b)(1), which incorporates 40 C.F.R. § 262.10 by reference.

19. Respondent previously notified the CT DEEP of its status as a “small quantity generator” of hazardous waste at the Facility on July 19, 2011.

*See* RCSA § 22a-449(c)-100(c)(28).

20. “Small quantity generators” that become “large quantity generators” are required to promptly submit a written change of status notification to CT DEEP. *See* RCSA § 22a-449(c)-102(a)(1), incorporating by reference 40 C.F.R. § 262.12<sup>1</sup>.

21. At all times relevant to the allegations set forth in this CAFO, Respondent failed to notify CT DEEP of the fact that it had become a “large quantity generator” of hazardous waste at the Facility.

22. Accordingly, Respondent violated RCSA § 22a-449(c)-102(a)(1).

#### **II. Failure to Have a Hazardous Waste Training Program**

23. As alleged in Paragraphs 14 through 17 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility, as defined in RCSA § 22a-449(c)-100(b)(1) which incorporates 40 C.F.R. § 260.10 by reference.

---

<sup>1</sup> In 2016, the federal requirements for generator notification and renotification were moved to 40 C.F.R. § 262.18.

24. Large quantity generators are required to provide initial training and annual refresher training regarding hazardous waste management procedures to employees tasked with hazardous waste management, and large quantity generators are also required to maintain training plans and employee training records available on-site for inspection. *See* Section 22a-449(c)-102(a)(2)(K), incorporating by reference 40 C.F.R. §§ 262.34(a)(4)<sup>2</sup> and 265.16.

25. At all times relevant to the allegations set forth in this CAFO, Respondent failed to provide and maintain records of an annual training program regarding hazardous waste management procedures for all four of its employees tasked with hazardous waste management at the Facility.

26. Accordingly, Respondent violated RCSA § 22a-449(c)-102(a)(2)(K). By failing to comply with RCSA § 22a-449(c)-102(a)(2)(K), Respondent failed to meet the accumulation conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and RCSA § 22a-449(c)-104. Because Respondent did not have a permit for the Facility, Respondent violated Section 3005 of RCRA and RCSA § 22a-449(c)-104(a)(1) (incorporating by reference 40 C.F.R. Part 264).

### III. Failure to Maintain a Complete Hazardous Waste Contingency Plan

27. As alleged in Paragraphs 14 through 17 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous wastes at the Facility, as defined in RCSA § 22a-449(c)-100(b)(1) which incorporates 40 C.F.R. § 260.10 by reference.

---

<sup>2</sup> In 2016, the federal requirements for large quantity generators that accumulate hazardous waste that were set forth in 40 C.F.R. § 262.34 were revised and are now set forth in 40 C.F.R. § 262.17 (Conditions for exemption for a large quantity generator that accumulates hazardous waste).

28. Large quantity generators are required to maintain contingency plans that are designed to prevent and to minimize hazards to public health, safety, or welfare or the environment from fires, explosions, spills, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water. *See* RCSA § 22a-449(c)-102(a)(2)(K), incorporating by reference 40 C.F.R. §§ 262.34(a)(4)<sup>3</sup> and 40 C.F.R. 265.52.

29. At all times relevant to the allegations set forth in this CAFO, Respondent maintained an incomplete contingency plan for the Facility. Respondent's contingency plan did not include: (i) actions facility personnel must take in response to fires and explosions; (ii) arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services; (iii) the addresses or identification of primary and secondary emergency coordinators; (iv) a completed spill kit inventory form listing all emergency equipment at the Facility including the location and a physical description of each item on the list and a brief outline of its capabilities; and (v) an evacuation plan with evacuation routes, description of signals to be used to begin evacuation, and alternate evacuation routes. Thus, Respondent's contingency plan did not meet all of the required elements set forth in RCSA § 22a-449(c)-102(a)(2)(K).

30. Accordingly, Respondent violated RCSA § 22a-449(c)-102(a)(2)(K). By failing to comply with RCSA § 22a-449(c)-102(a)(2)(K), Respondent failed to meet the accumulation conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and RCSA § 22a-449(c)-104. Because Respondent did not have a permit for the Facility,

---

<sup>3</sup> In 2016, the federal requirements for large quantity generators that accumulate hazardous waste that were set forth in 40 C.F.R. § 262.34 were revised and are now set forth in 40 C.F.R. § 262.17 (Conditions for exemption for a large quantity generator that accumulates hazardous waste) (Conditions for exemption for a large quantity generator that accumulates hazardous waste).

Respondent violated Section 3005 of RCRA and RCSA § 22a-449(c)-104(a)(1) (incorporating by reference 40 C.F.R. Part 264).

#### IV. Failure to Submit a Biennial Report

31. As alleged in Paragraphs 14 through 17 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of hazardous waste at the Facility as defined in 40 C.F.R. RCSA § 22a-449(c)-100(b)(1) which incorporates 40 C.F.R. § 260.10 by reference.

32. At all times relevant to the allegations set forth in this CAFO, Respondent utilized third party transport companies to transfer hazardous waste for treatment, storage or disposal.

