



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

SEP 20, 2012

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 000 7669 2687
RETURN RECEIPT REQUESTED

Mr. Dennis Puening
Vice President
Cleveland Steel Container Corporation
30310 Emerald Valley Parkway, Suite 500
Glenwillow, Ohio 44139

Re: Consent Agreement and Final Order
Cleveland Steel Container Corporation
Docket No: RCRA-05-2012-0013

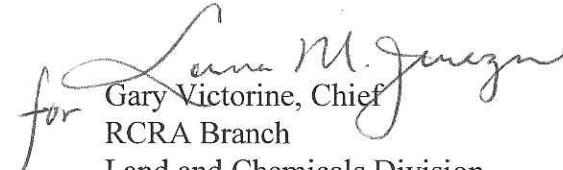
Dear Mr. Puening:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on September 20, 2012 with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$22,176 in the manner prescribed in paragraph(s) 77 through 81 of the CAFO, and reference all checks with the number **BD 2751242R013** and docket number RCRA-05-2012-0013. 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 Registrants Duty to Disclose Environmental Legal Proceedings*.

Thank you for your cooperation in resolving this matter.

Sincerely,

for 
Gary Victorine, Chief
RCRA Branch
Land and Chemicals Division

Enclosure

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-05-2012-0013
)	
Cleveland Steel Container Corporation)	Proceeding to Assess a Civil Penalty
Peotone, Illinois,)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
<hr/>		

RECEIVED

SEP 20 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 Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is Cleveland Steel Corporation, a corporation doing business in the State of Illinois and incorporated in the State of Ohio.
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. § 6922 and 35 Ill. Adm. Code § 725.116(b) and (c), 35 Ill. Adm. Code § 722.134(a)(2) and (a)(3), 35 Ill. Adm. Code § 724.152(d), and 35 Ill. Adm. Code § 722.141(a)(5) [40 C.F.R. § 265.16(b) and (c), 40 C.F.R. § 262.34(a)(2) and (a)(3), 40 C.F.R. § 264.52(d), and 40 C.F.R. § 262.41(a)(5)].

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 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, 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 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).

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

Factual Allegations and Alleged Violations

16. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110 and Section

1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is an “owner” or “operator,” as those terms are defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 117 East Lincoln Street, Peotone, Illinois (Peotone Facility).

18. At all times relevant to this CAFO, Respondent’s Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

19. Respondent’s Peotone Facility is a “facility,” as that term is defined under and 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

20. At the Facility, Respondent manufactures 2.5 to 6 gallon stainless steel pail containers.

21. At the Facility, Respondent generates, among other things, liquid waste paint from the painting of the steel pail containers and rags saturated with solvents generated from the facility cleaning operations.

22. At all times relevant to this CAFO, Respondent’s wastes are a waste and a solid waste as defined by 35 IAC § 721.102 [40 CFR § 261.2].

23. Solid waste which exhibits the characteristic of ignitability as defined in 35 IAC § 721.121 [40 CFR § 261.21] is a hazardous waste and is assigned the hazardous waste code number D001.

24. Liquid waste paint and rags saturated with solvents exhibit the characteristic of ignitability and at all times relevant to this CAFO, Respondent identified its liquid waste paint and rags saturated with solvents as hazardous waste code number D001.

25. At all times relevant to this CAFO, Respondent's liquid waste paint and rags saturated with solvents are hazardous wastes as defined in 35 IAC § 720.110 [40 CFR § 260.10] and 35 IAC § 721.103 [40 CFR § 261.3].

26. At all times relevant to this CAFO Respondent held liquid waste paint and rags saturated with solvents, a discarded material, for temporary periods in 55-gallon containers before the material was shipped from the Peotone Facility for disposal.

27. The 55-gallon drums used to contain liquid waste paint and rags saturated with solvents at the Facility are "containers" within the definition of 35 IAC § 720.110 [40 CFR § 260.10].

28. On or about April 28, 1994, Respondent notified U.S. EPA of its hazardous waste activities at the facility pursuant to Section 3010 of RCRA, 42 U.S.C. 6930.

29. In its April 28, 1994, Hazardous Waste Notification, Respondent identified itself as a generator of hazardous waste.

30. Respondent generated and managed hazardous waste at its Facility after April 28, 1994.

31. Respondent is a "generator" as that term is defined under 35 IAC § 720.110 [40 CFR § 260.10].

32. According to its biennial reports and hazardous waste manifests, Respondent generates in excess of 1000 kg of hazardous waste per month at the Facility.

