



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

APR 26 2010

CERTIFIED MAIL

REPLY TO THE ATTENTION OF:

RETURN RECEIPT REQUESTED 7009 1680 0000 7665 1936

Creative Liquid Coatings, Inc.  
Mr. Stephen Geist  
Operations Manager  
2701 South Coliseum Blvd. Suite 1284  
Fort Wayne, Indiana 46803

LR-8J

Re: Consent Agreement and Final Order  
Elite Enterprises, Inc., Creative Liquid Coatings, Inc., Mr. Randall Geist  
Docket No: RCRA-05-2009-0012, RCRA-05-0013

Dear Mr. Stephen Geist:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above cases. The originals were filed on **APR 27 2010** the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$70,000 in the manner prescribed in paragraph(s) 10 through 14 of the CAFO, and reference all checks with the number **BD 2751059R012** and docket numbers RCRA-05-2009-0012, RCRA-05-0013. 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,

Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosures

cc: Nancy Johnston, IDEM (w/CAFO)  
Honorable Judge Barbra A. Gunning, ALJ/1900L (w/CAFO)



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

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CERTIFIED MAIL

REPLY TO THE ATTENTION OF:

RETURN RECEIPT REQUESTED 7009 1680 0000 7665 1929

LR-8J

Mr. Randall Geist.  
2715 Cliffwood Lane  
Fort Wayne, Indiana 46825

Re: Consent Agreement and Final Order  
Elite Enterprises, Inc., Creative Liquid Coatings, Inc., Mr. Randall Geist  
Docket No: RCRA-05-2009-0012, RCRA-05-0013

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Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above cases. The originals were filed on **APR 27 2010** Regional Hearing Clerk (RHC).

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Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosures

cc: Nancy Johnston, IDEM (w/CAFO)  
Honorable Judge Barbara A. Gunning, ALJ/1900L (w/CAFO)



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

APR 26 2010

CERTIFIED MAIL

REPLY TO THE ATTENTION OF:

RETURN RECEIPT REQUESTED 7009 1680 0000 7665 1943

LR-8J

Elite Enterprises, Inc.  
Mr. Randall Geist  
President  
2701 South Coliseum Blvd. Suite 1158  
Fort Wayne, Indiana 46803

Re: Consent Agreement and Final Order  
Elite Enterprises, Inc., Creative Liquid Coatings, Inc., Mr. Randall Geist  
Docket No: RCRA-05-2009-0012, RCRA-05-0013

Dear Mr. Randall Geist:

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Sincerely,

Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosures

cc: Nancy Johnston, IDEM (w/CAFO)  
Honorable Judge Barbra A. Gunning, ALJ/1900L (w/CAFO)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF: )  
)  
Creative Liquid Coatings, Inc. )  
(f/k/a Creative Coatings, Inc.) )  
2701 S. Coliseum Blvd., Suite 1284 )  
Fort Wayne, IN 46803 )  
)  
U.S. EPA ID No. INR 000 109 322 )  
)  
Elite Enterprises, Inc. )  
)  
AND )  
)  
Randall Geist )  
)  
Respondents. )

Docket No. RCRA-05-2009-0012

**RECEIVED**  
APR 27 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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IN THE MATTER OF: )  
)  
Elite Enterprises, Inc. )  
2701 S. Coliseum Blvd., Suite 1158 )  
Fort Wayne, IN 46803 )  
)  
U.S. EPA ID No. IND 985 102 607 )  
)  
Creative Liquid Coatings, Inc. )  
(formerly d/b/a Creative Coatings, Inc.) )  
)  
AND )  
)  
Randall Geist )  
)  
Respondents. )

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Docket No. RCRA-05-2009-0013

**Consent Agreement and Final Order**

**Preliminary Statement**

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought these administrative actions

seeking civil penalties under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a).

2. On August 4, 2009, U.S. EPA filed two separate Complaints against Respondents Creative Liquid Coatings, Inc., formerly known as Creative Coatings, Inc., Elite Enterprises, Inc., and Randall Geist. The Complaints allege that the Respondents violated provisions of RCRA, 42 U.S.C. § 6901, *et seq.* and related state and federal regulations, at Suites 1284 and 1158 at 2701 S. Coliseum Boulevard, Fort Wayne, Indiana. The Complaints allege that the Respondents stored hazardous waste without a permit or interim status at both locations and failed to comply with the manifest requirements at both locations. The violations were identified as a result of a June 22, 2005, inspection by U.S. EPA. The Complainant moved to consolidate the two Complaints into one matter on March 12, 2010, and the motion was granted on April 15, 2010.

3. Respondents Geist and Creative Liquid Coatings, Inc. filed Answers on September 25, 2009, and requested a hearing under Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.15.

#### **Stipulations**

4. Unless otherwise specified, Settling Respondents refers to Randall Geist, individually and as a shareholder in the other two Respondents, Elite Enterprises, Inc. and Creative Liquid Coatings, Inc. as signatories to this agreement.

5. Settling Respondents admit the jurisdictional allegations in the Complaints and neither admit nor deny the factual allegations in the Complaints other than those admitted in their Answers.

6. Settling Respondents waive any right to contest the allegations in the Complaint and

their right to appeal this Consent Agreement and Final Order (CAFO).

