



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
NOV 14 2012

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL 7009 1680 0000 7669 2953
RETURN RECEIPT REQUESTED

Joseph Strubbe, Esq.
Vedder Price P.C.
222 North LaSalle Street
Chicago, Illinois 60601

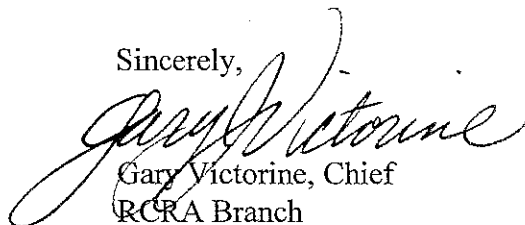
Re: Consent Agreement and Final Order
Bradley Adhesives Applications, Inc. and
Bradley Technologies, Inc.
d/b/a The Bradley Group of Companies
EPA I.D. No.: ILR000050344
Docket No: **RCRA-05-2013-0001**

Dear Mr. Strubbe:

Enclosed please find a copy of the signed and fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on NOV 14 2012, with the Regional Hearing Clerk (RHC).

Please instruct your client to pay the civil penalty in the amount of \$75,000 in the manner prescribed in paragraphs 114 and 115 of the CAFO, and reference the check with the docket number **RCRA-05-2013-0001**. Your client's payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,



Gary Victorine, Chief
RCRA Branch

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)
Ann Coyle, Regional Judicial Officer C-14J (w/CAFO)

RECEIVED
NOV 14 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:)
)
Bradley Adhesive Applications, Inc. and)
Bradley Technologies, Inc.)
d/b/a The Bradley Group of Companies)
St. Charles, Illinois,)
)
Respondents.)
)
)
_____)

Docket No. RCRA-05-2013-0001
Proceeding to Assess a Civil Penalty
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondents are Bradley Adhesive Applications, Inc. and Bradley Technologies, Inc., both of which are Illinois corporations doing business as The Bradley Group of Companies.
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. Respondents consent 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. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO.

10. Respondents waive their right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO for this proceeding only, and their right to appeal this CAFO.

11. Respondents certify that they are complying fully with RCRA, 42 U.S.C. § 6922 and 35 Ill. Admin. Code § 722.134(a), 35 Ill. Admin. Code § 724.273(a), 35 Ill. Admin. Code § 724.274, 35 Ill. Admin. Code §§ 724.152(c), (d), (e), and (f), 35 Ill. Admin. Code §§ 724.116(a), (d)(2), (d)(3), and (d)(4), 35 Ill. Admin. Code § 722.111, 35 Ill. Admin. Code § 722.141, 35 Ill. Admin. Code § 722.120(b) [40 C.F.R. § 262.34(a), 40 C.F.R. § 264.173(a), 40 C.F.R. § 264.174, 40 C.F.R. §§ 264.52(c), (d), (e), and (f), 40 C.F.R. §§ 264.16(a), (d)(3), and (d)(4), 40 C.F.R. § 262.11, 40 C.F.R. § 262.41, 40 C.F.R. § 262.20(b)].

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 and 3004, of RCRA, 42 U.S.C. §§ 6922 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 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.

16. 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, 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

17. Each Respondent was and is a "person" as defined by 35 Ill. Admin. Code § 720.110 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Each Respondent was and is an "owner" or "operator," as those terms are defined under 35 Ill. Admin. Cod § 720.110 and 40 C.F.R. § 260.10, of a facility that applies adhesives and sealants to fasteners or castings located at 410 South 38th Street, St. Charles, Illinois (Facility).

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

20. Respondents' Facility is a "facility," as that term is defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

21. At all times relevant to this CAFO, Respondents used solvents such as toluene, acetone, or mineral spirit waste to clean equipment, degrease parts, or thin the coating applied to fasteners.

22. Until at least July 2010 and again in at least April 2012, cleaning equipment, degreasing parts, or thinning the coating applied to fasteners generated toluene, acetone, or mineral spirit waste, which Respondents collected in 55 gallon containers and stored in the hazardous waste storage area of the Facility.

23. Until at least July 2010 and again in at least April 2012, Respondents held

toluene, acetone, or mineral spirit waste, a discarded material, for temporary periods in 55-gallon containers before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

24. Respondents characterized their toluene, acetone, and mineral spirit (also known as Stoddard solvent) waste as hazardous waste codes F005 or F003 and D001.