33. Storage is defined in 42 USC §6903(33) and in promulgated regulations 35 IAC § 720.110 [40 CFR § 260.10] as "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or treated elsewhere."

34. Respondent's holding of liquid waste paint and rags saturated with solvents in containers constitutes storage of hazardous waste at the Facility.

35. At all times relevant to this CAFO, Respondent had not obtained a RCRA permit to treat, store, or dispose of hazardous waste at its Facility.

36. On March 29, 2011, an Illinois EPA inspector conducted an inspection of the Facility with Respondent's consent.

37. On April 7, 2011, Illinois EPA referred Cleveland Steel to U.S. EPA for enforcement.

38. On June 10, 2011, U.S. EPA issued Respondent a Notice of Violation (NOV) identifying several violations of RCRA requirements.

39. On July 5, 2011, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

40. On October 31, 2011, U.S. EPA issued Respondent a Pre-filing Notice and Opportunity to Confer regarding the violations identified in the June 10, 2011 U.S. EPA NOV.

41. On November 10, 2011, Respondent submitted to U.S. EPA a written response to the Pre-filing Notice.

42. On January 24, 2012 and February 29, 2012, Respondent held conference telephone calls with representatives of U.S. EPA and Illinois EPA to discuss the violations.

43. 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 Facilities.

44. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facilities.

Count 1: Storage of Hazardous Waste Without a Permit or Interim Status

45. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

46. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

47. Pursuant to 35 Ill. Adm. Code § 722.134(a) and 40 C.F.R. § 262.34(a), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status provided that the generator complies with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134(a) and 40 C.F.R. § 262.34(a) including, but not limited to, requirements for owners and operators in Subparts C and D of 35 Ill. Adm. Code Part 725 and 35 Ill. Adm. Code 725.116.

48. If the conditions of 35 IAC § 722.134 are not met, then the generator must apply for an operating permit.

49. As set forth above, Respondent did not meet the conditions of 35 IAC § 722.134 necessary to exempt it from the requirement to obtain interim status or apply for and obtain a permit for the storage of hazardous waste; therefore, Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations found at 35 IAC § 703.180.

Count 2: Failure to Provide Hazardous Waste Training

50. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

51. Pursuant to 35 Ill. Adm. Code § 722.134(4) and 40 C.F.R. § 262.34(a)(4), in order

for a large quantity generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must comply with 35 Ill. Adm. Code § 724.116 [40 C.F.R. § 264.16].

52. 35 Ill. Adm. Code §§ 725.116 (b) [40 C.F.R. § 265.16(b)] require that owners and operators of large quantity generators complete the hazardous waste training of facility personnel within six months after the date of their employment, or assignment to a facility, or to a new position at the facility, whichever is later.

53. 35 Ill. Adm. Code §§ 725.116 (c) [40 C.F.R. § 265.16(c)] require that a large quantity generator's facility personnel must take part in an annual review of their initial hazardous waste training.

54. At the time of the March 29, 2011 inspection, at least one employee had been employed by the Respondent for over six months and had not successfully completed a program of classroom instruction or on-the-job training that teaches to perform his duties in a way that ensures the facility's compliance with the requirements of the regulations.

55. At the time of the March 29, 2011 inspection, the annual review of the initial training had not been completed since 2009.

56. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement to have an operating permit or interim status when it failed to provide training as referenced in paragraphs 52 and 53 above and violated 35 Ill. Adm. Code §§ 725.116 (b) and (c) [40 C.F.R. § 265.16(b) and (c)].

Count 3: Failure to Date Hazardous Waste Containers

57. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

58. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container holding hazardous waste with the date upon accumulation.” 35 Ill. Adm. Code § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)].

59. At the time of the March 29, 2011 inspection, Respondent had not marked three 55-gallon containers of paint and solvent waste and two 55-gallon containers at its Peotone Facility with the date upon accumulation.

60. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement to have an operating permit or interim status when it failed to mark its three 55-gallon containers of paint and solvent waste and its two 55-gallon containers of filters and rag waste with the date upon accumulation began as referenced in paragraphs 58 and 59 above.

Count 4: Failure to Label Hazardous Waste Containers

61. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

62. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must label or mark each container holding hazardous waste clearly with the words “Hazardous Waste.” 35 Ill. Adm. Code § 722.134(a)(3) [40 C.F.R. § 262.34(a)(3)].

