



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

MAY 02 2008

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7001 0320 0005 8931 8250

Paul W. Jackson
Chief Executive Officer / Director of Marketing
South Holland Metal Finishing Company, Inc.
26100 South Whiting Way
Monee, Illinois 60449

Re: Consent Agreement and Final Order
South Holland Metal Finishing Company, Inc.
Docket No.: **RCRA-05-2007-0014**

Dear Mr. Jackson:

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 02 2008 with the Regional Hearing Clerk (RHC).

Please remit the payment of the \$20,000.00 civil penalty, in manner prescribed in "Section II: Civil Penalty" of the CAFO, and reference all checks with the number BD 2050859R003 and docket number **RCRA-05-2007-0014**.

Your first 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,

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (w/ CAFO)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

) DOCKET NO.: RCRA-05-2007-0014

South Holland Metal Finishing Co, Inc.)
26100 South Whiting Way)
Monee, Illinois 60449)

ILR 000 107 334)

Respondent)
_____)

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CONSENT AGREEMENT AND FINAL ORDER

PREAMBLE

On September 24, 2007, the United States Environmental Protection Agency (U.S. EPA) filed a Complaint in this matter 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 October 24, 2007, U.S. EPA filed a First Amended Administrative Complaint. The Complainant is the Director, Land and Chemicals Division, Region 5, United States Environmental Protection Agency. The Respondent is South Holland Metal Finishing Company, Inc., a corporation incorporated under the laws of the State of Illinois.

I. STIPULATIONS

The Parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. **RCRA-05-2007-0014**) and the First Amended Complaint, Findings of Violation and Compliance Order in this matter. The Complaint and First Amended Complaint are incorporated herein by reference. Both alleged that the Respondent was in violation of certain provisions of RCRA and proposed a civil penalty of \$33,788.00.
2. Respondent owns and/or operates a facility located at 26100 South Whiting Way, Monee, Illinois 60449 (the "Facility").
3. This Consent Agreement and Final Order (CAFO) is proposed and entered into under the authority of the U.S. EPA by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and under the authority provided by 40 C.F.R. § 22.18(b) (2).
4. Respondent admits the jurisdictional allegations of the First Amended Complaint. Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this Consent Agreement and Final Order (CAFO).
5. Respondent neither admits nor denies the specific factual allegations contained in the Complaint and First Amended Complaint.
6. Respondent waives any and all rights under any provisions of law to a hearing on the allegations contained in the Complaint and First Amended Complaint or to challenge the terms and conditions of this CAFO.
7. If the Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek an additional penalty for the noncompliance.

8. Respondent consents to the issuance of this CAFO and to the payment of a civil penalty. Pursuant to Sections 3008(a) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6928(g), the nature of the violations, the Respondent's ability to pay a civil penalty, the Respondent's agreement to perform a Compliance Plan ("the Plan"), the Respondent's agreement to submit semi-annual inspection reports ("Director-required Reporting"), and other relevant factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is Twenty Thousand Dollars (\$20,000). Respondent agrees not to claim or attempt to claim a Federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

9. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

10. On January 31, 1986, the State of Illinois was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. § 6928, provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

11. Nothing in this CAFO shall be construed to relieve Respondent from its obligation to comply with all applicable Federal, State and local statutes and regulations, including the RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

12. Complainant and Respondent having 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 solving this matter.

13. This CAFO shall become effective on the date it is signed by the Regional Administrator, U.S. EPA, Region 5.

II. CIVIL PENALTY

14. Respondent agrees to pay a civil penalty of \$20,000.00 in installments, prescribed in the following manner:

- a. **Initial Payment.** \$5,000.00 will be paid within 30 days of the effective date of this CAFO.
- b. **Installment Payments.** \$5,000.00 will be paid every 180 days thereafter, concluding after the third installment, corresponding with the Plan and Director-required Reporting milestones, discussed in the Plan herein.
- c. **Full Payment of Penalty.** The full civil penalty of \$20,000.00 will be paid no later than 570 days of the effective date of this CAFO.

15. Respondent shall make payments by submitting a cashier's or certified check, payable to:

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

16. Respondent shall note on the penalty payment check the following:

- a. Title of this case
- b. The docket number of this case
- c. The Regional Hearing Clerk-assigned check reference number assigned for the case.