25. At all times relevant to this CAFO, Respondents stored, transported, disposed of, or otherwise handled their toluene, acetone, or mineral spirit waste in "containers," as that term is defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

26. At all times relevant to this CAFO, Respondents' acts or processes produced toluene, acetone, or mineral spirit waste.

27. At all times relevant to this CAFO, Respondents' toluene, acetone, or mineral spirit waste was a "solid waste" as that term is defined under 35 Ill. Admin. Code § 721.102 and 40 C.F.R. § 261.2.

28. At all times relevant to this CAFO, Respondents' toluene, acetone, or mineral spirit waste was a "hazardous waste" as that term is defined under 35 Ill. Admin. Code § 721.103 and 40 C.F.R. § 261.3.

29. At all times relevant to this CAFO, Respondents' holding of toluene, mineral spirit or acetone waste in 55-gallon container(s) constituted hazardous waste "storage," as that term is defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

30. Each Respondent is a "generator," as that term is defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

31. Respondents generated and managed hazardous waste at the Facility after November 19, 1980.

32. On August 31, 2007, U.S. EPA conducted an initial Compliance Evaluation Inspection of the Facility (August 2007 CEI).
33. On October 28, 2008, U.S. EPA conducted a follow-up Compliance Evaluation Inspection of the Facility (October 2008 CEI).
34. On July 2, 2008, U.S. EPA issued a Notice of Violation to Respondents alleging certain violations of RCRA discovered during the August 2007 CEI.
35. On August 12, 2008, Respondents submitted to U.S. EPA a written response to the July 2, 2008, Notice of Violation.
36. On January 16, 2009, U.S. EPA requested information from Respondents under Section 3007 of RCRA, as amended, 42 U.S.C. § 6927.
37. On February 13, 2009, Respondents submitted to U.S. EPA a written response to January 16, 2009 request for information.
38. On December 29, 2009, U.S. EPA issued a pre-filing letter alleging certain violations of RCRA.
39. On July 1, 2011, U.S. EPA issued a second pre-filing letter alleging certain violations of RCRA. This pre-filing letter superceded the December 29, 2009 pre-filing letter.
40. At all times relevant to this CAFO, the State of Illinois had not issued a permit or permits to Respondents to treat, store, or dispose of hazardous waste at the Facility.
41. At all times relevant to this CAFO, Respondents did not have interim status for the treatment, storage, or disposal of hazardous waste at the Facility.
42. Respondents submitted an initial Hazardous Waste Notification, dated March 26, 1998, to U.S. EPA for the Facility.
43. In the Hazardous Waste Notification dated March 26, 1998, Respondents

identified themselves as generators.

44. Until at least June 2010, Respondents generated during each calendar month more than 1000 kilograms of hazardous waste at the Facility.

45. From June 2010 until at least April 2012, Respondents generated during each calendar month between 100 and 1000 kilograms of hazardous waste at the Facility.

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

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. Admin. 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. Admin. Code § 720.134(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. Admin. Code Part 725 and 35 Ill. Admin. Code § 725.116.

a. Failure to Date Hazardous Waste Containers

48. Pursuant to 35 Ill. Admin. Code § 722.134(a) and 40 C.F.R. § 262.34(a), 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 the specific condition set forth in 35 Ill. Admin. Code § 722.134(a)(2) [40 C.F.R. 262.34(a)(2)] that the date upon which each period of accumulation begins be clearly marked and visible for inspection on each container holding hazardous waste.

49. Until at least July 24, 2008, Respondents had not marked their 55-gallon containers of toluene, acetone, or mineral spirit hazardous waste with the date upon which accumulation began.

50. At the time of the October 2008 CEI, Respondents had not marked a 55-gallon container of acetone hazardous waste with the date upon which accumulation began.

51. Accordingly, Respondents failed to satisfy one of the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to label their 55-gallon containers of toluene, acetone, or mineral spirit hazardous waste as referenced in paragraphs 49 and 50 above.

b. Failure to Label Hazardous Waste Containers

52. Pursuant to 35 Ill. Admin. Code § 722.134(a) and 40 C.F.R. § 262.34(a), 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 the specific condition set forth in 35 Ill. Admin. Code § 722.134(a)(3) [40 C.F.R. 262.34(a)(3)] that it label or mark each container holding hazardous waste clearly with the words, "Hazardous Waste."

53. Until at least July 24, 2008, Respondents had not labeled or marked their 55-gallon containers of toluene, acetone, or mineral spirit hazardous waste with the words, "Hazardous Waste."

54. At the time of the October 2008 CEI, Respondents had not labeled or marked a 55-gallon container of acetone hazardous waste with the words, "Hazardous Waste."