7. Settling Respondents certify that, to their knowledge, they are complying fully with applicable portions of RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. §§ 260.1 – 279.82 at the location(s) identified in the Complaints.

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

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

#### **Civil Penalty**

10. The Parties agree that Settling Respondents will pay \$70,000 in settlement of the allegations and proposed penalty in the Complaints. Settling Respondents are jointly and severally responsible for payment of the agreed upon amount. Settling Respondents have requested and Complainant agrees that Settling Respondents will pay the \$70,000 civil penalty with interest of \$906.16 in four equal installments of \$17,726.54. The first installment is due within 30 days of the date of filing of this CAFO. The remaining three installments are due within 120, 240 and 360 days of filing of this CAFO. Settling Respondents may pre-pay without incurring a penalty. Settling Respondents must contact Blake Edwards, Financial Specialist, U.S. EPA, HQ at 513-487-2096 for written instructions and the appropriate amount due for any pre-payment. Settling Respondents may pay the installments in any of the following methods provided they comply with the correct payment method instructions provided herein -- if cashier's checks, then payable to "Treasurer, United States of America," to:

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

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

[for checks sent by express mail]

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

The check must state the case title, the docket numbers of this CAFO and the billing document number.

For electronic funds transfer 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 the case title, the docket numbers of this CAFO, and the billing document number.

For Automated Clearinghouse (ACH), also known as REX or remittance express, payable to the “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

For on-line payment – to pay on line go to:

**WWW.PAY.GOV**

Use the Search Public Forms option and enter "sfo 1.1" in the search field.

Open form and complete required fields.

11. If payment is by check, a transmittal letter stating Settling Respondents' names, complete addresses, the case docket numbers and the billing document number must accompany the payment. Settling Respondents must send a copy of the check(s) and transmittal letter(s) to:

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

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

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

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

13. If Settling Respondents do not pay an installment payment as set forth in paragraph 10 above, the entire unpaid balance of the civil penalties, and any amount required by paragraph 14 below, shall become due and owing upon written notice by U.S. EPA to Settling Respondents of the delinquency. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

14. Pursuant to 31 C.F.R. § 901.9, Settling Respondents must pay the following on any

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

### **General Provisions**

15. This CAFO resolves federal civil liability for the violations alleged in the Complaints.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate criminal sanctions for the violations alleged in the Complaints.

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

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

19. The terms of this CAFO bind the U.S. EPA and the Settling Respondents, their successors, and assigns.

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

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

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

**In the Matter of: Creative Liquid Coatings, Inc., Elite Enterprises, Inc. and Randall Geist  
Docket Nos.: RCRA -05-2009-0012 and 13**

**Respondent Randall Geist**

4-20-10  
Date

*Randall Geist*  
Randall Geist

**Respondent Creative Liquid Coatings, Inc.**

4-20-10  
Date

*Stephen Geist*  
Stephen Geist, Operations Manager  
Creative Liquid Coatings, Inc.

**Respondent Elite Enterprises, Inc.**

4-20-10  
Date

*Randall Geist*  
Randall Geist, President  
Elite Enterprises, Inc.

**United States Environmental Protection Agency, Complainant**

4/27/10  
Date

*M. Guerriero*  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of: Creative Liquid Coatings, Inc., Elite Enterprises, Inc. and Randall Geist  
Docket Nos. RCRA-05-2009-0012 and 13**

**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.

April 27, 2010

Date

  
for Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

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APR 27 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CASE NAME:** Elite Enterprises, Inc., Creative Liquid Coatings, Inc., Mr. Randall Geist  
**DOCKET NO:** RCRA-05-2009-0012, RCRA-05-0013

**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, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

Elite Enterprises Inc.  
c/o Mr. Randall Geist  
President  
2701 S. Coliseum Blvd. Suite 1158  
Fort Wayne, IN 46803

Return Receipt #  
7009 1680 0000 7665 1943

Mr. Randall Geist  
2715 Cliffwood Lane  
Fort Wayne, IN 46825

Return Receipt #  
7009 1680 0000 7665 1929

Judge Barbra A. Gunning  
Office of Administrative Law Judge  
U.S. Environmental Protection Agency  
Mail Code 1900L  
Pennsylvania Ave., NW  
Washington, DC 20460-2001

Return Receipt #  
7009 1680 0000 7665 1974

Creative Liquid Coatings, Inc.  
c/o Mr. Stephen Geist  
Operations Manager  
2701 S. Coliseum Blvd. Suite 1284  
Fort Wayne, IN 46803

Return Receipt #  
7009 1680 0000 7665 1936

David L. Hatchett, Esq.  
Hatchett & Hauck, LLP  
111 Monument Circle, Suite 301  
Indianapolis, IN 46204-5124

Return Receipt #  
7009 1680 0000 7665 1950

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APR 27 2010

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

Dated: \_\_\_\_\_

4/27/10

*Margaret Gray*

Margaret Gray  
Administrative Program Assistant  
United States Environmental Protection Agency

Region V  
Land and Chemicals Division LR-8J  
RCRA Branch  
77 W. Jackson Blvd, Chicago, IL 60604-3590

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PROTECTION AGENCY