



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

NOV 04 2009

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mitchell D. Bowers
G & S Titanium, Inc.
4000 East Lincoln Way
Wooster, Ohio 44691

Re: Consent Agreement and Final Order
G & S Titanium, Inc.
1550 Spruce Street Ext.
Wooster, Ohio 44691
EPA I.D. No.: OHD987055217
Docket No: **RCRA-05-2010-0005**

Dear Mr. Bowers:

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 ~~NOV 12 2009~~ with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$33,600 in the manner prescribed in paragraph 86 of the CAFO, and reference all checks with the number BD **2751042R005** and docket number **RCRA-05-2010-0005**. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

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

Enclosures

RECEIVED
NOV 12 2009

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK
REGION 5 U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
)
G & S Titanium, Inc.)
Wooster, Ohio)
)
Respondent.)
_____)
)

Docket No.
RCRA-05-2010-0005

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. Respondent is G & S Titanium, Inc., a corporation doing business in the State of Ohio.

4. 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).

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.

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. 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.

13. 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).

14. 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.

15. 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

16. Respondent is a "person" as defined by OAC 3745-50-10(88) and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. At all times relevant to this CAFO, Respondent was the "owner" or "operator," as those terms are defined under OAC 3745-50-10(84) and (83) and 40 C.F.R. § 260.10, of a facility located at 1550 Spruce Street Ext., Wooster, Ohio 44691 that manufactured grades of titanium (Spruce Street Facility) or a facility located at 4000 East Lincoln Way, Wooster, Ohio 44691 (Lincoln Way Facility) (Collectively the "Facilities").

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

19. Respondent's Spruce Street and Lincoln Way Facility are both a "facility," as that term is defined under OAC 3745-50-10(39)(a) and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent used sulfuric nitric and hydrofluoric acid in its pickling process.

21. At all times relevant to this CAFO, the pickling process generated a wastestream containing waste acid and chromium sludge, which Respondent collected in a hazardous waste tank (tank) at its Facilities.

22. At all times relevant to this CAFO, Respondent held the waste acid and chromium sludge, a discarded material, for temporary periods in a tank before the material was shipped from the Spruce Street Facility for treatment, storage, disposal, burning or incineration elsewhere.

23. Respondent characterized its waste acid and chromium sludge as hazardous waste codes D002 and D007.

24. Respondent stored, transported, disposed of, or otherwise handled its waste acid and chromium sludge in a "tank," as that term is defined under OAC 3745-50-10(114) and 40 C.F.R. § 260.10.

25. At all times relevant to this CAFO, Respondent's waste acid and chromium sludge was "solid waste" as that term is defined under OAC 3745-27-01 and 40 C.F.R. § 261.2.

26. At all times relevant to this CAFO, Respondent's waste acid and chromium sludge was a "hazardous waste" as that term is defined under OAC 3745-51-03 and 40 C.F.R.

§ 261.3.

27. At all times relevant to this CAFO, Respondent's holding of waste acid and chromium sludge in the tank constituted hazardous waste "storage," as that term is defined under OAC 3745-50-10(111) and 40 C.F.R. § 260.10.

28. Respondent is a "generator," as that term is defined under OAC 3745-50-10(45) and 40 C.F.R. § 260.10.

29. Respondent generated and managed hazardous waste at the Facilities after November 19, 1980.

30. On May 20, 2008, U.S. EPA conducted a Compliance Evaluation Inspection of the Spruce Street Facility (the Inspection).

31. On September 2, 2008, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the Inspection.

32. On September 10, 2008, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

33. At all times relevant to this CAFO, the State of Ohio had not issued a permit to Respondent to treat, store, or disposed of hazardous waste at its Facilities.

34. On or about December 2, 1997, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the Spruce Street Facility.

35. In its Hazardous Waste Notification dated December 2, 1997, Respondent identified itself as a generator.

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

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

37. Complainant incorporates paragraphs 1 through 36 of this CAFO as though set forth in this paragraph.

38. 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.

39. Pursuant to OAC 3745-52-34(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 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in OAC 3745-52-34 and 40 C.F.R. § 262.34(a) including, but not limited to, requirements for owners and operators in paragraph (A)(5) of rule 3745-270-07 and rules 3745-65-16, 3745-65-30 to 3745-65-37, and 3745-65-50 to 3745-65-56 of the OAC.

40. 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 rules OAC 3745-50-40 to 3745-50-66 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205 and 3745-256 of the OAC unless it 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.

41. Similarly, the failure to comply with any of the conditions of OAC 3745-52-34(A) subjects the generator of hazardous waste to the requirements of OAC 3745-50-40 to 3745-50-66 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205 and 3745-256.