55. Accordingly, Respondents failed to satisfy one of the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when

they failed to label their 55-gallon containers of hazardous waste as referenced in paragraphs 53 and 54 above.

c. Failure to Keep Hazardous Waste Containers Closed

56. Pursuant to 35 Ill. Admin. Code § 722.134(a)(1)(A) and 40 C.F.R. § 262.34(a)(1)(i), 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 Subpart I of 35 Ill. Admin. Code 724.

57. Under Subpart I, Use and Management of Containers, 35 Ill. Admin. Code § 724.273(a) [40 C.F.R. § 264.173(a)], the generator must keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

58. Until at least July 2, 2008, Respondents had not kept containers holding hazardous waste closed during storage except when necessary to add or remove waste.

59. Accordingly, Respondents failed to satisfy one of the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to keep containers holding hazardous waste closed during storage except when necessary to add or remove waste, as referenced in paragraph 58 above.

d. Failure to Inspect Hazardous Waste Storage Area

60. Pursuant to 35 Ill. Admin. Code § 722.134(a)(1)(A) and 40 C.F.R. § 262.34(a)(1)(i) 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 Subpart I of 35 Ill. Admin. Code 724.

61. Under Subpart I, Use and Management of Containers, 35 Ill. Admin. Code

§ 724.274 [40 C.F.R. § 264.174], the generator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

62. Until at least the week of July 21, 2008, Respondents had not conducted weekly inspections of the area where their hazardous waste containers were stored.

63. Accordingly, Respondents failed to satisfy one of the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to conduct weekly inspections of the area where their hazardous waste containers were stored as referenced in paragraph 62 above.

e. **Failure to Maintain and Have a Complete Contingency Plan**

64. Pursuant to 35 Ill. Admin. 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, *inter alia*, Subpart D of 35 Ill. Admin. Code 724.

65. Subpart D, Contingency Plan and Emergency Procedures, 35 Ill. Admin. Code § 724.152(c) [40 C.F.R. § 264.52(c)], requires that a hazardous waste storage facility's contingency plan describe the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to 35 Ill. Admin. Code § 724.137 [40 C.F.R. § 264.37].

66. Subpart D, 35 Ill. Admin. Code § 724.152(d) [40 C.F.R. § 264.52(d)], requires that a hazardous waste storage facility's contingency plan list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and that this list be kept up to date.

67. Subpart D, 35 Ill. Admin. Code § 724.152(e) [40 C.F.R. § 264.52(e)], requires that a hazardous waste storage facility's contingency plan include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date and must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

68. Subpart D, 35 Ill. Admin. Code § 724.152(f) [40 C.F.R. § 264.52(f)], requires that a hazardous waste storage facility's contingency plan include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

69. At the time of the August 2007 CEI, Respondents' contingency plan failed to describe the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and local emergency response teams to coordinate emergency services pursuant to 35 Ill. Admin. Code § 724.137 [40 C.F.R. § 264.37].

70. At the time of the August 2007 CEI, Respondents' contingency plan did not contain a list of names, addresses, and phone numbers of all persons qualified to act as emergency coordinator.

71. At the time of the August 2007 CEI, Respondents' contingency plan did not include a list of all the emergency equipment at the Facility, and the location, a physical description of each item, and capabilities of the emergency equipment.

72. At the time of the August 2007 CEI, Respondents' contingency plan did not describe signal(s) to be used to begin evacuation and alternate evacuation routes.

73. At the time of the October 2008 CEI, Respondents' contingency plan failed to describe the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and local emergency response teams to coordinate emergency services pursuant to 35 Ill. Admin. Code § 724.137 [40 C.F.R. § 264.37].

74. At the time of the October 2008 CEI, Respondents' contingency plan did not include the home addresses for the primary and three alternate emergency coordinators, and the home telephone number of the three alternates.

75. At the time of the October 2008 CEI, Respondents' contingency plan did not include a list of all the emergency equipment at the Facility, and the location, a physical description of each item, and capabilities of the emergency equipment.

76. At the time of the October 2008 CEI, Respondents' contingency plan did not describe signal(s) to be used to begin evacuation and alternate evacuation routes.

77. Respondents' November 1, 2008 contingency plan failed to describe the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and local emergency response teams to coordinate emergency services pursuant to 35 Ill. Admin. Code § 724.137 [40 C.F.R. § 264.37].

78. Respondents' November 1, 2008 contingency plan did not include the home addresses for the primary and two alternate emergency coordinators, and the home telephone number of the two alternates.

