

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

11 SEP 22 AM 8:05  
ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF: )  
)  
Sivyer Steel Corporation )  
225 S. 33<sup>rd</sup> Street )  
Bettendorf, Iowa 52722 )  
)  
RCRA I.D. No. IAD005264460 )  
)  
Respondent. )  
)  
Proceeding under Section 3008(a) and (g) of )  
the Resource Conservation and Recovery )  
Act as amended, 42 U.S.C. § 6928(a) and (g) )  
)  
\_\_\_\_\_ )

**CONSENT AGREEMENT  
AND FINAL ORDER**

Docket No. RCRA-07-2011-0034

**I. PRELIMINARY STATEMENT**

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Sivyer Steel Corporation (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2). This Consent Agreement and Final Order (CAFO) is a complete and final settlement of all civil and administrative claims and causes of action for the violations set forth in this CAFO.

**II. ALLEGATIONS**

**Jurisdiction**

1. This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 United States Code (U.S.C.) § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.
2. This CAFO serves as notice that EPA has reason to believe that Respondent violated 3005 of RCRA, 42 U.S.C. § 6925, and the implementing regulations at 40 C.F.R. Part 262, 265, 273, and 279.

### **Parties**

3. The Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of EPA, Region 7.

4. The Respondent is Sivyer Steel Corporation (Respondent), a company authorized to operate under the laws of Iowa.

### **Statutory and Regulatory Framework**

5. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004 and January 12, 2009, and penalties of up to \$37,500 per day are authorized for violations that occur after January 12, 2009. Based upon the facts alleged in this CAFO and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, the Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in this CAFO.

7. Pursuant to the regulations set forth 40 C.F.R. Part 262, generators of solid waste must perform hazard waste determinations on all solid wastes.

8. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

9. The regulations at 40 C.F.R. § 262.34(d), allow a generator to accumulate hazardous waste in containers on-site for one hundred eighty days without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(d)(1)-(5) are met. These conditions include compliance with various hazardous waste regulatory requirements.

10. The regulations at 40 C.F.R. § 279.22, set forth the standards for used oil generators regarding management and storage of used oil.

11. The regulations at 40 C.F.R. Part 273, set forth the standards for generators of universal waste.

### **Factual Background**

12. Respondent is a company authorized to conduct business in the State of Iowa, and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

13. Respondent, located at 225 S. 33<sup>rd</sup> Street, Bettendorf, Iowa, produces and finishes steel castings. Respondent employs approximately 253 full time employees at its Bettendorf, Iowa facility.

14. On or about February 21, 2006, Respondent notified EPA that it is a small quantity generator of hazardous waste. Small quantity generators of hazardous waste generate more than 100 kilograms and less than 1,000 kilograms of hazardous waste per month.

15. Respondent has been assigned the following EPA ID Number: IAD005264460.

16. On or about March 22, 2010, an inspector for EPA conducted an inspection at Respondent’s facility. Respondent was inspected as a conditionally exempt small quantity generator of hazardous waste. Conditionally exempt small quantity generators generate 100 kilograms of hazardous waste or less per month.

17. During the inspection, it was documented that Respondent accumulated hazardous waste with the following hazardous waste codes: a floor leveler compound (D001); waste Chem-Rez (D001, D005, D006, D007, D008, D035); waste REFCOHOL 6810 (D001, D005, D006, D007, D008, D035); dried paint waste (D001, D005, D006, D007, D008, D035); spent paint thinner (D001, F003, F005); and spent parts washer solvent (D039). Respondent is also a used oil generator and small quantity handler of universal waste, accumulating less than 5,000 kilograms of universal waste at any time.

18. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 40 C.F.R. Part 261. Each of the wastes listed in Paragraph 17 are a “solid waste” and a “hazardous waste” within the meaning of these regulations.

19. Based on information obtained during the 2010 inspection, Respondent was issued a Notice of Preliminary Findings for, among other things, failure to make hazardous waste determinations, failure to label containers containing used oil with the words “used oil”, failure to store used oil in containers in good condition, failure to respond to releases of used oil, failure to label containers of universal waste lamps with the words “universal waste--lamps”, “waste lamps”, or “used lamps”, accumulation of universal waste lamps in excess of one year, failure to document the length of time universal waste has been stored on site, failure to maintain universal

waste lamps in closed containers, and failure to properly train employees on universal waste requirements.

20. Subsequent to the 2010 inspection, Respondent provided documentation which revealed that in June 2010, Respondent manifested approximately 7,965 pounds of hazardous waste off site. Therefore, during the month of June 2010, Respondent was a small quantity generator of hazardous waste based on accumulation.