17. Respondent shall submit copies of the check to the following persons:

- a. Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard (C-13J)
Chicago, Illinois 60604

- b. Thomas J. Kenney
Senior Attorney
U.S. EPA, Region 5, Office of Regional Counsel
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604
- c. Sheila Burrus
Environmental Scientist
U.S. EPA, Region 5, Land and Chemicals Division
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604

18. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

- a. **Interest.** Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 CFR § 102.13(c).
- b. **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.
- c. **Non-Payment Penalty.** On any portion of a civil penalty more than 90 calendar days past due, Respondent shall pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs a and b above.

19. The penalty specified in Subparagraph 8 and Paragraph 14, above, shall represent civil penalties assessed by U.S. EPA and shall not be deductible for purposes of Federal taxes.

III. COMPLIANCE PLAN & SCHEDULE

20. Respondent shall undertake the following Compliance Plan and (Compliance Plan), which the parties agree is intended to secure significant environmental and public health protection and benefits. The Compliance Plan is specifically described in Scope of Work ("SOW") attached hereto as Attachment A and incorporated here by reference. The Compliance Plan shall be

performed in accordance with the specifications and schedules set forth therein.

21. Respondent shall submit all notices and reports required by this CAFO to the following persons:

- a. Sheila Burrus
Environmental Scientist
U.S. EPA, Region 5, Land and Chemicals Division
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604
- b. Thomas J. Kenney
Senior Attorney
U.S. EPA, Region 5, Office of Regional Counsel
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

22. Reporting required by this CAFO shall be submitted to U.S. EPA pursuant to Paragraph 21.

23. Any report or other document submitted by Respondent pursuant to this CAFO which makes recommendations as to whether or not further actions are necessary, or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this CAFO shall be certified by a responsible corporate officer of the Respondent. A responsible corporate officer means: a President, Secretary, Treasurer, or Vice President in charge of a principal business function, Director of Environmental Services, or any other person who performs similar policy or decision-making functions.

24. The certification required by Paragraph 23 above, shall be in the following form:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to be the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____
Date: _____

25. All reporting must be received at U.S. EPA by the due date specified in this CAFO or by schedules developed pursuant to this CAFO.

26. After review of any reporting that is required pursuant to this CAFO, U.S. EPA will:

- a. Approve, in whole or in part, the submission;
- b. Approve the submission upon specified conditions;
- c. Disapprove, in whole or in part, the submission, requiring that Respondent modifies the submission; or
- d. any combination of the above.

27. Disapprovals of the aforementioned will be placed in writing and mailed to the Respondent within 5 days of review.

28. Respondent agrees that a failure to submit information required by this CAFO shall be deemed a violation of this CAFO, and the Respondent shall become liable for stipulated penalties pursuant to Section IV below.

29. If at any time during the implementation of the Compliance Plan, Respondent identifies a need for a compliance date modification or revision of the Compliance Plan, Respondent shall submit a memorandum documenting the need for the modification or revision.

30. U.S. EPA will determine in its discretion if the modification or revision is warranted and may provide written approval or disapproval.

31. Any approved modified compliance date or Compliance Plan modification is incorporated by reference into this CAFO.

32. Respondent shall preserve and maintain legible copies of documentation related to the Compliance Plan and all documents and/or reports submitted to U.S. EPA pursuant to this CAFO for the duration of this CAFO. Respondent shall provide any such underlying documentation to U.S. EPA within seven (7) calendar days of a request for such information. All documents pertaining to this CAFO shall be stored by Respondent in a centralized location at the Facility referenced in this CAFO, or an alternative location mutually approved by Respondent and U.S. EPA.

33. Respondent shall make available to U.S. EPA, all employees and persons, including contractors, who engage in activities under this CAFO and ensure their cooperation with U.S. EPA with respect to this CAFO.

