



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

February 17, 2021

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Mr. Patrick Bryan  
President  
Surface Manufacturing Company  
135 South 4<sup>th</sup> Street  
Capron, Illinois 61012  
[surfacemfg@aol.com](mailto:surfacemfg@aol.com)

Re: Consent Agreement and Final Order  
Facility Name: Surface Manufacturing Company  
EPA Identification No.: ILD984838250  
Docket No: **RCRA-05-2021-0011**

Dear Mr. Bryan:

Attached please find a signed fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The CAFO was filed on February 17, 2021, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$71,404 in the manner prescribed in paragraphs 98-99 of the CAFO, and reference all checks with the docket number RCRA-02021-0011. Your payment is due within 30 calendar days of the effective date of the CAFO.

Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Graciela Scambiaterra, of my staff, at [scambiaterra.graciela@epa.gov](mailto:scambiaterra.graciela@epa.gov) or 312-353-5103.

Sincerely,

MICHAEL  
CUNNINGHAM

Digitally signed by  
MICHAEL CUNNINGHAM  
Date: 2021.02.11  
14:51:00 -06'00'

Michael Cunningham, Chief  
RCRA Compliance Section 1

Attachment

cc: Dennis Chiovarie, C Environmental Services ([dennis@cenvser.com](mailto:dennis@cenvser.com))  
James Jennings, Illinois EPA ([james.m.jennings@illinois.gov](mailto:james.m.jennings@illinois.gov))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

<b>In the Matter of:</b>	)	<b>Docket No. RCRA-05-2021-0011</b>
	)	
<b>Surface Manufacturing Company</b>	)	<b>Proceeding to Commence and Conclude</b>
<b>Capron, Illinois</b>	)	<b>an Action to Assess a Civil Penalty</b>
	)	<b>Under Section 3008(a) of the Resource</b>
	)	<b>Conservation and Recovery Act,</b>
<b>Respondent.</b>	)	<b>42 U.S.C. § 6928(a)</b>
<hr/>	)	

**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 Enforcement and Compliance Assurance 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 the Surface Manufacturing Company, a corporation doing business in the State of Illinois.

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.

### **Statutory and Regulatory Background**

11. 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 and 6924.

12. 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.

13. 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 \$102,638 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 where penalties are assessed after December 23, 2020 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

#### **Factual Allegations and Alleged Violations**

17. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is an "owner" or "operator," as those terms are defined under Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of an electroplating facility located at 135 South 4<sup>th</sup> Street, Capron, Illinois (Facility).

19. 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.

20. Respondent's Facility is a "facility," as that term is defined under Ill. Adm. Code 35

§ 720.110 and 40 C.F.R. § 260.10.

21. At all times relevant to this CAFO, Respondent used hexavalent chrome, sulfuric acid, hydrochloric acid, nitric acid and sodium chloride in its electroplating process at the Facility.

22. Respondent's wastewaters from its electroplating process were sent to an onsite wastewater treatment system that includes treatment in an onsite evaporator.

23. The evaporator generated wastewater treatment sludge which was collected in 55-gallon containers and stored at hazardous waste storage areas at the Facility.

24. Respondent removed wastewater treatment sludge from the 55-gallon containers and placed the sludge on the floor where the sludge was mixed with an absorbent before containerizing the wastewater treatment sludge in Gaylord boxes.

25. At all times relevant to this CAFO, Respondent held wastewater treatment sludge, a discarded material, for temporary periods in 55-gallon poly drums and Gaylord boxes before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

26. Respondent characterized its wastewater treatment sludge as hazardous waste F006.

27. Respondent's method, technique, or process of mixing the F006 wastewater treatment sludge with an absorbent is designed to change the physical, chemical, or biological character or composition of the hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the wastes, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amendable for storage, or reduced in volume.

28. Respondent's 55-gallon poly drums and Gaylord boxes, which stored, transported,

disposed of, or otherwise handled its F006 wastewater treatment sludge are “containers,” as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

29. At all times relevant to this CAFO, Respondent’s F006 wastewater treatment sludge was a “solid waste” as that term is defined under 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

30. At all times relevant to this CAFO, Respondent’s F006 wastewater treatment sludge was a “hazardous waste” as that term is defined under 35 Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3.

