



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

REPLY TO THE ATTENTION OF:

MAY 31 2007

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Receipt #: 7001 0320 0006 1458 5503

Jack Logan
President
Minnesota Metal Finishing, Inc.
909 Winter Street NE
Minneapolis, MN 55413

Re: Consent Agreement and Final Order
Minnesota Metal Finishing, Inc.
Docket No: RCRA-05-2005-0013

Dear Mr. Logan:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on May 31st, 2007 with the Regional Hearing Clerk (RHC).

Please pay the first of twelve (12) payments of the civil penalty in the amount of \$7552.15 on or before June 4, 2007, in the manner prescribed in paragraphs 9 and 10 of the CAFO, and reference this and all future checks with the number BD 2750762R002 and docket number RCRA-05-2005-0013. 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,


Dorina M. Jereza, Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosures (2)

cc: Joe Henderson, Minnesota Pollution Control Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Minnesota Metal Finishing, Inc.,
Minneapolis, Minnesota 55413,
U.S. EPA I.D. No. MND 982 625 915**

Respondent.

Docket No. RCRA-05-2005-0013.

RECEIVED REGION 5
MAY 31 11 3: 16

CONSENT AGREEMENT AND FINAL ORDER

Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (“U.S. EPA” or “the Agency”).

Respondent is Minnesota Metal Finishing, Inc., 909 Winter Street, N.E., Minneapolis, Minnesota, U.S. EPA I.D. No. MND 982 625 915.

Complainant and Respondent (“the Parties”) have agreed the settlement of this civil administrative action is in the public interest, and the entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter. Therefore, the Parties have agreed to resolve this action without resort to hearing pursuant to Sections 22.18(b)(2) and 22.18(b)(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”). 40 C.F.R. §§ 22.18(b)(2) and 22.18(b)(3).

NOW, THEREFORE, based upon this pleading, before the taking of any testimony, and upon the consent and agreement of the Parties, it is hereby Ordered as follows:

I. Preamble

1. On August 25, 2005, Complainant filed its Complaint for this civil administrative action pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. On March 23, 2006, and September 1, 2006, Complainant filed its Amended Complaint and Second Amended Complaint, respectively.
2. On September 30, 2005, Respondent filed its Answer to the Complaint. On April 17, 2006, and September 13, 2006, Respondent filed its Answers to Complainant's Amended Complaint and Second Amended Complaint, respectively.
3. The Parties agree this matter should be resolved without resorting to hearing or further proceedings upon the terms and condition of this CAFO.

II. Terms and Conditions

4. This CAFO shall apply to and be binding upon Respondent, its officers, directors, servants, employees, agents, successors and assigns, including, but not limited to, subsequent purchasers.
5. Respondent admits the jurisdictional allegations of the Complaint, Amended Complaint and Second Amended Complaint, pursuant to 40 C.F.R. § 22.18(b)(2). Respondent neither admits nor denies the factual allegations of the Complaint, Amended Complaint and Second Amended Complaint, 40 C.F.R. § 22.18(b)(2). Respondent consents to the assessment of a civil penalty, 40 C.F.R. § 22.18(b)(2). Respondent waives any right to

contest the allegations of the Complaint, Amended Complaint and Second Amended Complaint, and its right to appeal the final order, 40 C.F.R. § 22.18(b)(2).

6. The Administrator of U.S. EPA must consider “the seriousness of the violation and any good faith efforts to comply with applicable requirements” in assessing a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). A proposed penalty for enforcement actions filed under RCRA is determined by reference to U.S. EPA’s 2003 RCRA Civil Penalty Policy. This policy provides a consistent method of applying the statutory penalty factors to the specific facts of an action.
7. After reviewing the facts and circumstances of this civil administrative action, Complainant finds \$85,000.00 an appropriate civil penalty, pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, with specific reference to U.S. EPA’s 2003 RCRA Civil Penalty Policy.
8. Respondent consents to the issuance of this CAFO and consents to the payment of the civil penalty to resolve this civil administrative action without resort to hearing.
9. Respondent shall pay the civil penalty, over three (3) years, at an annual interest rate of 4%, in twelve (12) payments, and due as follows:

<u>Payment</u>	<u>Amount</u>	<u>Due</u>
1	\$7552.15	June 4, 2007
2	\$7552.15	September 4, 2007
3	\$7552.15	December 4, 2007
4	\$7552.15	March 4, 2008
5	\$7552.15	June 4, 2008
6	\$7552.15	September 4, 2008
7	\$7552.15	December 4, 2008
8	\$7552.15	March 4, 2009
9	\$7552.15	June 4, 2009
10	\$7552.15	September 4, 2009
11	\$7552.15	December 4, 2009

