



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

MAR - 2 2009

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LR-8J

Richard S. Miller
Vice President, Human Resources and Administration
Marlite, Inc.
202 Harger Street
Dover, Ohio 44622

Re: Consent Agreement and Final Order **RCRA-05-2009-0006**
Marlite, Inc.
OHD 017 999 244

Dear Mr. Miller:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on March 2, 2009, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$27,900 in the manner prescribed in paragraphs 64-68 of the CAFO, and reference all checks with the billing document (BD) number **2750942R003** and docket number **RCRA-05-2009-0006**. Your payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Harry Sarvis, Ohio EPA, Central Office (w/CAFO)

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2009-0006
)	
Marlite, Inc.)	Proceeding to Commence and Conclude
202 Harger Street)	Under Section 3008(a) of the Resource
Dover, Ohio 44622)	Conservation and Recovery Act,
)	42 U.S.C. § 6928(a)
OHD 017 999 244)	
)	
Respondent.)	
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MAR - 2 2009

Consent Agreement and Final Order

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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. On or about, December 11 , 2008, U.S. EPA provided notice of commencement of this action to the State of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is Marlite, Inc., a corporation doing business in the State of Ohio.
5. Where the parties agree to settle one or more causes of action before the filing of

a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

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

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6939e, Ohio Administrative Code 3745-49 through 69 [40 C.F.R. §§ 260.1 – 279.82].

Statutory and Regulatory Background

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to sections 3002, 3003 and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923 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 Ohio final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective June 30, 1989. 54 Fed. Reg. 27170 (June 28, 1989).

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.

Factual Statements

17. Respondent was and is a "person" as defined by the Ohio Administrative Code

(OAC) 3745-50-10(88) [40 C.F.R. § 260.10] and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. On May 23, 2007, EPA conducted an inspection of the facility.

19. The facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

20. Respondent manufactures commercial wall systems. As part of its operations, Respondent operates paint and coating equipment, and a 2,000 gallon tank (T-006) and numerous 55-gallon containers used to hold paint related waste and spent solvents. The waste paint related material and spent solvents contained organic concentrations of at least 10 percent by weight. This waste stream subsequently came in contact with tank system equipment including a pump, valve, and connections.

21. At all times relevant to the allegations contained in this CAFO, Respondent created solid wastes including paint related waste and spent solvents.

22. Respondent's processes at the facility produce several hazardous wastes identified or listed in OAC 3745-51-01 to 3745-51-35 [40 C.F.R. Parts 260-270]. These hazardous wastes include benzene and toluene, and are contained in Respondents T-006 tank and in numerous 55-gallon containers.

23. Respondent is a "generator," as that term is defined in OAC 3745-50-10(45) [40 C.F.R. § 260.10].

24. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6930, and the analogous Ohio Administrative Code as part of the applicable state hazardous waste management program for the state of Ohio, or both.

25. At all times relevant to the allegations in this CAFO, the Respondent was a large

quantity generator because it produced more than 1,000 kilograms (2,205 pounds) of hazardous waste per month.

Alleged Violations

Count 1 - Failure to satisfy the conditions of OAC 3745-52-34(A)(2) and (3) and meet the hazardous waste container requirements

26. Complainant incorporates paragraphs 1 through 25 of this Complaint as though set forth in this paragraph.

27. Except as otherwise provided, a large quantity generator may, for ninety days or less, accumulate hazardous waste that is generated on-site without an Ohio hazardous waste operating permit, provided that it meets each of the conditions of OAC 3745-52-34 [40 C.F.R. § 262.34].

28. Pursuant to OAC 3745-52-34 (A)(2) [40 C.F.R. § 262.34(a)(2)], a generator may, for ninety days or less, accumulate hazardous waste that is generated on-site without an Ohio hazardous waste operating permit, provided that the waste is placed in containers that have been labeled or clearly marked with the words "Hazardous Waste."

29. At the time of the inspection, an inspector from US EPA observed that Respondent was accumulating numerous 55-gallon containers containing hazardous waste in Area 7 that did not have labels with the words "Hazardous Waste."

30. Pursuant to OAC 3745-52-34(A)(3) [40 C.F.R. § 262.34(a)(3)], a generator may, for ninety days or less, accumulate hazardous waste that is generated on-site without an Ohio hazardous waste operating permit, provided that the waste is placed in containers and the date upon which each period of accumulation begins is clearly marked and visible for inspection.

31. At the time of the inspection, an inspector from US EPA observed that Respondent was accumulating numerous 55-gallon containers of hazardous waste in Area 7 that did not have a clearly marked date upon which the accumulation began.

32. Respondent violated the requirements of OAC 3745-52-34(A)(2) and (3) and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

33. Respondent was required to apply for and obtain an Ohio hazardous waste operating permit because it did not satisfy the conditions of OAC 3745-52-34(A)(2) and (3) [40 C.F.R. § 262.34(a)(2) and (3)].

