



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

JUN 16 2017

Electronic Submittal Via Email

REPLY TO THE ATTENTION OF:

Kenneth M. Jurish, ESQ
Senior Director
Endeavour EHS, LLC
ken@endeavour.com

Re: Sokol and Company, Consent Agreement and Final Order
Docket Nos. **EPCRA-05-2017-0019**

Dear Mr. Jurish:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on June 16, 2017.

Please pay the EPCRA civil penalty in the amount of \$7,754 in the manner prescribed in paragraphs 55-58, and reference your check with the docket number EPCRA-05-2017-0019.

Your payment is due on July 17, 2017.

Please feel free to contact Ainger Jager at (312) 886-0767 if you have any questions regarding the enclosed documents. Please direct any legal questions to Tamara E. Carnovsky, Associate Regional Counsel, at (312) 886-2250. Thank you for your assistance in resolving this matter.

Sincerely,

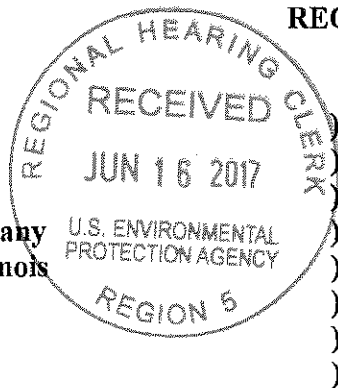
Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

cc: Kelly Horn (w/enclosure)
IEMA
kellyhorn@illinois.gov

Jon England (w/enclosure)
IEMA
jengland@iema.state.il.us

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:

Sokol and Company
Countryside, Illinois

Respondent.

Docket No. EPCRA-05-2017-0019

Proceeding to Assess a Civil Penalty
Under Section 325(c)(1) of the Emergency
Planning and Community Right-to-Know
Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1), 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, by lawful delegation, the Chief of Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Sokol and Company, a corporation, doing business in the State of Illinois.

4. 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).

5. 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.

6. 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

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

8. 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

9. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370 require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to prepare and submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter on March 1, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees

in planning for emergencies and makes information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

11. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDSs.

12. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term “hazardous chemical” has the meaning given such term by 29 U.S.C. § 1910.1200(c).

13. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$37,500 per day of violation for violations that occurred after January 12, 2009.

Factual Allegations and Alleged Violations

15. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

16. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 5315 Dansher Road, Countryside, Illinois, 60525 (facility).

17. At all times relevant to this CAFO, Respondent was an employer at the facility.

18. Respondent’s facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which

are owned or operated by the same person.

19. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

20. Sulfuric acid, CAS #7664-93-9 is classified as a physical or health hazard.

21. Sulfuric acid, CAS #7664-93-9, is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

22. Sulfuric acid, CAS #7664-93-9, has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

23. Sulfuric acid, CAS #7664-93-9, is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

24. During at least one period of time in calendar year 2012, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

25. During at least one period of time in calendar year 2013, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

26. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid.

27. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2013, a completed emergency and hazardous chemical inventory form including sulfuric acid, for calendar year 2012.

28. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2014, a completed emergency and hazardous chemical inventory form including sulfuric acid, for calendar year 2013.

29. Lead, CAS #7439-92-1, is classified as a physical or health hazard.

30. Lead, CAS #7439-92-1, is a "hazardous chemical" within the meaning of Section

311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. Lead, CAS #7439-92-1, has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. During at least one period of time in calendar year 2012, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2013, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

34. OSHA requires Respondent to prepare, or have available, an MSDS for lead.

35. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2013, a completed emergency and hazardous chemical inventory form including lead for calendar year 2012.

36. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2014, a completed emergency and hazardous chemical inventory form including lead for calendar year 2013.

37. Liquid nitrogen, CAS #7727-37-9, is classified as a physical or health hazard.

38. Liquid nitrogen, CAS #7727-37-9, is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

39. Liquid nitrogen, CAS #7727-37-9, has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

40. During at least one period of time in calendar year 2012, liquid nitrogen was present at the facility in an amount equal to or greater than the minimum threshold level.

41. During at least one period of time in calendar year 2013, liquid nitrogen was present at the facility in an amount equal to or greater than the minimum threshold level.

