



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

REPLY TO THE ATTENTION OF:

SEP 30 2010

LR-8J

CERTIFIED MAIL 7009 1680 0000 7665 5163
RETURN RECEIPT REQUESTED

Mr. Michael Eisner
President
Reliable Galvanizing Company
8800 South Genoa Avenue
Chicago, Illinois 60620

Re: Complaint and Compliance Order **RCRA-05-2010-0026**
Reliable Galvanizing Company
EPA ID No.: ILD 044 225 050

Dear Mr. Eisner:

I have enclosed a Complaint and Compliance Order (Complaint) 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). The Complaint alleges violations of RCRA, 42 U.S.C. § 6901 *et seq.*, and the Illinois Administrative Code by Reliable Galvanizing Company (Reliable Galvanizing). A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, is also enclosed.

As provided in the Complaint, if Reliable Galvanizing would like to request a hearing, Reliable Galvanizing must do so in the Answer to the Complaint. Please note that if Reliable Galvanizing does not file an Answer with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, within thirty (30) days of receipt of this Complaint, a default order may be issued and the proposed civil penalty will become due thirty (30) days later.

Regardless of whether Reliable Galvanizing chooses to file an Answer and request a hearing within thirty (30) days of receiving the Complaint, EPA extends to Reliable Galvanizing the opportunity to begin settlement discussions. A request for an informal settlement conference with EPA will not affect or extend the thirty (30) day deadline to file an Answer.

For small corporations or partnerships not represented by counsel: If you intend to file with the Regional Hearing Clerk, as part of the record in this matter, any document that includes trade secrets, proprietary information or any business information that you claim is entitled to confidential treatment, you may submit the document “under seal.” The rules for submitting confidential information under seal are set forth at Section 22.5(d) of the Consolidated Rules, 40 C.F.R. § 22.5(d). You should also refer to 40 C.F.R. Part 2, Subpart B. For more information about the procedures for submitting information under seal, go to: <http://epa.gov/oalj/orders/alj-practice-manual.pdf>. EPA reserves its right to object to the submission of documents under seal.

For individuals not represented by counsel: If you intend to file with the Regional Hearing Clerk, as part of the record in this matter, documents that include personal financial information (such as personal income tax returns), you may submit those documents “under seal.” The rules for submitting confidential information under seal are set forth at Section 22.5(d) of the Consolidated Rules, 40 C.F.R. § 22.5(d). You also may want to refer to 40 C.F.R. Part 2, Subpart B. For more information on the procedures for submitting information under seal, go to: <http://epa.gov/oalj/orders/alj-practice-manual.pdf>. EPA reserves its right to object to the submission of documents under seal.

In addition, you may file documents under seal containing information that you believe may be subject to/in which you believe you have a personal privacy interest. Such personal privacy information may include social security numbers, personal addresses and telephone numbers, dates of birth and medical information. When filing documents that you believe may be subject to/in which you believe you have a personal privacy interest, follow the procedures for submitting confidential business information at Section 22.5(d) of the Consolidated Rules, 40 C.F.R. § 22.5(d).

Whether or not you request a hearing, you may request an informal settlement conference. To request a conference, or if you have any questions about this matter, you may contact Jamie Paulin at (312) 886-1771.

Sincerely,



Paul J. Little
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (w/enclosure)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Reliable Galvanizing Company)
Chicago, Illinois,)
Respondent.)
_____)

Docket No. RCRA-05-2010-0026
Proceeding to Assess a Civil Penalty
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)

Complaint and Compliance Order

Preliminary Statement

RECEIVED
SEP 30 2010
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

1. This is an administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a).
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. Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.
5. Respondent is Reliable Galvanizing Company, a corporation doing business and incorporated in the State of Illinois.

Statutory and Regulatory Background

6. 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.

7. 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.

8. 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).

9. 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.

10. 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.

