



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 15 2011

REPLY TO THE ATTENTION OF:

LR-8J

**CERTIFIED MAIL 7004 2510 0001 9429 2787**  
**RETURN RECEIPT REQUESTED**

Mr. Yogesh Patel  
President  
Pulsar, Inc.  
9901 West Pacific Avenue  
Franklin Park, Illinois 60131

Re: Consent Agreement and Final Order  
Pulsar, Inc.

Docket No: RCRA-05-2009-0026

billing Docket # 27512592002 <sup>OK</sup>

Dear Mr. Patel:

Enclosed, please find a signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on 11-15-2011, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$5,000 in the manner prescribed in Paragraphs 11 through 18 of the CAFO and reference all checks with the number BD 27512592002 and docket number RCRA-05-2009-0026. Your first installment of payment is due within thirty (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,

Paul Little, Acting Chief  
RCRA Branch  
Land and Chemicals Division

Enclosures

## **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.

RECEIVED

NOV 15 2011

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	Docket No. RCRA-05-2009-0026
	)	<i>Billing Docket # 275125200204</i>
Pulsar, Inc.	)	Proceeding to Assess a Civil Penalty
Franklin Park, Illinois,	)	Under Section 3008(a) of the Resource
	)	Conservation and Recovery Act,
Respondent.	)	42 U.S.C. § 6928(a)

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Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty 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).

2. On September 30, 2009, U.S. EPA filed its Complaint in this action against Respondent Pulsar, Inc. ("Respondent").

3. The Complaint alleges that Respondent failed to comply with certain conditions provided by 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)] that must be satisfied before a generator of hazardous waste may qualify for an exemption from the general RCRA requirement to obtain a permit or interim status. Specifically, Complainant alleges that Respondent accumulated hazardous waste on-site for more than ninety (90) days and stored hazardous waste in a container without the words, "Hazardous Waste" marked on each container and without the date of accumulation. As a result of Respondent's alleged failure to comply with these

conditions, Respondent was required to obtain a permit in order to treat, store, or dispose of hazardous waste in accordance with 35 IAC § 703.121, 35 IAC § 702.120, and 35 IAC § 702.123. The Complaint alleges that Respondent failed to obtain a permit or interim status; therefore, Respondent's treatment, storage, or disposal of hazardous waste violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the permit requirements of 35 IAC § 703.121, 35 IAC § 702.120, and 35 IAC § 702.123 [40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

4. The Complaint also alleges that Respondent failed to comply with the following conditions for permit exemptions or requirements for owners and operators of hazardous waste storage facilities:

- a. 35 IAC §§ 724.116(b) and (c) [40 C.F.R. §§ 264.16(b) and (c)] by failing to provide adequate classroom instruction or on-the-job training, and failing to provide initial training or annual review of the initial training;
  - b. 35 IAC § 724.153(b) [40 C.F.R. § 264.153(b)] by failing to submit the storage facility's contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services pursuant to IAC § 725.153(b) [40 C.F.R. § 264.53(b)].
  - c. 35 IAC §§ 724.293(a), (b) and (f) [40 C.F.R. §§ 264.193(a), (b) and (f)] by failing to meet all of the requirements of secondary containment for a "new tank system," as defined under 35 IAC § 720.110 and 40 CFR § 260.10, where tanks will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986.
  - d. 35 IAC § 724.294(b) [40 C.F.R. § 264.194(b)] by failing to meet all general operating requirements of a tank system.
  - e. 35 IAC § 724.295 [40 C.F.R. § 264.195] by failing to have a schedule and procedure for inspecting a hazardous waste storage tank system and by failing to inspect the hazardous waste storage tank system at least once each operating day.
5. On October 30, 2009, Respondent filed an answer to the Complaint.

### **Stipulations**

6. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint, other than those factual allegations admitted in its Answer.

7. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this CAFO.

