



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

DEC 19 2012

REPLY TO THE ATTENTION OF:  
LR-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED 7001 0320 0005 8921 9816**

Mr. Jonathan S. Taub  
Secretary  
PVS Chemical Solutions, Inc.  
10900 Harper Avenue  
Detroit, Michigan 48213

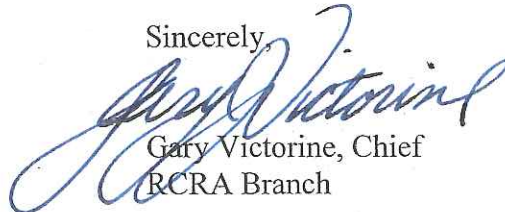
Re: Consent Agreement and Final Order  
PVS Chemical Solutions, Inc.  
Docket No.: **RCRA-05-2013-0002**

Dear Mr. Taub:

Enclosed please find a copy of the signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on December 19, 2012, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$100,900 in the manner prescribed in paragraphs 86 and 87 of the CAFO, and reference all checks with the docket number **RCRA-05-2013-0002**. Your payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,



Gary Victorine, Chief  
RCRA Branch

Enclosures

cc: Todd Marvel ([todd.marvel@illinois.gov](mailto:todd.marvel@illinois.gov)), Illinois Environmental Protection Agency (w/CAFO)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	Docket No. RCRA-05-2013-0002
	)	
PVS Chemical Solutions, 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.	)	42 U.S.C. § 6928(a)
_____		



DEC 19 2012

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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 Land and Chemicals 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 PVS Chemical Solutions, 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 this CAFO has been negotiated in good faith and 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; neither admits nor denies the factual allegations in this CAFO; and retains the right to contest the factual allegations in this CAFO in any other proceedings not relating to 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.

11. Respondent certifies that, to the best of its knowledge, it is complying fully with RCRA, 42 U.S.C. §§ 6901 - 6992k, and the regulations at 40 C.F.R. Parts 260 - 279.

#### **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 U.S. EPA Administrator 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. Any violation of the 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 U.S. EPA Administrator 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). The U.S. EPA-authorized Illinois RCRA regulations are codified at 35 Illinois Administrative Code (IAC) Part 703 *et seq.* See also 40 C.F.R. § 272.700 *et seq.*

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 of time, or both. The U.S. EPA Administrator may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred after March 15, 2004 through January 12, 2009.

### General Factual Allegations - All Counts

16. Respondent was and is a "person" as defined at 35 IAC § 720.110 [40 C.F.R. § 260.10], and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is the "owner" or "operator," as those terms are defined at 35 IAC § 720.110 [40 C.F.R. § 260.10], of a facility located at 12260 South Carondelet Avenue, Chicago, Illinois (the Facility).

18. On May 8 through May 17, 2007, U.S. EPA conducted an inspection of the Facility.

19. The Facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

20. At its Facility, Respondent manufactures sulfuric acid, oleum, liquid sulfur trioxide, liquid sulfur dioxide, sodium bisulfite, sodium thiosulfate, magnesium bisulfite and ammonium bisulfite.

21. At all times relevant to this CAFO, Respondent generated solid wastes at its Facility, including spent vanadium catalyst, sulfur, and soda ash.

22. Respondent's manufacturing processes at the Facility produce several hazardous wastes identified or listed in 35 IAC §§ 721.120 - 721.133 [40 C.F.R. §§ 261.20 - 261.33], including: sulfur trioxide, acidic wastes (e.g. sulfuric acid), ferric chloride solutions, sodium hydroxide, non-halogenated organic solvents, waste paint, and mercury containing liquids.

23. Respondent is a "generator" as that term is defined in 35 IAC § 720.110 [40 C.F.R. § 260.10].

24. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Illinois regulations as part of the applicable state hazardous waste management program for the State of Illinois, or both.

### General Factual Allegations - Counts 1 through 6

25. Respondent received approximately 5,200 gallons of spent oleum (a/k/a fuming sulfuric acid) at its Facility in 1985, from a customer who had used it in a sulfonation process.

26. Respondent stated that it intended to regenerate the spent oleum into fresh sulfuric acid at its Facility.

27. Respondent discontinued use of its process for regenerating spent sulfuric acid at its Facility in 1987, without regenerating the spent oleum identified in paragraph 25, above.

28. Respondent continued to store the spent oleum identified in paragraph 25, above, in an outdoor storage tank at its Facility until June 4, 2007, at which time Respondent shipped the spent oleum off-site for disposal.

29. A material is a solid waste if it is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated. 35 IAC § 721.102(b)(3) [40 C.F.R. § 261.2(b)(3)].

