



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

AUG 24 2009

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeffrey J. Toeppe, CEF
Vice President
Wisconsin Plating Works of Racine, Inc.
P.O. Box 1813
Racine, Wisconsin 53401-1813

Re: Consent Agreement and Final Order
Wisconsin Plating Works of Racine – Wisconsin Plating Division
931 Carroll Street, Racine, Wisconsin 53403
EPA ID Number: WID006115646
Docket No: RCRA-05-2009-0009

Dear Mr. Toeppe:

Enclosed, please find an original signed and fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on AUG 24 2009 with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$9,000 in the manner prescribed in paragraphs 9-13 of the CAFO, and reference all checks with the number BD 2750942R009 and docket number RCRA-05-2009-0009. Your payment is due on 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: Michael Ellenbecker, WDNR Southeast Region in Sturtevant (w/CAFO)

**NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY
TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

bcc: Reginald Pallesen, C-14J (w/CAFO)
Brenda Whitney, LR-8J (w/CAFO)
Section Copy (w/CAFO)
Official File (w/CAFO)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	DOCKET NO. RCRA-05-2009-0009
)	
Wisconsin Plating Works of Racine)	Proceeding to Assess a Civil Penalty
Wisconsin Plating Division)	Under Section 3008(a) of the Resource
Racine, Wisconsin)	Conservation and Recovery Act,
)	42 U.S.C. § 6928(a)
EPA ID: WID006115646)	
)	
Respondent)	
<hr/>		

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Consent Agreement and Final Order

**REGIONAL HEARING CLERK
USEPA
REGION 5**

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty 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 April 24, 2009, U.S. EPA filed the Complaint in this action against Respondent Wisconsin Plating Works of Racine – Wisconsin Plating Division (herein referred to as “WPWW”). The Complaint alleges that Respondent violated Section 3005(a) of RCRA, 42 U.S.C. § 6925, at its facility in Racine Wisconsin by failing to appropriately label containers of hazardous waste, failing to remove electroplating hazardous waste from the site after 180 days, failing to conduct weekly inspections, and failing to close a container.
3. Respondent filed an Answer on May 22, 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. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint, other than those admitted in the Answer.
5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).
6. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6939e, and the regulations at 40 C.F.R. §§ 260.1 – 279.82.
7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.
8. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalty

9. In consideration of the nature of the violations alleged in the Complaint and the circumstances of this case, including Respondent's limited ability to pay a substantial penalty, Complainant agrees to mitigate the proposed penalty of \$60,200 to \$9,000 to be paid in one installment.
10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$9,000 civil penalty by sending a cashier's or certified check, payable to the "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-C2GL
St. Louis, MO 63101

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

11. A transmittal letter stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

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

12. This civil penalty is not deductible for federal tax purposes.
13. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any 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). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

14. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.
15. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.
16. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws and permits.
17. 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).
18. The terms of this CAFO bind Respondent, its successors, and assigns.
19. 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.
20. Each party agrees to bear its own costs and attorney's fees in this action.
21. This CAFO constitutes the entire agreement between the parties.

Wisconsin Plating Works of Racine – Wisconsin Plating Division

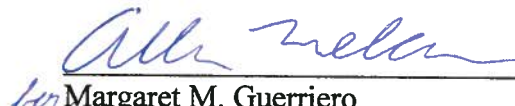
8/3/2009
Date



Jeffrey J. Toeppe
Vice President
Wisconsin Plating Works of Racine

United States Environmental Protection Agency

8/18/09
Date



for Margaret M. Guerriero
Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

**In the Matter of:
Wisconsin Plating Works of Racine
Wisconsin Plating Division
Docket No. RCRA-05-2009-0009**

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.

8/21/09
Date

Walter W. Kovalick
for
Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

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REGIONAL HEARING CLERK
USEPA
REGION 5

U.S. ENVIRONMENTAL
PROTECTION AGENCY
AUG 17 2009
OFFICE OF REGIONAL
COUNSEL

CASE NAME: Wisconsin Plating Works of Racine – Wisconsin Plating Division
DOCKET NO: RCRA-05-2009-0009

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 V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

Mr. Jeffrey J. Toeppe, CEF
Vice President
Wisconsin Plating Works of Racine, Inc.
P.O. Box 1813
Racine, Wisconsin 53401-1813

Certified Mail Receipt # _____

Dated: 8-24, 2009



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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REGION 5**