

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2024-0005
)	
Finishing Technology, Inc.)	Consent Agreement and Final Order
Hamilton, Ohio)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
U.S. EPA ID No.: OHR000161638)	42 U.S.C. § 6928(a)
)	
Respondent.)	
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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. Respondent is Finishing Technology, Inc. (Finishing Technology), a corporation doing business in the State of Ohio.

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

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. 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

11. 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.

12. 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.

13. 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.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Ohio final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective June 30, 1989. 54 Fed. Reg. 27170 (June 28, 1989). U.S. EPA subsequently approved amendments to the Ohio hazardous waste program effective June 7, 1991, (56 Fed. Reg. 14203, April 8, 1991); effective August 19, 1991, (56 Fed. Reg. 28088, June 19, 1991); effective September 25, 1995, (60 Fed. Reg. 38502, July 27, 1995); effective December 23, 1996, (61 Fed. Reg. 54950, October 23, 1996); effective January 24, 2003, (68 Fed. Reg. 3429, January 24, 2003); effective January 20, 2006, (71 Fed. Reg. 3220, January 20, 2006); effective October 29, 2007, (72 Fed. Reg. 61063, October 29, 2007); effective March 19, 2012, (77 Fed. Reg. 15966, March 19, 2012); effective February 12, 2018, (83 Fed. Reg. 5948, February 12, 2018); and effective September 26, 2019, (84 Fed. Reg. 50766, September 26, 2019).

15. 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, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$117,468 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015, and where the penalties are assessed on or after January 6, 2023, 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

16. Respondent performs operations conducted at Building 1 that consist of cleaning parts before anodizing, sulfuric anodizing on aluminum parts, black oxide on stainless steel parts, and passivation metal finishing processes at 4510 Mulhauser Road, Hamilton, Ohio ("Facility).

17. The facility operations conducted at Building 2 consist of washing (soap and water) of parts, blasting and tumbling of parts, manganese phosphating on stainless steel parts, and the blending of chemicals at the Facility.

18. Ohio Admin. Code 3745-50-10(A)(102), [40 C.F.R. § 260.10,¹ and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)], defines a “person” to include, but not be limited to, an individual, trust, firm, corporation, partnership or association. Respondent is a person since it is a corporation incorporated in and doing business in the State of Ohio.

19. Respondent is a “person” as defined by Ohio Admin. Code 3745-50-10(A)(102), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

20. Respondent is the “owner” or “operator,” as those terms are defined under Ohio Admin. Code 3745-50-10(A)(96) and (95) and 40 C.F.R. § 260.10, of the Facility.

21. 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.

22. Respondent’s Facility is a “facility,” as that term is defined under Ohio Admin. Code 3745-50-10(A)(48) and 40 C.F.R. § 260.10.

23. Respondent’s actions and processes at the Facility cause the production of “hazardous waste,” as that term is defined under Ohio Admin. Code 3745-50-10(A)(57) and 3745-51-03 and 40 C.F.R. § 261.3.

24. Respondent is a “generator” of hazardous waste, as that term is defined under Ohio

¹ The citations to the rules contained in the Ohio Administrative Code are the federally enforceable regulations in the State of Ohio. References to the federal regulations are for ease of reference and are to the June 2016 version of the Code of Federal Regulations. U.S. EPA re-codified the generator rules into 40 C.F.R. § 262.17. See, *Hazardous Waste Generator Improvement Rule*, 81 Fed. Reg. 5808, November 28, 2016. The State of Ohio has not yet been authorized for the re-codified rules and therefore, they are not federally enforceable.

Admin. Code 3745-50-10(A)(54) and 40 C.F.R. § 260.10.

25. From at least 2020 through 2021, Respondent generated hazardous waste using Respondent's U.S. EPA identification number (specifically, waste flammable liquids, waste corrosive liquids, and waste liquids/metals with waste codes D001, D002, D007) in amounts greater than 1,000 kg per month in some calendar months (qualifying it as a "Large Quantity Generator"), which it shipped off-site to a treatment, storage, or disposal facility within the United States.

26. In 2021, there were one-time generated spent baths of D002 nitric acid waste (one 330-gallon tote of 2,500 pounds) and D002 sulfuric acid waste (five 330-gallon totes of 12,500 pounds) that were shipped on 6/30/21. Also, there was a one-time generated spent bath of D007 black dye waste (five 330-gallon totes of 10,000 pounds) that were shipped on 5/21/21. Those one-time waste generations rendered the facility a Large Quantity Generator for 2021. In 2020, there were one-time generated spent baths of D002 nitric acid waste (three 330-gallon tote of 7,000 pounds) and D007 black dye waste (one 330-gallon tote of 2,000 pounds) that were shipped on 6/8/20. Those one-time waste generations rendered the facility a large quantity generator for 2020 also. Thus, Respondent was a Large Quantity Generator for at least years 2020 and 2021.