12

\$7552.15

March 4, 2010

10. Respondent shall pay by cashier's or certified check, payable to the Order of the "Treasurer, United States of America," and sent to:

Region 5
U.S. Environmental Protection Agency
P.O. Box 371531
Pittsburgh, PA 15251-7531

Respondent shall provide a copy of the check to:

Regional Hearing Clerk
Mail Code E-13J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Michael Valentino
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
Mail Code DE-9J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

and

Jeffery M. Trevino
Associate Regional Counsel
Office of Regional Counsel
Mail Code C-14J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Respondent shall designate on the face of each check the name and docket number of this action. Interest shall accrue on any portion of the \$85,000.00 civil penalty which Respondent fails to pay timely, at the prevailing United States Treasury tax and loan rate,

in accordance with 4 C.F.R. § 102.13(c).

11. The \$85,000.00 civil penalty is a civil penalty assessed by Complainant and is not deductible for purposes of federal taxes.
12. Complainant is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim, pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. A non-payment penalty charge of five (5) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 4 C.F.R. §§ 102.13(d) and (e).
13. Respondent certifies that, to the best of its knowledge and belief, it is in compliance with the requirements of RCRA, 42 U.S.C. §§ 6901 *et seq.*, and its implementing regulations, including regulations promulgated by the State of Minnesota's authorized hazardous waste program.
14. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute Complainant's approval of any equipment or technology installed by Respondent in connection with the terms of this CAFO.
15. This CAFO constitutes a settlement by Complainant of all claims for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in

the Complaint, Amended Complaint, and Second Amended Complaint. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the U.S. EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of Complainant to issue such orders or to seek such injunctive relief as U.S. EPA deems necessary to protect human health or the environment, nor shall anything in this CAFO be construed as prohibiting, altering or in any way limiting the ability of Complainant to take appropriate actions to address conditions that may present an imminent and substantial endangerment to human health or the environment. Nothing in this CAFO is intended to operate in any way to resolve any criminal liability of the Respondent, nor shall anything in this CAFO be construed to operate in any way to resolve any criminal liability of the Respondent.

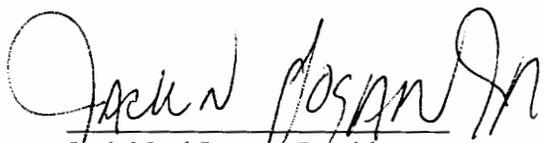
16. The effective date of this CAFO shall be the date on which this CAFO is filed with the Regional Hearing Clerk, Region 5, U.S. EPA.
17. This CAFO shall terminate upon Respondent's compliance with all of the terms and conditions set forth herein.
18. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.
19. Each undersigned representative of a Party to this CAFO certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to legally bind such Party to this document.
20. This CAFO constitutes the entire agreement between the parties.

21. This CAFO constitutes a Final Order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

**In the Matter of: Minnesota Metal Finishing, Inc., Minneapolis, Minnesota.
Docket No. RCRA-05-2005-0013.
Consent Agreement and Final Order.**

RESPONDENT

Minnesota Metal Finishing, Inc.
909 Winter Street, N.E.
Minneapolis, Minnesota, 55413
U.S. EPA I.D. No. MND 982 625 915.



Jack Neal Logan, President

5-18-07
Date

COMPLAINANT

Region 5
United States Environmental Protection Agency

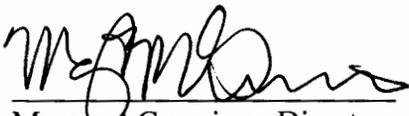

for _____
Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

May 31, 2007
Date

**In the Matter of: Minnesota Metal Finishing, Inc., Minneapolis, Minnesota.
Docket No. RCRA-05-2005-0013.
Consent Agreement and Final Order.**

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. IT IS SO ORDERED.



Margaret Guerriero, Director
Waste, Pesticides and Toxics Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago Illinois 60604-3590

May 31, 2007
Date

91 E W 10000 BLDG
MAY 31 2007
REGION 5
CHICAGO ILLINOIS

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.

CASE NAME: Minnesota Metal Finishing, Inc.
DOCKET NO: RCRA-05-2005-0013

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-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

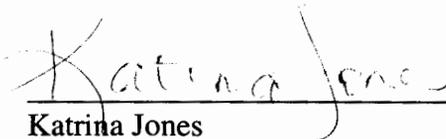
Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460-2001

Return Receipt # 7001 0320 0006 1458 5503

&

Joseph G. Maternowski
Moss & Barnett
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

Dated: May 31, 2007



Katrina Jones
Administrative Program Assistant
United States Environmental Protection Agency
Waste, Pesticides and Toxics Division
Enforcement and Compliance Assurance Branch
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5882

91 E 11 10 2007

REGIONAL HEARING CLERK
CHICAGO, ILLINOIS