34. Respondent failed to apply for and obtain an Ohio hazardous waste operating permit as required by OAC 3745-50-40 to 3745-50-66.

35. Respondent stored hazardous waste without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the regulations found at OAC 3745-50-40 to 3745-50-66 [40 C.F.R. §§ 270.1(c) and 270.10(a)(3) and 270.10(d)] and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 2 - Failure to meet the hazardous waste containers use and management requirements.

35. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

36. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under OAC 3745-52-34 [40 C.F.R. § 262.34] must meet the standards for treatment, storage, and disposal facilities in OAC 3745-55 [40 C.F.R. Part 264, subpart I], which

requires that all owners or operators of hazardous waste facilities comply with all requirements entitled, "Use and Management of Containers."

37. OAC 3745-55-73 [40 C.F.R. § 264.173] requires that containers must always be closed except when it is necessary to add or remove waste.

38. At the time of the inspection, the US EPA inspector observed Respondent accumulating numerous containers of hazardous waste in Area 7 that were visibly open to the atmosphere.

39. Therefore, Respondent violated the requirements of OAC 3745-55-73(A) and (B) [40 C.F.R. § 264.173] and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 3 - Failure to meet preparedness and prevention requirements.

40. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

41. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under OAC 3745-52-34 [40 C.F.R. § 262.34] must meet the standards for treatment, storage, and disposal facilities in OAC 3745-54 [40 C.F.R. Part 264, subpart C], which requires that all owners or operators of hazardous waste facilities test and maintain emergency equipment and also maintain adequate aisle space described in "Preparedness and Prevention."

42. OAC 3745-54-33 and 35 [40 C.F.R. §§ 264.33 and 35] require that owners and operators maintain all decontamination equipment, where required, by testing and maintaining it to assure its proper operation in the time of an emergency and that owners and operators maintain aisle space to allow unobstructed movement of personnel, fire protection equipment,

spill control equipment and decontamination equipment to any area of the facility operation in an emergency.

43. At the time of the inspection, the US EPA inspector observed that the Respondent was not testing or maintaining its decontamination equipment which in times of emergency would be used in Area 7.

44. At the time of the inspection, the US EPA inspector observed that the Respondent was storing containers of hazardous waste in Area 7 and had not maintained adequate aisle space to allow unobstructed movement of personnel, fire equipment, spill control equipment and decontamination equipment if there had been an emergency.

45. Therefore, Respondent violated the requirements of OAC 3745-54-33 and OAC 3745-54-35 [40 C.F.R. §§ 264.33 and 264.35] and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 4 - Failure to meet Subpart BB air emissions equipment requirements.

46. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

47. Except as otherwise provided, a large quantity generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site, in a tank system, without a hazardous waste operating permit for air emissions from equipment leaks, provided that the conditions of 40 C.F.R. part 265, subpart BB are met. If the conditions are not met, then the generator must apply for a hazardous waste operating permit and comply with the requirements of 40 C.F.R. Part 264.

48. 40 C.F.R. part 265, subpart BB, became effective on June 21, 1990. 55 Fed. Reg. 25512. Subpart BB sets forth the federal air emission standards for equipment that contains or comes in contact with hazardous waste with organic concentrations of at least 10 percent by weight.

49. At the time of EPA's inspection, the US EPA inspector observed that the Respondent was pumping waste paint related material and spent solvents out of 55-gallon containers, which had been accumulated in Area 7, into the T006 tank. The waste paint related material and spent solvents contained organic concentrations of at least 10 percent by weight. This waste stream subsequently came in contact with equipment defined in 40 C.F.R. § 264.1031, including a pump, valve and connectors.

50. Pursuant to 40 C.F.R. § 265.1050(c) each piece of equipment which contacts or contains hazardous waste with an organic concentration of at least 10 percent by weight shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

51. At the time of the inspection, the US EPA inspector observed that the Respondent had not marked the pump and valve associated with the T006 tank.

52. Pursuant to 40 C.F.R. § 265.1052 pumps in light liquid service are required to be monitored on a monthly basis to detect leaks.

53. At the time of the inspection, the US EPA inspector observed that the Respondent could not demonstrate that it had monitored, on a monthly basis, the pump associated with the T006 tank system as required by 40 C.F.R. § 265.1052.

54. Pursuant to 40 C.F.R. § 265.1057 valves in light liquid service shall be monitored on a monthly basis to detect leaks.

55. At the time of the inspection, the US EPA inspector observed that the Respondent could not demonstrate that it was monitoring the valve associated with the T006 tank system as required by 40 C.F.R. § 265.1057.