42. OSHA requires Respondent to prepare, or have available, an MSDS for liquid nitrogen.

43. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2013, a completed emergency and hazardous chemical inventory form including liquid nitrogen, for calendar year 2012.

44. Respondent was required to submit to the SERC, LEPC and fire department on or before March 1, 2014, a completed emergency and hazardous chemical inventory form including liquid nitrogen, for calendar year 2013.

45. At all times relevant to this CAFO, the Illinois Emergency Management Agency was the SERC for Illinois under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

46. At all times relevant to this CAFO, the Cook County LEPC was the LEPC for Cook County under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

47. At all times relevant to this CAFO, the Pleasantview Fire Protection District was the fire department with jurisdiction over the facility.

48. Respondent submitted to the SERC, LEPC and Pleasantview Fire Protection District a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and liquid nitrogen on May 2, 2017 for calendar year 2012.

49. Respondent submitted to the SERC, LEPC and Pleasantview Fire Protection District a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and liquid nitrogen on August 12, 2014 for calendar year 2013.

50. Each day that Respondent failed to submit to the SERC, LEPC, and Pleasantview Fire Protection District a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and liquid nitrogen by March 1, 2013, for calendar year 2012

constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

51. Each day that Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and liquid nitrogen by March 1, 2014, for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

52. Each day that Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead and liquid nitrogen by March 1, 2014, for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

53. Each day that Respondent failed to submit to the Pleasantview Fire Protection District a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and liquid nitrogen by March 1, 2014, for calendar year 2013 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

Civil Penalty

54. Complainant has determined that an appropriate civil penalty to settle this action is \$7,754. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, Respondent's agreement to perform two supplemental environmental projects, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

55. Within 30 days after the effective date of this CAFO, Respondent must pay a \$7,754 civil penalty for the EPCRA violations 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
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the following: In the Matter of Sokol and Company, Countryside, Illinois, and the docket number of this CAFO.

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

57. If Respondent does not timely pay the civil penalty due under paragraph 55, or any stipulated penalties due under paragraphs 78-79, 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 or stipulated penalties are not reviewable in a collection action.

58. 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 the payment was due 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, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Projects

Pleasantview Fire Protection District Supplemental Environmental Project

59. Respondent must complete the Pleasantview Fire Protection District supplemental environmental project (SEP) designed to protect the environment and public health by training the Pleasantview Fire Protection District to better assess and respond to the dangers of hazardous chemicals.

60. Respondent must complete the Pleasantview Fire Protection District SEP as follows: provide first responder training to the Pleasantview Fire Protection District within 45 days of the effective date of this CAFO; ensure that each training day consists of an identical eight-hour class designed to train the Pleasantview Fire Protection District on conducting an assessment of hazardous materials and selecting the appropriate monitoring, detection and personal protective equipment; and, purchase four tablet computers with protective cases for the Pleasantview Fire Protection District.

61. Respondent has chosen Federal Resources to provide first responder training called HazMat IQ to the Pleasantview Fire Protection District, as referenced in paragraph 60, above.

62. Respondent must spend at least \$15,000 to provide HazMat IQ training and four tablet computers with protective cases.

Emergency Management System Supplemental Environmental Project

63. Respondent must complete the Emergency Management System (EMS) SEP designed to protect the environment and public health by developing and implementing a compliance-focused EMS.

64. At its Countryside, Illinois facility, Respondent must complete the EMS SEP as follows:

- a. conduct and complete an Initial EMS Review and Evaluation of its current environmental management practices and documents using the

twelve compliance-focused EMS elements listed in U.S. EPA's Compliance-Focused Environmental Management System – Enforcement Agreement Guidance, dated August 1997, and last revised in June 2005, (compliance-focused EMS elements) within 90 days of the effective date of this CAFO;