30. From 1985 until 2007, Respondent stored approximately 5,200 gallons of spent oleum at its Facility before or in lieu of it being abandoned by being disposed of, burned, or incinerated.

31. Therefore, in accordance with 35 IAC § 721.102(b)(3) [40 C.F.R. § 261.2(b)(3)], the spent oleum was a solid waste.

32. A spent material is also defined as a solid waste if, prior to recycling, it is accumulated speculatively. 35 IAC § 721.102(c)(4) [40 C.F.R. § 261.2(c)(4)].

33. A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled



and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period.

35 IAC § 721.101(c)(8) [40 C.F.R. § 261.1(c)(8)].

34. From 1985 until 2007, the spent oleum was accumulated speculatively at Respondent's Facility.

35. Therefore, the spent oleum was also defined as a solid waste in accordance with 35 IAC § 721.101(c)(8) [40 C.F.R. § 261.1(c)(8)].

36. The spent oleum possessed the characteristic of corrosivity as described at 35 IAC § 721.122 [40 C.F.R. § 261.22] and, as such, was a hazardous waste as defined at 35 IAC § 721.103 [40 C.F.R. § 261.3].

37. 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.

38. 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.

#### **General Factual Allegations - Count 7**

39. A person that generates a solid waste, as defined in 35 IAC § 721.102 [40 C.F.R. § 261.2], must also determine if that waste is a hazardous waste. 35 IAC § 722.111 [40 C.F.R. § 262.11].

40. For purposes of compliance with 35 IAC Part 728 [40 C.F.R. Part 268], or if the waste is not listed as a hazardous waste in Subpart D of 35 IAC Part 721 [40 C.F.R. Part 261], the generator must then determine whether the waste is identified in Subpart C of 35 IAC Part 721 [40 C.F.R. Part 261] by either: (1) testing the waste according to the methods set forth in

Subpart C of 35 IAC Part 721 or according to an equivalent method approved by the Illinois Pollution Control Board under 35 IAC § 720.121; or (2) applying knowledge of the hazardous characteristic of the waste in light of the materials or processes used. 35 IAC § 722.111(c) [40 C.F.R. § 262.11(c)].

41. The test methods set forth in Subpart C of 35 IAC Part 721 require the use of a representative sample of the solid waste for testing. See, 35 IAC §§ 721.121 through 721.124 [40 C.F.R. §§ 261.21 through 261.24].

42. A representative sample is defined at 35 IAC § 720.110 [40 C.F.R. § 260.10] as a “sample of a universe or whole (e.g., waste pile, lagoon, ground water) that can be expected to exhibit the average properties of the universe or whole.”

43. At the time of the inspection, the following solid wastes were present at Respondent’s Facility:

- a. At least 25 bags of spent vanadium catalyst located in a storage building on the north end of the Respondent’s property that was marked with the numbers 1910 at its entrance (the 1910 Building);
- b. Seven bags of spent vanadium catalyst stored in a maintenance shop on the southeastern portion of Respondent’s property;
- c. Several open piles of sulfur and soda ash observed outdoors at the north end of Respondent’s property and near the Sulfuric Acid Plant;
- d. An uncovered roll-off container of sulfur observed near the Sulfuric Acid Plant;
- e. Approximately (32) 55-gallon containers of sulfur waste located in the 1910 Building; and



- f. Soda ash located in a downed tank, lying horizontally on its side, at the north end of Respondent's property.

44. On September 12, 2007, U.S. EPA issued a Request for Information to Respondent under RCRA Section 3007, in which it asked Respondent, among other things, if Respondent had made hazardous waste determinations on the solid wastes identified in paragraph 43, above, and requested copies of any records that documented those determinations.

45. In a written response dated October 3, 2007, Respondent stated that all of the solid wastes identified in paragraph 43, above, had been determined to be non-hazardous wastes and were sent for off-site disposal.

46. With respect to documentation of the hazardous waste determinations, Respondent submitted a Generator Waste Profile Sheet and an analytical report for analyses conducted on a single sample of "solid/debris" collected on May 9, 2007. According to the report, the analyses conducted on the sample included, but were not limited to, the Toxicity Characteristic Leaching Procedure (TCLP) for volatile organic compounds, semi-volatile organic compounds and metals, reactive cyanide analysis, and reactive hydrogen cyanide analysis.

47. On January 23, 2008, U.S. EPA issued a second Request for Information to Respondent under Section 3007 of RCRA in which U.S. EPA asked Respondent, among other things, whether the above-mentioned analytical record corresponded to the analysis of a single composite sample of all of the solid wastes identified in paragraph 43, above.