79. Respondents' November 1, 2008 contingency plan did not include the location and capabilities of the emergency equipment.

80. Respondents' November 1, 2008 contingency plan did not describe signal(s) to be used to begin evacuation and alternate evacuation routes.

81. Respondents submitted to U.S. EPA a complete contingency plan dated June 2010.

82. From at least August 31, 2007 to June 2010, Respondents failed to have a complete contingency plan for the Facility.

83. Accordingly, Respondents failed to satisfy one of the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to have or maintain a complete contingency plan as referenced in paragraphs 69–80 above.

f. Failure to Provide Training and Maintain Training Records

84. Pursuant to 35 Ill. Admin. 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, *inter alia*, 35 Ill. Admin. Code § 724.116 [40 C.F.R. § 264.16].

85. Under 35 Ill. Admin. Code § 724.116(a) [40 C.F.R. § 264.16(a)], facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 35 Ill. Admin. Code § 724.116. Additionally, facility personnel must take part in an annual review of the required initial training. 35 Ill. Admin. Code § 724.116(c) [40 C.F.R. § 264.16(c)].

86. Under 35 Ill. Admin. Code § 724.116(d)(2) [40 C.F.R. § 264.16(d)(2)], the generator must maintain a written job description for each position listed under subsection (d)(1) of 35 Ill. Admin. Code § 724.116. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but

must include the requisite skill, education or other qualifications, and duties of employees assigned to each position.

87. Under 35 Ill. Admin. Code § 724.116(d)(3) [40 C.F.R. § 264.16(d)(3)], the generator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of 35 Ill. Admin. Code § 724.116.

88. Under 35 Ill. Admin. Code § 724.116(d)(4) [40 C.F.R. § 264.16(d)(4)], the generator must maintain records that document that the training or job experience required under 35 Ill. Admin. Code § 724.116 (a), (b) and (c) were given to, and completed by, facility personnel.

89. Respondents did not provide any annual review of initial training as required under 35 Ill. Admin. Code § 724.116(e) to Facility personnel in 2009.

90. Until November 3, 2008, Respondents did not maintain a written job description for each position related to hazardous waste management.

91. Although by November 3, 2008, Respondents maintained a written job description for each position related to hazardous waste management, at all times relevant to this CAFO, Respondents have not maintained a written job description that specifically included the hazardous waste management duties for positions related to hazardous waste management.

92. Until November 3, 2008, Respondents did not maintain a written description of the type and amount of both introductory and continuing training that would be given for up to eleven employees filling a position related to hazardous waste management.

93. Although by November 3, 2008, Respondents maintained written descriptions containing the type of introductory and continuing training, at all times relevant to this

CAFO, Respondents have not maintained specific written descriptions of the amount of both introductory and continuing training that will be given to each employee filling a position related to hazardous waste management.

94. Respondents failed to satisfy the condition for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to provide hazardous waste training as referenced in paragraph 89 above.

95. Respondents failed to maintain records that documented that the training or job experience required under 35 Ill. Admin. Code § 724.116 (a), (b) and (c) were given to, and completed by, all Facility personnel filling a position related to hazardous waste management in 2007 and 2008.

96. Accordingly, Respondents failed to satisfy the conditions for maintaining their exemption from the requirement that they have an operating permit or interim status when they failed to have or maintain documents referenced in paragraphs 90–93 and paragraph 95, above.

97. Respondents, therefore, stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and became operators of a hazardous waste storage facility subject to requirements of 35 Ill. Admin. Code Part 724, 35 Ill. Admin. Code § 703.121, 35 Ill. Admin. Code § 702.120, and 35 Ill. Admin. Code § 702.123 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

Count 2: Failure to Make Hazardous Waste Determinations

98. 35 Ill. Admin. Code § 722.111 [40 C.F.R. § 262.11] requires that a person that generates a solid waste, as defined in 35 Ill. Admin. Code § 721.102 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste.

99. At the time of August 2007 CEI, Respondents failed to conduct a hazardous waste determination for one 55-gallon drum of waste.

100. At the time of the October 2008 CEI, Respondents failed to conduct a hazardous waste determination for one 55-gallon drum of acetone waste.

101. For each time Respondents failed to make a hazardous waste determination, as referenced in paragraphs 99–100 above, Respondents violated 35 Ill. Admin. Code § 722.111 [40 C.F.R. § 262.11] and, therefore, are subject to civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3: Failure to Submit Annual Reports

102. 35 Ill. Admin. 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 Agency by March 1 for the preceding calendar year.