21. On or about September, 9, 2008, the Iowa Department of Natural Resources issued an administrative penalty order to Respondent for air violations.

### **Violations**

#### **Count 1**

#### **Operation of a Hazardous Waste Facility Without a RCRA Permit or Interim Status**

22. Complainant hereby incorporates the allegations contained in Paragraphs 12 through 21 above, as if fully set forth herein.

23. Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(b), requires each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

24. The regulations at 40 C.F.R. § 262.34(d), allow a small quantity generator to accumulate hazardous waste in containers on-site for one hundred eighty days without a permit or without interim status, provided the conditions listed in 40 C.F.R. §§ 262.34(d)(1)-(5) are met. These conditions include compliance with other hazardous waste regulatory requirements.

25. At the time of the 2010 inspection, Respondent was not complying with various hazardous waste regulatory requirements, described below.

26. Respondent does not have a RCRA Permit or Interim Status to operate as a storage facility and is therefore in violation of Section 3005 of RCRA, 42 U.S.C § 6925.

#### **Failure to Comply with Generator Requirements**

27. At the time of the 2010 inspection, Respondent was not complying with the following regulatory requirements:

#### *Accumulation Start Date*

28. The regulation at 40 C.F.R. § 262.34(d)(4) incorporates the regulations at 40 C.F.R. §

262.34(a)(2). The regulation at 40 C.F.R. § 262.34(a)(2), requires a generator to clearly mark the date upon which the period of accumulation begins for each container of hazardous waste.

29. At the time of the 2010 inspection, the inspector observed that Respondent had failed to adequately mark the accumulation start date on the following containers: twelve, 5-gallon containers of waste Chem-Rez; two, 55-gallon containers of REFCOHOL 6810; and one, half-full, 55-gallon container of dried paint waste.

30. Respondent's failure to date when the period of accumulation begins for each container of hazardous waste is a violation of 40 C.F.R. § 262.34(d)(4), incorporating 40 C.F.R. § 262.34(a)(2).

*Labeling and Marking  
Hazardous Waste Containers*

31. The regulation at 40 C.F.R. § 262.34(d)(4) incorporates the regulations at 40 C.F.R. § 262.34(a)(3). The regulation at 40 C.F.R. § 262.34(a)(3) requires a generator to clearly label or mark each container of hazardous waste with the words "Hazardous Waste."

32. At the time of the 2010 inspection, the inspector observed that Respondent had failed to adequately label or mark the words "Hazardous Waste" on the following containers: twelve, 5-gallon containers of waste Chem-Rez; two, 55-gallon containers of REFCOHOL 6810; one, half-full 55-gallon container of dried paint waste.

33. Respondent's failure to label or clearly mark the words "Hazardous Waste" on each container of hazardous waste is a violation of 40 C.F.R. § 262.34(d)(4), incorporating 40 C.F.R. § 262.34(a)(3).

*Closing Hazardous Waste Containers*

34. The regulation at 40 C.F.R. 262.34(d)(2), referencing 40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a), require that all containers holding hazardous must always be closed during storage, except when it is necessary to add or remove waste.

35. At the time of the 2010 inspection, the inspector observed that Respondent failed to close the following container: 55-gallon container of dried paint waste.

36. Respondent's failure to close containers of hazardous waste while in storage is a violation of 40 C.F.R. §§ 262.34(d)(2), 262.34(a)(1)(i), and 265.173(a).

*Accumulation of Hazardous Waste in Containers in Good Condition*

37. The regulation at 40 C.F.R. § 262.34(d)(2), referencing 40 C.F.R. § 265.171, requires that

if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

38. At the time of the 2010 inspection, the inspector observed that Respondent accumulated hazardous waste in the following containers that were not in good condition: one, dented, 5-gallon container of waste Chem Rez and two totes of Chem Rez that were melted and leaking.

39. Respondent's failure to accumulate hazardous waste in containers that were in good condition is a violation of 40 C.F.R. §§ 262.34(d)(2) and 40 C.F.R. § 265.171.

#### *Adequate Aisle Space*

40. The regulation 40 C.F.R. § 262.34(d)(4) referencing 40 C.F.R. §§ 262.34(a)(4) and 265.35, require that a generator maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

41. At the time of the 2010 inspection, the inspector observed that Respondent failed to maintain adequate aisle space in the waste storage shed.

42. Respondent's failure to maintain adequate aisle space in the waste storage shed is a violation of 40 C.F.R. §§ 262.34(d)(4), 262.34(a)(4), and 265.35.