34. In the event of any action or occurrence during the performance of the Compliance Plan that constitutes an emergency situation or may present an immediate threat to human health and the environment, Respondent shall immediately take all appropriate action to minimize such emergency or threat, and shall immediately send notification to U.S. EPA. Respondent shall then submit to U.S. EPA written notification of such emergency or threat within three (3) calendar days of such discovery. Respondent shall thereafter submit within 10 days to U.S. EPA for approval a plan to mitigate this threat. In the case of an extreme

emergency, Respondent may act at their own risk as they deem appropriate to protect human health or the environment.

IV. STIPULATED PENALTIES

35. Any time Respondent fails to comply with any requirement of this CAFO, Respondent shall be liable for stipulated penalties in the amounts set forth in this section unless a Force Majeure event has occurred as defined in Section V (Force Majeure) and U.S. EPA has approved the extension of a deadline as required by Section V (Force Majeure). Compliance with this CAFO by Respondent shall include completion of an activity or any matter under this CAFO in accordance with this CAFO, and within the specified time schedules approved under this CAFO.

	Penalty per violation per day and period of violation			
	<u>1-10</u>	<u>11-30</u>	<u>31-60</u>	<u>Over 60</u>
	<u>Days</u>	<u>Days</u>	<u>Days</u>	<u>Days</u>
Failure to submit a Compliance Plan on time	\$ 50	\$100	\$200	\$400
Failure to meet a deadline in Compliance Plan document	\$100	\$200	\$400	\$800

V. FORCE MAJEURE

36. Respondent agrees to perform all requirements under this CAFO within the time limits established under this CAFO, unless the performance is delayed by a force majeure. For purposes of this CAFO, a force majeure is defined as any event arising from causes beyond the control of Respondent, or any entity controlled by Respondent or Respondent's contractors, which delays or prevents performance of any obligation under this CAFO despite Respondent's best efforts to fulfill the obligation. The requirement that the Respondent exercise best efforts to fulfill the obligation includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event:

- a. as it is occurring, and
- b. following the potential force majeure event, such that the delay is minimized to the greatest extent possible.

37. A force majeure does not include financial inability to complete the Compliance Plan, increased cost of performance or changes in Respondent's business or economic circumstances.

38. If any event occurs or has occurred that may delay the performance of any obligation under this CAFO, whether or not caused by a force majeure event, Respondent shall notify U.S. EPA within 3 days of when Respondent knew or should have known that the event might cause a delay. Such notice shall:

- a. identify the event causing the delay, or anticipated to cause delay, and the anticipated duration of the delay;
- b. provide Respondent's rationale for attributing such delay to a force majeure event;
- c. state the measures taken or to be taken to prevent or minimize the delay;
- d. estimate the timetable for implementation of those measures; and
- e. state whether, in the opinion of Respondent, such event may cause or contribute to an endangerment to public health or the environment.

39. Respondent shall undertake best efforts to avoid and minimize the delay.

40. Failure to comply with the notice provision of this paragraph and to undertake best efforts to avoid and minimize the delay shall waive any claim of force majeure by Respondent. Respondent shall be deemed to have notice of any circumstances of which its contractors had or should have had notice.

41. If U.S. EPA determines that a delay in performance or anticipated delay in fulfilling a requirement of this CAFO is or was attributable to a force majeure, then the time period for performance of that requirement will be extended as deemed necessary by U.S. EPA.

42. If U.S. EPA determines that the delay or anticipated delay has been or will be caused by a force majeure, then U.S. EPA will notify Respondent in writing of the length of the extension, if any, for performance of such obligations affected by the force majeure.

43. Any such extensions shall not alter Respondent's obligation to perform or complete other tasks required by this CAFO which are not directly affected by the force majeure.

44. If U.S. EPA disagrees with Respondent's assertion of a force majeure, then Respondent may elect to invoke the dispute resolution provision, and shall follow the procedures set forth in Section VI (Dispute Resolution). In any such proceeding, Respondent shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that Respondent's best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this section. If Respondent satisfies this burden, then U.S. EPA will extend the time for performance as U.S. EPA determines is necessary.

VI. DISPUTE RESOLUTION

45. Respondent shall raise any disputes concerning the Compliance Plan required under this CAFO to U.S. EPA (excluding any decision document(s) issued by U.S. EPA), in writing, within 15 days after receiving written notice from U.S. EPA regarding any aspect of the Compliance Plan required under this CAFO that Respondent disputes. U.S. EPA and Respondent shall expeditiously and informally attempt to resolve any disagreements. U.S. EPA and Respondent shall first confer in an effort to resolve the dispute.