63. At the time of the March 29, 2011 inspection, Respondent had not labeled or marked five 55-gallon containers of paint and solvent waste and two 55-gallon containers of filters and rag waste at its Peotone Facility with the words “Hazardous Waste.”

64. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status when it failed to label the 55-gallon containers of hazardous waste as referenced in paragraphs **62** and **63** above.

Count 5: Failure to Update The Contingency Plan

65. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

66. Pursuant to 35 Ill. Adm. Code § 722.134(a)(4) and 40 C.F.R. § 262.34(a)(4), in order for a large quantity generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must comply with including, but not limited to, Subpart D of 35 Ill. Adm. Code 724.

67. Under Subpart D, Contingency Plan and Emergency Procedures, 35 Ill. Adm. Code § 724.152(d) [40 C.F.R. § 264.52(d)] requires that a the contingency plan must list names, and phone numbers of all persons qualified to act as emergency coordinators and this list must be kept up to date.

68. At the time of the March 29, 2011 inspection, the emergency coordinators listed in the Respondent's contingency plan were not employed by the Respondent. Respondent had failed to update its contingency plan to include the information for the emergency coordinators.

69. Accordingly, Respondent failed to satisfy one of the conditions for maintaining its exemption from the requirement that its list of emergency coordinators is kept up to date at its Peotone Facility as referenced in paragraphs **67** and **68** above.

70. Respondent's storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 Ill. Adm. Code § 703.121, 35 Ill. Adm. Code § 702.120, and 35 Ill. Adm. Code § 702.123 [40 C.F.R.

§§ 270.1(c) and 270.10(a) and (d), and 270.13].

Count 6: Incomplete Annual Reports

71. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

72. Complainant incorporates paragraphs 1 through 44 of this CAFO as though set forth in this paragraph.

73. 35 Ill. Adm. Code § 722.141 [40 C.F.R. § 262.41] requires that a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of an annual report to the Illinois Environmental Protection Agency (IEPA) by March 1 for the preceding calendar year.

74. The hazardous waste annual report must include a description, USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721), USDOT hazard class and quantity of each hazardous waste shipped off-site for shipments to a hazardous waste treatment, storage or disposal facility within the United States 35 Ill. Adm. Code § 722.141(a)(5) [40 C.F.R. § 262.41(a)(5)]

75. At the time of March 29, 2011 inspection, Respondent had not included the USEPA hazardous waste numbers F003 and F005 for the filters and rags waste-stream in the facility's 2010 hazardous waste annual report.

76. Accordingly, Respondent's failure to include the USEPA hazardous waste numbers F003 and F005 for the filters and rags waste-stream in the facility's 2010 hazardous waste annual report, violated 35 Ill. Adm. Code § 722.141(a)(5) [40 C.F.R. § 262.41(a)(5)].

Civil Penalty

77. 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 \$22,176. In determining the penalty amount, Complainant considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy, Respondent's cooperation and other factors as justice may require.

78. Within 30 days after the effective date of this CAFO, Respondent must pay a \$22,176 civil penalty for the RCRA violations by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
"D68010727 Environmental Protection Agency"

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

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

80. 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.

81. 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

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

83. 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.

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

85. 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).

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

87. 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.

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

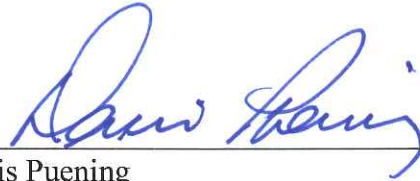
89. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:
Cleveland Steel Container Corporation
Docket No.**

Cleveland Steel Container Corporation., Respondent

8-16-2012

Date



Dennis Puening
Vice President
Cleveland Steel Container Corporation

United States Environmental Protection Agency, Complainant

9/18/2012

Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Cleveland Steel Container Corporation
Docket No. RCRA-05-2012-0013

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.

9-19-12

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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SEP 20 2012
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter Of:
Cleveland Steel Container corporation
117 East Lincoln Street
Peotone, Illinois
DOCKET NO: RCRA-05-2012-0013

CERTIFICATE OF SERVICE

I, Ruben B. Aridge, 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. Dennis Puening
Vice president
30310 Emerald Valley Parkway
Glenwillow, Ohio 44139

Certified Mail Receipt #

Dated: 9/20, 2012

Ruben B. Aridge

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
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