



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

REPLY TO THE ATTENTION OF:
DE-9J

MAR 21 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bernard A. Schlifke, Registered Agent
EMCO Chemical Distributors, Inc.
One IBM Plaza, No. 3000
Chicago, IL 60611

Re: Administrative Complaint and Compliance Order
EMCO Chemical Distributors, Inc.
EPA ID No.: ILD 005 070 495

Enclosed please find an Administrative Complaint and Compliance Order (Complaint), which specifies the United States Environmental Protection Agency's (U.S. EPA's) determination of violations of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. § 6901 *et seq.*, by EMCO Chemical Distributors, Inc.. U.S. EPA based its determination on a review of the Compliance Evaluation Inspection conducted by a representative of the U.S. EPA in 2003. The general allegations in the Complaint state the reasons for U.S. EPA's determination.

Also enclosed is a copy of 40 CFR Part 22 – Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits. A copy of the Revised (June 2003) RCRA Civil Penalty Policy (RCPP) will be made available to you upon request. You can find the RCPP on the internet at:
<http://www.epa.gov/Compliance/resources/policies/civil/rcra/rcpp2003-final.pdf>.

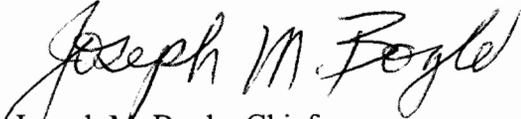
Accompanying this Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, you must file a written request for a hearing with the Regional Hearing Clerk within thirty (30) days after service of this Complaint. You must file the request for hearing with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. You must also send a copy of your request to Terence W. Stanuch, Associate Regional Counsel, Office of Regional Counsel (C-14J), at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following the filing of this Complaint, U.S. EPA extends to you the opportunity to request an informal settlement conference. The settlement conference discussions may include the mitigation of the proposed penalty in accordance with U.S. EPA guidance on pollution prevention and supplemental environmental projects. A request for an informal settlement conference with U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a

Finding of Default on the Complaint.

If you have any questions or want to request an informal settlement conference with Waste, Pesticides and Toxics Division staff, please contact Judith Kriz, United States Environmental Protection Agency, RCRA Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604. She may also be reached at (312) 353-6057.

Sincerely yours,



Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency
Edward J. Polen, President, EMCO Chemical Distributors, Inc.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No.: RCRA-05-2007-0006
)	
EMCO Chemical Distributors Inc.)	
2100 Commonwealth Ave.)	
North Chicago, Illinois)	
)	
U.S. EPA ID No.: ILD 005 070 495)	
)	
Respondent.)	
_____)	

COMPLAINT AND COMPLIANCE ORDER

I. COMPLAINT

PRELIMINARY STATEMENT AND JURISDICTION

1. This is a civil administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. § 6928(a). RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments of 1984 (HSWA). This action is also instituted pursuant to Sections 22.1(a)(4), 22.13 and 22.37 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance or Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. §§ 22.1(a)(4), 22.13 and 22.37.

2. Jurisdiction for this action is conferred upon the United States Environmental Protection Agency (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.

3. The Complainant is, by lawful delegation, the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, U.S. EPA.

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4. 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.

5. 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 of 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.

6. 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). The Administrator of U.S. EPA granted Illinois final authorization to administer certain HSWA and additional RCRA requirements effective March 5, 1988, 53 Fed. Reg. 126 (January 5, 1988); April 30, 1990, 55 Fed. Reg. 7320 (March 1, 1990); June 3, 1991, 56 Fed. Reg. 13595 (April 3, 1991); August 15, 1994, 59 Fed. Reg. 30525 (June 14, 1994); May 14, 1996, 61 Fed. Reg. 10684 (March 15, 1996); and October 4, 1996, 61 Fed. Reg. 40520 (August 5, 1996). The U.S. EPA-authorized Illinois regulations are codified in the Illinois Administrative Code (IAC), Chapter 35, Part 703 *et seq.* See also 40 C.F.R. §§ 272.700 *et seq.*

7. The Illinois Environmental Protection Agency (IEPA) is the state agency within the State of Illinois designated to administer the U.S. EPA-authorized RCRA program.