27. On April 25, 2023, U.S. EPA sent to Respondent a Notice of Potential RCRA Violations and Opportunity to Confer (Notice).

28. The Notice identified potential RCRA violations and requested information documenting any actions taken since U.S. EPA's inspection to address the areas of concern identified in the Notice.

29. Respondent responded to the Notice on June 1, 2023.

30. Thereafter, Respondent engaged with U.S. EPA to assess the matter and has agreed to the entry of this CAFO.

Alleged Violations

Count I: Notification of Change of Hazardous Waste Activity and Biennial Reporting

31. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

32. Pursuant to Ohio Admin. Code 3745-51-05(C) and (D), a generator must determine the quantity of hazardous waste generated per month, so as to allow the generator to determine the applicability of the provisions of Ohio Admin. Code 3745-52 that are dependent on quantity generated per month.

33. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators are required to file with an authorized State a notification (or, if necessary, a subsequent notification) including the type of waste handled and the type of hazardous waste activity (e.g., change to Large Quantity Generator status).

34. Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), is implemented through U.S. EPA Form 8700-12 (OMB 2050-0024), which requires notification if, among other things, a generator's hazardous waste activity changes to Large Quantity Generator status.

35. In 2020 and 2021, Respondent did not submit a notification of the change of the facility's type of hazardous waste activity to Large Quantity Generator status in relevant months, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

36. Since the inspection, RCRAInfo indicates that Respondent updated its generator status to Large Quantity Generator on December 5, 2022

37. Pursuant to Ohio Admin. Code 3745-52-41(A), a generator of more than 1,000

kilograms of hazardous waste must provide to the director or the director's designee the data necessary for the department to prepare and submit Ohio's hazardous waste report as required. A Biennial Report is due by March 1 of each even numbered year, covering the preceding calendar year.

38. In 2022, Respondent did not prepare and submit a biennial report to Ohio EPA by March 1 for the preceding calendar year (2021), in violation of Ohio Admin. Code 3745-52-41(A).

39. Since the inspection, RCRAInfo indicates that Respondent submitted a biennial report for 2021 on December 5, 2022.

Count II: Failure to Manage Hazardous Waste Satellite Accumulation Area and Storage Containers, and Accumulate Hazardous Waste for Less Than 90 Days Without a Permit or Interim Status, or an Approved Extension

40. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

41. Pursuant to Ohio Admin. Code §§ 3745-52-34(C)(1)(a) and 3745-66-73(A), a generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

42. During the inspection of the Oil Tank Containment Area, there was a satellite accumulation area that consisted of five 5-gallon buckets that contained hazardous waste black oxide oil as stated by Respondent. All five buckets were situated in a secondary containment bermed area, but all five were not closed. There was no waste being added or removed from any of the buckets at the time of the inspection.

43. Respondent failed to keep closed a container holding hazardous waste during

storage, when no waste was being added or removed at the time of inspection, in violation of Ohio Admin. Code §§ 3745-52-34(C)(1)(a) and 3745-66-73(A).

44. Pursuant to Ohio Admin. Code § 3745-52-34(C)(1)(b), a generator must mark a container holding hazardous waste either with the words “Hazardous Waste” or other words identifying the contents.

45. During the inspection of the Oil Tank Containment Area, there was a satellite accumulation area that consisted of five 5-gallon buckets that contained hazardous waste black oxide oil as stated by Respondent. All five buckets were situated in a secondary containment bermed area, but all five were not labeled.

46. Respondent failed to label a container holding hazardous waste with the words “Hazardous Waste” or other words identifying the contents, in violation of Ohio Admin. Code § 3745-52-34(C)(1)(b).

47. Pursuant to Ohio Admin. Code § 3745-52-34(D)(4) and/or § 3745-52-34(A)(2), a small quantity generator or large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

48. During the inspection of the Unload Black Oxide Area, there was one 330-gallon tote that contained waste black oxide oil as stated by Respondent. The tote was approximately half full, was labeled as “Black Oxide Waste Oil”, and was closed. The tote was not marked with an accumulation start date. Respondent stated that the tote had started accumulating the hazardous waste black oxide oil from the end of May 2022.