General Allegations

11. Respondent is a "person" as defined by 35 IAC § 720.110 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

12. Respondent is an "owner" or "operator," as those terms are defined under IAC § 720.110 and 40 C.F.R. § 260.10, of a facility, located at 8800 South Genoa Avenue, Chicago Illinois, and performs hot-dip galvanizing and zinc coating operations (Facility).

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

14. Respondent's Facility is a "facility," as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

15. At all times relevant to this Complaint, Respondent used sulfuric acid as part of its operations at the Facility.

16. Once the sulfuric acid was no longer usable, the sulfuric acid became a spent sulfuric acid-based hazardous waste, also containing metals, which Respondent either stored in the process bath or collected in a storage tank in the process area of the Facility.

17. At all times relevant to this Complaint, Respondent held sulfuric acid waste, a discarded material, for temporary periods either in the process bath or in a storage tank before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

18. Respondent characterized its acid waste with hazardous waste codes D002, D007, D008, D010 and D011.

19. Respondent stored, transported, disposed of, or otherwise handled its acid waste in a process bath or in a “tank,” as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

20. At all times relevant to this Complaint, Respondent’s acid waste was a “solid waste” as that term is defined under 35 IAC § 721.102 and 40 C.F.R. § 261.2.

21. At all times relevant to this Complaint, Respondent’s acid waste was a “hazardous waste” as that term is defined under 35 IAC § 721.103 and 40 C.F.R. § 261.3.

22. At all times relevant to this Complaint, Respondent’s holding of acid waste in a “tank” constituted hazardous waste “storage,” as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

23. Respondent is a “generator,” as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

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

25. At all times relevant to this Complaint, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at its Facility.

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

27. On or about July 18, 1980, Respondent submitted a Hazardous Waste Notification, dated July 14, 1980, to U.S. EPA for the Facility.

28. In its Hazardous Waste Notification, dated July 14, 1980, Respondent identified itself as a generator.

29. At all times relevant to this Complaint, Respondent generated during a calendar month more than 1000 kg of hazardous waste at the Facility.

30. On March 10, 2009, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the Inspection).

31. On February 24, 2010, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA identified as a result of the Inspection.

32. On April 5, 2010, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

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

33. Paragraphs 1 through 32 of this Complaint are incorporated herein as though set fully forth in this paragraph.

34. 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.

35. Pursuant to 35 IAC § 722.134(a) and 40 C.F.R. § 262.34(a), however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for ninety (90) days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in 35 IAC § 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 IAC Part 725 and 35 IAC § 725.116.

36. The failure to comply with any of the conditions of 35 IAC §§ 722.134(a)(1)-722.134(a)(4) subjects the generator of hazardous waste to the requirements of 35 IAC Part 724 or 725 and the permit requirements of 35 IAC § 703.121, 35 IAC § 702.120, and 35 IAC § 702.123.

Count 1.a: Failure to Provide Training and Failure to Maintain Training Records.

37. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 IAC § 722.134(a), Respondent became an operator of a hazardous waste storage facility subject to the requirement of 35 IAC § 724.116 [40 C.F.R. § 264.16].

38. The regulation at 35 IAC § 724.116(a)(1) [40 C.F.R. § 264.16(a)(1)] requires that facility personnel 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 IAC § 724.116 [40 C.F.R. § 264.16].

39. The regulation at 35 IAC § 724.116(a)(2) [40 C.F.R. § 264.16(a)(2)] requires that the program of classroom instruction or on-the-job training be directed by a person trained in hazardous waste management procedures, and include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

40. The regulation at 35 IAC § 724.116(a)(3) [40 C.F.R. § 264.16(a)(3)] requires, at a minimum, that the training program be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures,

emergency equipment, and emergency systems, including, where applicable: (1) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (2) response to groundwater contamination incidents; and, (3) shutdown of operations.

41. The regulation at 35 IAC § 724.116(b) [40 C.F.R. § 264.16(b)] requires that facility personnel successfully complete the program required in paragraph (a) of 35 IAC § 724.116 [40 C.F.R. § 264.16] within six months after the effective date of the regulations or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.