8. Pursuant to section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order that assesses a civil penalty for any past or current violation, requires compliance

immediately or within a specified period of time, or both assesses a civil penalty and requires compliance.

9. 35 IAC § 723.112 [40 C.F.R. § 263.12] states, in part, that a transporter of hazardous waste who stores manifested shipments of hazardous waste at a transfer facility for a period of ten (10) days or less does not have to obtain a RCRA permit to store those wastes.

10. 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)] states, in part, that a generator may accumulate his hazardous waste on-site for 90 days or less without a permit or without having interim status provided that, among other things, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

11. 35 IAC § 722.134(a)(3) [40 C.F.R. § 262.34(a)(3)] states, in part, that generators may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that while being accumulated on-site, each container is labeled or marked clearly with the words, "Hazardous Waste."

12. Section 3005(a) of RCRA, 42 USC §6925(a) and 35 IAC § 703.121(a)(1) [40 C.F.R. § 270.1(b)] state, in part, that no person may conduct any hazardous waste storage operation without a RCRA permit for the hazardous waste management facility.

13. U.S. EPA has 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).

GENERAL ALLEGATIONS

14. Respondent is EMCO Chemical Distributors, Inc. (EMCO) which is and was at all times relevant to this Complaint a corporation incorporated under the laws of Illinois.

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

16. On August 6 and 7, 2003, U.S. EPA conducted an inspection of the EMCO facility located at 2100 Commonwealth Avenue, in North Chicago, Illinois (the Facility).

17. At the time of the August 2003 inspection, Tina R. Levitt, EMCO's Director of Environment, Health and Safety, stated that EMCO had been in operation as a chemical distribution installation at the North Chicago Facility for approximately 25 years. EMCO is also a transporter of hazardous waste.

18. 35 IAC § 720.110 [40 C.F.R. § 260.110] defines "generator" as any person, by site, whose act or process produces hazardous waste identified or listed in 35 IAC Part 721 [40 C.F.R. Part 261] or whose act first causes a hazardous waste to become subject to regulation.

19. At all times relevant to this Complaint, Respondent generated and stored wastes at its North Chicago Facility which were solid wastes, as defined in 35 IAC § 721.12 [40 C.F.R. § 261.2].

20. At all times relevant to this Complaint, Respondent generated and stored wastes at its North Chicago Facility which were hazardous wastes within the meaning of 35 IAC § 721.13 [40 C.F.R. § 261.3].

21. At all times relevant to this Complaint, Respondent was a generator of hazardous waste within the meaning of 35 IAC § 720.110 [40 C.F.R. § 260.10].

22. At all times relevant to this Complaint, Respondent also stored hazardous waste at its North Chicago Facility which it had collected in its capacity as a transporter. 35 IAC § 720.10 [40 C.F.R. § 260.10] defines the term "transporter" as "a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water."

SPECIFIC ALLEGATIONS

COUNT 1: STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT

23. Complainant incorporates paragraphs 1 through 22 of this Complaint as though set forth in full in this paragraph.

24. During calendar years 2002 and 2003, Respondent transported to its Facility the hazardous waste listed on the following twenty (20) manifests, and stored this hazardous waste at its Facility for more than ten (10) days.

