

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF: Vantage Specialties Inc. EPA ID. No. ILD05541337 Respondent. Docket No. RCRA-05-2023-0003 EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

- 1.a The U.S. Environmental Protection Agency ("EPA") alleges that Vantage Specialties Inc.a ("Respondent"), owner or operator of the facility at 3938 Porett Drive, Gurnee, Illinois ("Vantage" or "Facility"), failed to comply with certain parts of the Resourcea Conservation and Recovery Act ("RCRA") and the EPA approved and authorized Illinois hazardous waste management program at 35 Ill. Admin. Code 720 through 739.a
2.a Respondent was required to comply with RCRA as follows:a
a.a Under Ill. Admin. Code tit. 35 § 722.134(a) and (b), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interima status unless the generator has been granted an extension of the 90-day period. At thea time of the June 2, 2022, inspection conducted by EPA, Vantage had one 20-yard container of hazardous waste with barium that was marked with an accumulation starta date of January 24, 2022, indicating that it had been stored for over 90 days. Ona June 6, 2022, Vantage provided EPA with email correspondence and documentiona that the container of hazardous waste with barium had been shipped offsite fora disposal on June 6, 2022. Therefore, the barium waste had been accumulating at thea facility for a total of 133 days.a
b.a Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(A) and 725.274, a large quantitya generator must inspect areas where containers are stored and must look for leakinga containers and for deterioration of containers caused by corrosion or other factors. Ata the time of the inspection, one 20-yard container of hazardous waste with barium wasa not being inspected while being accumulated onsite.a
c.a Under Ill. Admin. Code tit. 35 § 733.114(e), a small quantity handler of universala waste must label or clearly mark each lamp or a container or package in which sucha lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps. At the time of the inspection, Vantage'sa containers of lamps were labeled with the words "bad bulbs" and not labeled with anya of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."a

3. EPA and Respondent agree that settlement of this matter for a penalty of three thousand seven hundred and fifty dollars (\$3,750) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein; (3) consents to the assessment of this penalty; and (4) waives any right to contest the allegations contained herein.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) that Respondent will pay the civil penalty in accordance with this Agreement.
7. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$3,750 for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:

a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

- i. 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, Missouri 63197-9000

- ii. For checks sent by express mail:

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

The face of the check must state the case title ("*In the Matter of: Vantage Specialties Inc.*") and the docket number of this Agreement.

- b. Or by wire 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 “*In the Matter of: Vantage Specialties Inc.*” and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV
Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

8. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Graciela Scambiatterra
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
scambiatterra.graciela@epa.gov and
r5lecab@epa.gov

Kevin Chow
Office of Regional Counsel
U.S. EPA, Region 5
chow.kevin@epa.gov

9. The civil penalty is not deductible for federal tax purposes.
10. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for

the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

11. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. 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.
12. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
14. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
15. Each party shall bear its own costs and fees, if any.
16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.
17. The parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: chow.kevin@epa.gov (for Complainant), and Bill Nothvogel, Bill.Nothvogel@vantagegrp.com (for Respondent). Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Name (print): WILLIAM NOTHVOGEL

Title (print): SITE MANAGER

Signature: 

Date 2/24/23

APPROVED BY EPA:

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.03.16
15:53:06 -05'00'

Michael D Harris
Division Director
Enforcement and Compliance Assurance Division

Date _____

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. RCRA-05-2023-0003
)	
)	
Vantage Specialties Inc.)	EXPEDITED SETTLEMENT
EPA ID. No. ILD05541337)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

CERTIFICATION

1. This certification is issued pursuant to the United States Environmental Protection Agency's letter, signed by Michael Harris on January 27, 2023, accompanying the above-captioned Expedited Settlement Agreement and Final Order.
2. As a responsible corporate officer of Vantage Specialties, Inc. ("Vantage"), I certify under penalty of law that, based on information and belief formed after reasonable inquiry, that Vantage's Gurnee facility is complying with the applicable requirements of the Resource Conservation and Recovery Act and its implementing regulations for a permit exemption.

William Powers
William Powers (Feb 27, 2023 16:36 CST)
Bill Powers
Senior Vice President
Vantage Specialties, Inc.

Date: 2/27/2023

In the Matter of:
Vantage Specialties Inc.
Docket Number: RCRA-05-2023-0003

FINAL ORDER

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

IT IS SO ORDERED:

ANN COYLE Digitally signed by ANN
COYLE
Date: 2023.03.16
16:53:12 -05'00'

Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5