



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

NOV - 4 2015

REPLY TO THE ATTENTION OF:

Mr. Jeff Hall  
Business Unit Manager  
Metal Improvement Company, LLC  
14830 23 Mile Road  
Shelby Township, MI 48315

Re: Consent Agreement and Final Order  
Metal Improvement Company, LLC  
14830 23 Mile Road  
Shelby Township, MI 48315  
EPA I.D. No.: MIR000041558  
Docket No: **RCRA-05-2016-0001**

Dear Mr. Hall:

Enclosed, please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on November 4, 2015, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$80,000 in the manner prescribed in paragraphs 58 and 59 of the CAFO, and reference all checks with the Docket No.: **RCRA-05-2016-0001**. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Gary J. Victorine".

Gary J. Victorine  
Chief,  
RCRA Branch

Enclosures

## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

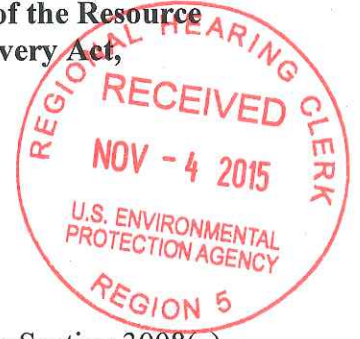
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:**

**Metal Improvement Company, LLC  
(d/b/a E/M Coating Services)  
Shelby Township, Michigan,  
  
Respondent.**

**Docket No. RCRA-05-2016-0001**

**Proceeding to Commence and Conclude  
an Action to Assess a Civil Penalty  
Under Section 3008(a) of the Resource  
Conservation and Recovery Act,  
42 U.S.C. § 6928(a)**



**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), 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 the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Metal Improvement Company, LLC (d/b/a E/M Coating Services), a corporation doing business in the State of Michigan.

5. 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).

6. 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.

7. 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**

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

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

10. 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.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at Mich. Admin. Code r. 299.9101- 299.11107[40 C.F.R. Parts 260 – 279].

### **Statutory and Regulatory Background**

12. 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, pursuant to Sections 3001 – 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

13. 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 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.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both.

16. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. Respondent was and is a "person" as defined by Mich. Admin. Code r. 299.9106(i) [40 C.F.R. § 260.10] and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is the "owner" or "operator," as those terms are defined under Mich. Admin. Code r. 299.9106 [40 C.F.R. § 260.10] of a facility located at 14830 23 Mile Road, Shelby Township, Michigan (facility).

19. On March 19, 2013, U.S. EPA conducted an inspection of the facility.

20. The facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

21. At the facility, Respondent pretreats, coats and paints parts for the automotive, military, aerospace as well as other general industries.

22. At all times relevant to this CAFO, Respondent created solid wastes including waste paint, waste solvent, paint booth filters, waste water treatment sludge, grit blasting waste, and solvent rags.

23. Respondent's processes at the facility produce several hazardous wastes identified or listed in Mich. Admin. Code r. 299.9201-9230 or cause a hazardous waste to become subject to regulation under Mich. Admin. Code r. 299.9101-299.11107 [40 C.F.R. Parts 260-270].

24. Respondent is a "generator," as that term is defined in Mich. Admin. Code r. 299.9104(a) [40 C.F.R. § 260.10].

25. At all times relevant to this CAFO, Respondent generated more than 1,000 kilograms (2,205 pounds) of hazardous waste in a calendar month prior to the inspection, and was a large quantity generator at the time of the inspection.

26. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Michigan regulations as part of the applicable state hazardous waste management program for the state of Michigan, or both.

27. At all times relevant to this CAFO, the State of Michigan has not issued a permit to Respondent to treat, store, or dispose of hazardous waste at the facility.

28. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at the facility.