8. Respondent certifies that it is complying fully with RCRA 42 U.S.C. § 6922 and 35 IAC § 722.134(a); 35 IAC §§ 724.116(a), (b) and (c); 35 IAC §§ 724.116(d)(2), (3) and (4); 35 IAC §§ 724.152(c), (d) and (e); 35 IAC § 724.153(b); 35 IAC §§ 724.293(a), (b) and (f); 35 IAC § 724.294(b); and, 35 IAC § 724.295 [40 C.F.R. § 262.34(a); 40 C.F.R. §§ 264.16(a), (b) and (c); 40 C.F.R. §§ 264.16(d)(2), (3) and (4); 40 C.F.R. §§ 264.52(c), (d) and (e); 40 C.F.R. § 264.153(b); 40 C.F.R. §§ 264.193(a), (b) and (f); 40 C.F.R. § 264.194(b); and, 40 C.F.R. § 264.195].

9. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

10. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

### **Civil Penalty**

11. Respondent agrees to pay a civil penalty of five thousand dollars (\$5,000), beginning within thirty (30) days of the effective date of this CAFO.

12. Respondent must pay the \$5000.00 civil penalty with interest in four installments as follows: \$1257.82 within thirty (30) days of the effective date of this CAFO, \$1257.82 within one hundred and twenty (120) days of the effective date of this CAFO, \$1257.82 within two

hundred and ten (210) days of the effective date of this CAFO, and \$1257.82 within three hundred (300) days of the effective date of this CAFO. See, Installment Payment Chart below.

<i>Installment</i>	<i>Due By</i>	<i>Payment</i>	<i>Principal</i>	<i>Interest (1%)</i>	<i>Cum Prin</i>	<i>Cum Int</i>	<i>Prin Bal</i>
Payment #1	Within 30 days of the effective date	\$1257.82	\$1245.32	12.5	\$1245.32	12.5	\$3754.68
Payment #2	Within 120 days of the effective date	\$1257.82	\$1248.43	9.39	\$2493.75	21.89	\$2506.25
Payment #3	Within 210 days of the effective date	\$1257.82	\$1251.55	6.27	\$3745.30	28.16	\$1254.70
Payment #4	Within 300 days of the effective date	\$1257.82	\$1254.70	3.14	\$5000.00	31.3	\$0.00
	<i>The final payment has been adjusted to account for payments having been rounded to nearest cent.</i>						

13. Respondent must pay the penalty by sending a cashier's or certified check(s), payable to the "Treasurer, United States of America," to:

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

14. The check(s) must state the case name, the docket number of this CAFO and the billing document number.

15. A transmittal letter, stating the case name, Respondent's complete address, the case docket number and the billing document number must accompany the payment.

Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

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

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

17. If Respondent does not pay an installment payment as set forth in paragraphs 12 through 15, above, the entire unpaid balance of the civil penalty, and any amount required by paragraph 18, below, shall become due and owing upon written notice by U.S. EPA to Respondent of the delinquency. 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.

18. 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**

19. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

20. 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.

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

22. 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).

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

24. 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.

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

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



In the Matter of:

Pulsar, Inc.

Docket No. RCRA-05-2009-0026

Billing Docket # 27512592002

**Pulsar, Inc., Respondent**

9-29-11

Date

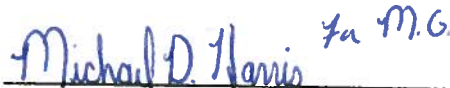


Yogesh Patel  
President  
Pulsar, Inc.

**United States Environmental Protection Agency, Complainant**

11/09/11

Date



Margaret M. Guerriero  
Director  
Land and Chemicals Division

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF REGIONAL  
ADMINISTRATION  
REGION 5  
1000 CENTRE EXPLORATION DRIVE  
HOUSTON, TEXAS 77036-1099  
713/648-7000

In the Matter of:  
Pulsar, Inc.  
Docket No. RCRA-05-2009-0026

OH  
Billing Docket # 27512592002

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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.

11-10-11  
Date

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

CASE NAME: Pulsar, Inc.  
DOCKET NO: RCRA-05-2009-0026

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**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, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

Mr. Yogesh Patel  
President  
Pulsar, Inc.  
9901 West Pacific Avenue  
Franklin Park, Illinois 60131

Certified Mail # 7004 2510 0001 9429 2787

Dated: 11/15/11, 2011

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