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

43. 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." OAC 3745-52-34(A)(3) [40 C.F.R. § 262.34(a)(3)].

44. Respondent accumulated approximately 172 gallons of hazardous waste acid and chromium sludge in a tank from at least December 27, 2007, until May 21, 2008, for 56 days over the 90-day limit, without obtaining or applying for a permit at its Spruce Street Facility.

45. At the time of the Inspection, Respondent had not labeled or marked the tank of waste acid and chromium sludge with the words "Hazardous Waste" at its Spruce Street Facility.

46. 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.

47. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by OAC 3745-52-34(A), Respondent became an operator of a hazardous waste storage facility.

48. 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 permit requirements of OAC 3745-50-41, 3745-50-43 and 3745-50-45 [40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

**Count 2: Failure to Conduct Daily Inspections of Hazardous Waste Tank and
Maintain Records**

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

50. As an operator of a hazardous waste storage facility, Respondent is subject to the requirements of OAC 3745-55-95(A), 3745-55-95(B)(1)-(3) and 3745-55-95(D) [40 C.F.R. §§ 264.195(a), (b)(1) and (2) and (h)].

51. OAC 3745-55-95(A) [40 C.F.R. § 264.195(a)] requires that a facility must develop and follow a schedule and procedure for inspecting overfill controls.

52. OAC 3745-55-95(B)(1)-(3) [40 C.F.R. § 264.195(b)(1) and (2)] require that the owner or operator inspect at least once each operating day: (1) the aboveground portions of the tank system, if any, to detect corrosion or releases of waste; (2) data gathered from monitoring equipment and leak-detection equipment (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and, (3) the construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

53. OAC 3745-55-95(D) [40 C.F.R. § 264.195(h)] requires that an owner or operator document in the operating record of the facility an inspection of those items in OAC 3745-55-95(A) and (B).

54. From January 1, 2005, until August 30, 2007, tank inspections were not conducted at the Facility on Saturday or Sunday or holidays at the Spruce Street Facility.

55. From August 31, 2007, until May 20, 2008, tank inspections were not conducted daily or documented at the Spruce Street Facility.

56. Respondent's failure to conduct tank a inspection at least once each operating day and to document the inspection in the operating records of the Spruce Street Facility violated

OAC 3745-55-95(A), (B)(1)-(3), and (D) [40 C.F.R. §§ 264.195(a), (b), (c)(1) and (2), (d) and (h)].

Count 3: Failure to Provide Adequate Training

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

58. As an operator of a hazardous waste storage facility, Respondent is subject to the requirement of OAC 3745-54-16(A) [40 C.F.R. § 264.16(a)].

59. OAC 3745-54-16(A)(1) [40 C.F.R. § 264.16(a)(1)] requires, among other things, that 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 OAC 3745-54-16.

60. OAC 3745-54-16(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.

61. OAC 3745-54-16(A)(3) [40 C.F.R. § 265.16(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.

62. Respondent provided U.S. EPA with a copy of its OSHA Hazardous Communication Training (Haz Com Training) that describes the training Respondent provided to Spruce Street Facility personnel handling hazardous waste in 2007.

63. Respondent's Haz Com Training does not teach facility personnel to perform their duties in a way that ensures the facility's compliance with the requirements of OAC 3745-54-16, or 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.

64. Respondent provided U.S. EPA with a copy of its Inspector Training that describes the training Respondent provided to Lincoln Way Facility personnel handling hazardous waste in 2008.

65. Respondent's Inspector Training does not teach facility personnel to perform their duties in a way that ensures the facility's compliance with the requirements of OAC 3745-54-16, or 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.

66. Respondent's failure to provide adequate training to Spruce Street and Lincoln Way Facility personnel who had hazardous waste management duties in 2007 and 2008 violated OAC 3745-54-16(A)(1), (2) and (3) [40 C.F.R. §§ 264.16(a)(1), (2) and (3)].

Count 4: Failure to Provide Training by a Person Trained in Hazardous Waste

Management Procedures

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

68. As an operator of a hazardous waste storage facility, Respondent is subject to the requirement of OAC 3745-54-16(A)(2) [40 C.F.R. § 264.16(a)(2)].

69. OAC 3745-54-16(A)(2) [40 C.F.R. § 264.16(a)(2)] requires that the program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with the requirements of OAC 3745-54-16 be directed by a person trained in hazardous waste management procedures, and teach facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

70. The training provided to Spruce Street Facility personnel in 2007 was not directed by a person trained in hazardous waste management procedures.

