

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2025-0010
)	
Cody Metal Finishing, Inc.)	Proceeding to Commence and Conclude
Chicago, Illinois)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent: ILD984806224)	42 U.S.C. § 6928(a)
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Consent Agreement and Final Order**Preliminary Statement**

1. This is an administrative action commenced and concluded 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), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Cody Metal Finishing, Inc., a corporation doing business in the State of Illinois.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the

issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action 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.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

11. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal

program when the Administrator finds that the state program meets certain conditions.

14. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

16. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$99,681 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

17. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. At all times relevant to this CAFO, Respondent was the "owner" or "operator," as those terms are defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 1620 N. Throop Street, Chicago, Illinois (Facility).

19. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land used for treating, storing, or

disposing of hazardous waste.

20. Respondent's Facility is a "facility" as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

21. At all times relevant to this CAFO, Respondent was a metal plating facility.

22. At all times relevant to this CAFO, Respondent's activities or processes produced an D002 and D007 corrosive, acidic waste from plating lines.

23. At all times relevant to this CAFO, Respondent's corrosive, acidic waste was stored in four tanks located outside the main building.

24. At all times relevant to this CAFO, Respondent's corrosive, acidic waste was a "solid waste" as that term is defined under Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

25. At all times relevant to this CAFO, Respondent was a "generator" as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10 because its corrosive, acidic waste was a hazardous waste.

26. At all times relevant to this CAFO, Respondent generated during each calendar month, more than 1,000 kg of hazardous waste at the Facility. Therefore, Respondent is a Large Quantity Generator.

27. At all times relevant to this CAFO, Respondent's holding of its corrosive, acidic waste two 1,700-gallon capacity tanks, and two 1,500-gallon capacity tanks constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

28. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at its Facility.

29. At all times relevant to this CAFO, Respondent did not have interim status for the

treatment, storage, or disposal of hazardous waste at its Facility.

30. On or about June 29, 2021, Respondent submitted a response to a 3007 U.S. EPA information request.

31. On October 27, 2021, U.S. EPA conducted a compliance evaluation inspection of the Facility (the Inspection).

32. On January 27, 2023, U.S. EPA issued a Notice of Violations to Respondent alleging certain violations of RCRA discovered during the Inspection.

33. On March 15, 2023, Respondent submitted to U.S. EPA a written response to the Notice of Violations.

Count I – Storage of Hazardous Waste Without a Permit of Interim Status

34. Complainant incorporates paragraphs 1 through 33 of this CAFO as though set forth in this paragraph.

35. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

36. Pursuant to 35 Ill. Adm. Code § 722.134¹, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134, including, but not limited to, requirements for owners and operators in 35 Ill. Adm. Code part 724.

37. Failure to comply with any of the conditions of 35 Ill. Adm. Code § 722.134,

¹ We note that on November 19, 2018, the State of Illinois promulgated revised regulations which have not yet been authorized by EPA. EPA authorized an earlier edition of the Illinois hazardous waste regulations which contained a provision at 35 Ill. Adm. Code § 722.134 that remains the RCRA authorized Large Quantity Generator provision in Illinois.

subjects the generator of hazardous waste to the requirements of 35 Ill. Adm. Code § 724 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121.

38. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container and tank holding hazardous waste with the words “Hazardous Waste,” per 35 Ill. Adm Code § 722.134(a)(3)(1).

39. At the time of the inspection, Respondent failed to mark three tanks holding hazardous waste with the words “Hazardous Waste.”

40. Accordingly, Respondent failed to satisfy all of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status.

As a result of Respondent’s failure to meet all of the applicable conditions for the generator exemption provided by 35 Ill. Adm. Code § 722.134, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

41. Respondent’s storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121 [40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

Count II – Failure to Maintain Records

42. Complainant incorporates paragraphs 1 through 33 of this CAFO as though set forth in this paragraph.

43. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.116 and 40 C.F.R. § 265.16.

44. Pursuant to 35 Ill. Adm. Code § 725.116(d)(4) and 40 C.F.R. § 265.16(d)(4), the owner or operator of the facility must maintain records that document that the facility personnel

have completed an annual review of the initial training set forth in 35 Ill. Adm. Code § 725.116(a) and 40 C.F.R. § 265.16(a).

45. At the time of the Inspection, Respondent did not provide records of annual personnel training for the two emergency response coordinators.