42. The regulation at 35 IAC § 724.116(c) [40 C.F.R. § 264.16(c)] requires that facility personnel take part in an annual review of the initial training required in 35 IAC § 724.116(a) [40 C.F.R. § 264.16(a)].

43. The regulation at 35 IAC §§ 724.116(d)(2), (3) and (4) [40 C.F.R. §§ 264.16(d)(2), (3) and (4)] require that owners and operators of hazardous waste facilities maintain the following documents and records:

A written job description for each position listed under paragraph (d)(1) of 35 IAC § 724.116. This description may be consistent in its degree of specificity with descriptions for other positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position; and,

The type and amount of both introductory and continuing training to be given to each employee filling a hazardous waste management position listed under paragraph (d)(1) of 35 IAC § 724.116.

Records that document that the training or job experience required under 35 IAC §§ 724.116(a), (b) and (c) has been given to, and completed by, facility personnel.

44. In 2005, 2006 and 2007, Respondent did not ensure that all classroom instruction or on-the-job training received by Facility personnel satisfied the criteria of 35 IAC §§ 724.116(a)(2) relevant to the positions in which Facility personnel were employed.

45. In 2005, 2006 and 2007, Respondent did not ensure that all Facility personnel filling a hazardous waste management position received initial training or annual review of the initial training.

46. Respondent's failure to provide adequate classroom instruction or on-the-job training to, as alleged in paragraph 44 above, violated 35 IAC § 724.116(a) [40 C.F.R. § 264.16(a)].

47. Respondent's failure to provide initial training or annual review of the initial training, as alleged in paragraph 45 above, violated 35 IAC §§ 724.116(a), (b) and (c) [40 C.F.R. §§ 264.16(a), (b) and (c)].

48. At the time of the Inspection, Respondent failed to maintain documents and records providing a written job description that included the requisite skill, education, or other qualifications, and duties for each position at the facility related to hazardous waste management.

49. At the time of the Inspection, Respondent failed to maintain documents and records providing the type and amount of both introductory and continuing training to be given to each employee filling a position at the facility related to hazardous waste management.

50. At the time of the Inspection, Respondent failed to maintain documentation that the training or job experience required under 35 IAC §§ 724.116(a), (b) and (c) had been given to, and completed by, all appropriate facility personnel for 2005, 2006 and 2007.

51. Respondent's failure to maintain records that provided a written job description for each position related to hazardous waste management, and the type and amount of both

introductory and continuing training to be given to each employee filling a hazardous waste management position, and documentation that the training or job experience required under 35 IAC §§ 724.116(a), (b) and (c) had been given to, and completed by, facility personnel, violated 35 IAC §§ 274.116(d)(2), (3) and (4) [40 C.F.R. §§ 264.16(d)(2), (3) and (4)].

Count 1.b: Failure to Have a Contingency Plan.

52. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 IAC § 722.134(a), Respondent became an operator of a hazardous waste storage facility subject to the requirements of 35 IAC §§ 724.152(c), (d), and (e) [40 C.F.R. §§ 264.52(c), (d), and (e)].

53. The regulation at 35 IAC Subpart D [40 C.F.R. Subpart D] requires that an owner or operator have a contingency plan for a hazardous waste storage facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water pursuant to 35 IAC § 724.151 [40 C.F.R. § 264.51].

54. The regulation at 35 IAC § 724.152(a) [40 C.F.R. § 264.52(a)] requires that a hazardous waste storage facility's contingency plan must describe the actions facility personnel must take to comply with 40 C.F.R. § 264.51.

55. The regulation at 35 IAC § 724.152(c) [40 C.F.R. § 264.52(c)] requires that a hazardous waste storage facility's contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to 40 C.F.R. § 264.37.

56. The regulation at 35 IAC § 724.152(d) [40 C.F.R. § 264.52(d)] requires that a hazardous waste storage facility's contingency plan must 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.

57. The regulation at 35 IAC § 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.

58. The regulation at 35 IAC § 724.153 [40 C.F.R. § 264.53] requires that copies, and all revisions, of a hazardous waste storage facility's contingency plan be maintained at the facility and submitted to all local police departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

59. At the time of the Inspection, Respondent failed to have a contingency plan for its Facility.

60. Respondent's failure to have a contingency plan violated 35 IAC 724 Subpart D, Contingency Plan and Emergency Procedures [40 C.F.R. 264 Subpart D].

61. 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.

Count 1.c: Failure to Make Arrangements with Local Authorities.

62. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 IAC § 722.134(a), Respondent became an operator of a hazardous waste storage facility subject to the requirement of 35 IAC § 724.137 [40 C.F.R. § 264.37].

63. The regulation at 35 IAC § 724.137 [40 C.F.R. § 264.37] requires that the owner or operator of a hazardous waste storage facility must attempt to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations, to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; must make agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; must make agreements with State emergency response teams, emergency response contractors and equipment suppliers; and must document the refusal of State or local authorities to enter into such arrangements if occurred.

64. At the time of the Inspection, Respondent had not made such arrangements with local authorities.

65. By Respondent not making such arrangements with local authorities, Respondent violated 35 IAC § 724.137 [40 C.F.R. § 264.37].

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.

Count 2: Failure to Determine if a Waste is a Hazardous Waste.

67. Paragraphs 1 through 32 of this Complaint are incorporated herein as though set fully forth in this paragraph.

68. The regulation at 35 IAC § 722.111 [40 C.F.R. § 262.11] requires that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

69. At the time of the Inspection, Respondent failed to make a waste determination regarding aerosol cans and a liquid being stored in an un-labeled 55-gallon container.

70. Respondent's failure to make a waste determination violated 35 IAC § 722.111 [40 C.F.R. § 262.11].

Count 3: Failure to Submit an Exception Report.

71. Paragraphs 1 through 32 of this Complaint are incorporated herein as though set fully forth in this paragraph.

72. The regulation at 35 IAC § 722.142(a)(2) [40 C.F.R. § 262.42(a)(2)] requires that a generator of greater than 1000 kilograms of hazardous waste in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located.

73. At the time of the Inspection, Respondent failed to submit several required Exception Reports to the EPA Regional Administrator, of Region 5, within 45 days of the date the waste was accepted by the initial transporter.

74. Respondent's failure to submit such Exception Reports violated 35 IAC

§ 722.142(a)(2) [40 C.F.R. § 262.42(a)(2)].

Count 4: Failure to Maintain a Copy of the Land Disposal Notification.

75. Paragraphs 1 through 32 of this Complaint are incorporated herein as though set fully forth in this paragraph.

76. The regulation at 35 IAC § 728.107(a)(8) [40 C.F.R. § 268.7(a)(8)] requires that generators retain, on-site, a written land disposal notification for at least three years from the date that the waste was last sent to the treatment or storage facility receiving the waste, and place a copy in the file.

77. At the time of the Inspection, Respondent failed to retain on-site at the Facility a copy of any land disposal notification for at least three years from the date that the waste was sent to the treatment or storage facility that received the waste.

78. Respondent's failure to retain such notification violated 35 IAC § 728.107(a)(8) [40 C.F.R. § 268.7(a)(8)].

Civil Penalty

The Complainant proposes, subject to the receipt and evaluation of further relevant information from Respondent, that the Administrator assess a civil penalty of \$106,645 for the violations alleged in this Complaint, as further explained in Attachment A, "Penalty Summary Sheet."

Complainant determined the proposed civil penalty according to RCRA Section 3008, 42 U.S.C. § 6928. In assessing a civil penalty, the Administrator of U.S. EPA must consider the seriousness of the violation and any good faith efforts to comply with applicable requirements. *See*, Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty

Policy. A copy of the penalty policy is available upon request. This policy provides a consistent method of applying the statutory penalty factors to this case.

