

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**IN THE MATTER OF:**

	)	<b>Docket No. RCRA-03-2011-0192</b>
<b>Swanson Plating</b>	)	
<b>2608 Smithtown Road</b>	)	<b>CONSENT AGREEMENT</b>
<b>Morgantown, WV 26508</b>	)	<b>Proceeding under Sections 3008(a) and (g)</b>
	)	<b>of the Resource Conservation and</b>
<b>RESPONDENT</b>	)	<b>Recovery Act, as amended, 42 U.S.C. §</b>
	)	<b>6928(a) and (g).</b>

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement (“CA”) is entered into by the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant” or “EPA”), and Swanson Plating (“Swanson Plating” or “Respondent”), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order (“FO”, hereinafter jointly referred to as the “CA/FO”) both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent’s facility at 2608 Smithtown Road, Morgantown, WV, 26508 (the “Facility”).
2. The West Virginia Hazardous Waste Management Regulations (“WVHWMR”), Title 33, Leg. Rule, Division of Environmental Protection, Office of Waste Management, Series 20, Parts 33-20-1 through 33-20-15 (33 Code of State Regulations 20, abbreviated as 33CSR20, and hereinafter cited as WVHWMR §§ 33-20-1, et seq.), were authorized by EPA on March 28, 1984, effective May 29, 1986 (51 Fed. Reg. 17,739), pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the WVHWMR were authorized by EPA on May 10, 2000, effective July 10, 2000 (65 Fed. Reg. 29,973) and October 16, 2003, effective December 15, 2003 (68 Fed. Reg. 59,542). The provisions of the authorized WVHWMR, through such authorization, have become requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
3. The factual allegations and legal conclusions in this CA are based on provisions of the WVHWMR in effect at the time of the violations alleged herein. The WVHWMR incorporate

by reference the federal hazardous waste management regulations published at 40 C.F.R. Parts 260-279 (July 1, 1999), except as otherwise provided therein.

4. On December 30, 2010 EPA sent a letter to the State of West Virginia, through the West Virginia Department of Environmental Protection, giving West Virginia prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. This CA is entered into by Complainant and Respondent to address the violations alleged in the Allegations of Fact, as set forth below.
6. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Allegations of Fact contained in this CA, except as provided in Paragraph 6, above.
8. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 6, above.
9. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
10. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
11. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

## **II. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW**

13. This section represents the Allegations of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 7 and 8, above, Respondent neither admits nor denies these Allegations of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 10, above.
14. Respondent is, and was at the time of the violations alleged herein, a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in 40 C.F.R. § 260.10, and as incorporated by reference by WVHWMR § 33-20-2.1a.

15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 2608 Smithtown Road, Morganton, WV 26508 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, and as incorporated by reference by WVHWMR § 33-20-2.1a.
16. On May 11, 2010, a representative from EPA conducted an inspection at the Facility.
17. At the time of the inspections, and at all times relevant to the violations alleged in this CA, Respondent was a “generator,” and was engaged in the “storage” of materials described herein that are “solid wastes” and “hazardous wastes” in “containers” at the Facility, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by WVHWMR § 33-20-2.1a. For the purposes of this proceeding, at all times relevant to the violations alleged in this CA, EPA has determined that Respondent generated greater than 1,000 kg of hazardous waste in a calendar month.

### **COUNT I**

#### **(Operating a treatment, storage, or disposal facility without a permit or interim status)**

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (c) of RCRA, 42 U.S.C. § 6925(a) and (c), and 40 C.F.R. § 270.1(b), as incorporated by reference into WVHWMR § 33-20-11.1, no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste unless such person has first obtained a permit for the facility or qualifies for interim status for such facility.
20. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or WVHWMR § 33-20-11.1, which incorporates by reference 40 C.F.R. Part 270, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(c) of RCRA, 42 U.S.C. § 6925(c), or WVHWMR § 33-20-11.1, which incorporates by reference 40 C.F.R. § 270.70, at any time.
21. 40 C.F.R. §262.34a, as incorporated by reference into WVHWMR § 33-20-5.1, provides in pertinent part that a large-quantity generator of hazardous waste who accumulates hazardous waste in containers on-site for less than 90 days is exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of provisions set forth in that section, including, *inter alia*:
  - a. 40 C.F.R. § 262.34(a)(1)(i), which incorporates by reference 40 C.F.R. Part 265, Subpart I, including 40 C.F.R. § 265.173(a), which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste; and