46. Respondent failed to maintain records of facility personnel's annual training, in violation of 35 Ill. Adm. Code § 725.116(d)(4) and 40 CFR § 265.16(d)(4).

**Count III - Subpart J - Tank Systems; Design and installation of new tank systems
or components**

47. Complainant incorporates paragraphs 1 through 33 of this CAFO as though set forth in this paragraph.

48. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.292 and 40 C.F.R. § 265.192.

49. Pursuant to 35 Ill. Adm. Code § 725.292(a), and 40 C.F.R. § 265.192(a), a Large Quantity Generator of a new tank system² must obtain and submit a written assessment, reviewed, and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that each tank system has sufficient structural integrity and is acceptable for storing and treating of hazardous waste.

50. At the time of the Inspection, Respondent had a four-tank system. Respondent's representative at the inspection stated that the facility uses a fourth tank as a hazardous waste overflow storage from the other three tanks. At the time of the Inspection, Respondent's

² New tank system is defined as a tank system that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986. See, 35 Ill. Adm. Code § 720.110 [40 CFR § 260.10].

facility's written, and certified assessment of its tank system accounted for "... three storage units one area, outside the building."

51. Respondent failed to have certified written tank assessments for one tank that was storing hazardous waste in violation of 35 Ill. Adm. Code § 725.292(a), and 40 C.F.R. § 265.192(a).

52. Pursuant to 35 Ill. Adm. Code § 725.292(b) and 40 C.F.R. 265.192(b), a large quantity generator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent qualified, installation inspector or a qualified Professional Engineer, either of whom is trained and experienced in the proper installation of tanks systems or components, must inspect the system for weld breaks; punctures; scrapes of protective coatings; cracks; corrosion; and other structural damage or inadequate construction or installation. All discrepancies must be remedied before the tank system is covered, enclose, or placed in use.

53. Pursuant to 35 Ill. Adm. Code § 725.292(g) and 40 C.F.R. 265.192(g), a large quantity generator of a new tank system must obtain and keep at the facility written and certified statements by the installation inspector or qualified Professional Engineer to attest that the tank system was properly designed and installed in accordance with 35 Ill. Adm. Code § 725.292(b)-(f) and any repairs pursuant to 35 Ill. Adm. Code § 725.292(b)-(d) were performed.

54. At the time of the Inspection, Respondent was unable to provide written and certified statements from an installation inspector or qualified Professional Engineer to attest the initial proposed tank system was properly designed and installed per the design proposal; or inspected for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, and other

structural damage or inadequate construction or installation; and any repairs prior to the tank system's use.

55. Respondent failed to have written and certified statements for the tank system's design and installation, in violation of 35 Ill. Adm. Code § 725.292(b) and (g) and 40 C.F.R. 265.192(b) and (g).

Count IV - Subpart J- Tank Systems; Containment and detection of releases

56. Complainant incorporates paragraphs 1 through 33 of this CAFO as though set forth in this paragraph.

57. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.293 and 40 C.F.R. § 265.193.

58. Pursuant to 35 Ill. Adm. Code § 725.293(b)(1) and (2) and 40 C.F.R. § 265.193(b)(1) and (2), secondary containment systems of tank systems must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

59. According to Respondent's written assessment, provided at the time of the Inspection, reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), a probe placed in the secondary containment system was designed to sound an alarm if the level of liquids in the secondary containment system were to exceed one and one-half inch above the top of the bottom slab elevation. At the time of the Inspection, standing water in the secondary containment system exceeded one and one-half inch above the top of the bottom slab elevation, but the alarm was not sounding. The secondary containment

system also contained debris and an additional tank, which made the 2,154-gallon secondary containment system more than half full. At the time of the Inspection, Respondent's leak detection system was incapable of detecting additional releases and accumulated liquids, and the secondary containment system would not be able to contain the full capacity of the largest 1,700-gallon tank in the event of a release.

60. Respondent was not operating the system to prevent migration of wastes or accumulated liquid out of the system and was not able to provide confirmation of a leak detection system that was capable of detecting releases and accumulated liquids, in violation of 35 Ill. Adm. Code § 725.293(b)(1) and (2) and 40 C.F.R. § 265.193(b)(1) and (2).