56. Pursuant to 40 C.F.R. § 265.1064(b) requires the following items be preserved in a record: the identification number of each piece of equipment; the approximate location of each piece of equipment; whether the waste is in gas, vapor or a liquid state; and the method of compliance with subpart BB.

57. At the time of the inspection, the US EPA inspector observed that the Respondent failed to demonstrate that it had records as required by 40 C.F.R. § 265.1064(b).

58. Respondent failed to establish a program to detect equipment leaks and operated affected equipment without a subpart BB hazardous waste operating permit. Respondent failed to meet four separate conditions of the subpart BB requirements and therefore failed to meet the conditions for exemption from operating without a subpart BB federally endorsed hazardous waste permit.

59. Therefore, Respondent stored hazardous waste in a tank system without satisfying the requirements of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the regulations found at 40 C.F.R. §§ 270.1(c) and 270.10(a)(3) and 270.10(d) and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 5 - Failure to meet universal waste handling requirements.

60. Complainant incorporates paragraphs 1 through 25 of this CAFO as though set forth in this paragraph.

61. Pursuant to OAC 3745-273(A)(1) a small quantity handler of universal waste must contain any universal battery that shows evidence of damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

62. At the time of the inspection, the US EPA inspector observed that the Respondent failed to take measures to containerize a cracked lead acid battery that was stored outside on the loading dock and exposed to the elements.

63. Respondent therefore violated the universal waste storage requirements for small quantity handlers of universal waste and is subject to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Civil Penalties

64. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3) EPA issued to the Respondent a Pre-filling Notice Letter on December 11, 2008, that proposed a civil penalty of \$47,734 for alleged violations of RCRA. After conferring with the Respondent the Complainant and Respondent agreed to a civil penalty of \$27,900.00 to settle this action. In determining the penalty amount, Complainant took into account the seriousness of the violations, in addition to the Respondent's good faith efforts to comply with the applicable requirements before EPA issued its Pre-filling Notice Letter. Complainant also considered U.S. EPA's *RCRA Civil Penalty Policy*, dated June 23, 2003.

65. Within 30 days after the effective date of this CAFO, Respondent must pay a \$27,900 civil penalty for the RCRA violations. [insert appropriate language for agreed payment

method] [Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:]

[For checks sent by regular U.S. Postal Service mail]

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], the docket number of this CAFO and the billing document number].

[For electronic funds transfer] [By electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

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

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

(For ACH, also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, D.C. 20074
Contact: Jesse White
301-887-6548
ABA = 051036706
Transaction Code 22 – checking
Environmental Protection Agency
Account 310006

CTX Format

(For on-line payment)

There is now an On Line Payment Option, available through the Department of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV

Enter 'sfo 1.1' in the Search Public Forms field.

Open form and complete required fields.

66. A transmittal letter, stating, Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

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

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

68. 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

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

70. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

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

72. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, the U.S. EPA's RCRA Civil Penalty Policy, and the U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

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

74. 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.

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

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

Marlite, Incorporated Respondent

2-10-09
Date

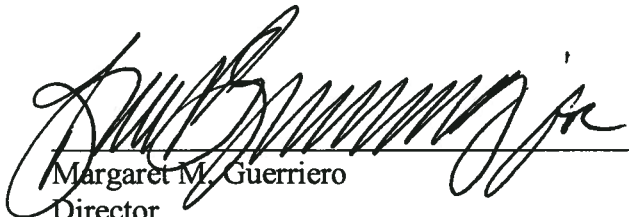
Richard J. Miller VP HR & Admin.
[Person's name, title, e.g., Ms. Jane Doe, President]
[Name of Respondent]

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

United States Environmental Protection Agency, Complainant

2/26/09
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

**In the Matter of:
Marlite, Incorporated
Docket No. RCRA-05-2009-0006**

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.

2-27-09
Date



Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASE NAME: Marlite, Inc.
DOCKET NO: RCRA-05-2009-0006

CERTIFICATE OF SERVICE

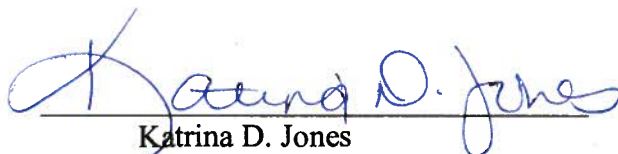
I hereby certify that today I filed the original of this **Consent Agreement and Final Order (CAFO)** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

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:

Richard S. Miller, Vice President
Human Resources and Administration
Marlite, Inc.
202 Harger Street
Dover, Ohio 44622

Return Receipt # 7001 0320 0006 1448 5186

Dated: 3/2/09



Katrina D. Jones
Administrative Program Assistant
United States Environmental Protection Agency
Land and Chemicals Division -RCRA Branch
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 886-2871

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**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**