49. Respondent failed to mark a hazardous waste container holding hazardous waste with the date upon which the period of accumulation began, in violation of Ohio Admin. Code § 3745-52-34(D)(4) and/or § 3745-52-34(A)(2).

50. Pursuant to Ohio Admin. Code § 3745-52-34(D)(4) and/or § 3745-52-34(A)(3), a small quantity generator or large quantity generator must label or clearly mark each container holding hazardous waste with the words “Hazardous Waste.”

51. During the inspection of the Unload Black Oxide Area, there was one 330-gallon tote that contained waste black oxide oil as stated by Respondent. The tote was approximately half full, was labeled as “Black Oxide Waste Oil”, and was closed. The tote was not labeled as “Hazardous Waste.” Respondent stated that the tote had started accumulating the hazardous waste black oxide oil from the end of May 2022.

52. Respondent failed to label a hazardous waste container with the words “Hazardous Waste”, in violation of Ohio Admin. Code § 3745-52-34(D)(4) and/or § 3745-52-34(A)(3).

53. Pursuant to Ohio Admin. Code § 3745-52-34(A) and (B), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period.

54. During the inspection of the Unload Black Oxide Area, Respondent stated that approximately 5 gallons of the waste black oxide oil is generated per day on average.

55. During the review of manifests, shipment records indicated that the facility may have stored the hazardous waste black oxide oil for more than 90 days as a Large Quantity Generator between the period of shipments on 4/13/21 and 5/4/22 (shipment on 5/4/22 was two 330-gallon totes of 5,500 pounds) due to the facility being a Large Quantity Generator during 2021 because of generated amounts of other hazardous waste streams. Respondent was not granted an extension of the 90-day period.

56. Respondent failed to ship off-site its generated hazardous waste within 90 days, without a permit or interim status, or an approved extension, in violation of Ohio Admin. Code

§ 3745-52-34(A) and (B).

Count III: Failure to Make Hazardous Waste Determination

57. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

58. Pursuant to Ohio Admin. Code § 3745-52-11, a generator must determine whether its waste is hazardous.

59. During the inspection of the area under the black oxide tank, there was solid waste material with some liquid (mostly in solid form) on the floor and was not contained. The waste potentially could be corrosive as stated by Respondent. At the time of the inspection, Respondent had not made a determination whether the waste generated under the black oxide tank was hazardous.

60. During the review of waste characterization information, the safety data sheet (SDS) for the cast chrome steel abrasive was reviewed and determined that Toxicity Characteristic Leaching Procedure (TCLP) analytical was needed and was forthcoming for this waste cast chrome steel abrasive blasting dust stream to ensure correct characterization as stated by Respondent. At the time of the inspection, Respondent had not made a determination whether the waste cast chrome steel abrasive blasting dust stream was hazardous.

61. Respondent failed to make a hazardous waste determination for the solid waste material with some liquid (mostly in solid form) on the floor that was not contained and failed to make a hazardous waste determination for the waste cast chrome steel abrasive blasting dust stream, in violation of Ohio Admin. Code § 3745-52-11.

Count IV: Failure to Record Inspections of Emergency Equipment

62. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

63. Pursuant to Ohio Admin. Code §§ 3745-52-34(D)(4) and/or § 3745-52-34(A)(4), and 3745-65-33, a generator must ensure that all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, is tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

64. During the review of records, Respondent stated that emergency equipment inspections were being conducted but were not documented. Fire extinguisher inspections were being documented, however.

65. Respondent failed to record the inspections of its facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, in violation of Ohio Admin. Code §§ 3745-52-34(D)(4) and/or § 3745-52-34(A)(4), and 3745-65-33.

Count V: Failure to Record Weekly Inspections of Hazardous Waste Storage

Containers

66. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

67. Pursuant to Ohio Admin. Code §§ 3745-52-34(D)(2) and/or § 3745-52-34(A)(1), and 3745-66-74, a generator must inspect areas where containers are stored, at least once during the period from Sunday to Saturday, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

68. During the inspection of records, Respondent stated that weekly inspections of the hazardous waste storage area (waste black oxide oil tote storage area) were being conducted but were not documented.

69. Respondent failed to record the weekly inspections of its hazardous waste storage containers, in violation of Ohio Admin. Code §§ 3745-52-34(D)(2) and/or § 3745-52-34(A)(1), and 3745-66-74.

