



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

AUG 27 2012

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 0000 7669 2274
RETURN RECEIPT REQUESTED

Ms. Melanie M. Frohriep
Environmental, Health & Safety Specialist
Petro-Chem Processing Group of Nortru, Inc.
515 Lyncaste St.
Detroit, Michigan 48214

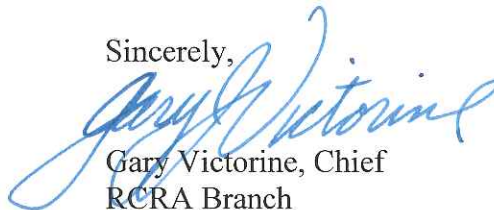
Re: Consent Agreement and Final Order
Petro-Chem Processing Group of Nortru, Inc.
Docket No: **RCRA-05-2012-0012**

Dear Ms. Frohriep:

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 August 27, 2012, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$23,130 in the manner prescribed in paragraph 41 of the CAFO, and reference all checks with the number **BD 2751242R012** and docket number **RCRA-05-2012-0012**. 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: John Craig, Enforcement Manager, MDEQ, CRAIGJ@michigan.gov (w/CAFO)
Jeanette Noechel, MDEQ, NOECHELJ@michigan.gov (w/CAFO)

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2012-0012
)	
Petro-Chem Processing Group of Nortru LLC Detroit, Michigan,)	Proceeding to Commence and Conclude 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)

RECEIVED
AUG 27 2012

Consent Agreement and Final Order

Preliminary Statement

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY,**

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 Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is Nortru LLC, a limited liability corporation doing business in the State of Michigan, with a place of business at 421 Lycaste Street, Detroit, Michigan 48214.
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.

11. Respondent certifies that 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 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 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. 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 Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986). Michigan received authorization for revisions to its program on January 23, 1990, 54 Fed. Reg. 48608 (November 24, 1989); on June 24, 1991, 56 Fed. Reg. 18517 (April 23, 1991); on November 30, 1993, 58 Fed. Reg. 51244 (October 1, 1993); on January 13, 1995, 60 Fed. Reg. 3095 (January 13, 1995); on April 8, 1996, 61 Fed. Reg. 4742 (February 8, 1996); on November 14, 1997, 62 Fed. Reg. 61775 (November 14, 1997); on June 1, 1999, 64 Fed. Reg. 10111 (March 2, 1999); on July 31, 2002, 67 Fed. Reg. 49617 (July 31, 2002); on March 9, 2006, 71 Fed. Reg. 12141 (March 9, 2006); on January 7, 2008, 73 Fed. Reg. 1077 (January 7, 2008); and on March 2, 2010, 75 Fed. Reg. 9345 (March 2, 2010).

15. Michigan promulgated regulations governing hazardous waste management at Michigan Administrative Code Rules (MAC) R 299.9101 et seq. The State of Michigan's hazardous waste program includes requirements for a person who exports hazardous waste. See MAC R 299.3909 and 299.11003(k) (incorporating by reference the provisions of 40 C.F.R. Part 262, Subpart E, except 40 CFR §§ 262.54 and 262.55). Michigan's rules governing hazardous waste management operate in lieu of the federal program.

16. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may

assess a civil penalty of up to \$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, and \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

17. Respondent is a person as that term is defined by MAC R 299.9106(i), 40 C.F.R. §260.10 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent's Petro-Chem Processing Group facility is located at 421 Lycaste Street, Detroit, Michigan. Respondent's facility at 421 Lycaste Street is a "Facility" as defined at MAC 299.9103(r) and 40 C.F.R. § 262.10.

19. Respondent is engaged in the business of exporting hazardous waste for treatment, storage and/or disposal.

20. Respondent's Facility was assigned U.S. EPA Identification Number MID 980 615 298.

21. Respondent is a generator of hazardous waste as that term is defined by MAC 299.9104(a) and 40 C.F.R. § 260.10.

22. At all times relevant to this CAFO, Respondent generated during each calendar month more than 1,000 kg of hazardous waste at the Facility.

23. Respondent's Facility is a large quantity generator of hazardous waste.

24. Respondent is a "primary exporter" as that term is defined by MAC 299.9106(r) and 40 C.F.R. § 262.51.

25. On January 21, 2009, Respondent submitted its "2008 Hazardous Waste Export Report" to the U.S. EPA for calendar year 2008.

26. The Hazardous Waste Export Report referenced in Paragraph 25 above, reports the amount of hazardous waste Respondent exported during the 2008 calendar year.

27. Respondent certified that the information contained in its 2008 Hazardous Waste Export Report submitted to U.S. EPA on January 21, 2009 was true, accurate and complete.

28. On March 18, 2010, Respondent submitted a "2008 Hazardous Export Report-Revised" to U.S. EPA.

Count I: Failure to Submit an Exception Report

29. Complainant incorporates Paragraphs 1 through 28 of this CAFO as though set forth in this Paragraph.

30. Under MAC R 299.9309(3) a primary exporter must file an exception report with the Administrator of U.S. EPA and Director of Michigan Department of Environmental Quality (MDEQ) if the waste is returned to the United States. *See* 40 C.F.R. § 262.55.