- (01). IL 10186525 - four containers were stored for 18 days;
- (02). IL 10186535 - one container was stored for 15 days;
- (03). IL 10220758 - one container was stored for 16 days;
- (04). IL 10220767 - one container was stored for 15 days;
- (05). IL 10220794 - one container was stored for 14 days;
- (06). IL 10220966 - six containers were stored for 114 days;
- (07). MI 8738240 - two containers were stored for 20 days;
- (08). MI 8738253 - one container was stored for 18 days;
- (09). MI 8738280 - five containers were stored for 14 days;
- (10). MI 9082610 - one container was stored for 13 days;
- (11). MI 9082929 - one container was stored for 18 days;
- (12). MI 9082930 - three containers were stored for 18 days;
- (13). 742736 (Missouri) - two containers were stored for 15 days;
- (14). 010777 0336 (Missouri) - 15 containers were stored for 20 days;
- (15). 028184 0021 (Missouri) - 13 containers were stored for 16 days;
- (16). 028184 2010 (Missouri) - five containers were stored for 18 days;
- (17). 036274 0606 (Missouri) - 23 containers were stored for 21 days;

- (18). 036274 0703 (Missouri) - 16 containers were stored for 12 days;
- (19). 10777 0329 (Missouri) - nine containers were stored for 15 days; and
- (20). 10777 0336 (Missouri) - nine containers were stored for 18 days.

25. Respondent's storage of the 119 containers of hazardous waste listed on these twenty (20) manifests at its Facility without a RCRA permit to store these wastes is in violation of Section 3005(a) of RCRA, 42 USC § 6925(a), and 35 IAC § 723.112 [40 C.F.R. § 263.12], which subjects Respondent to a compliance order and civil penalties in accordance with section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT 2: STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT

26. Complainant incorporates paragraphs 1 through 22 of this Complaint as though set forth in full in this paragraph.

27. On July 25, 2003, Respondent accepted a shipment of hazardous waste for storage at its Facility, from Pollution Control Industries of East Chicago, Illinois (manifest no. IL 10690588), which had been generated by the North Shore Sanitary District of Gurnee, Illinois.

28. On July 25, 2003, Respondent did not have a RCRA permit for its Facility to store the shipment of hazardous waste listed on manifest IL 10690588.

29. Respondent stored the hazardous waste listed on manifest IL 10690588 at its Facility for a period of thirteen (13) days.

30. Respondent's storage of the hazardous waste listed on manifest IL 10690588 at its Facility without a RCRA permit to store this waste is in violation of 35 IAC § 703.121(a)(1) [40 C.F.R. § 270.1(b)], which subjects Respondent to a compliance order and civil penalties in accordance with section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

COUNT 3: FAILURE TO ENSURE THAT HAZARDOUS WASTE CONTAINERS ARE PROPERLY LABELED

31. Complainant incorporates paragraphs 1 through 22 of this Complaint as though set forth in full in this paragraph.

32. During the August 6 and 7, 2003 inspection, a U.S. EPA inspector photographed at least ten (10) containers (i.e. drums) of hazardous waste at Respondent's Facility, that Respondent generated and that were not marked with the date upon which each period of accumulation began, as required by 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)].

33. During the August 6 and 7, 2003 inspection, none of these ten (10) containers (i.e. drums) of hazardous waste that were photographed by the U.S. EPA inspector at Respondent's Facility were labeled or marked with the words, "Hazardous Waste," as required by 35 IAC § 722.134(a)(3) [40 C.F.R. § 262.34(a)(2)].

34. Respondent's failure to mark or label these ten (10) containers (i.e. drums) of hazardous waste with the accumulation start date or the words, "Hazardous Waste" is in violation of 35 IAC §§ 722.134(a)(2) and (3) [40 C.F.R. §§ 262.34(a)(2) and (3)], which subjects Respondent to a compliance order and civil penalties in accordance with section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

II. PROPOSED CIVIL PENALTY

The U.S. EPA Administrator is authorized, pursuant to section 3008(a)(3) of RCRA, as amended, 42 U.S.C. § 6928(a)(3); and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701; and the "Adjustment of Civil Monetary Penalties for Inflation" rule, 40 C.F.R. Part 19, to assess a civil penalty of up to \$27,500 per day for each violation of Subtitle C of RCRA, 42 U.S.C. §§ 6921-

6939e, that occurs or continues after January 30, 1997; and to assess a civil penalty of up to \$32,500 per day for each violation that occurs after March 15, 2004.