46. If the Respondent is unable to informally resolve the dispute within 3 days of the first conference, Respondent shall notify U.S. EPA within 5 days in writing of its objections. Written objections shall identify Respondent's objections, state the basis for those objections,

and provide all data, analyses and information relied upon by Respondent.

47. U.S. EPA and Respondent then have an additional 14 days from U.S. EPA's receipt of the objections to reach agreement.

48. If an agreement is not reached within the 14 days, Respondent may request in writing and within 5 days, a determination resolving the dispute by the Division Director, Land and Chemicals Division, U.S. EPA Region 5, U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604. The request should provide all information that Respondent believes is relevant to the dispute. If such request is submitted within 5 days, the Division Director shall issue a determination in writing concerning the dispute.

49. U.S. EPA's final decision shall be incorporated into and become an enforceable part of this CAFO and shall no longer be subject to dispute pursuant to this CAFO. Respondent shall proceed in accordance with the Division Director's decision regarding the matter in dispute, regardless of whether Respondent agrees with the decision.

50. If U.S. EPA and Respondent reach agreement on the dispute at any stage, the agreement shall be set forth in writing and shall, upon signature of both parties, be incorporated into and become an enforceable part of this CAFO.

51. The existence of a dispute and U.S. EPA's consideration of matters placed in dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to this CAFO during the pendency of the dispute resolution process except as agreed by U.S. EPA in writing. The invocation of dispute resolution does not stay the accrual of stipulated penalties under this CAFO.

VII. RESERVATION OF RIGHTS

52. Notwithstanding any other provisions of this CAFO, the U.S. EPA retains all of its authority to take, direct, or order any and all actions necessary to protect public health or the

environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste or constituents of such wastes, on, at, or from the Facility, including but not limited to the right to bring enforcement actions under RCRA, and/or any other applicable statutes or regulations.

53. U.S. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CAFO, including without limitation the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

54. This CAFO shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, claims, and/or authorities, civil or criminal, which U.S. EPA has under RCRA, or any other statutory, regulatory, or common law authority of the United States. Satisfaction of all of the requirements of this CAFO, however, shall resolve Respondent's liability for Federal civil penalties for the violations and facts alleged in the Complainant's amended complaint.

55. This CAFO is not intended to be nor shall it be construed to be a permit. Compliance by Respondent with the terms of this CAFO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, state, or federal laws and regulations.

56. Notwithstanding any other provision of this CAFO, no action or decision by U.S. EPA pursuant to this CAFO, including without limitation, decisions of the Regional Administrator, the Director, Land and Chemicals Division, U.S. EPA Region 5, or any authorized representative of U.S. EPA, shall constitute final agency action giving rise to any right of judicial review prior to U.S. EPA's initiation of a judicial action to enforce this CAFO, including an action for penalties or an action to compel Respondent's compliance with the terms

and conditions of this CAFO.

VIII. COMPLIANCE WITH OTHER LAWS

57. Respondent shall perform all actions required pursuant to this CAFO in accordance with all applicable local, state, and federal laws and regulations.

58. Respondent shall obtain or cause their representatives to obtain all approvals necessary under such laws and regulations in a timely manner so as not to delay the Compliance Plan or Director-required Reporting required by this CAFO.

IX. OTHER CLAIMS

59. By issuance of this CAFO, the U.S. EPA assumes no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent.

60. The U.S. EPA will not be deemed a party to any contract, agreement or other arrangement entered into by Respondent or its officers, directors, employees, agents, successors, assigns, trustees, receivers, contractors, or consultants in carrying out actions pursuant to this CAFO.

61. Respondent waives all claims against the U.S. EPA relating to or arising out of conduct of this CAFO, including, but not limited to, contribution and counterclaims.

62. Respondent shall bear its own litigation costs and attorney fees, subject to any indemnification or insurance rights.

63. In any subsequent administrative or judicial proceeding initiated by the U.S. EPA for injunctive or other appropriate relief relating to the CAFO, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the U.S. EPA in the subsequent proceeding were or should have been raised in the present matter.