31. At all times relevant to this CAFO, Respondent’s mixing its F006 wastewater treatment sludge with an absorbent constituted “treatment” of hazardous wastes as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

32. At all times relevant to this CAFO, Respondent’s holding F006 wastewater treatment sludge in 55-gallon containers or Gaylord boxes constituted “storage,” of hazardous waste as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

33. At all times relevant to this CAFO, Respondent used caustic soda/alkaline cleaner in caustic soda baths on its nickel and chrome plating line, chrome plating line 1, and chrome plating line 2 (plating lines).

34. When the caustic soda baths from the plating lines could no longer serve its intended purpose, the caustic soda and alkaline cleaner waste contained in the baths were sent to two 3,000-gallon tanks and stored at a 90-day hazardous waste storage area at the Facility.

35. At all times relevant to this CAFO, Respondent held caustic soda and alkaline cleaner waste, a discarded material, for temporary periods in two 3,000-gallon tanks before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration

elsewhere.

36. At all times relevant to this CAFO, Respondent's caustic soda and alkaline cleaner waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

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

38. Respondent generated and managed hazardous waste at the Facility after November 19, 1980.

39. On August 14, 2018, U.S. EPA conducted a compliance evaluation inspection of the Facility (the Inspection).

40. On July 5, 2019, U.S. EPA issued a notice of violation to Respondent alleging certain violations of RCRA discovered during the Inspection.

41. On August 12, 2019, Respondent submitted to U.S. EPA a written response to the notice of violation.

42. 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 Facility.

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

44. On or about September 24, 1991, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the Facility.

45. In its Hazardous Waste Notification referenced in paragraph 44 above, Respondent identified itself as a small quantity generator.

46. On or about March 1, 1996, Respondent submitted an annual report to Illinois EPA

as a large quantity generator.

47. At all times relevant to this CAFO, Respondent generated during each calendar month more than 1000 kg of hazardous waste at the Facility.

**Count 1: Treatment of Hazardous Waste without a Permit or Interim Status**

48. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

49. 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.

50. Pursuant to 35 Ill. Adm. Code § 703.121, no person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation without a RCRA permit for the hazardous waste management facility or in violation of any condition imposed by a RCRA permit.

51. At the time of the Inspection, Respondent informed the U.S. EPA inspector that it mixes F006 wastewater treatment sludge from its 55-gallon containers with an absorbent on the floor of its Facility.

52. Respondent's treatment of F006 wastewater treatment sludge on the floor of its Facility without a permit violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121 and 270.10(a) and (d), and 270.13.

**Count 2: Storage of Hazardous Waste Without a Permit or Interim Status**

53. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

54. 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.

55. Pursuant to 35 Ill. Adm. Code § 722.134, however, and subject to certain exceptions, 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 including, but not limited to, requirements for owners and operators in 35 Ill. Adm. Code Part 724.

56. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code Part 724 and 40 C.F.R. Part 264 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180 unless the generator has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

57. At all times relevant to this CAFO, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

58. Similarly, the failure to comply with any of the conditions of 35 Ill. Adm. Code § 722.134 subjects the generator of hazardous waste to the requirements of 35 Ill. Adm. Code Part 724 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121.

59. At the time of Inspection, Respondent was storing three Gaylord boxes of wastewater treatment sludge with an accumulation start date of May 10, 2018.

60. Respondent sent these three Gaylord boxes of wastewater treatment sludge offsite for disposal on August 23, 2018.

61. Respondent stored its Gaylord boxes, as referenced in paragraph 60, above, for fourteen days over the 90-day limit for generators without obtaining or applying for a permit.

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.”

63. At the time of the inspection, Respondent failed to label approximately thirty-five 55-gallon containers of hazardous waste without the words “Hazardous Waste” without obtaining or applying for a permit.

