



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

APR 29 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Chuck Shasho  
Deputy Director of Public Works  
City of Youngstown  
26 South Phelps Street  
Youngstown, Ohio 44503

Re: City of Youngstown, Ohio, Consent Agreement and Final Order  
Docket Nos. MM-05-2016-0004 CERCLA-05-2016-0006 EPCRA 05 2016 0013

Dear Mr. Shasho:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on April 29, 2016.

Please pay the Comprehensive Environmental Response, Compensation and Liability Act civil penalty in the amount of \$6,329 in the manner prescribed in paragraph 61, and reference your check with the billing document number 2751630B006 and the docket number CERCLA-05-2016-0006.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$14,086 in the manner prescribed in paragraph 63, and reference your check with the docket number EPCRA-05-2016-0013.

Your payments are due on May 31, 2016.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Charles V. Mikalian, Associate Regional Counsel, at (312) 886-2242. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

MM-05-2016-0004

EPCRA-05-2016-0013

In the Matter of:

City of Youngstown, Ohio,

Respondent.



Docket Nos. CERCLA-05-2016-0006

Proceeding to Assess a Civil Penalty Under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act, and Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986

**Consent Agreement and Final Order**  
**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(2), 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, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is the City of Youngstown, Ohio, a municipality located in Ohio.

4. 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).

5. 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.

6. Respondent consents to the assessment of the civil penalties specified in this CAFO and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

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

8. 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**

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the governments' response to an emergency and pose serious threats to human health and the environment.

11. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by a release.

13. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), requires that, as soon as practicable after a release which requires notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide written follow-up emergency notice setting forth and updating the information required under Section 304(b), 42 U.S.C. § 11004(b).

14. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exemptions, the term "hazardous chemical" has the meaning given such term by 29 U.S.C. § 1910.1200(e).

15. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

16. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorizes U.S. EPA to assess a civil penalty of up to \$25,000.00 per day of violation of CERCLA Section 103, EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500.00 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500.00 per day of violation for violations that occurred after January 12, 2009.

### Factual Allegations and Alleged Violations

17. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
18. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
19. At all times relevant to this Complaint, Respondent was an owner or operator of the facility located at 725 Poland Avenue, Youngstown, Ohio (facility).
20. At all times relevant to this Complaint, Respondent was in charge of the facility.
21. Respondent’s facility consists of a building, structure, installation, equipment, pipe, well, pond, storage container, or any site or area where a hazardous substance has been deposited, stored, placed, or otherwise come to be located.
22. Respondent’s facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
23. Respondent’s facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.
24. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).
25. Chlorine (CAS #7782-50-5) is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
26. Chlorine (CAS #7782-50-5) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

27. Chlorine (CAS #7782-50-5) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

28. Chlorine (CAS #7782-50-5) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

29. Chlorine is classified as a physical or health hazard, a simple asphyxiant, or a hazard not otherwise classified.

30. Chlorine (CAS #7782-50-5) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. At all times relevant to this Complaint, Respondent produced, used or stored chlorine at the facility.

32. On May 4, 2015, at or about 9:05 a.m., a release occurred from Respondent’s facility of approximately 1,300 pounds of chlorine (the release).

33. In a 24 hour time period, the release of chlorine exceeded 10 pounds.

34. During the release, approximately 1,300 pounds of chlorine spilled, leaked, emitted, discharged, or escaped, into the ambient air and/or air.

35. The release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

36. The release is a “release” as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

37. Respondent had knowledge of the release on May 4, 2015, at approximately 9:05 a.m.

38. The release was one for which notice was required under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

39. The release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

40. The release was likely to affect Ohio.

41. At all times relevant to this Complaint, the Ohio EPA was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

42. The release was likely to affect Mahoning County, Ohio.

43. At all times relevant to this Complaint, the Mahoning County LEPC was the LEPC for Mahoning County, Ohio under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

**Count 1** (failure to notify NRC)

44. Complainant incorporates paragraphs 1 through 43 of this CAFO as if set forth in this paragraph.

45. On November 30, 2015, at 3:22 p.m., Respondent notified the NRC of the May 4, 2015 release.

46. U.S. EPA alleges that Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

47. U.S. EPA alleges that Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

**Count 2** (failure to notify SERC)

48. Complainant incorporates paragraphs 1 through 43 of this CAFO as if set forth in this paragraph.

49. On May 4, 2015, at 1:14 p.m., Respondent notified the Ohio SERC of the release.

50. U.S. EPA alleges that Respondent did not immediately notify the SERC after Respondent had knowledge of the release.

51. U.S. EPA alleges that Respondent's failure to immediately notify the SERC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

**Count 3** (written notice to SERC)

52. Complainant incorporates paragraphs 1 through 43 of this CAFO as if set forth in this paragraph.

53. On October 2, 2015, Respondent provided a written follow-up emergency notice of the May 4, 2015 release to the Ohio SERC.