X. AMENDMENT OF THIS CAFO

64. Except for Modification of the Compliance Plan as provided in Sections III, V, VI, or X, this CAFO may only be modified by the mutual agreement of U.S. EPA and Respondents. Any agreed modifications shall:

- a. be in writing;
- b. be signed by both parties;
- c. have as their effective date the date on which they are signed by U.S. EPA; and
- d. be incorporated into this CAFO.

65. No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondent shall relieve Respondent of its obligation to obtain such formal approval as may be required by this CAFO, and to comply with all requirements of this CAFO unless it is formally modified.

66. Any deliverables, plans, technical memoranda, reports, specifications, schedules and attachments required by this CAFO are, upon approval by U.S. EPA, incorporated into and enforceable under this CAFO.

XI. TERMINATION OF THIS CAFO

67. The provisions of this CAFO shall be deemed terminated and satisfied by Respondent upon written notice from U.S. EPA that Respondent has demonstrated that all of the terms of this CAFO have been addressed to the satisfaction of U.S. EPA. This determination shall not be unreasonably withheld, and in any event such written notice shall issue within 45 days of U.S. EPA's receipt of all acceptable Compliance Plan monitoring submissions and the final civil penalty payment. This 45 day notification period may be extended by agreement of the parties.

XII. EFFECTIVE DATE OF THIS CAFO

68. This CAFO shall be effective when U.S. EPA files this CAFO with the Regional Hearing Clerk.

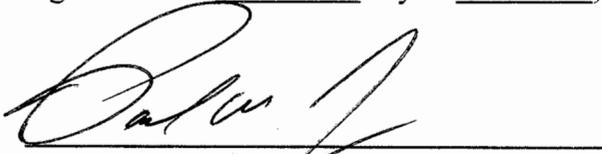
69. Within 5 business days of filing this CAFO, U.S. EPA will provide Respondent with a copy of the CAFO signed by the Regional Administrator, U.S. EPA, Region 5.

XIII. SIGNATORIES

Each undersigned representative of a party to this Consent Agreement certifies that he or she is fully authorized to enter into the terms and conditions of the Consent Agreement and to bind legally each party to this document.

SOUTH HOLLAND METAL FINISHING COMPANY, INC.

Agreed to this 15th day of April, 2008.



Paul W. Jackson
CEO / Director of Marketing
South Holland Metal Finishing Company, Inc.
26100 South Whiting Way
Monee, Illinois 60449

U.S. EPA

Agreed to this 29th day of April, 2008.



Margaret M. Guerriero
Director
Land and Chemicals Division
U.S. EPA, Region 5

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IN THE MATTER OF:
South Holland Metal Finishing Company, Inc.
26100 South Whiting Way
Monee, Illinois 60449
ILR 000 107 334

U.S. EPA Docket No.: RCRA-05-2007-0014

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this FINAL ORDER. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement, effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 CFR §§ 22.18 and 22.31.

Ordered this 30th day of April, 2008.

By: Walter W. Kovalich for
Mary A. Gade
Regional Administrator
U.S. EPA, Region 5

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US EPA REGION 5

ATTACHMENT A

Compliance Plan Scope of Work

I. Introduction

Pursuant to Section III of the foregoing Consent Agreement and Final Order (CAFO) (Compliance Plan & Schedule), Respondent shall complete and implement a Compliance Plan to improve Hazardous Waste Storage Container (HWSC) Management at Respondent's facility. In completing this Compliance Plan, Respondent shall complete the milestones mentioned in the proceeding sections of this Compliance Plan and complete the Director-Required Reporting discussed therein.

II. Compliance Plan

A. Compliance Plan Area

1. The Compliance Plan shall cover all areas in which HWSCs are managed and stored at Respondent's facility.

B. Development and Initiation of a HWSC Weekly Inspection Standard Operating Procedure (SOP)

1. Pursuant to Title 35 of the Illinois Administrative Code (35 I.A.C.) §§ 724.271-278 [Chapter 40 of the Code of Federal Regulations (40 C.F.R.) §§ 264.171-264.178], Respondent shall develop a SOP for inspecting its HWSCs on a weekly basis.
2. Within 30 Days of the effective date of this CAFO, Respondent shall submit the SOP to the U.S. EPA for approval.
3. The SOP shall require that all weekly inspections of HWSCs will be noted in writing, and that the SOP was executed during the

weekly HWSC inspection. The notations shall be in a centralized log and accessible as needed.