64. 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 accumulation start date.

65. At the time of the inspection, Respondent failed to mark approximately thirty-five 55-gallon containers of hazardous waste with an accumulation start date without obtaining or applying for a permit.

66. Accordingly, Respondent failed to satisfy all of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status.

67. As a result of Respondent’s failure to meet all of the applicable conditions for the generator exemption provided by 35 Ill. Adm. Code § 722.134, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

68. 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, 703.180, and 705.121 and 270.10(a) and (d), and 270.13.

**Count 3: Failure to Keep Containers of Hazardous Waste Closed During Storage**

69. Complainant incorporates paragraphs 1 through 47 and 53 through 68 of this CAFO as though set forth in this paragraph.

70. As an operator of a TSDF, Respondent is subject to the requirement of 35 Ill. Adm. Code § 724.173(a) [40 C.F.R. § 264.173(a)].

71. 35 Ill. Adm. Code § 724.173(a) [40 C.F.R. § 264.173(a)] requires the owner or operator of a TSDF to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

72. At the time of the inspection, Respondent had thirty-five 55-gallon containers of F006 wastewater treatment sludge in storage without lids while no one was adding or removing waste.

73. Respondent's failure to keep the containers holding F006 wastewater treatment sludge closed during storage, except when it is necessary to add or remove waste violated 35 Ill. Adm. Code § 724.173(a) [40 C.F.R. § 264.173(a)].

**Count 4: Failure to Maintain Adequate Aisle Space**

74. Complainant incorporates paragraphs 1 through 47 and 53 through 68 of this CAFO as though set forth in this paragraph.

75. As an operator of a TSDF, Respondent is subject to the requirement of 35 Ill. Adm. Code § 724.135 [40 C.F.R. § 264.35].

76. 35 Ill. Adm. Code § 724.135 [40 C.F.R. § 264.35] requires that the owner or operator of a TSDF must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

77. At the time of the inspection, Respondent stored thirty-five 55-gallon containers of F006 wastewater treatment sludge without space to walk between the containers.

78. Respondent's failure to maintain adequate aisle space violated 35 Ill. Adm. Code § 724.135 [40 C.F.R. § 264.35].

**Count 5: Failure to Have a Complete Contingency Plan and Submit it to Local Emergency Departments**

79. Complainant incorporates paragraphs 1 through 47 and 53 through 68 of this CAFO as though set forth in this paragraph.

80. As an operator of a TSDF, Respondent is subject to the requirement of 35 Ill. Adm. Code § 724.152(c) and 35 Ill. Adm. Code § 724.153(b) [40 C.F.R. § 264.52(c) and 40 C.F.R. § 264.53(b)].

81. 35 Ill. Adm. Code § 724.152(c) [40 C.F.R. § 264.52(c)] requires that the owner or operator of a TSDF have a contingency plan that describes arrangements made with local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

82. At the time of the inspection, Respondent did not have a contingency plan that described arrangements made with local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

83. Respondent's failure to have a contingency plan that described arrangements made with local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services violated 35 Ill. Adm. Code § 724.152(c) [40 C.F.R. § 264.52(c)].

84. 35 Ill. Adm. Code § 724.153(b) [40 C.F.R. § 264.53(b)] requires that the owner or operator of a TSDF submit a copy of its contingency plan and all revisions to the 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.

85. At the time of the inspection, Respondent had not submitted a copy of its contingency plan to the local fire department, police department, and hospital.

86. Respondent's failure to submit a copy of its contingency plan to the local fire department, police department, and hospital violated 35 Ill. Adm. Code § 724.153(b) [40 C.F.R. § 264.53(b)].

#### **Count 6: Failure to Maintain Waste Determinations**

87. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

88. 35 Ill. Adm. Code § 722.140 [40 C.F.R. § 262.40(c)], requires generators to keep records of any test results, waste analyses, or other determinations made in accordance with 35 Ill. Adm. Code § 722.111 and 40 C.F.R. § 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

89. At the time of the inspection, Respondent did not have records related to a waste determination for the caustic soda/alkaline cleaner waste from the plating line.

