



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
APR 19 2017

REPLY TO THE ATTENTION OF:

Jeff Nyman
Vice President of Operations
Pioneer Metal Finishing LLC
486 Globe Avenue
Green Bay, Wisconsin 54304

Re: Consent Agreement and Final Order
Pioneer Metal Finishing LLC
Docket No: RCRA-05-2017-0012

Dear Mr. Nyman:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed with the Regional Hearing Clerk on APR 19 2017.

Please pay a civil penalty in the amount of \$5,000 in the manner prescribed in paragraph 9 of the CAFO, and reference all checks with the docket number RCRA-05-2017-0012. The 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.

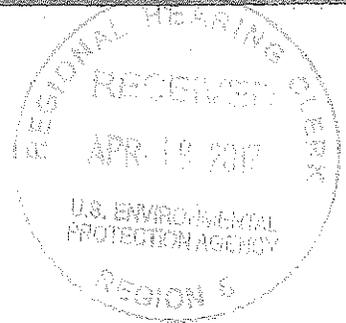
Sincerely

A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

cc: Michael Ellenbecker, WDNR
(michael.ellenbecker@wisconsin.gov)
Steven Sisbach, WDNR
(steven.sisbach@wisconsin.gov)
Terence Stanuch, EPA, ORC
(stanuch.terry@epa.gov)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:) Docket No. RCRA-05-2017-0012
)
)
Pioneer Metal Finishing) EXPEDITED SETTLEMENT
Green Bay, Wisconsin) AGREEMENT AND
EPA ID No. WID 068 315 373) FINAL ORDER
)
Respondent.)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. Pioneer Metal Finishing (“Respondent”) is a corporation doing business in the State of Wisconsin and is the owner or operator of the facility located at 486 Globe Avenue, in Green Bay, Wisconsin (the “Facility”).
2. The U.S. Environmental Protection Agency (“EPA”) inspected Respondent’s Facility on June 23, 2015 (the “Inspection”), to determine compliance with the Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. §§ 6901 *et seq.* and its implementing regulations, and the EPA approved and authorized State of Wisconsin hazardous waste management program as set forth in the Wisconsin Administrative Code (“WAC”) Chapters NR 600-699.
3. Subsequent to the EPA Inspection, EPA issued a Notice of Violation (“NOV”) to Respondent on October 22, 2015, alleged the following violations of RCRA:
 - a. Personnel Training – Pursuant to WAC ss. NR 662.034(1)(d) and 665.0016(4) [see also 40 C.F.R. §§ 262.34(a)(4) and 265.16(a)(1)], Respondent was required to maintain training documents and records at the Facility. At the time of the Inspection, Respondent was not able to provide a written description of the amount of introductory and continuing training given to employees with duties related to hazardous waste.
 - b. Hazardous Waste Marking for Less-Than-90-Day Storage – Pursuant to WAC s. NR 662.034(1)(b) [see also 40 C.F.R. § 262.34(a)(2)], Respondent was required to clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the Inspection, one 55-gallon drum of Hazardous ELV (Chromium Filters) was not clearly marked with an accumulation start date on the container.
 - c. Hazardous Waste Determination Recordkeeping – Pursuant to WAC ss. NR 662.040(3) and 662.193(1)(b) [see also 40 C.F.R. § 262.40(c)], Respondent was required to keep records of test results, waste analyses, or other determinations made, for at least three years from the date the waste was last sent on-site or off-site for

treatment, storage, or disposal. At the time of the Inspection, Respondent was not able to provide documentation demonstrating that a 250-gallon tote and a 55-gallon drum storing solid waste in the Raw Chemical Storage Area were both non-hazardous.

- d. Manifest Requirement – Pursuant to WAC s. NR 662.034(13) [see also 40 C.F.R. § 262.34(m)], Respondent was required to either sign item 18c of a manifest if the transporter returned the shipment using the original manifest, or sign item 20 of a new manifest if the transporter returned the shipment using a new manifest. At the time of the Inspection, Respondent was not able to produce a record to demonstrate if manifest item 18c or manifest item 20 was signed upon receipt of the rejected shipment identified in Manifest No. 007774271FLE.
 - e. Land Disposal Restrictions Records – Pursuant to WAC s. NR 668.07(1)(h) [see also 40 C.F.R. § 268.7(a)(8)], Respondent was required to retain on-site a copy of all notices, certifications, waste analysis data, and other documentation for at least three years from the date that the waste that is the subject of the documentation was last sent for on-site or off-site treatment, storage, or disposal. At the time of the Inspection, Respondent was not able to produce a copy of all notices, certifications, waste analysis data and other documentation, produced from 2013 to and 2015, regarding the methyl-ethyl-ketone waste that was sent off-site for treatment, storage, or disposal.
4. Respondent submitted a response to the NOV on December 29, 2015, and has since submitted additional information to demonstrate that the violations alleged in the NOV have been corrected.
 5. The parties agree that settlement of this matter for a civil penalty of five thousand dollars (\$5,000) without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
 6. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
 7. By signing this Agreement, Respondent: (a) admits that it is subject to Wisconsin’s hazardous waste regulations published in the WAC; (b) admits that EPA has jurisdiction over Respondent, and the violations alleged in the NOV and this Agreement; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of the civil penalty specified herein; and (e) waives any right to contest the allegations contained herein.
 8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations have been corrected and that Respondent is complying with the applicable sections of RCRA and its implementing regulations.