- b. prepare a report of the results of the Initial Review and Evaluation and provide the report to EPA within 120 days of the effective date of this CAFO;
- c. draft and submit to EPA, for review and comment, an EMS Manual that describes and documents its compliance-focused EMS and satisfactorily addresses the compliance-focused EMS elements within 210 days of the effective date of this CAFO;
- d. prepare a draft EMS Audit Plan and provide it to EPA for review and comment within 90 days of EPA's approval of the EMS manual;
- e. within 30 days of receipt of EPA's comments, draft and submit the final EMS Audit Plan;
- f. within 60 days of submittal of the final EMS Audit Plan, perform the EMS Audit;
- g. within 45 days of completion of the EMS Audit, if the EMS Audit found no instances of nonconformance with the EMS Manual, the Respondent must submit a Certification of EMS Implementation to EPA;
- h. within 90 days of completion of the EMS Audit, if the EMS Audit found instances of nonconformance with the EMS Manual, Respondent must reinspect the Facility and submit to EPA a written statement identifying those Audit Findings which have been addressed and any which have not, including an explanation describing the failure to address or correct, as appropriate, any Audit Findings;
- i. within 90 days of submitting a written statement to EPA, as referenced in paragraph 64h. above, Respondent must address all outstanding Audit Findings and submit a Certification of EMS Implementation to EPA.

65. Respondent has chosen Endeavor EHS, LLC to develop and implement the Initial EMS Review and Evaluation as referenced in paragraph 64 above.

66. Respondent must choose an independent EMS Auditor, who was not involved in the Initial EMS Review and Evaluation to conduct the EMS Audit as referenced in paragraph 64 above.

67. The EMS Auditor must meet the qualification requirements of ISO 19011:2011; have expertise and competence in the regulatory programs under federal and state environmental laws; have at least a bachelor's degree from an accredited institution; and, have no direct financial stake in the outcome of the EMS Audit.

68. Respondent must spend at least \$31,810 on the EMS SEP.

Pleasantview Fire Protection District and EMS SEPs

69. With regard to the Pleasantview Fire Protection District SEP and EMS SEP, Respondent certifies the truth and accuracy of each of the following:

- a. That all cost information provided to the EPA in connection with the approval of the Pleasantview Fire Protection District SEP and EMS SEP are complete and accurate and that Respondent in good faith estimates that the cost to implement each SEP is \$15,000 and \$31,810, respectively;
- b. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the Pleasantview Fire Protection District SEP and/or EMS SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. That the Pleasantview Fire Protection District SEP and EMS SEP are not projects that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;
- d. That Respondent has not received and will not receive credit for the Pleasantview Fire Protection District SEP and/or EMS SEP in any other enforcement action;
- e. That Respondent will not receive reimbursement for any portion of the Pleasantview Fire Protection District SEP and/or EMS SEP from another person or entity;

- f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the Pleasantview Fire Protection District SEP and/or EMS SEP; and

Respondent further certifies that:

- g. It is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the Pleasantview Fire Protection District SEP and/or EMS SEP described in paragraphs 59 – 68, above; and
- h. It has inquired of the Pleasantview Fire Protection District, HazMatIQ Federal Resources and Endeavor EHS, LLC, whether any entity is a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by the Pleasantview Fire Protection District, HazMatIQ Federal Resources and Endeavor EHS, LLC that each respective entity is not a party to such a transaction.
- i. Prior to retaining any additional contractors or consultants for these SEPs, it will confirm that such contractors or consultants are not parties to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP.

70. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to either of the SEPs required under this CAFO from the date of its execution of this CAFO shall include the following language: “This project was undertaken in connection with the settlement of an enforcement action by U.S. Environmental Protection Agency to enforce federal laws.”

71. U.S. EPA may inspect the facility at any time to monitor Respondent’s compliance with the Pleasantview Fire Protection District SEP and EMS SEP requirements.

72. Respondent must maintain copies of the underlying research and data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying research and data to U.S. EPA within seven days of U.S. EPA’s request for the information.

73. Respondent must submit a SEP completion report to U.S. EPA within 15 days of completing the HazMat IQ training for Pleasantview Fire Protection District SEP. Respondent must submit a SEP completion report to U.S. EPA within 30 days of submitting the Certification of EMS Implementation to EPA as referenced in paragraph 64.g. or 64.i. of this CAFO for the EMS SEP. Each completion report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

74. Respondent must submit all notices and reports required by this CAFO by first class mail to:

Ginger Jager, (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

75. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

76. Following receipt of each SEP completion report described in paragraph 73, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 78 or 79.

77. If U.S. EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the Pleasantview Fire Protection District SEP and/or the EMS SEP as required by U.S. EPA's decision, Respondent will pay the applicable stipulated penalties to the United States under paragraphs 78.a. and 79.a. below.