#### **Count 2**

#### **Failure to Comply with Used Oil Requirements**

43. The allegations stated in Paragraphs 12 through 42 above are realleged and incorporated as if fully set forth herein.

44. At the time of the 2010 inspection, the inspector observed that the Respondent failed to comply with a number of used oil requirements, described below.

#### *Labeling Used Oil Containers*

45. The regulation at 40 C.F.R. § 279.22(c)(1) requires that containers and above ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

46. At the time of the 2010 inspection, the inspector observed the following containers of used oil that were not labeled with the words "Used Oil": four, 55-gallon containers; one, 5-

gallon container; one, 5-gallon container; thirteen, 5-gallon containers of floor-dry contaminated with used oil; 72, 275-gallon containers of waste oily water; and 37, 55-gallon containers of waste oily water.

47. Respondent's failure to properly label containers of used oil with the words "Used Oil" is a violation of 40 C.F.R. § 279.22(c)(1).

48. Respondent's failure to accumulate used oil in containers that were not leaking is a violation of 40 C.F.R. § 279.22(b)(1).

#### *Responding to Releases of Used Oil*

49. The regulation at 40 C.F.R. § 279.22(d) requires that upon detection of a release of used oil to the environment, a generator must perform the following cleanup steps: 1) stop the release; 2) contain the released used oil; 3) clean up and manage properly the released used oil and other materials; and 4) if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

50. At the time of the 2010 inspection, the inspector observed a release of used oil outside the hydraulic pump building marked by soil staining. At the time of the inspection, Respondent had not properly contained the released used oil, or cleaned up and properly managed the released used oil.

51. Respondent's failure to properly respond to the release of used oil is a violation of 40 C.F.R. § 279.22(d).

### **Count 3**

#### **Failure to Comply with Universal Waste Requirements**

52. The allegations stated in Paragraphs 12 through 51 above are realleged and incorporated as if fully set forth herein.

53. At the time of the 2010 inspection, the inspector observed that the Respondent failed to comply with a number of universal waste requirements, described below.

#### *Labeling Universal Waste Containers*

54. The regulation at 40 C.F.R. § 273.14(e) requires that a small quantity handler of universal waste must mark the universal waste to identify the type of universal waste. For waste lamps, a small quantity handler must label each lamp or a container or package in which such lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

55. At the time of the 2010 inspection, the inspector observed seventeen boxes containing waste metal halide lamps that were not marked with the phrases “Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

56. Respondent’s failure to properly label the boxes containing waste metal halide lamps is a violation of 40 C.F.R. § 273.14(e).

*Accumulation of Universal Waste in Excess of One Year*

57. The regulation at 40 C.F.R. § 273.15(a) states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler.

58. At the time of the 2010 inspection, a representative of Respondent stated that the waste metal halide lamps were stored at least one year or more.

59. Respondent’s accumulation of universal waste in excess of one year is a violation of 40 C.F.R. § 273.15(a).

*Demonstration of Accumulation Period of Universal Waste*

60. The regulation at 40 C.F.R. § 273.15(c) requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

61. At the time of the 2010 inspection, Respondent was unable to demonstrate the length of time that the waste metal halide lamps had accumulated at the facility.

62. Respondent’s failure to demonstrate the length of time the universal waste had accumulated at the facility is a violation of 40 C.F.R. § 273.15(c).

*Closed Containers of Universal Waste*

63. The regulation at 40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

64. At the time of the 2010 inspection, the inspector observed twenty containers of metal halide lamps in containers that were not closed, and one container that was in poor condition.

65. Respondent’s failure to close containers of universal waste and accumulate universal

waste in a container that was in poor condition is a violation of 40 C.F.R. § 273.13(d)(1).

*Universal Waste Training Program*

66. The regulation at 40 C.F.R. § 273.16 requires that a small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

67. At the time of the 2010 inspection, a representative of Respondent informed the inspector that a universal waste training program did not exist.

68. Respondent's failure to provide a universal waste training program is a violation of 40 C.F.R. § 273.16.

**III. CONSENT AGREEMENT**

69. Respondent and EPA agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order portion of this CAFO.

70. Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CAFO set forth below.

71. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO. Except as between the Respondent and Complainant hereto, nothing contained in this CAFO shall be construed as an admission in any other administrative or judicial proceeding now pending or hereafter commenced.

72. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of the CAFO.

73. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

74. This CAFO addresses all civil administrative claims for the RCRA violations identified above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

75. Nothing contained in the Final Order portion of this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

76. Respondent certifies that by signing this CAFO that to best of its knowledge,

Respondent's facility is in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.* and all regulations promulgated thereunder.