**Count I: Storage of Hazardous Waste Without a Permit or Interim Status**

29. Complainant incorporates paragraphs 1 through 28 of this CAFO as though set forth in this paragraph.

30. Pursuant to Mich. Admin. Code r. 299.9306(3) [40 C.F.R. Part 262.34(b)], a large-quantity generator who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility. This is also a requirement of owners and operators of hazardous waste facilities under Mich. Admin. Code r. 299.95502(1), 299.9508 and 299.9510[40 C.F.R. §§ 270.1(c), 271.10(a) and 270.13].

31. At all times relevant to this CAFO, Respondent accumulated hazardous waste (3 drums containing barium paint and filters and 2 drums containing D001, D005 and D035) for more than 90 days in five 55-gallon drums. Three drums were stored at the Facility from approximately July 31, 2011, until April 10, 2013, for a total of 529 days. Two other drums were stored at the Facility from approximately December 31, 2011, until June 19, 2013, for a total of 446 days.

32. At all times relevant to this CAFO, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

33. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must, among other things, comply with the following requirements: (1) the date on which each period of accumulation begins must be clearly marked and visible for inspection on each container, as required by Mich. Admin. Code r. 299.9306(1)(b) [40 C.F.R. § 262.34(a)(2)]; (2) while being accumulated on site, each

container must be labeled with the words “Hazardous Waste,” as required by Mich. Admin. Code r. 299.9306(1)(c) [40 C.F.R. § 262.34(a)(3)].

34. At the time of the March 2013 inspection, the date on which the period of accumulation began was not clearly marked and visible for inspection on three (3) containers. Respondent therefore failed to comply with accumulation date requirements of Mich. Admin. Code r. 299.9306(1)(b) [40 C.F.R. § 262.34(a)(2)].

35. At the time of the March 2013 inspection, waste was accumulated in three (3) containers on Site which were not labeled with the words “Hazardous Waste.” Respondent therefore failed to comply with the labeling requirements of Mich. Admin. Code r. 299.9306(1)(b) [40 C.F.R. § 262.34(a)(2)].

36. Respondent’s failure to comply with the conditions of Mich. Admin. Code r. 299.9306 [40 C.F.R. § 262.34] regarding storage of hazardous wastes for no more than 90 days subjects Respondent to the license requirements of Mich. Admin. Code r. 299.9502, 299.9508 and 299.9510 [40 C.F.R. §§ 270.10(c) and 270.10 (a), (d)].

37. As a result of Respondent’s failure to meet all of the applicable conditions for the generator exemption provided by Mich. Admin. Code r. 299.9306 [40 C.F.R. § 262.34], Respondent became an operator of a hazardous waste treatment, storage, and disposal facility.

38. Respondent’s storage of hazardous waste without a permit or interim status violated Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the requirements of Mich. Admin. Code r. 299.9502, 299.9508 and 299.9510 [40 C.F.R. §§ 270.10(c), 270.10 (a), (d), and 270.13].

### **Count 2 – Failure to Make Hazardous Waste Determinations**

39. Complainant incorporates paragraphs 1 through 28 of this CAFO as though set forth in this paragraph.



40. Pursuant to Mich. Admin. Code r. 299.9302(1) [40 C.F.R. § 262.11], a person who generates solid waste, as defined in Mich. Admin. Code r. 299.9202, must determine if that waste is a hazardous waste.

41. During the March 2013 inspection, two (2) drums which were located in the Hazardous Waste Storage Bin and labeled "Non-Hazardous Waste" were later determined by Respondent to contain hazardous waste (D001 and D035).

42. At the March 2013 inspection, a broken four-foot fluorescent bulb was on the floor of the Facility's Hazardous Waste Storage Bin and no hazardous waste determination had been made regarding material resulting from the release.

43. Respondent's failure to conduct hazardous waste determinations for the material in these two (2) drums and the broken four-foot fluorescent bulb prior to the inspection violated Mich. Admin. Code r. 299.9302(1) [40 C.F.R. § 262.11].