61. According to 35 Ill. Adm. Code § 725.293(c)(3) and 40 C.F.R. § 265.193(c)(3), secondary containment systems must be at a minimum be provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours.

62. At the time of the Inspection, Respondent's secondary containment system had standing water over one and one-half inches, but inspectors did not hear an alarm in the building. The most recent precipitation event had occurred over 24 hours prior to the inspection.

63. Respondent's leak detection system was not being operated so that it would detect any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, in violation of 35 Ill. Adm. Code § 725.293(c)(3) and 40 C.F.R. § 265.193(c)(3).

64. Pursuant to 35 Ill. Adm. Code § 725.293(c)(4) and 40 C.F.R. § 265.193(c)(4), the secondary containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as possible to prevent harm to human health or the environment if removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

65. At the time of the Inspection, Respondent's secondary containment system contained approximately six and one-half inches of standing water. The most recent precipitation measured approximately two and four-fifths inches of rain and had occurred about 48 hours prior to the Inspection.

66. Respondent had not removed accumulated liquids from the secondary containment system within 24 hours of accumulation, in violation of 35 Ill. Adm. Code 35 § 725.293(c)(4) and 40 C.F.R. § 265.193(c)(4).

67. Pursuant to 35 Ill. Adm. Code § 725.293(e)(1)(A) and (B) and 40 C.F.R. § 265.193(e)(1)(i) and (ii), external liner systems in secondary containment systems of tank systems must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary and prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration.

68. Respondent's secondary containment system was designed and installed to contain a total volume of 2,154 gallons. The largest tank in the system has a volume of 1,700 gallons. During the Inspection, EPA inspectors observed that the secondary containment system was over

halfway full of standing water, debris, and excess materials.

69. Respondent's secondary containment system did not have the capacity to contain 100 percent of the 1,700-gallon tank's capacity, in violation of 35 Ill. Adm. Code § 725.293(e)(1)(A) and (B) and 40 C.F.R. § 265.193(e)(1)(i) and (ii).

Count V - Subpart J- Tank Systems; Inspections

70. Complainant incorporates paragraphs 1 through 33 of this CAFO as though set forth in this paragraph.

71. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.295 and 40 C.F.R. § 265.195.

72. Pursuant to 35 Ill. Adm. Code § 725.295(a), (b), and (g), and 40 C.F.R. § 265.195(a), (b), and (g), the owner or operator must inspect and document in the operating record, where present, at least once each operating day, data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design. This includes overflow/spill control equipment; above ground portions of the tank system for corrosion or releases, erosion, or signs of releases of hazardous waste; and construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or signs of releases of hazardous waste.

73. At the time of the Inspection, Respondent could not produce inspection documentation or records that the owner or operator specifically inspected the following: overflow/spill control equipment; above ground portions of the tank system for corrosion or releases, erosion, or signs of releases of hazardous waste; and construction materials and the area immediately surrounding the externally accessible portion of the tank system to detect erosion or

signs of releases of hazardous waste.

74. Respondent failed to document proper daily inspections for its tank system, in violation of 35 Ill. Adm. Code § 725.295(a), (b), and (g) and 40 C.F.R. § 265.195(a), (b), and (g).

Civil Penalty

75. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$5,000. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

76. Respondent agrees to pay a civil penalty in the amount of \$5,000 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). This amount takes into account an analysis of Respondent's financial information. Consequently, in accordance with applicable law, EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

77. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

78. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2025-0010,
- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Dierich.andrea@epa.gov and
R5LECAB@epa.gov

Nora Wells
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Wells.nora@epa.gov

U.S. Environmental Protection
Agency Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

79. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived.

If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

80. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

81. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

82. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

General Provisions

- 83. Respondent understands that the CAFO will become publicly available upon filing.
- 84. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the

violations alleged in this CAFO.

85. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

86. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

87. 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).

88. The terms of this CAFO bind Respondent, its successors, and assigns.

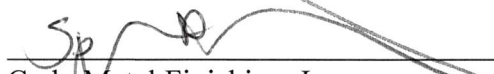
89. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

Steve Obert, Respondent

1-31-20
Date



Cody Metal Finishing, Inc.
President
Steve Obert

United States Environmental Protection Agency, Complainant

Date

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Cody Metal Finishing, Inc.
Docket No. RCRA-05-2025-0010

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.

Date

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