48. In a written response dated February 12, 2008, Respondent responded affirmatively, and stated that the composite sample consisted of all of the above-mentioned materials (i.e. spent catalyst, sulfur waste and soda ash) as well as filter bags from the SBS process, acid mist pad, dirt, and tower saddles. Respondent explained that the various materials for the composite

sample were mixed at approximately equal amounts.

49. The solid wastes identified in paragraph 43, above, were not a single solid waste, mixed together, in roughly equal amounts.

### **Specific Factual Allegations**

#### **Count 1**

##### **Storage of Hazardous Waste without a Permit**

50. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

51. No person may conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation without a RCRA permit for the hazardous waste management facility, or in violation of any condition imposed by a RCRA permit.

35 IAC § 703.121 [40 C.F.R. § 270.1].

52. Respondent stored approximately 5,200 gallons of hazardous waste oleum in a tank system at its Facility from 1985 until June 4, 2007.

53. Respondent did not have a permit for the storage of hazardous waste.

54. Respondent's failure to have a permit for the storage of hazardous waste is in violation of 35 IAC § 703.121 [40 C.F.R. § 270.1].

#### **Count 2**

##### **Failure to Provide Secondary Containment to a Hazardous Waste Tank System**

55. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

56. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of 35 IAC § 724.293

[40 C.F.R. § 264.193) must be provided for a new or existing tank system or component, prior to those tanks being put into service. 35 IAC § 724.293(a) [40 C.F.R. § 264.193(a)].

57. Respondent stored approximately 5,200 gallons of hazardous waste oleum in a tank system at its Facility from 1985 until June 4, 2007.

58. The tank system was not provided with secondary containment.

59. Respondent's failure to provide the tank system with secondary containment is in violation of 35 IAC § 724.293(a) [40 C.F.R. § 264.193(a)].

### **Count 3**

#### **Failure to Assess the Integrity of a Hazardous Waste Tank System**

60. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

61. For each existing tank system that does not have secondary containment meeting the requirements of 35 IAC § 724.293 [40 C.F.R. § 264.193], the owner or operator must determine either that the tank system is not leaking or that it is unfit for use. Except as provided in 35 IAC § 724.291(c), the owner or operator must, by January 12, 1988, obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 35 IAC § 702.126(d), that attests to the tank system's integrity. 35 IAC § 724.291(a) [40 C.F.R. § 264.191(a)].

62. An existing tank system is a tank system that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. 35 IAC § 720.110 [40 C.F.R. § 260.10].

63. Respondent stored approximately 5,200 gallons of hazardous waste oleum in an existing tank system at its Facility from 1985 until June 4, 2007.

64. The tank system was not provided with secondary containment.

65. Respondent did not have on file, a written assessment reviewed and certified by a qualified Professional Engineer that attested to the tank system's integrity.

66. Respondent's failure to have on file a written assessment reviewed and certified by a qualified Professional Engineer that attested to the tank system's integrity, is in violation of 35 IAC § 724.291(a) [40 C.F.R. § 264.191(a)].

#### **Count 4**

##### **Failure to Document Inspections of a Hazardous Waste Tank System**

67. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

68. The owner or operator of a hazardous waste tank system must inspect the following at least once each operating day: (1) the above ground portions of the tank system, if any, to detect corrosion or releases of waste; and (2) the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation). 35 IAC § 724.295(c) [40 C.F.R. § 264.195(c)].

69. The owner and operator must document these inspections in the facility operating record. 35 IAC § 724.295(h) [40 C.F.R. § 264.195(h)].

70. Respondent stored approximately 5,200 gallons of hazardous waste oleum in a tank system at its Facility from 1985 until June 4, 2007.

71. Respondent did not have records documenting daily inspections of the tank system.

72. Respondent's failure to have records documenting daily inspections of the tank system is in violation of 35 IAC § 724.295(h) [40 C.F.R. § 264.195(h)].

### Count 5

#### **Failure to Have a Hazardous Waste Contingency Plan**

73. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

74. A facility storing hazardous waste must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. 35 IAC § 724.151(a) [40 C.F.R. § 264.51(a)].

75. Respondent stored approximately 5,200 gallons of hazardous waste oleum in a tank system at its Facility from 1985 until June 4, 2007.

76. At the time of the inspection, Respondent did not have a contingency plan for the Facility.

77. Respondent's failure to have a contingency plan for the Facility is in violation of 35 IAC § 724.151(a) [40 C.F.R. § 264.51(a)].

### Count 6

#### **Failure to have a Hazardous Waste Facility Training Program**

78. Complainant incorporates paragraphs 1 through 38 of this CAFO as though set forth in full in this paragraph.

79. The owner or operator of a hazardous waste storage facility must ensure that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with 35 IAC Part 724 [40 C.F.R. Part 264]. 35 IAC § 724.116(a)(1) [40 C.F.R. § 264.16(a)(1)].