103. Respondents shipped hazardous waste off-site to a treatment, storage or disposal facility within the United States in calendar years 2007, 2008 and 2009.

104. Respondents failed to prepare and submit a copy of an annual report to the Agency by March 1, 2008 for calendar year 2007.

105. Respondents failed to prepare and submit a copy of an annual report to the Agency by March 1, 2009 for calendar year 2008.

106. Respondents failed to prepare and submit a copy of an annual report to the Agency by March 1, 2010 for calendar year 2009.

107. For each time Respondents failed to prepare and submit an annual report, as referenced in paragraphs 104-106 above, Respondents violated 35 Ill. Admin. Code § 722.141

[40 C.F.R. § 262.41] and, therefore, are subject to civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4: Failure to Designate on Manifests a Facility Permitted to Handle

Hazardous Waste

108. 35 Ill. Admin. Code § 722.120(b) [40 C.F.R. § 262.20(b)] requires that a generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

109. In a manifest dated June 10, 2010 by Respondents and numbered 000700006GBF, Respondents designated Heritage-Crystal Clean, LLC (Crystal Clean), located at 3970 W. 10th Street, Suite A, Indianapolis, Indiana, as a facility permitted to handle the waste toluene.

110. In a manifest dated July 28, 2010 by Respondents and numbered 001230588GBF, Respondents designated Crystal Clean as a facility permitted to handle the waste toluene.

111. In a manifest dated April 18, 2012 by Respondents and numbered 001486708GBF, Respondents designated Crystal Clean as a facility permitted to handle the waste toluene.

112. At all times relevant to this CAFO, the State of Indiana had not issued a permit to Crystal Clean to treat, store, or dispose of hazardous waste at its 3970 W. 10th Street, Suite A, Indianapolis, Indiana facility.

113. For each time Respondents failed to accurately complete their manifests by designating a facility permitted to handle the waste, as referenced in paragraphs 109-112 above, Respondents violated 35 Ill. Admin. Code § 722.120(b) [40 C.F.R. § 262.20(b)] and, therefore, are subject to civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Civil Penalty

114. 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 \$75,000. 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.

115. Within 30 days after the effective date of this CAFO, Respondents must pay a \$75,000 civil penalty for the RCRA violations by sending a cashier's check, 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

The check must state the case title, Bradley Adhesive Applications, Inc. and Bradley Technologies, Inc. d/b/a The Bradley Group of Companies and the docket number of this CAFO. A transmittal letter, stating, Respondents' names, the case title, Respondents' complete address, the case docket number and the billing document number must accompany the payment.

Respondents 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

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

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

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

117. If Respondents do 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.

118. Pursuant to 31 C.F.R. § 901.9, Respondents 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). Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

119. This CAFO resolves only Respondents' liability for federal civil penalties for the violations and facts alleged in the CAFO.

120. 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.

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

122. 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).

123. The terms of this CAFO bind Respondents, their successors, and assigns.

124. 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.


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

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

[Signature page follows.]

**Bradley Adhesive Applications, Inc. and Bradley Technologies, Inc.,
d/b/a The Bradley Group of Companies, Respondents**


10-16-12
Date



Brad Stefan
President
**Bradley Adhesive Applications, Inc. and
Bradley Technologies, Inc. d/b/a
The Bradley Group of Companies**

United States Environmental Protection Agency, Complainant

10/9/2012
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Bradley Adhesive Applications, Inc. and Bradley Technologies, Inc.,
d/b/a The Bradley Group of Companies
Docket No. RCRA-05-2013-0001

RECEIVED

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REGIONAL HEARING CLERK
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.

11-73-12
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

CASE NAME: Bradley Coatings, Inc./Bradley Adhesives Applications, Inc. / dba The Bradley Group of Companies

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DOCKET NO: RCRA-05-2013-0001

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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 Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

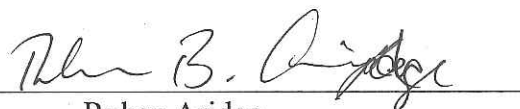
Joseph Strubbe, Esq.
Vedder Price P.C.
222 North LaSalle Street
Chicago, Illinois 60601

Return Receipt # **7009 1680 0000 7669 2953**

Via First Class Mail to: Illinois Environmental Protection Agency

And via intra-office mail to: Regional Judicial Officer, U.S. EPA

Dated: 11/14/2012



Ruben Aridge
Administrative Program Assistant
United States Environmental Protection Agency
Compliance Section 1, RCRA Branch
Land and Chemicals Division
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 886-0977