31. Hazardous Waste Manifest Number 003374358JJK shows that Respondent exported (1) 19,803 pounds of Waste Aerosols, Flammable and (2) 7,917 pounds of Waste Aerosols, Flammable to C.R.I. Environment, Inc., Canada, on January 14, 2008, and that this waste was returned to Respondent. Hazardous Waste Manifest Number 003374358JJK shows that Respondent received this returned waste on January 23, 2008.

32. Respondent did not file an exception report for the returned waste referenced in Paragraph 31.

33. By failing to submit an Exception Report to the Administrator of U.S. EPA and Director of MDEQ, Respondent violated MAC R 299.9309(3) and Section 3002 of RCRA, 42 U.S.C. § 6922.

Count II: Failure to Accurately Report the Hazardous Waste Exported in the 2008 Annual Hazardous Waste Export Report

34. Complainant incorporates Paragraphs 1 through 28 of this CAFO as though set forth in this Paragraph.

35. Pursuant to MAC R 299.9309(4), R 299.11003 and 40 C.F.R. § 262.56(a) primary exporters of hazardous waste are required to file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous waste exported during the previous calendar year. *See* 42 USC § 6938(g).

36. MAC R 299.9309(4), R 299.11003 and 40 C.F.R. § 262.56(a)(4) require that the annual report referenced above include information, by consignee, for each hazardous waste exported, a description of the hazardous waste, the U.S. EPA hazardous waste number, DOT hazardous class, the name and U.S. EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification.

37. MAC R 299.9309(4), R 299.11003 and 40 C.F.R. § 262.56(a)(6) require that the annual report referenced above include a certification signed by the primary exporter that the submitted information is true, accurate and complete.

38. Respondent incorrectly reported the total amount of hazardous waste for 21 different waste streams exported to its consignee, C.R.I. Environment, Inc. Canada in its 2008 Hazardous Export Report

39. Respondent's failure to accurately report the total amount of exported waste exported to its consignee, C.R.I. Environment, Inc., Canada, for calendar year 2008, constitutes a violations of MAC R 299.9309(4) and 40 C.F.R. § 262.56(a)(4).

Civil Penalty

40. 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 \$23,130. 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.

41. Within 30 days after the effective date of this CAFO, Respondent must pay a civil penalty in the amount of \$23,130 by cashier's check, certified check, electronic funds transfer, automated clearinghouse, or online payment.

For checks sent by regular U.S. Postal Service mail: send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For checks sent by express mail: send 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, Missouri 63101

The check must include the case name, docket number of this CAFO, and the billing document number.

For electronic funds transfer: make the electronic funds transfer, payable to “Treasurer, United States of America,” and send to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, include the case name, the docket number of this CAFO, and the billing document number.

For Automated Clearinghouse (ACH) also known as REX or remittance express: make the ACH electronic funds transfer, payable to “Treasurer, United States of America,” and send 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, include the case name, the docket number of this CAFO, and the billing document number.

For on-line payment: make an on-line payment by going to www.pay.gov. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

42. Respondent must send a notice of payment that states Respondent's name, complete address, the case docket number and the billing document 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 Blvd.
Chicago, IL 60604

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

William Damico (LR-8J)
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

44. 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.

General Provisions

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

46. 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.

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

48. 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).

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

50. 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.

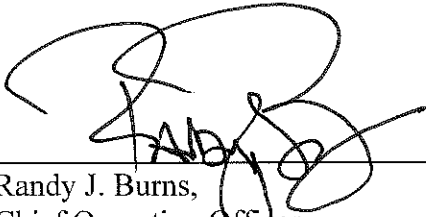
51. Each party agrees to bear its own costs and attorney's fees in this action.

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

Petro-Chem Processing Group of Nortru LLC, Respondent

7/30/12

Date




Randy J. Burns,
Chief Operating Officer
Petro-Chem Processing Group of
Nortru LLC

United States Environmental Protection Agency, Complainant

8/21/2012

Date




Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Petro-Chem Processing Group of Nortru LLC
Docket No. RCRA-05-2012-0012

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.

August 23, 2012
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASE NAME: Petro-Chem Processing group of Nortru
DOCKET NO: RCRA-05-2012-0012

CERTIFICATE OF SERVICE

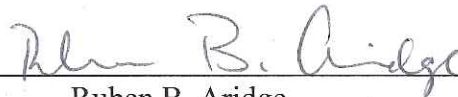
I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590.

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:

Ms. Melanie M. Frohriep
Environmental, Health & Safety Specialist
Petro-Chem Processing Group of Nortru
515 Lycaste St.
Detroit, MI 48214

Certified Mail Receipt #

Dated: 8/27, 2012



Ruben B. 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

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**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**