- b. 40 C.F.R. § 262.34(a)(2), which provides that the date upon which each period of accumulation of hazardous waste begins must be clearly marked and visible for inspection on each container.
22. Beginning January 20, 2010, and continuing through at least May 11, 2010, the day of the Inspection, Respondent was not in compliance with all of the conditions for temporary accumulation of hazardous waste by a large quantity generator pursuant to 40 C.F.R. § 262.34(a) as incorporated by reference into WVHWMR § 33-20-5.1, described in Paragraph 21, above, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by such sections. Specifically, Respondent failed to qualify for the exemption in 40 C.F.R. § 262.34(a) in the following ways:
- a. By accumulating and storing several containers of hazardous wastes on site for period of time greater than 90 days, and specifically by storing at least one container on site for 111 days and approximately 15 other containers for between 90 and 111 days, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(a) , incorporated by WVHWMR § 33-20-5.1;
  - b. By failing to mark two containers of hazardous waste with the date upon which each period of accumulation began, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(a)(2), incorporated by WVHWMR § 33-20-5.1;
  - c. By failing to ensure that hazardous waste containers were positioned such that their labels were visible for inspection, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(a)(2), incorporated by WVHWMR § 33-20-5.1; and
  - d. By failing to keep containers holding hazardous waste closed during storage, except when necessary to add or remove waste, specifically several 55-gallon drums used as satellite accumulation containers, as well as a Gaylord box in the hazardous waste storage area, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(a)(1)(i), which incorporates by reference 40 C.F.R. § 265.173, incorporated by WVHWMR § 33-20-5.1.
23. The Facility was, at all times relevant to the violations alleged in this CA, a hazardous waste treatment, storage or disposal “facility,” as the term is defined by 40 C.F.R. § 260.10, and as incorporated by reference by WVHWMR § 33-20-2.1a., with respect to the activities and units described herein.

24. Respondent was required by WVHWMR § 33-20-11.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the Facility.
25. Beginning January 20, 2010, and continuing through at least May 11, 2010, Respondent stored hazardous waste at the Facility without a permit, interim status or valid exemption, in violation of WVHWMR § 33-20-11.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

## **COUNT II**

### **(Failure to keep containers closed except when adding or removing hazardous waste)**

26. The allegations of Paragraphs 1 through 25 of this Consent Agreement are incorporated herein by reference.
27. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into WVHWMR § 33-20-7.2, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
28. At the time of the May 11, 2010 inspection, several satellite accumulation containers at the Facility holding hazardous waste were open during storage, even though it was not necessary to add or remove waste from these containers at the time of the inspection.
29. On May 11, 2010, Respondent failed to keep containers holding hazardous waste closed during storage at the Facility while it was not necessary to add or remove waste, in violation of WVHWMR § 33-20-7.2, which incorporates by reference 40 C.F.R. § 264.173(a).

## **III. CIVIL PENALTY**

30. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA, Respondent consents to the assessment of a civil penalty in the amount of **TWENTY-TWO THOUSAND DOLLARS (\$22,000)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
31. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the

violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

32. Payment of the civil penalty amount set forth in paragraph 30, above, shall be made by either cashier's check, certified check, electronic wire transfer, or online via credit or debit card in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2011-0192;
- b. All checks shall be made payable to **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Contact: Craig Steffen, 513-487-2091 or Eric Volck, 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

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

Contact: 314-418-1028

- e. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No.: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:

D 680107027 Environmental Protection Agency

- f. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

Contact: John Schmid 202-874-7026 or REX 1-866-234-5681

- g. All on-line payments with a debit or credit card:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

33. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/payment\\_instructions.htm](http://www.epa.gov/ocfo/finservices/payment_instructions.htm)

34. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Jessica O'Neill  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

35. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
36. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this signed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
37. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
38. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### **IV. COMPLIANCE ORDER**

39. Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to perform the following compliance tasks immediately upon the effective date of this Compliance Order, except as otherwise expressly provided:
  - a. Cease storing hazardous waste at the Facility except in accordance with a permit or interim status obtained pursuant to RCRA Section 3005, 42 U.S.C. § 6925, and WVIHWMR § 33-20-11.1, or in accordance with the generator accumulation requirements of WVIHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34, or in accordance with another valid exception from the requirement to have a permit or interim status.