77. The effect of settlement described in Paragraph 79 below is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in Paragraph 74, above, of this CAFO.

78. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

79. Respondent agrees that, in settlement of the claims alleged in this CAFO, Respondent shall pay a penalty of Fifty-Four Thousand Seven Hundred and Eighty-Six (\$54,786.00) as set forth in Paragraph 1 of the Final Order portion of this CAFO, below.

80. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in Paragraph 79 above.

81. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

82. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

83. This CAFO shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

84. This Consent Agreement and the Final Order shall remain in full force and effect until Complainant provides Respondent with written notice, in accordance with Paragraph 90 of the Consent Agreement, that all requirements hereunder have been satisfied.

### **Reservation of Rights**

85. Notwithstanding any other provision of this CAFO, EPA reserves the right to enforce the terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-Two Thousand Five Hundred Dollars (\$32,500.00) per day per violation pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004, and January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are authorized.

86. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CAFO.

87. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

88. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

89. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

90. The provisions of this CAFO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

#### **IV. FINAL ORDER**

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

##### **A. Payment of Civil Penalty**

1. Within thirty (30) days of the effective date of this CAFO, Respondent shall pay a mitigated civil penalty of Fifty-Four Thousand Seven Hundred and Eighty-Six (\$54,786.00). The payment must be received at the address below on or before thirty (30) days after the effective date of the Final Order.

2. Payment of the penalty shall be by cashier or certified check made payable to "Treasurer of the United States" and remitted to:

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

The Respondent shall reference the Docket Number, RCRA-07-2011-0034 on the check. A copy of the check shall also be mailed to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 7  
901 North 5th Street  
Kansas City, Kansas 66101; and

Demetra O. Salisbury  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 7  
901 North 5th Street  
Kansas City, Kansas 66101.

3. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

##### **B. Compliance Actions**

4. Respondent shall take the following actions within 30 days of the effective date of this

CAFO, according to the terms and conditions specified below:

- a) Provide photographic documentation that used oil containers and universal waste lamp containers are properly maintained and labeled.
- b) Provide documentation that all areas contaminated with used oil were cleaned up.
- c) Notify EPA of the existence of any additional areas contaminated by the release from any leaking used oil containers. For these areas take appropriate remedial action to ensure these areas meet the Region 7 Regional Screening Levels for the contaminant. Provide documentation to EPA, including but not limited to, sample data, photographs, and any reports generated.

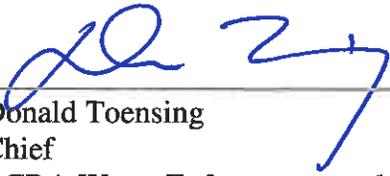
### **C. Parties Bound**

5. This Final Order portion of this CAFO shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

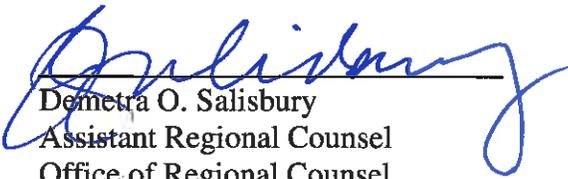
*In the matter of Sivyer Steel Corporation*  
*Docket No. RCRA-07-2011-0034*

**For the Complainant:**  
The United States Environmental Protection Agency

9-15-11  
Date

  
\_\_\_\_\_  
Donald Toensing  
Chief  
RCRA Waste Enforcement and Materials Management Branch  
Air and Waste Management Division

9-15-11  
Date

  
\_\_\_\_\_  
Demetra O. Salisbury  
Assistant Regional Counsel  
Office of Regional Counsel

*In the matter of Sivyer Steel Corporation*  
*Docket No. RCRA-07-2011-0034*

**For Respondent:**  
Sivyer Steel Corporation

9/13/11  
Date

Frank W. Johnson  
Signature

FRANK W. JOHNSON  
Printed Name

CFO  
Title

*In the matter of Sivyer Steel Corporation*  
*Docket No. RCRA-07-2011-0034*

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

September 21, 2011  
Date

Robert Patrick  
Robert Patrick  
Regional Judicial Officer

IN THE MATTER OF Sivyer Steel Corporation, Respondent  
Docket No. RCRA-07-2011-0034

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Demetra O. Salisbury  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Diane Marchik  
Godfrey & Kahn, Attorneys at Law  
780 North Water Street  
Milwaukee, Wisconsin 53202-3590

Dated: 9/23/11



Kathy Robinson  
Kathy Robinson  
Hearing Clerk, Region 7