71. Respondent's failure to provide training by a person trained in hazardous waste management procedures to Spruce Street Facility personnel who had hazardous waste management duties violated OAC 3745-54-16(A)(2) [40 C.F.R. § 264.16(a)(2)].

Count 5: Failure to Provide Annual Training and Maintain Records

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

73. As an operator of a hazardous waste storage facility, Respondent is subject to the requirement of OAC 3745-54-16(C) [40 C.F.R. § 264.16(c)].

74. OAC 3745-54-16(C) [40 C.F.R. § 264.16(c)] requires that facility personnel take part in an annual review of initial training required in paragraph OAC 3745-54-16(A).

75. OAC 3745-54-16(D)(4) [40 C.F.R. § 264.16(d)(4)] requires owners and operators of hazardous waste management facilities to maintain records that document that the training or job experience required under paragraphs OAC 3745-54-16 (A), (B), and (C) has been given to, and completed by, facility personnel.

76. At least three employees who had hazardous waste management duties did not receive annual training in 2007 at the Spruce Street Facility.

77. At least one employee who had hazardous waste management duties did not receive annual training in 2008 at the Lincoln Way Facility.

78. Respondent failed to maintain documentation that the training or job experience required under OAC 3745-54-16 (A), (B), and (C) had been given to, and completed by, Spruce Street and Lincoln Way Facility personnel for 2007 and 2008.

79. Respondent's failure to provide annual training to Spruce Street and Lincoln Way Facility personnel who had hazardous waste management duties violated OAC 3745-54-16(C) [40 C.F.R. § 264.16(c)].

Count 6: Failure to Maintain Written Job Descriptions

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

81. As an operator of a hazardous waste storage facility, Respondent is subject to the requirement of OAC 3745-54-16(D)(2) [40 C.F.R. § 264.16(d)(2)].

82. OAC 3745-54-16(D)(2) [40 C.F.R. § 264.16(d)(2)] requires that owners and operators of hazardous waste facilities maintain documents and records, which include, but are not limited to:

A written job description for each position listed under paragraph (D)(1) of this rule [OAC 3745-54-16(D)]. 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.

83. 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 positions at the Spruce Street Facility related to hazardous waste management.

84. Respondent's failure to maintain a written job description for each position violated OAC 3745-54-16(D)(2) [40 C.F.R. § 264.16(d)(2)].

Civil Penalty

85. 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 thirty-three thousand and six hundred dollars (\$33,600). In determining the penalty amount, Complainant considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy, Respondent's cooperation and other factors as justice may require.

86. Within 30 days after the effective date of this CAFO, Respondent must pay a \$33,600 civil penalty for the RCRA violations. Respondent must pay the penalty 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 case name, the docket number of this CAFO and the billing document number.

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

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

Bryan Gangwisch (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]

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

89. 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

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

91. 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.

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

93. Respondent certifies that it is complying with the 42 U.S.C. § 6922 and OAC 3745-52-34(A); OAC 3745-55-95(A), (B)(1)-(3), and (D); OAC 3745-54-16(A)(1), (2) and (3), (C), and (D)(2) [40 C.F.R. § 264.195(a), (b), (c)(1) and (2), (d) and (h); 40 C.F.R. §§ 264.16(a)(1), (2) and (3), (c), and (d)(2)].

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

95. 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.

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

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

**In the Matter of:
G & S Titanium, Inc.
Docket No.**

G & S Titanium, Respondent

10-20-09
Date

Mitchell D. Bowers
Mitchell D. Bowers, President
G & S Titanium, Inc.

United States Environmental Protection Agency, Complainant

11/6/09
Date

Allen Guerriero
for Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of:
G & S Titanium, Inc.
Docket No.**

RCRA-05-2010-0005

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-10-09

Date



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

RECEIVED
NOV 12 2009

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

U.S. ENVIRONMENTAL
PROTECTION AGENCY
G & S TITANIUM
OFFICE OF REGIONAL
COUNSEL

CASE NAME: G & S TITANIUM, INC.
DOCKET NO: RCRA-05-2010-0005

RECEIVED
NOV 12 2009

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-13J), United States Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

Mr. Mitchell D. Bowers
President
G & S Titanium, Inc.
4000 East Lincoln Way
Wooster, OH 44691

Certified Mail Receipt # 7009 1680 0000 7666 9764

Dated: Nov. 12, 2009

Margaret Gray
Margaret Gray
Administrative Program Assistant
U.S. Environmental Protection Agency

Region V
RCRA Branch
Land and Chemicals Division LR-8J
77 W. Jackson Blvd, Chicago, IL 60604-3590