80. Facility personnel must take part in an annual review of their initial training.  
35 IAC § 724.116(c) [40 C.F.R. § 264.16(c)].

81. The owner or operator of the facility must keep records describing the type and amount of both introductory and continuing training given to facility personnel, and records documenting that the training identified in 35 IAC §§ 724.116(a) through (c) has been given to, and completed by, facility personnel. 35 IAC § 724.116(d) [40 C.F.R. § 264.16(d)].

82. Respondent stored approximately 5,200 gallons of hazardous waste oleum in a tank system at its Facility from 1985 until June 4, 2007.

83. At the time of the inspection, Respondent did not have records documenting that Facility personnel underwent the training identified in 35 IAC §§ 724.116(a) through (c) [40 C.F.R. § 264.16].

84. Respondent's failure to have records documenting that Facility personnel underwent the training identified in 35 IAC §§ 724.116(a) through (c) is in violation of 35 IAC § 724.116 [40 C.F.R. § 264.16].

#### Count 7

##### **Failure to Make a Waste Determination**

81. Complainant incorporates paragraphs 1 through 24 and paragraphs 39 through 49 of this CAFO as though set forth in full in this paragraph.

82. Respondent's single composite sample, made of roughly equal proportions of the solid wastes identified in paragraph 43, above, plus additional materials identified in paragraph 48, above, was not a representative sample of the solid wastes, within the meaning given at 35 IAC § 720.110 [40 C.F.R. § 260.10].

83. Respondent did not follow the procedures identified at Subpart C of 35 IAC Part 721 [40 C.F.R. Part 261], when making its hazardous waste determination.

84. Respondent's failure to follow the procedures identified at Subpart C of 35 IAC Part 721 [40 C.F.R. Part 261], when making its hazardous waste determination is in violation of 35 IAC § 722.111 [40 C.F.R. § 262.11].

#### Civil Penalty

85. 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 \$100,900. 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.

86. Within 30 days after the effective date of this CAFO, Respondent agrees to pay a \$100,900 civil penalty for the RCRA violations alleged herein by directing a wire transfer to the Federal Reserve Bank of New York, as follows:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

87. A payment notification letter, stating Respondent's name, the case title, Respondent's complete address, and the case docket number must be sent to:

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



Todd C. Brown (LR-8J)  
RCRA Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

and,

Terence Stanuch (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604

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

89. 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.

90. 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 six (6) percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

91. This CAFO resolves Respondent's liability only for federal civil penalties for the violations and facts alleged in this CAFO.

92. 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.

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

94. 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).

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

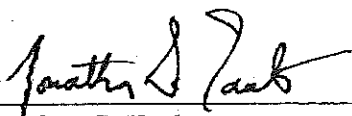
96. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

98. This CAFO constitutes the entire agreement between the parties with respect to the subject matter of this CAFO.

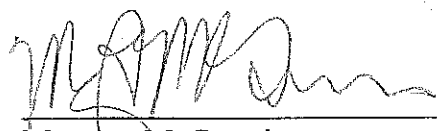
**For PVS Chemical Solutions, Inc., Chicago, IL, Respondent:**

12/06/2012  
Date

  
\_\_\_\_\_  
Jonathan S. Taub  
Secretary  
PVS Chemical Solutions, Inc.

**For the United States Environmental Protection Agency, Region 5, Complainant:**

12/17/2012  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

In the Matter of:  
PVS Chemical Solutions, Inc., Chicago, IL  
RCRA Docket Number: RCRA-05-2013-0002

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, U.S. EPA, Region 5. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

12-18-12  
Date



\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

RECEIVED  
DEC 19 2012  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CASE NAME:

DOCKET NO: RCRA-05-2013-0002

### CERTIFICATE OF SERVICE

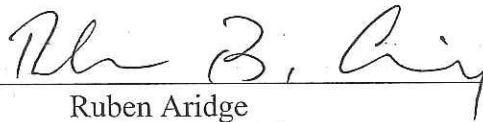
I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

Mr. Jonathan S. Taub  
Secretary  
PVS Chemical Solutions, Inc.  
10900 Harper Avenue  
Detroit, Michigan 48213

Certified Mail Receipt # 7001 0320 0005 8921 9816

Dated: Dec 19, 201



Ruben Aridge  
Administrative Program Assistant  
United States Environmental Protection Agency  
Region 5  
Land and Chemicals Division LR-8J  
RCRA Branch  
77 W. Jackson Blvd, Chicago, IL 60604-3590

**RECEIVED**  
DEC 19 2012  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY