



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB - 3 2020

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7014 2870 0001 9577 4301
RETURN RECEIPT REQUESTED

Mr. Roy Phillips
President
North American Warehousing Company
6800 West 68th Street
Bedford Park, Illinois 60638

Re: Expedited Settlement Agreement
North American Warehousing Company, Bedford Park, Illinois
Docket No: RCRA-05-2020-0007

Dear Mr. Phillips:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on February 3, 2020, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$3,500 in the manner prescribed in paragraph 8 of the ESA, and reference all checks with the docket number RCRA-05-2020-0007. Your payment is due within 30 calendar days of the effective date of the ESA.

The ESA is binding on the U.S. Environmental Protection Agency and North American Warehousing Company. EPA will take no further action against the Respondent for the violations cited in the ESA. Thank you for your cooperation in resolving this matter.

Sincerely,

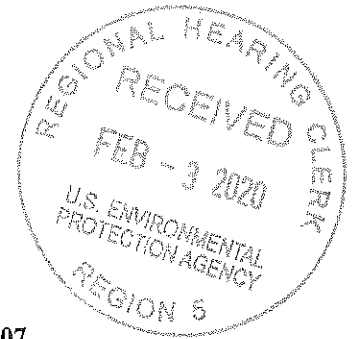
A handwritten signature in blue ink, appearing to read "Bryan Gangwisch".

Bryan Gangwisch
Land and Chemicals Enforcement and Compliance Assurance Branch

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency, todd.marvel@illinois.gov
Eaton Weiler, EPA, Office of Regional Counsel, weiler.eaton@epa.gov

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**



IN THE MATTER OF:)	Docket No.
)	RCRA-05-2020-0007
)	
NORTH AMERICAN WAREHOUSING CO.)	EXPEDITED SETTLEMENT
EPA ID. No. ILD000672774,)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that North American Warehousing Company (“Respondent”) owns and operates a facility located at 6800 West 68th Street, Bedford Park, Illinois that generates hazardous waste, subject to Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.*, the federal implementing regulations at 40 C.F.R. part 262, and the state authorized implementing regulations at Ill. Admin. Code tit. 35 part 722.¹
2. EPA alleges that Respondent failed to submit an annual report by March 1, 2016, regarding each shipment of hazardous waste shipped during the preceding calendar year, as required by 35 Ill. Admin. Code § 722.141.
3. EPA alleges that Respondent failed to provide notification of the types of waste handled and the type of hazardous waste activity (*e.g.*, change to Large Quantity Generator status), as required by section 3010(a) of RCRA, and 35 Ill. Admin. Code § 722.110(b).²
4. EPA and Respondent agree that settlement of this matter for a penalty of three thousand five hundred dollars (\$3,500) is in the public interest.
5. 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) and 22.18(b)(2)-(3).
6. 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.

¹ Under Section 3006 of RCRA, EPA may authorize state implementing regulations. Following authorization, the state regulations operate in lieu of the federal regulations. Under Section 3008 of RCRA, EPA retains the authority to enforce state authorized regulations.

² Effective May 2, 2019 (43 Ill. Reg. 5955), Illinois promulgated regulatory provisions directly implementing section 3010(a) of RCRA at 35 Ill. Admin. Code § 118. Because EPA has not yet authorized those provisions, the above paragraph 3 does not cite those provisions.

7. 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.

8. Within 30 calendar days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$3,500 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: North American Warehousing Company*") and the docket number of this Agreement.

b. Or 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
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: North American Warehousing Company*" 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.

9. 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
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604

Bryan Gangwisch
U.S. EPA, Region 5
77 West Jackson Boulevard (ECR-17J)
Chicago, IL 60604

Eaton Weiler
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

10. The civil penalty is not deductible for federal tax purposes.
11. 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.
12. 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.

13. Payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
14. 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.
15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
16. Each party shall bear its own costs and fees, if any.
17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

In the Matter of:

North American Warehousing Company

Docket Number: RCRA-05-2020-0007

NORTH AMERICAN WAREHOUSING COMPANY


Name (print): Roy Phillips

Title (print): President

Signature: 

Date 1-14-2020

APPROVED BY EPA:



Michael D. Harris

Division Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency

Region 5

Date 1/27/2020

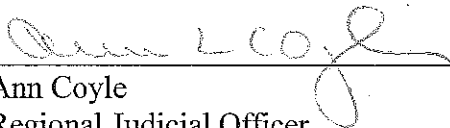
In the Matter of:
North American Warehousing Company
Docket Number: RCRA-05-2020-0007

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:

1/29/2020
Date


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

In the matter of: North American Warehousing Company
Docket Number: RCRA-05-2020-0007

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number RCRA-05-2020-0007, which was filed on February 3, 2020, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Mr. Roy Phillips
Owner/Operator
North American Warehousing Company
6800 West 68th Street
Bedford Park, Illinois 60638

Copy by E-mail to
Attorney for Complainant:

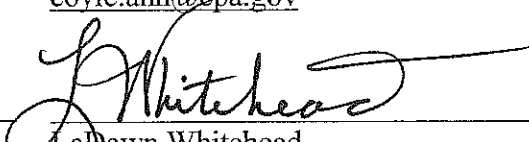
Eaton Weiler
weiler.eaton@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

February 3, 2020



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7014 2870 0001 9577 4301