33. Large quantity generators that transfer or offer for transport any hazardous waste offsite are required to submit a Biennial Report every two years covering activities in the previous calendar year to the CT DEEP. The report is due March 1st the following year. *See* RCSA § 22a-449(c)-102(a)(2)(AA), incorporating by reference 40 C.F.R. § 262.41.

34. Respondent previously notified the CT DEEP of its status as a “small quantity generator” of hazardous waste at the Facility on July 19, 2011. Thereafter, while operating as a large quantity generator, Respondent did not file any Biennial Reports until February 2022. Thus, during the period of investigation, Respondent did not submit a Biennial Report to CT DEEP as a large quantity generator.

35. Accordingly, Respondent violated RCSA § 22a-449(c)-102(a)(2)(AA).

#### V. Failure to Maintain Records of Weekly Inspections of Hazardous Waste Containers

36. As alleged in Paragraphs 14 through 17 of this CAFO, at all times relevant to the allegations set forth in this CAFO, Respondent qualified as a “large quantity generator” of

hazardous waste at the Facility as defined in RSCA § 22a-449(c)-100(b)(1) which incorporates 40 C.F.R. § 260.10 by reference.

37. Large quantity generators are required to conduct weekly inspections of areas where containers of hazardous waste are stored looking for leaks and for deterioration caused by corrosion and/or other factors. These inspections must be recorded in an inspection log or summary which must be kept at the site of generation for at least three years from the date of inspection or until final closure pursuant to RSCA § 22a-449(c)-102(a), whichever period is longer. *See* RSCA § 22a-449(c)-102(b)(2), incorporating by reference 40 C.F.R. § 265.15.

38. At all times relevant to this CAFO, Respondent conducted weekly inspections. However, Respondent did not maintain inspection logs or records for the period of December 30, 2019 through November 9, 2020.

39. Accordingly, Respondent violated RSCA § 22a-449(c)-102(b)(2). By failing to comply with RSCA § 22a-449(c)-102(b)(2), Respondent failed to meet the accumulation conditions for generators and was required to have a permit pursuant to Section 3005 of RCRA and RSCA § 22a-449(c)-104. Because Respondent did not have a permit for the Facility, Respondent violated Section 3005 of RCRA and RSCA § 22a-449(c)-104(a)(1) (incorporating by reference 40 C.F.R. Part 264).

#### **IV. GENERAL TERMS**

40. This CAFO shall apply to and be binding on Respondent, its successors, and its assigns.

41. Respondent admits that Complainant has jurisdiction over the subject matter described in this CAFO and that the CAFO states claims upon which relief can be granted against Respondent. Respondent neither admits nor denies the factual allegations contained in

Section III.C of this CAFO. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO or to appeal the CAFO's Final Order.

42. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any conditions specified in this CAFO.

43. All notices and submissions required by this CAFO shall be sent to:

For Complainant:

Peter DeCambre  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code 4-WC  
Boston, Massachusetts 02109-3912  
[decambre.peter@epa.gov](mailto:decambre.peter@epa.gov)

For Respondent:

Mr. Olyn Jaboin,  
President  
Nylo Metal Finishing, LLC  
730 N Main Street  
Waterbury, CT 06704  
[nylo.office@nylometalfinishing.com](mailto:nylo.office@nylometalfinishing.com)

## **V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER**

44. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Connecticut regulations cited in Section III above.

45. Respondent certifies that it has completed the following RCRA compliance actions at the Facility:

- a. In accordance with RCSA § 22a-449(c)-102(a)(1), Respondent has notified CT DEEP of its status as a large quantity generator;
- b. In accordance with RCSA § 22a-449(c)-102(a)(2)(AA) and 40 C.F.R. § 262.41, Respondent has taken steps to ensure that Respondent shall submit a Biennial Report every two years covering activities in the previous calendar year to the CT DEEP.

46. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it has applied for a permit for the Facility pursuant to Section 3005 of RCRA and RCSA § 22a-449(c)-104:

- a. In accordance with RCSA § 22a-449(c)-102(a)(2)(K) and 40 C.F.R § 265.16, Respondent has provided refresher hazardous waste training to the Nylo Metal employees who are currently responsible for handling and/or managing hazardous waste, and Respondent has developed and is maintaining a copy of the relevant training plan and training records on-site;
- b. In accordance with RCSA § 22a-449(c)-102(a)(2)(K) and 40 C.F.R § 265.52, Respondent has developed and is maintaining a contingency plan for the Facility that is designed to prevent and to minimize hazards to public health, safety, or welfare, or the environment from fires, explosions, spills, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water, and Respondent has distributed the contingency plan to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency

services;

- c. In accordance with RCSA § 22a-449(c)-102(b)(2) and 40 C.F.R. § 40 C.F.R. § 265.15, Respondent has begun conducting weekly inspections of all areas where hazardous waste is accumulated for 90 days or less, and Respondent is recording those inspections in a log or summary and keeping the records of each inspection for at least three years from the date of inspection or until final closure pursuant to Section 22a-449(c)-102(a), whichever period is longer.