### **Count 3 – Failure to Meet Contingency Plan Requirements**

44. Complainant incorporates paragraphs 1 through 28 of this CAFO as though set forth in this paragraph.

45. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must comply with the contingency plan requirements in 40 C.F.R. Part 265, Subparts C and D, as required by Mich. Admin. Code r. 299.9306(1)(d) [40 C.F.R. § 262.34(a)].

46. At the time of the March 2013 inspection, Respondent had not listed in the Facility contingency plan the names, addresses and phone numbers of all persons qualified to act as emergency coordinator, as required by 40 C.F.R. § 265.52(d). In addition, at the time of the March 2013 inspection, Respondent had not provided a copy of the Facility contingency plan to

all local police departments, fire departments, hospitals, and State and local emergency response teams that may have been called upon to provide emergency services at the facility, as required by 40 C.F.R. § 265.53(b). Finally, at the time of the March 2013 inspection, although the Facility had a change in its operation in February 2012, Respondent had not amended the Facility contingency plan, as required by 40 C.F.R. § 265.54(c).

47. Respondent's failure to comply with the contingency plan requirements in 40 C.F.R. Part 265, Subparts C and D, therefore violated Mich. Admin. Code r. 299.9306(1)(d) [40 C.F.R. § 262.34(a)].

#### **Count 4 – Failure to Conduct Weekly Inspections**

48. Complainant incorporates paragraphs 1 through 28 of this CAFO as though set forth in this paragraph.

49. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must comply with the inspection requirements in Mich. Admin. Code r. 299.9306(1)(a) [40 C.F.R. § 265.174].

50. During the Inspection, the inspector was informed by representatives of Respondent that Respondent had failed to conduct or document any weekly inspections of the Hazardous Waste Storage Bin between February 2012 and March 2013.

51. Respondent therefore failed to comply with the inspection requirements in Mich. Admin. Code r. 299.9306(1)(a) [40 C.F.R. § 265.174].

#### **Count 5 – Universal Wastes - Failure to Close and Label Containers of Universal Waste Lamps**

52. Complainant incorporates paragraphs 1 through 28 of this CAFO as though set forth in this paragraph.

53. Mich. Admin. Code r. 299.9228(4)(a) incorporates the requirements of 40 C.F.R. Part 273, Subpart B (except 40 C.F.R. §§ 273.10 and 273.18(b)), which requires at 40 C.F.R. § 273.13(d)(1) that a small quantity handler of universal hazardous waste, specifically, hazardous waste “lamps,” as defined in 40 C.F.R. §§ 273.5 and 273.9, contain such lamps in structurally-sound containers or packages that remain closed. Mich. Admin. Code r. 299.9228(4)(c)(ii) also requires that a small quantity handler handling electric lamps contain unbroken lamps in structurally-sound packaging that shall remain closed.

54. At the March 2013 inspection, Respondent was storing two (2) boxes of universal waste lamps in the Facility’s Hazardous Waste Storage Bin that were not closed.

55. Currently, Mich. Admin. Code r. 299.9228(4)(a) incorporates the requirements of 40 C.F.R. Part 273, Subpart B (except 40 C.F.R. §§ 273.10 and 273.18(b)). 40 C.F.R. Part 273, Subpart B, which requires at 40 C.F.R. § 273.14(e) that a small quantity handler of universal hazardous waste, specifically, hazardous waste “lamps,” as defined in 40 C.F.R. §§ 273.5 and 273.9, must ensure that each lamp, or container or package containing such lamps, be clearly marked or labeled with one of the following phrases: “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s).” Previously, Mich. Admin. Code r. 299.9228(4)(c)(iv) required that a small quantity handler handling electric lamps label the lamps or packaging in which the lamps are contained as with the words “universal waste electric lamps” or “waste electric lamps” or “used lamps.”

56. At the March 2013 inspection, Respondent was storing six (6) boxes of universal waste lamps in the Facility’s Hazardous Waste Storage Bin that were not clearly marked or labeled with one or more of the following phrases: “Universal Waste-Lamp(s),” “Waste

Lamp(s),” “Used Lamp(s),” “universal waste electric lamps,” “waste electric lamps,” or “used lamps.”