78. If Respondent violates any requirement of this CAFO relating to the Pleasantview Fire Protection District SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. For failure to satisfactorily complete the SEP as described in paragraphs 59 - 62; Respondent shall pay a stipulated penalty of \$16,500.
- b. For failure to expend the full amount agreed upon on the SEP; and where the SEP has been satisfactorily completed, Respondent shall pay a stipulated penalty of difference between agreed upon expenditure minus amount spent, plus an additional 10%.
- c. For failure to submit the SEP Completion Report by the due date; Respondent shall pay a stipulated penalty of 100.00 per day until Report is submitted.

- d. EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CAFO.

79. If Respondent violates any requirement of this CAFO relating to the EMS SEP,

Respondent must pay stipulated penalties to the United States as follows:

- a. For failure to satisfactorily complete the SEP as described in paragraphs 63 -- 68; Respondent shall pay a stipulated penalty of \$34,991.
- b. For failure to expend the full amount agreed upon on the SEP; and where the SEP has been satisfactorily completed, Respondent shall pay a stipulated penalty of difference between agreed upon expenditure minus amount spent, plus an additional 10%
- c. For failure to submit the Initial Review and Evaluation Report, EMS Manual, EMS draft and final Audit Plan or Certificate of EMS Implementation as agreed in paragraphs 64, above, Respondent shall pay a stipulated penalty of
 - \$200.00 per day for days 1- 30 of such failure
 - \$300.00 per day for days 31-60 of such failure
 - \$500.00 per day for days 61 of such failure and beyond
- d. For failure to submit the applicable certification as referenced in paragraph 64; Respondent shall pay a stipulated penalty of \$100.00 per day until the certification is submitted.
- e. For failure to submit the SEP Completion Report by the due date; Respondent shall pay a stipulated penalty of \$100.00 per day until Report is submitted.
- f. EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CAFO.

80. U.S. EPA's determinations of whether Respondent completed the Pleasantview Fire

Protection District and EMS SEPs satisfactorily and whether Respondent made good faith and timely efforts to complete the SEPs will bind Respondent.

81. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraphs 55, above, and will pay interest, handling charges and nonpayment

penalties on any overdue amounts.

General Provisions

82. Consistent with the “Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: carnovsky.tamara@epa.gov (for Complainant), and ken@endeavourehs.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

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

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

85. Respondent certifies that it is complying with Section 312 of EPCRA, 42 U.S.C. § 11022.

86. This CAFO does not affect Respondent’s responsibility to comply with EPCRA and CERCLA and other applicable federal, state and local laws and regulations.

87. This CAFO is a “final order” for purposes of U.S. EPA’s EPCRA/CERCLA Enforcement Response Policy.

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

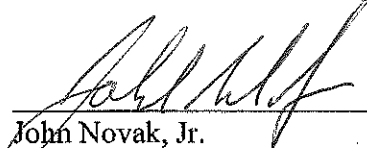
89. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

Sokol and Company, Respondent


5/30/17
Date



John Novak, Jr.
President and CEO
Sokol and Company

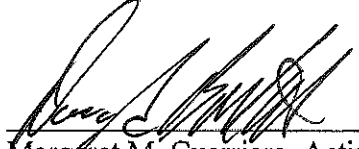
U.S. Environmental Protection Agency, Complainant

6/13/17
Date

 *Michael E. Hans for JEZ*

Jason H. El-Zein, Chief
Emergency Response Branch 1
U.S. Environmental Protection Agency
Region 5

6/13/2019
Date

fr 

Margaret M. Guerriero, Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

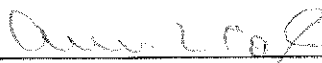
In the Matter of: Sokol and Company
Docket No. EPCRA-05-2017-0019

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.

June 14, 2019

Date



Ann L. Coyle
Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5


In the Matter of: Sokol and Company
Docket No. EPCRA-05-2017-0019

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on June 16, 2017 in the following manner to the addressees:

Copy by E-mail to
Attorney for Complainant: Kenneth M. Jurish
ken@endeavourehs.com

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
Coyle.ann@epa.gov

Dated: June 16, 2017 
LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