9. Within thirty (30) days after the effective date of this Agreement, Respondent agrees to pay a civil penalty of five thousand dollars (\$5,000) for the violations of RCRA alleged in the NOV and in this Agreement, by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

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

The check must state the case title ("In the Matter of: Pioneer Metal Finishing") and the docket number of this Agreement.

Respondent may also pay the civil penalty online at:

www.pay.gov

Use the Search Public Forms option and enter "sfo 1.1" in the search field, open the form and then complete the required fields.

Within ten (10) calendar days after payment, Respondent agrees to send a notice of payment which includes Respondent's name, complete address, and the case docket number (along with a photocopy of the check or a statement of affirmation regarding an electronic funds transfer) to EPA at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604

Cindy Dabner
Physical Scientist
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (LR-17J)
Chicago, IL 60604

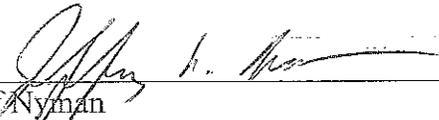
Terence Stanuch
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

10. Respondent acknowledges that the civil penalty assessed herein is not deductible for federal tax purposes.

11. If Respondent does not timely pay the civil penalty as agreed to herein, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in any such collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount of the civil penalty that is overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a fifteen dollar (\$15) handling charge each month that any portion of the penalty is more than thirty (30) days past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.
13. Respondent's payment of the civil penalty shall constitute a full settlement of the violations alleged in the NOV and in this Agreement, and resolves Respondent's liability for federal civil penalties for these alleged violations.
14. EPA reserves all of its rights to take any enforcement action for any other past, present or future violations of RCRA by Respondent, or for any other violations of any federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief, opportunities for hearing, and any otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Agreement, including but not limited to the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), 40 C.F.R. § 22.15(c), and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent also consents to EPA's approval of this Agreement without further notice.
16. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and by 40 C.F.R. § 22.13(b). This Agreement is a "final order" under 40 C.F.R. § 22.31.
17. Each party shall bear its own costs and fees associated with resolving this matter.
18. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: dabner.cindy@epa.gov and stanuch.terry@epa.gov (for EPA) and _____ (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.
19. This Agreement is binding on the parties signing below and any of Respondent's successors or assigns and, in accordance with 40 C.F.R. 22.31(b), is effective upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5.

IT IS SO AGREED:

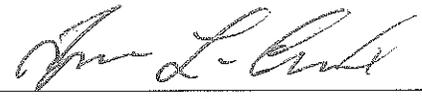
APPROVED BY PIONEER METAL FINISHING, GREEN BAY, WI:



Jeff Nyman
Vice President of Operations

Date: 3/28/17

APPROVED BY EPA:



Ignacio L. Arrázola
Acting Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date: 4/14/17

In the Matter of:
Pioneer Metal Finishing, Green Bay, WI
Docket Number: _____

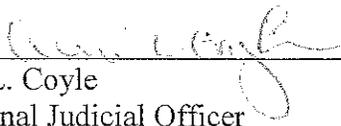
In the Matter of:
Pioneer Metal Finishing, Green Bay, WI
Docket Number: RCRA-05-2017-0012



FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:



Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

April 19, 2017
Date

Expedited Settlement Agreement
In the matter of: Pioneer Metal Finishing
Docket Number: **RCRA-05-2017-0012**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number RCRA-05-2017-0012, which was filed on April 19, 2017, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Jeff Nyman
Vice President of Operations
Pioneer Metal Finishing
486 Globe Avenue
Green Bay, Wisconsin 54304

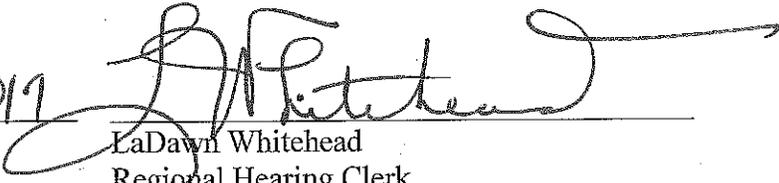
Copy by E-mail to
Attorney for Complainant:

Terence Stanuch
stanuch.terry@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: April 20, 2017



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5