57. Respondent’s storage of universal waste lamps in open and unlabeled containers violated 40 C.F.R. § 273.13(d)(1), 40 C.F.R. § 273.14(e), Mich. Admin. Code r. 299.9228(4)(a), Mich. Admin. Code r. 299.9228(4)(c)(ii), and Mich. Admin. Code r. 299.9228(4)(c)(iv).

#### **Civil Penalty**

58. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$80,000. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA’s RCRA Civil Penalty Policy, dated June 23, 2003. Within 30 days after the effective date of this CAFO, Respondent must pay an \$80,000 civil penalty for the RCRA violations by:

a. sending a cashier’s or certified check, payable to the “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, MO 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, MO 63101

The check must state “*In the Matter of: Metal Improvement Company, LLC (d/b/a E/M Coating Services)*” and the docket number of this CAFO.

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: Metal Improvement Company, LLC (d/b/a E/M Coating Services)*” and the docket number of this CAFO.

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 on line payment and following the instructions found here:

[WWW.PAY.GOV](http://WWW.PAY.GOV)

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

59. If Respondent is paying by check, a transmittal letter stating Respondent’s name, the case title (“*In the Matter of: Metal Improvement Company, LLC (d/b/a E/M Coating Services)*”) and the docket number of this CAFO must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

LaDawn Whitehead, Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Blvd. (E-19J)  
Chicago, IL 60604-3590

Bryan Gangwisch, Environmental Scientist  
RCRA Branch  
Land and Chemicals Division  
U.S. EPA, Region 5  
77 West Jackson Blvd. (mail code: LR-8J)  
Chicago, IL 60604

Catherine Garypie, Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd. (mail code C-14J)  
Chicago, IL 60604

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

61. If Respondent does not timely pay the civil penalty, 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. 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.

62. 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 payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). 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.

### **General Provisions**

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

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

65. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

66. The effect of this CAFO is conditioned upon the accuracy of Respondent's factual representations to U.S. EPA.

67. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

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

69. Each person signing this 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.

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

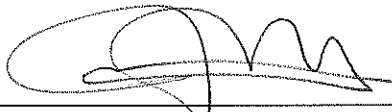
71. This CAFO constitutes the entire agreement between the parties.

72. 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: garypie.catherine@epa.gov (for Complainant), and

jeff.hall@cwst.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

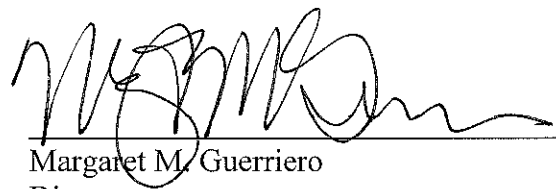
**Metal Improvement Company, LLC (d/b/a E/M Coating Services), Respondent**

9/29/15  
Date

  
Jeff Hall, Business Unit Manager  
Metal Improvement Company, LLC (d/b/a  
E/M Coating Services)

**United States Environmental Protection Agency, Complainant**

10/19/2015  
Date

  
Margaret M. Guerriero  
Director  
Land and Chemicals Division




**In the Matter of:**  
**Metal Improvement Company, LLC (d/b/a E/M Coating Services)**  
**Docket No. RCRA-05-2016-0001**

**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.

22 October 2015  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

**In the Matter of:**  
**Metal Improvement Company, LLC (d/b/a E/M Coating Services)**  
**Docket No. RCRA-05-2016-0001**

CERTIFICATE OF SERVICE

I certify that I served a true and accurate copy of the foregoing Consent Agreement and Final Order, which was filed on November 4, 2015, in the following manner to the addresses below:

Copy by E-mail to  
Representative of Respondent: Jeff Hall  
jeff.hall@cwst.com

Copy by E-mail to  
Attorney for Complainant: Catherine Garypie  
Garypie.catherine@epa.gov

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

Dated: November 4, 2015



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