b. If storing hazardous waste in accordance with the generator accumulation requirements of WVHWMR § 33-20-5.1, which incorporates by reference 40 C.F.R. § 262.34, comply with the following requirements:

- i. 40 C.F.R. § 262.34(a), which provides that waste may be accumulated on-site for 90 days or less;
- ii. 40 C.F.R. § 262.34(a)(1)(i), which incorporates by reference 40 C.F.R. Part 265, Subpart I, including 40 C.F.R. § 265.173(a), which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste; and
- iii. 40 C.F.R. § 262.34(a)(2), which provides that the date upon which each period of accumulation of hazardous waste begins must be clearly marked and visible for inspection on each container.

40. Within thirty (30) days after the effective date of this Compliance Order, submit to EPA a certification in the form set forth in Paragraph 42, below, by a responsible corporate officer, certifying whether or not the requirements of Paragraph 39 of this CA have been completed by Respondent.

41. Information or documents required to be submitted to EPA under this Compliance Order shall be sent to:

Steve Forostiak (3LC70)  
Office of Land Enforcement  
United States Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029;

and

Jessica O'Neill (3RC30)  
Assistant Regional Counsel  
United States Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029.

42. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of the Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a

principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

The certification of the responsible corporate officer required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

#### **V. OTHER APPLICABLE LAWS**

43. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

#### **VI. RESERVATION OF RIGHTS**

44. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in § 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

**VII. FULL AND FINAL SATISFACTION**

45. This settlement shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

**VIII. PARTIES BOUND**

46. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

**IX. EFFECTIVE DATE**

47. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

**X. ENTIRE AGREEMENT**

48. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

**For the Respondent:**

Swanson Plating

Date: 5/25/2011

By: 

Thomas DeWitt  
President

**For the Complainant:**

U.S. Environmental Protection Agency, Region III

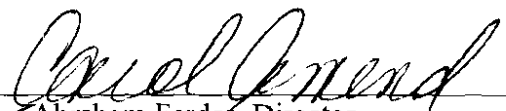
Date: 6/3/2011

By: 

Jessica O'Neill  
Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 6/9/11

By:   
for Abraham Ferdas, Director  
Land and Chemicals Division

**THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103-2029**

**IN THE MATTER OF:**

	)	<b>Docket No. RCRA-03-2011-0192</b>
<b>Swanson Plating</b>	)	
<b>2608 Smithtown Road</b>	)	<b>FINAL ORDER</b>
<b>Morgantown, WV 26508</b>	)	<b>Proceeding under Sections 3008(a) and (g)</b>
	)	<b>of the Resource Conservation and</b>
<b>RESPONDENT</b>	)	<b>Recovery Act, as amended, 42 U.S.C. §</b>
	)	<b>6928(a) and (g).</b>

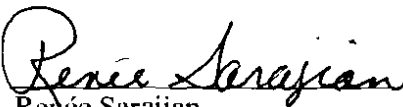
**FINAL ORDER**

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Swanson Plating, have executed a document entitled "Consent Agreement" which I ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **TWENTY-TWO THOUSAND DOLLARS (\$22,000)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA, Region III.

Date: 6/21/11

BY:   
Renée Sarajian  
Regional Judicial Officer

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103-2029

IN THE MATTER OF:

Swanson Plating  
2608 Smithtown Road  
Morgantown, WV 26508

RESPONDENT

) Docket No. RCRA-03-2011-0192  
)  
) CERTIFICATE OF SERVICE  
) Proceeding under Sections 3008(a) and (g)  
) of the Resource Conservation and  
) Recovery Act, as amended, 42 U.S.C. §  
) 6928(a) and (g).

I certify that on the date noted below, I sent by Overnight Delivery Service a copy of the Consent Agreement and Final Order for In the Matter of: Swanson Plating, U.S. EPA Docket Number RCRA-03-2011-0192, to the persons and address listed below.

Thomas DeWitt  
Swanson Plating  
2608 Smithtown Road  
Morgantown, WV 26508

The original Consent Agreement and Final Order, plus one copy, were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

6/21/11  
DATE

Jessica O'Neill  
Jessica O'Neill  
Assistant Regional Counsel  
Office of Regional Counsel  
EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029