90. At the time of the inspection, Respondent did not have records related to a waste determination for the wastewater treatment sludge in its 55-gallon containers.

91. Respondent's failure to keep records of its waste determinations for caustic soda and alkaline cleaner waste from the plating line and wastewater treatment sludge in its 55-gallon containers violated 35 Ill. Adm. Code § 722.140(c).

#### **Count 7: Failure to Submit Complete Annual Reports**

92. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth

in this paragraph.

93. 35 Ill. Adm. Code § 722.141(a) [40 C.F.R. § 262.41], requires a large quantity generator that ships any hazardous waste off site to a treatment, storage or disposal facility within the United States to complete and submit an annual report to Illinois EPA by March 1 of the following year. The annual report must be submitted on a form supplied by the Illinois EPA, and it must cover generator activities during the previous calendar year. The annual report must include, among other things, the EPA hazardous waste number and the quantity of each hazardous waste shipped off-site for shipments to a TSDF.

94. Respondent's 2019 annual report did not contain hazardous waste code D002 and the accurate quantity of hazardous waste shipped offsite to a TSDF.

95. Respondent's 2015 – 2018 annual reports did not contain the accurate quantity of hazardous waste shipped offsite to a TSDF.

96. Respondent's failure to submit complete annual reports for years 2015 - 2019 violated 35 Ill. Adm. Code § 722.141(a).

#### **Civil Penalty**

97. 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 \$71,404. 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.

98. Within 30 days after the effective date of this CAFO, Respondent must pay a \$71,404 civil penalty for the RCRA violations by sending a cashier's or certified 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 and the docket number of this CAFO.

99. A transmittal letter stating Respondent's name, the case title and the case docket 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

Graciela Scambiaterra  
Land Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
[Scambiaterra.graciela@epa.gov](mailto:Scambiaterra.graciela@epa.gov) and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Tamara Carnovsky  
Office of Regional Counsel  
U.S. EPA, Region 5  
[Carnovsky.tamara@epa.gov](mailto:Carnovsky.tamara@epa.gov)

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

101. 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.

102. 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**

103. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [carnovsky.tamara@epa.gov](mailto:carnovsky.tamara@epa.gov) (for Complainant), and [surfacemfg@aol.com](mailto:surfacemfg@aol.com) (for Respondent).

104. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

105. 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.

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

107. 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).

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

109. 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.

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

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

**Surface Manufacturing Company, Respondent**

JAN 28<sup>th</sup>, 21  
Date

Pat Bryan  
Patrick Bryan  
President

**United States Environmental Protection Agency, Complainant**

\_\_\_\_\_  
Date

MICHAEL  
HARRIS

Digitally signed by  
MICHAEL HARRIS  
Date: 2021.02.14  
11:33:31 -06'00'

\_\_\_\_\_  
Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

**In the Matter of:**  
**Surface Manufacturing Company**  
**Docket No. RCRA-05-2021-0011**

**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.

**ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2021.02.17  
14:07:17 -06'00'

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

In the matter of: Surface Manufacturing Company  
Docket Number: RCRA-05-2021-0011

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Compliance Agreement and Final Order**, docket number **RCRA-05-2021-0011** , which was filed on **February 17, 2021** , in the following manner to the following addressees:

Copy by email to Respondent's Representatives: Patrick Bryan  
President  
Surface Manufacturing Company  
[surfacemfg@aol.com](mailto:surfacemfg@aol.com)

Dennis Chiovarie  
C Environmental Services  
[dennis@cenvser.com](mailto:dennis@cenvser.com)

Copy by e-mail to Technical Contact for Complainant: Graciela Scambiatterra  
[scambiatterra.graciela@epa.gov](mailto:scambiatterra.graciela@epa.gov)

Copy by email to Attorney for Complainant: Tamara Carnovsky  
[carnovsky.tamara@epa.gov](mailto:carnovsky.tamara@epa.gov)

Copy by email to Regional Judicial Officer: Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

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LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 5