4. Within 45 Days of the effective date of this CAFO if U.S. EPA approves the SOP, Respondent shall integrate the SOP into Respondent's HWSC weekly inspection procedures and implement the weekly HWSC container inspections in accordance with the SOP.

C. Implementation of HWSC Weekly Inspection SOP

1. Within 60 Days of the effective date of this CAFO if U.S. EPA approves the SOP, Respondent shall perform all HWSC Weekly Inspections in accordance with the SOP.
2. Within 60 Days of the effective date of this CAFO if U.S. EPA approves the SOP, Respondent shall note the execution of the weekly HWSC inspections.
3. Within 60 Days of the effective date of this CAFO if U.S. EPA approves the SOP, Respondent shall note the execution of the SOP at each weekly HWSC inspection in its inspection logs.
4. Should HWSC inspections occur more often than weekly, the SOP shall still be applied and the weekly HWSC inspection shall still be completed pursuant to 35 I.A.C. §§ 724.271-278 [40 C.F.R. §§ 264.171-264.178].

D. Director-Required Weekly HWSC Inspection and SOP Usage Reporting

1. Within 180 Days of the effective date of this CAFO, Respondent shall report:
 - a. All weekly HWSC inspections completed at Respondent's facility pursuant to 35 I.A.C. §§ 724.271-278 [40 C.F.R. §§ 264.171-264.178];
 - b. All SOP usage during weekly HWSC inspections;
 - c. In the case of inspections occurring more than weekly, all other HWSC inspections pursuant to 35 I.A.C. §§ 724.271-278 [40 C.F.R. §§ 264.171-264.178] completed and their SOP usage.
2. The report may be in a table or log format, but must include an introductory paragraph and certification pursuant to Paragraphs 22 and 23 of the CAFO and 35 I.A.C. §§ 724.271-278 [40 C.F.R. §§ 264.171-264.178].
3. Reporting may be completed more than as provided in the above reporting requirement, however, such reporting shall not be counted as the required submission at 180 Days.
4. Further reporting, to be completed in the same method, shall continue every 180 Days thereafter until full payment of penalty as provided for in the CAFO.

5. Further reporting, completed at a rate other than that prescribed above, will not relieve Respondent of each 180 Day reporting requirement to be completed during the penalty installment period.
6. SOP usage during weekly HWSC inspections is expected to continue beyond the penalty payment period, pursuant to 35 I.A.C. §§ 724.271-278 [40 C.F.R. §§ 264.171-264.178], but need not be reported to U.S. EPA.

E. Other Director-Required Reporting Maintenance

1. Pursuant to 35 I.A.C. § 722.143 [40 C.F.R. § 262.43], Respondent shall maintain all Director-required Reporting Records as required by United States Code (U.S.C.), I.A.C. or C.F.R., and the CAFO.

F. Conclusion of Compliance Plan Monitoring by U.S. EPA

1. Compliance Plan monitoring will conclude upon receipt of final civil penalty payment and termination of the CAFO pursuant to Section XI.

CASE NAME: South Holland Metal Finishing Company, Inc.
DOCKET NO: RCRA -05-2007-0014

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Complaint** 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:

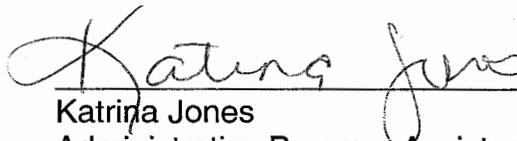
Paul Jackson
Chief Executive Officer/ Director of Marketing
South Holland Metal Finishing Company, Inc.

Return Receipt # 7001 0320 0005 8931 8250

And via First Class Mail to:

Todd Marvel
Illinois EPA
1021 North Grand Avenue East
Springfield, IL 62702-3998

Dated: 5/2/08



Katrina Jones
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