

Judicial Officer to ratify the consent agreement. The consent agreement, compliance order, and final order are hereinafter known together as "CAFO." Without adjudication of any issues of law or fact contained in the Complaint, the Respondent agrees to comply with the terms of this CAFO.

3. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. § 22.4(b) and 22.18(b).

B. TERMS AND CONDITIONS OF SETTLEMENT

General

4. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits the jurisdictional allegations of the Complaint;
- b. neither admits nor denies the specific factual allegations contained in the Complaint;
- c. consents to the assessment of a civil penalty, as stated below;
- d. consents to the issuance of a compliance order, as specified below;
- e. consents to the conditions specified in this CAFO;
- f. waives any right to contest the alleged violations set forth in the Complaint; and
- g. waives its rights to appeal the Final Order included in this CAFO.

5. For the purpose of this proceeding, Respondent:
- a. agrees that the Complaint states a claim upon which relief may be granted against Respondent;
 - b. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in the Complaint;
 - c. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Eastern District of Arkansas;
 - d. waives any right it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.
 - e. Agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

Penalty Assessment and Collection

6. Upon consideration of the entire record, including the violations alleged in the Complaint, which are hereby adopted and made a part hereof, the seriousness of the alleged violations and Respondent's good faith efforts to comply with the applicable regulations, EPA has assessed a civil penalty in the amount of six hundred and thirty thousand dollars and no cents (\$630,000.00) ("EPA Penalty"). The EPA Penalty has been determined in accordance with section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and at no time exceeded EPA's statutory authority.

7. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving US currency; or (5) On Line Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

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Sloan Valve Company
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For overnight mail (non-U.S. Postal Service, e.g. FedEx), payment should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact – Jesse White (301) 887-6548

For On Line Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number RCRA-06-2016-0914 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number RCRA-06-2016-0914. Respondent's

adherence to this request will ensure proper credit is given when penalties are received for the Region. Respondent shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following addresses:

John Penland (6EN-H2)
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

And

Region 6 Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

8. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

- a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- b. collect the above-referenced debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal

- Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
- c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

Compliance Order

9. The Complaint that was filed March 1, 2016 to initiate these administrative proceedings contained a proposed compliance order and a statement of terms and conditions thereof. Respondent is instead ordered to follow the agreed terms and conditions of the compliance order that are set forth in this CAFO.

10. Under section 3008(a) of RCRA, 42 U.S.C. § 6928(a) and upon the effective date of this Order, Respondent is hereby ordered to:

- a. Refrain from all land disposal of wastes that fail to meet the applicable treatment standards of Subsection D of APC&E Regulation No. 23 Section 268 [Subpart D of 40 C.F.R. Part 268].
- b. Ensure that the hazardous waste treatment process for any waste subject to applicable treatment standards is effective prior to land disposal and does not depend on post-disposal chemical stabilization reactions to meet applicable treatment standards and to render such waste non-hazardous.
- c. Cease use of any hazardous waste container that cannot demonstrate compliance with the hazardous waste container management requirements of APC&E Regulation No. 23, section 265, subsection I [40 C.F.R. part 265, subpart I].

11. Under section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following action within 10 days of the effective date of this order:

a. Submit a letter to the ADEQ Hazardous Waste Division Enforcement Section (and provide a copy to EPA) requesting to enter the Elective Site Cleanup Agreement Program to address the lead-contaminated materials and soil on the periphery of the North Baghouse Pad. Respondent shall thereafter enter into and complete the terms and conditions of an elective site clean-up agreement with ADEQ. No later than 24 months from the effective date of this Order, Respondent shall obtain a "No Further Action Determination" from ADEQ regarding the cleanup of the North Baghouse Pad area and provide a copy to EPA.

b. As soon as feasible but no later than 36 months from the effective date of this Order, Respondent shall construct a concrete pad expansion as a new measure to prevent any recurrence of conditions that would violate APC&E Regulation No. 23 § 265.31 [40 C.F.R. § 265.31]. Respondent shall provide a summary report (3 pages or less) with photographic evidence of the engineered facility changes to EPA within 30 days of project completion.

12. Respondent agrees that all testing it conducts under the waste analysis plan for the facility and under the terms of an elective site clean-up agreement should be conducted by an ADEQ-certified laboratory.

13. Respondent acknowledges that containers that are located in or on the on-site landfill are land disposed. APC&E Regulation No. 23 § 268.2. [40 C.F.R. § 268.2].

14. Respondent agrees that to the extent the facility disposes of containers that contain waste that was treated to meet applicable treatment standards, the facility will ensure those containers are marked or otherwise have distinguishing identifying features at the time of disposal to indicate the point of origin and disposal date. The requirements of this paragraph will terminate when this provision is incorporated into the materials management plan for the facility.

15. For the remaining permitted life of Respondent's on-site landfill, Respondent agrees to manage and monitor facility storm water under conditions no less stringent than those contained in existing ADEQ Permit No. 4276-W.

16. In operating and maintaining the on-site landfill, Respondent agrees to follow landfill requirements no less stringent than those contained in existing ADEQ Permit No. 0235-SR-1 (as modified by permit addendum on June 24, 2014).

17. In all instances in which this Compliance Order and the associated conditions for settlement require written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Sloan Valve Company and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this Compliance Order shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Waste Compliance II Section (6EN-H2)
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: John Penland

Additional Conditions and Effects of CAFO

18. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until the EPA has provided written approval.

19. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information.

20. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

21. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are

significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

22. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

23. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint.

24. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

25. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

26. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

27. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

28. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

C. TERMINATION AND SATISFACTION

29. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall so certify in writing and in accordance with the certification language set forth in the section Compliance Order, paragraph 16. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

D. EFFECTIVE DATE

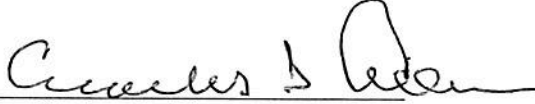
30. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing the EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

Consent Agreement
Sloan Valve Company
Docket Number RCRA-06-2016-0914

The foregoing Consent Agreement In the Matter of Sloan Valve Company, Docket No. RCRA-06-2016-0914 is Hereby Stipulated, Agreed, and Approved for Entry.

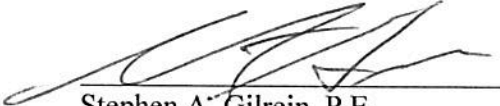
FOR RESPONDENT:

Date: 10, 25, 16


Mr. Charles S. Allen
Chairman
Sloan Valve Company
10500 Seymour Avenue
Franklin Park, IL 60131

FOR COMPLAINANT:

Date: 10-31-16


Stephen A. Gilrein, P.E.
Acting Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202


UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:	§	
	§	EPA DOCKET NO.
	§	RCRA-06-2016-0914
Sloan Valve Company	§	
	§	
Augusta, Woodruff County	§	CONSENT AGREEMENT
State of Arkansas	§	AND COMPLIANCE ORDER
	§	
	§	
RESPONDENT	§	
	§	

FINAL ORDER

Pursuant to section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Sloan Valve Company is ORDERED to comply with all terms of the Consent Agreement and Compliance Order. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated 11/1/16



Renea Ryland
Regional Judicial Officer
U.S. EPA, Region 6

Consent Agreement
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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2016, the original and one copy of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: #7014 0150 0002454570

Mr. Kenneth Ledoux
Director of Operations
Sloan Valve
2719 Business Highway 33
PO Box 60
Augusta, AR 72006


U.S. EPA, Region 6
Dallas, Texas