COMPLIANCE ORDER

Based on the foregoing, Respondent is hereby ordered, pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and § 22.37(b) of the Consolidated Rules, to comply with the following requirements immediately upon the effective date of this Order:

1. Respondent shall maintain compliance with each of the regulations cited in this Complaint and Compliance Order. Respondent shall certify its compliance with each of these regulations within thirty (30) days of the date of the filing of this Complaint and Compliance Order by notifying U.S. EPA in writing.

2. If Respondent has not taken or completed compliance with each of the regulations cited in this Complaint, Respondent shall notify U.S. EPA of the failure, its reasons for the failure, and the proposed date for compliance within thirty (30) days of the date of the filing of this Complaint and Compliance Order.

Rules Governing this Proceeding

The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (the Consolidated Rules), 40 C.F.R. Part 22, govern this proceeding to assess a civil penalty. Enclosed with the Complaint served on Respondent is a copy of the Consolidated Rules.

Filing and Service of Documents

Respondent must file with the U.S. EPA Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

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

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Andre Daugavietis to receive any Answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Andre Daugavietis at (312) 886-6663. His address is:

Andre Daugavietis (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Terms of Payment

Respondent may resolve this proceeding at any time by paying the proposed penalty by sending a certified or 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, Missouri 63197-9000

Respondent must include the case name, docket number and the billing document number on the check and in the letter transmitting the check. Respondent must simultaneously send copies of the check and transmittal letter to the Regional Hearing Clerk and Andre Daugavietis at the addresses given above, and to:

Jamie Paulin (LR-8J)
Land and Chemicals Division
RCRA Branch
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Answer and Opportunity to Request a Hearing

If Respondent contests any material fact upon which the Complaint is based or the appropriateness of any penalty amount, or contends that it is entitled to judgment as a matter of law, Respondent may request a hearing before an Administrative Law Judge. To request a hearing, Respondent must file a written Answer within thirty (30) days of receiving this Complaint and must include in that written Answer a request for a hearing. Any hearing will be conducted in accordance with the Consolidated Rules.

In counting the 30-day period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

To file an Answer, Respondent must file the original written Answer and one copy with the Regional Hearing Clerk at the address specified above.

Respondent's written Answer must clearly and directly admit, deny, or explain each of the factual allegations in the Complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

Respondent's Answer must also state:

- a. the circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. the facts that Respondent disputes;
- c. the basis for opposing the proposed penalty; and,
- d. whether Respondent requests a hearing.

If Respondent does not file a written Answer within thirty (30) calendar days after receiving this Complaint, the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual allegations in the Complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order, without further proceedings, thirty (30) days after the order becomes the final order of the Administrator of U.S. EPA under Section 22.27(c) of the Consolidated Rules.

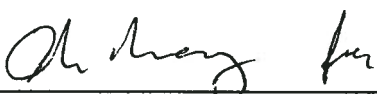
Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal conference to discuss the facts alleged in the Complaint and to discuss settlement. To request an informal settlement conference, Respondent may contact Jamie Paulin at (312) 886-1771.

Respondent's request for an informal settlement conference will not extend the 30-day period for filing a written Answer to this Complaint. Respondent may simultaneously pursue both an informal settlement conference and the adjudicatory hearing process. Complainant encourages all parties against whom it proposes to assess a civil penalty to pursue settlement through an informal conference. Complainant, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

9/30/10

Date



Bruce F. Sypniewski, Acting Director
Land and Chemicals Division

RECEIVED
SEP 30 2010
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASE NAME: Reliable Galvanizing Company
DOCKET NO: RCRA-05-2010-0026

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Complaint and Compliance 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. Michael Eisner
President
Reliable Galvanizing Company
8800 South Genoa Avenue
Chicago, Illinois 60620

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