Based upon an evaluation of the facts alleged in the Complaint, the seriousness of the violations and any good faith efforts to comply with applicable requirements; and after considering the nature, circumstances, extent and gravity of the violations; Respondent's ability to pay such a penalty; its prior history, if any, of such violations; its degree of culpability; any economic benefit or savings to Respondent resulting from the violations; and any other matters that justice requires; and subject to the receipt and evaluation of any additional relevant information from Respondent, Complainant proposes that Respondent be assessed the following civil penalty for the violations alleged in this Complaint:

Count 1	\$310,955
Count 2	\$ 27,610
Count 3	\$ 10,450
Total Civil Penalty	\$ 349,015

Complainant calculated this proposed civil penalty by evaluating the facts and circumstances of this case with specific reference to the "RCRA Civil Penalty Policy" (dated June 2003). A copy of this policy is available upon request.

PAYMENT OF THE PROPOSED CIVIL PENALTY

Respondent may pay the total civil penalty proposed above by submitting a certified or cashier's check, payable to "Treasurer, United States of America," to the following address:

U.S. Environmental Protection Agency
P.O. Box 371531
Pittsburgh, PA 15251-7531

A transmittal letter identifying Respondent's name and the docket number of this Complaint shall also accompany the remittance of the check. Copies of the transmittal letter and check shall also be sent to the following addressees:

Regional Hearing Clerk (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Judith Anne Kriz
Chemist
Waste, Pesticides & Toxics Division (DE-9J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Terence W. Stanuch
Associate Regional Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Please be aware that neither assessment nor payment of the civil penalty proposed herein affect Respondent's continuing obligation to comply with RCRA or any other federal, State or local law or regulation.

III. COMPLIANCE ORDER

Based on the foregoing, Respondent is hereby ORDERED, pursuant to U.S. EPA's authority in section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and section 22.37(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.37(b), to immediately comply with the following requirements:

1. Respondent shall not store hazardous waste at its Facility except for such storage which fully complies with all requirements and prohibitions governing the storage of hazardous

waste applicable to generators, transporters and storage facilities, codified at or incorporated by 35 IAC Parts 722, 723, 725, 728, and 703 [40 C.F.R. Parts 262, 263, 265, 268, and 270].

2. Respondent shall, within ninety (90) calendar days from the effective date of this Order, submit a closure plan, pursuant to 35 IAC Part 725, Subpart G [40 C.F.R. Part 265, Subpart G], to the Illinois Environmental Protection Agency (IEPA), which shall address closure of the areas of Respondent's Facility at which the hazardous waste referenced in Counts 1, 2 and 3 of the Complaint were stored.

3. Respondent shall, within ninety (90) calendar days from the effective date of this Order, submit a corresponding closure cost estimate, pursuant to 35 IAC Part 725, Subpart G [40 C.F.R. Part 265, Subpart G], to the IEPA, which shall address the cost estimates of closure of the areas of Respondent's Facility at which the hazardous waste referenced in Counts 1, 2 and 3 of the Complaint were stored.

4. Respondent shall, within ninety (90) calendar days from the effective date of this Order, submit evidence of financial responsibility for closure assurance, as required in 35 IAC Part 725, Subpart H [40 C.F.R. Part 265, Subpart H], for the areas of Respondent's Facility at which the hazardous waste referenced in Counts 1, 2 and 3 of the Complaint were stored.

5. Respondent shall, within ninety (90) calendar days from the effective date of this Order, submit evidence of financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from the operations of the Respondent's Facility, as required in 35 IAC § 725.247 [40 C.F.R. § 265.147], for the areas of the Facility at which the hazardous waste referenced in Counts 1, 2 and 3 of the Complaint were stored.

6. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order within fifteen (15) calendar days after the date it achieves compliance. If Respondent has not taken or completed any requirement of this Order, Respondent shall notify U.S. EPA of this

failure to comply, its reasons for this failure, and the proposed date for compliance within ten (10) calendar days after the due date set forth in this Order.

7. Respondent shall submit a copy of all reports, submissions, and notifications required by this Order to the:

Branch Chief
Enforcement and Compliance Assurance Branch,
Waste, Pesticides & Toxics Division (DE-9J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

8. This Order shall automatically become a final order and, therefore, effective, thirty (30) days after it is served upon Respondent unless Respondent requests a hearing pursuant to section 22.15 of the Consolidated Rules of Practice, 40 C.F.R. § 22.15 (also, see below).

IV. FILING AN ANSWER TO THIS COMPLAINT

Respondent has the right to file a written Answer in response to the violations alleged in this Complaint. A written Answer must also be filed in order to avoid being found in default (see below). Respondent must file one original and one copy of its written Answer, regardless as to whether a hearing is requested (see below), with U.S. EPA's Region 5 Regional Hearing Clerk, within thirty (30) calendar days after service (i.e. receipt) of this Complaint. See section 22.15(a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.15(a). The Regional Hearing Clerk's address is listed above.

For your information, the day this Complaint is received is not included in counting the 30-day time period. However, Saturdays, Sundays, and federal legal holidays are included in the computation. If the 30-day period expires on a Saturday, Sunday or federal legal holiday, the time period is extended to include the next day that is not a Saturday, Sunday or federal legal holiday. See section 22.7(a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.7(a).

The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge; or clearly state that Respondent has no knowledge as to particular factual allegations in this Complaint. The Answer shall also state:

1. The circumstances or arguments alleged to constitute the grounds of a defense;
2. The facts Respondent intends to place at issue;
3. Any basis for opposing the proposed civil penalty; and
4. Whether Respondent requests a hearing (see Notice below).

An allegation is deemed denied if Respondent states that it has no knowledge of a particular factual allegation. However, a failure to admit, deny, or explain any material fact in the Complaint constitutes an admission of that allegation. Please see section 22.15 of the Consolidated Rules of Practice, 40 C.F.R. § 22.15, for specific information regarding the contents of an Answer.

A copy of the Answer and any subsequent documents filed and/or sent to U.S. EPA regarding this action should also be sent to Ms. Kriz and Mr. Stanuch at their respective addresses listed above.

If a written Answer to this Complaint is not timely filed with the Regional Hearing Clerk, with or without a request for a hearing, the Regional Administrator or Presiding Officer may issue a Default Order pursuant to section 22.17 of the Consolidated Rules of Practice, 40 C.F.R. § 22.17. For purposes of this action only, a default would constitute an admission of all of the facts alleged in the Complaint and a waiver of any right to a hearing on those allegations. A default will also result in the civil penalty proposed in the Complaint becoming due and payable by Respondent without further proceedings, thirty (30) days after the default order becomes final under section 22.27(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.27(c).

V. NOTICE OF AN OPPORTUNITY TO REQUEST A HEARING

Respondent also has the right to request a hearing to contest any material fact in this Complaint, or to contest the amount or appropriateness of the proposed civil penalty, as provided in section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and in accordance with the Consolidated Rules of Practice. To request such a hearing, a specific request must be made in the written Answer to this Complaint.

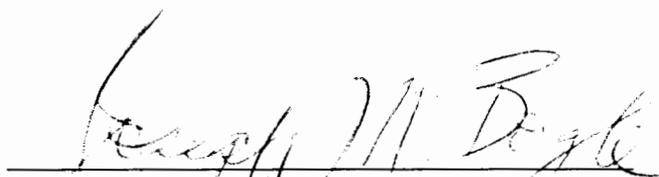
If Respondent requests a hearing, such hearing shall adjudicate and be limited to the issues raised in the Complaint and Answer, and shall be conducted in accordance with the Administrative Procedures Act, 5 U.S.C. §§ 551 *et seq.*. Also, the hearing will be held in a location determined pursuant to section 22.21(d) of the Consolidated Rules of Practice, 40 C.F.R. § 22.21(d).