## **VI. CIVIL PENALTY**

47. Pursuant to Section 3008 of RCRA, based upon the nature of the alleged violations, and other relevant factors, including Respondent's ability to pay, EPA has determined that an appropriate civil penalty to settle this action is in the amount of twenty thousand dollars (\$20,000).

48. Respondent consents to the issuance of this CAFO and consents to the payment of a civil penalty of \$20,000, which shall be due in five (5) installments over eighteen months. EPA has determined that the payment of the penalty over an eighteen-month period is in the best interest of the United States. The payments shall be made as follows:

- a. The first payment shall be made within thirty (30) days of the effective date of this CAFO in the amount of \$4,540.33 (consisting of \$4,000 in principal plus \$540.33 in interest).
- b. The second payment shall be made within one hundred fifty (150) days of the effective date of this CAFO in the amount of \$4,540.33 (consisting of \$4,000 in principal plus \$540.33 in interest).

- c. The third payment shall be made within two hundred seventy (270) days of the effective date of this CAFO in the amount of \$4,540.33 (consisting of \$4,000 in principal plus \$540.33 in interest).
- d. The fourth payment shall be made three hundred ninety (390) days of the effective date of this CAFO in the amount of \$4,540.33 (consisting of \$4,000 in principal plus \$540.33 in interest).
- e. The fifth payment shall be made within five hundred forty (540) days of the effective date of this CAFO in the amount of \$4,540.33 (consisting of \$4,000 in principal plus \$540.33 in interest).

49. In the event of Respondent's failure to make any payment of the civil penalty when due, the EPA may, without notice or demand, declare the entire unpaid balance due and any accrued interest and stipulated penalties then unpaid immediately due and payable.

50. If, at any time, Respondent chooses to pay the remaining balance of the penalty due under the installment payments set forth in Paragraph 48, in advance of the due date, Respondent should contact Jessica Chalifoux in the EPA Finance Office at [chalifoux.Jessica@epa.gov](mailto:chalifoux.Jessica@epa.gov) to discuss the pre-payment penalty process and pay the amount due. Respondent would not be penalized financially if it chooses to pay early the balance of the penalty due. Respondent should carbon copy EPA counsel Peter DeCambre at [decambre.peter@epa.gov](mailto:decambre.peter@epa.gov) on any such request.

51. Respondent certifies, under penalty of law, that it cannot pay the penalty within 30 days of the effective date without experiencing an undue financial hardship. Respondent certifies that this statement is true, accurate, and complete based upon personal knowledge or personal inquiry of the person or persons directly responsible for gathering financial information,

and that Respondent is aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

52. Each payment shall be made by remitting a check or making an electronic payment, as described below. If Respondent elects to use wire transfer, the transfer shall be sent through the Federal Reserve Bank of New York using the following information:

ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Beneficiary: US Environmental Protection Agency

If Respondent elects to use regular mail, a cashier's or certified check payable to the order of the "Treasurer, United States of America," and referencing the case name and docket number ("In the Matter of Nylo Metal Finishing, LLC, Docket No. RCRA-01-2023-0036") shall be sent to the following address:

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

If Respondent sends the check via express mail, the following address shall be used:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

Within 24 hours of any penalty payment, send proof of payment (for example, a copy of the check or notification of wire transfer) by email to:

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
[r1\\_hearing\\_clerk\\_filings@epa.gov](mailto:r1_hearing_clerk_filings@epa.gov)

and

Peter DeCambre, Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
[decambre.peter@epa.gov](mailto:decambre.peter@epa.gov)

53. If Respondent fails to pay the full amount of the civil penalty by its due date, Respondent shall pay interest on the late amount pursuant to 31 U.S.C. § 3717, plus any late charges to cover the cost of processing and handling the delinquent claim. The interest on the late amount shall be calculated at the rate of the U.S. Treasury tax and loan rate, in accordance with 31 C.F.R. § 901.9(b)(2).

54. All payments made pursuant to this Section are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and 26 C.F.R. § 1.162-21, and Respondent shall not use these payments in any way as, or in furtherance of, a tax deduction under federal law.

55. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), the provisions in Paragraphs 44-46 above, are required to come into compliance with the law.

## **VII. EFFECT OF SETTLEMENT**

56. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

57. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to

conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

58. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 55 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

59. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

60. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

61. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the following address: [nylo.office@nylometalfinishing.com](mailto:nylo.office@nylometalfinishing.com). Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with,

that Order.

62. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

63. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

For Complainant:

\_\_\_\_\_  
James Chow, Acting Director  
Enforcement and Compliance Assurance Division  
EPA, Region 1

Date: \_\_\_\_\_

For Respondent:



Olyn Jaboin, President  
Nylo Metal Finishing, LLC

Date: 02-10-23

**FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent, Nylo Metal Finishing, LLC is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

\_\_\_\_\_  
LeAnn Jensen  
Regional Judicial Officer  
EPA, Region 1

Date: \_\_\_\_\_