Count VI: Failure to Include Content in Contingency Plan

70. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

71. Pursuant to Ohio Admin. Code §§ 3745-52-34(A)(4), 3745-65-52(A), 3745-65-52(E), and 3745-65-52(F), a large quantity generator's contingency plan must include actions to be taken in response to fires, explosions or any unplanned release of hazardous waste; a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the emergency equipment list [such as fire extinguishing systems, spill control equipment, communications, and alarm systems (internal and external), and decontamination equipment], where this equipment is required, and a brief outline of its capabilities; and an evacuation plan for facility personnel where there is a possibility that an evacuation may be necessary.

72. During the inspection of records, the contingency plan did not describe actions the facility employees would take in response to fires and explosions. The plan did not describe or depict an evacuation plan. The plan did not describe the capabilities of the facility's emergency

equipment, nor did it describe or depict the emergency equipment's locations.

73. Respondent failed to include in its contingency plan, descriptions of actions the facility employees would take in response to fires and explosions, description or map of an evacuation plan, description of the capabilities of the facility's emergency equipment, and description or map of the emergency equipment's locations, in violation of Ohio Admin. Code §§ 3745-52-34(A)(4), 3745-65-52(A), 3745-65-52(E), and 3745-65-52(F).

Count VII: Failure to Implement and Keep Records of a RCRA Hazardous Waste Training Program and Keep Records of Job Descriptions

74. Complainant incorporates paragraphs 1 through 30 of this CAFO as though set forth in this paragraph.

75. Pursuant to Ohio Admin. Code §§ 3745-52-34(A)(4), 3745-65-16(A)-(C), and (D)(4), a large quantity generator must ensure that facility personnel complete a training program that teaches hazardous waste management and emergency procedures, take part in an annual review of the initial hazardous waste training program, and ensure that the training is documented.

76. There was no RCRA hazardous waste management training program in place at the facility at the time of the inspection. There was no RCRA hazardous waste management training conducted nor documented or provided for the years 2020 and 2021. There were no job descriptions documented nor provided for the employees who are in positions of hazardous waste management.

77. Respondent failed to implement a RCRA hazardous waste training program for years 2020 and 2021 and keep records of job descriptions provided for the employees who are in positions of hazardous waste management, in violation of Ohio Admin. Code §§ 3745-52-

34(A)(4), 3745-65-16(A)-(C), and (D)(4).

Civil Penalty Order

78. 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 \$94,514. In determining the penalty amount, Complainant took into account the above Factual Allegations, the seriousness of the violations, any good faith efforts to comply with the applicable requirements, and other factors as justice may require. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

79. Within 30 days after the effective date of this CAFO, Respondent must pay a \$94,514 civil penalty for the RCRA violations by:

For ACH electronic funds transfer, sending funds electronically, payable to "Treasurer, United States of America," and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

In the comment area of the electronic funds transfer, state "In the Matter of: Finishing Technology, Inc." and the docket number of this CAFO.

80. Respondent must send a notice of payment that states Respondent's name and the case docket number to U.S. EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Or via email at r5hearingclerk@epa.gov

Land Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
R5lecab@epa.gov

Bryan Gangwisch (ECR-17J)
Land Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
gangwisch.bryan@epa.gov

Robert H. Smith (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
smith.roberth@epa.gov

81. This civil penalty is not deductible for federal tax purposes.

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

83. 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 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.

84. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. §1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts

paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

General Provisions

85. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: smith.roberth@epa.gov (for Complainant), and ESpitzig@taftlaw.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

86. Respondents’ 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 the CAFO.

87. 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.

88. Payment of the civil penalty does not affect Respondent's continuing obligation to comply with RCRA and other applicable federal, state, local laws or permits.

89. Respondent certifies that it is complying fully with the statutory and regulatory provisions alleged to have been violated in this CAFO.

90. 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).

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

92. 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.

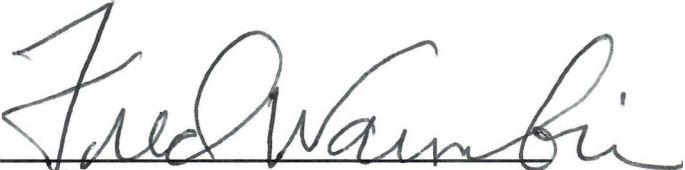
93. Each party agrees to bear its own costs and attorney's fees in this action.

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

**In the Matter of:
Finishing Technology, Inc.
Docket No. RCRA-05-2024-0005**

Finishing Technology, Inc., Respondent

March 28, 2024
Date



Fred Warmbier
President
Finishing Technology, Inc.

United States Environmental Protection Agency, Complainant

Date

Michael D. Harris
Division Director
Enforcement and Compliance Assurance
Division

**In the Matter of:
Finishing Technology, Inc.
Docket No. RCRA-05-2024-0005**

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