VI. NOTICE OF AN OPPORTUNITY FOR A SETTLEMENT CONFERENCE

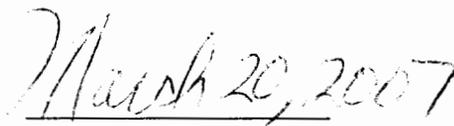
Regardless as to whether a hearing is requested, Respondent may request an informal conference with U.S. EPA, Region 5 to discuss the facts of this case and possibly achieve a settlement without formal litigation. To request such an informal settlement conference, please contact Ms. Kriz as indicated above. Respondent's request for an informal settlement conference does not extend the 30-day period during which a written Answer, with or without a request for a hearing, must be submitted. However, the informal settlement conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

U.S. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement through an informal conference. However, U.S. EPA will not reduce the penalty proposed herein simply because the parties hold such a conference. Any

settlement that the parties may reach as a result of an informal settlement conference will be embodied in a written Consent Agreement issued by the Director of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5. In addition, the Regional Administrator, U.S. EPA, Region 5, will issue a Final Order approving the terms of the Consent Agreement. This Final Order will formally dispose of this matter and shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to in the Consent Agreement.



Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604
Complainant



Date

Re: EMCO Chemical Distributors Inc., North Chicago, IL
RCRA 3008 Administrative Complaint
RCRA-05-2007-0006

Region 5
March 21 11:11:02

PENALTY SUMMARY SHEET

Emco Chemical Distributors, Inc., North Chicago, IL

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	HARM/ DEVIATION	GRAVITY- BASED PENALTY	MULTI-DAY PENALTY	TOTAL PENALTY
COUNT 1: Storage of hazardous waste without a permit	40 CFR 263.21; 40 CFR 270.1(c)	(A) Moderate/Minor	\$83,600	\$69,615 (105 x \$663)	\$153,215
		(B) Moderate/Major	\$10,450	\$157,740 (103 x \$1430)	\$157,740
COUNT 2: Storage of hazardous waste without a permit	40 CFR 270.1(c)	Moderate/Major	\$10,450	\$17,160 (12 x \$1430))	\$27,610
Count 3: Failure to ensure that hazardous waste containers are properly labeled	40 CFR 262.34(a)(2); 262.34(c)	Moderate/Major	\$10,450	\$0	\$10,450
					TOTAL: \$349,015

CASE NAME: EMCO Chemical Distributors, Inc.
DOCKET NO: RCRA-05-2007-0006

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-13J), United States Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, IL 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:

Bernard A. Schlifke, Registered Agent for
EMCO Chemical Distributors, Inc.
One IBM Plaza, No. 3000
Chicago, IL 60601

Certified Mail Receipt # **7001 0320 0006 1448 3045**

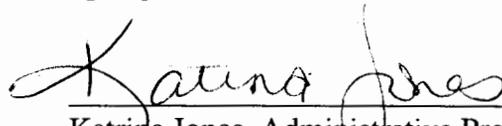
And Via 1st Class Mail to:

Edward J. Pollen, President
EMCO Distributors, Inc.
2100 Commonwealth Ave.
North Chicago, IL 60064

&

Todd Marvel
Bureau of Land
Illinois Environmental Protection Agency
1021 North Central Avenue East
Springfield, IL 62702-3998

Dated: 3/21/2007



Katrina Jones, Administrative Program Asst.
United States Environmental Protection Agency, Region V
Waste, Pesticides and Toxics Division
77 W. Jackson Blvd., DE-9J
Chicago, IL 60604-3590
(312) 353-5882

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