54. U.S. EPA alleges that Respondent did not provide the Ohio SERC written follow-up emergency notice of the release as soon as practicable after the release occurred.

55. U.S. EPA alleges that Respondent's failure to provide written follow-up emergency notice to the Ohio SERC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).

**Count 4** (written notice to LEPC)

56. Complainant incorporates paragraphs 1 through 43 of this CAFO as if set forth in this paragraph.

57. On October 2, 2015, Respondent provided a written follow-up emergency notice of the May 4, 2015 release to the Mahoning County LEPC.

58. U.S. EPA alleges that Respondent did not provide the Mahoning County LEPC written follow-up emergency notice of the release as soon as practicable after the release occurred.

59. U.S. EPA alleges that Respondent's failure to provide written follow-up emergency notice of the release to the Mahoning County LEPC as soon as practicable after the release occurred is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).



**Civil Penalties**

60. Complainant has determined that an appropriate civil penalty to settle this action is \$6,329.00 for the CERCLA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

61. Within 30 days after the effective date of this CAFO, Respondent must pay a \$6,329.00 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

or, for checks sent by express mail, by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Bank  
Government Lockbox 979076 U.S. EPA Superfund Payments  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: City of Youngstown, Ohio, the docket number \_\_\_\_\_  
of this CAFO and the billing document number \_\_\_\_\_.

62. Complainant has determined that an appropriate civil penalty to settle this action is \$14,086.00 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation and any other matters as justice may require. Complainant also considered U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

63. Within 30 days after the effective date of this CAFO, Respondent must pay a \$14,086.00 civil penalty for the EPCRA violations. Respondent must pay the penalty 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, MO 63197-9000

or, for checks sent by express mail, by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: City of Youngstown, Ohio and the docket number of this  
CAFO **2751630B006** \_\_\_\_\_.

64. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket numbers and the billing document number, if any, must accompany each payment. Respondent must send a copy of the checks and transmittal letters to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

James Entzminger (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

65. These civil penalties are not deductible for federal tax purposes.

66. If Respondent does not timely pay the civil penalties or any stipulated penalties due under paragraph 80, below, U.S. EPA may bring an action to collect any unpaid portion of the civil penalties or stipulated penalties with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalties are not reviewable in a collection action.

67. 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 amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In

addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

### **Supplemental Environmental Project**

68. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by purchasing, installing and operating a chlorine and sulfur dioxide detection system equipped with a strobe light and audible alarm at 18 buildings located at the facility.

69. Respondent shall complete installation of the chlorine and sulfur dioxide detection system within seven months of the effective date of the CAFO.

70. Respondent must spend at least \$100,000.00 to purchase and install the chlorine and sulfur dioxide detection system.

71. Respondent shall begin operation of the chlorine and sulfur dioxide detection system immediately upon its installation and must continuously operate the system for three years following its installation.

#### 72. Reporting Requirements

a. Construction Completion Report. Respondent shall submit a Construction Completion Report to U.S. EPA within 30 days after Respondent completes installation of the chlorine and sulfur dioxide detection system. In the Construction Completion Report,

Respondent shall:

- i. provide a detailed description of the chlorine and sulfur dioxide detection system as installed and identify the make and model number of the system; and
- ii. itemize the cost of goods and services used to install the chlorine and sulfur dioxide detection system and provide copies of invoices, purchase orders or canceled checks that document those costs.

b. Annual SEP Reports. Respondent shall submit an Annual SEP Report to U.S. EPA within 30 days after the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> anniversaries of completing installation of the chlorine and sulfur dioxide detection system. In each Annual SEP Report, Respondent shall provide the following information:

- i. a description of any operating problems with the chlorine and sulfur dioxide detection system, including the amount of downtime, if any, of the system, and the actions taken to correct the problems; and
- ii. the costs to operate the chlorine and sulfur dioxide detection system.

73. Respondent certifies as follows:

a. It is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in paragraphs 68 and 69;

b. It has inquired of the City of Youngstown, Ohio, whether it is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by the recipient and/or the City of Youngstown, Ohio are neither a party to such a transaction.

c. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Defendant in good faith estimates that the cost to implement the SEP, is \$100,000.00;

d. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

e. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

f. That Respondent has not received and will not receive credit for the SEP in any other enforcement action; and

g. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity

74. U.S. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

75. Respondent must maintain copies of the underlying data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying data to U.S. EPA within seven business days of U.S. EPA's request for the information.

76. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 64, above.

77. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

78. Following receipt of each report described in paragraph 72, U.S. EPA must notify Respondent in writing that:

- a. It has, as relevant, satisfactorily installed the chlorine and sulfur dioxide detection system, operated the system, and/or complied with the reporting requirement;
- b. There are deficiencies in the chlorine and sulfur dioxide detection system as installed or operated or in the report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily installed or operated the chlorine and sulfur dioxide detection system and/or the complied with the reporting requirement and U.S. EPA will seek stipulated penalties under paragraph 80.

79. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 80, below.

80. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not install the chlorine and sulfur dioxide detection system satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 69, Respondent must pay a penalty of \$100,000.00.
- b. If Respondent did not install the chlorine and sulfur dioxide detection system satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to do so and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 70, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent installed the chlorine and sulfur dioxide detection system satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 70, Respondent must pay a penalty of \$10,000.00.
- d. If Respondent fails to continuously operate the chlorine and sulfur dioxide detection system or does not submit timely an SEP report, Respondent must pay penalties in the following amounts for each day of non-operation or each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$ 500.00	1st through 14th day
\$1,000.00	15th through 30th day
\$1,500.00	31st day and beyond

81. U.S. EPA's determinations of whether Respondent installed or operated the chlorine and sulfur dioxide detection system satisfactorily and whether Respondent made good faith and timely efforts to do so will bind Respondent.

82. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 61 and 63, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts. The payment will be split with 31% to the "EPA Hazardous Substance Superfund" and 69% to the "Treasurer, United States of America".

83. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for alleged violations of CERCLA Section 103 and EPCRA Section 304."

84. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

85. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

#### **General Provisions**

86. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

87. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law other than those alleged in this CAFO.



88. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), Section 304, of EPCRA, 42 U.S.C. § 11004.

89. This CAFO does not affect Respondent's responsibility to comply with CERCLA, EPCRA and other applicable federal, state and local laws and regulations.

90. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

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

92. Each person signing this consent 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.

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

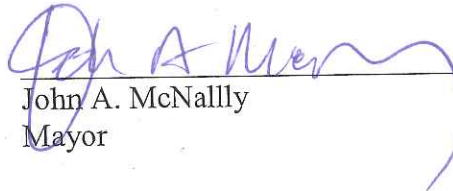
94. This CAFO constitutes the entire agreement between the parties.

In the Matter of: City of Youngstown, Ohio  
Docket Nos. \_\_\_\_\_

City of Youngstown, Ohio

BY: Board of Control <sup>16-214</sup>  
<sub>4/14/2016</sub>

4/14/2016  
Date

  
John A. McNally  
Mayor

ABSENT

4/14/2016  
Date

\_\_\_\_\_  
Martin S. Hume  
Law Director

4/14/2016  
Date

  
\_\_\_\_\_  
David Bozanich  
Finance Director

In the Matter of: City of Youngstown, Ohio  
Docket Nos. \_\_\_\_\_

U.S. Environmental Protection Agency, Complainant

04/27/2016  
Date

M. Cecilia Moore  
M. Cecilia Moore, Chief  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

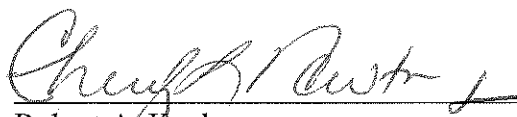
4-28-16  
Date

Richard C. Karl  
Richard C. Karl, Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

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.

4/29/16  
Date

  
Robert A. Kaplan  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

In the Matter of: City of Youngstown, Ohio  
Docket Nos. MM-05-2016-0004 CERCLA-05-2016-0006 EPCRA-05-2016-0013

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on April 29, 2016 in the following manner to the addressees:

Copy by Certified Mail

Return Receipt Requested: Mr. Chuck Shasho  
Deputy Director of Public Works  
City of Youngstown  
26 South Phelps Street  
Youngstown, Ohio 44503

Copy by E-mail to

Attorney for Complainant: Charles V. Mikalian  
Mikalian.charles@epa.gov

Copy by E-mail to

Regional Judicial Officer: Ann Coyle  
Coyle.ann@epa.gov

Dated: April 29, 2016



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

CERTIFIED MAIL RECEIPT NUMBER(S): \_\_\_\_\_

7011 1150 0000 2640 7070