



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

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JUN 24 2011

REPLY TO THE ATTENTION OF:

C-14J

Honorable Barbara A. Gunning, Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW, Mail Code 1900L  
Washington, DC 20460

Re: George E. Goodman d/b/a Goodman Salvage  
Docket No. TSCA-05-2011-0005

Dear Administrative Law Judge Gunning:

Enclosed please find a copy of a Consent Agreement and Final Order (CAFO) filed on June 22, 2011, resolving the above-referenced matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria Gonzalez".

Maria Gonzalez  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604  
(312) 886-6630

Enclosure

cc w/ enclosures: George E. Goodman  
Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

SECRETARY'S CLERK  
U.S. EP. REGION 5  
2011 JUN 22 AM 8:21

In the Matter of: )  
George E. Goodman )  
d/b/a Goodman Salvage )  
Xenia, Illinois )  
Respondent. )  
\_\_\_\_\_ )  
Docket No.: TSCA-05-2011-0005  
Proceeding to Assess a Civil Penalty  
Under Section 16(a) of the Toxics  
Substances Control Act, 15 U.S.C. §615(a)

**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

1. Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, brought this administrative action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a) and sections 22.01(a)(5) and 22.13 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.01(a)(5), 22.13.

2. On March 16, 2011, EPA filed the Complaint in this action against Respondent George E. Goodman. The Complaint alleges that Respondent violated the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601-2692, and the regulations at 40 C.F.R. § 761.60(a), 761.65(b), 761.65(c)(8), 761.40(a)(1), 761.40(a)(10) and 761.65(c)(3). The Complaint noted that Respondent had asserted an inability to pay the penalty, and that EPA had requested additional information and would consider any credible information Respondent submitted to support that claim.

3. Complainant received additional documentation from Respondent to support its claim of inability to pay on March 16, 2011.

**Stipulations**

4. Respondent admits the jurisdictional allegations in the Complaint and admits the factual allegations in the Complaint.

5. Respondent waives any right to contest the allegations in the Complaint and his right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that he is complying fully with TSCA and the regulations at 40 C.F.R. Part 761.

7. Respondent certifies that he is no longer in the salvage business, with the exception of aluminum can recycling.

8. Respondent agrees not to conduct further salvage operations, with the exception of aluminum can recycling.

9. Respondent consents to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

10. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

**Civil Penalties**

11. In consideration of Respondent's inability to pay a penalty, EPA agrees to mitigate the proposed penalty of \$45,387 to \$0.

**General Provisions**

12. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

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

14. This CAFO does not affect Respondent's responsibility to comply with TSCA and other applicable federal, state, and local laws.

15. The terms of this CAFO bind Respondent, and his successors and assigns.

16. 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.

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

18. This CAFO constitutes an entire agreement between the parties.

**George E. Goodman, d/b/a/ Goodman Salvage, Respondent**

5-25-11  
Date

George E. Goodman  
George E. Goodman

**United States Environmental Protection Agency, Complainant**

6/16/11  
Date

Michael D. Harris *for M.G.*  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

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**In the Matter of:**  
**George E. Goodman**  
**Docket No. TSCA-05-2011-0005**

**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.

6-16-11

Date



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


**CERTIFICATE OF SERVICE**

This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving George E. Goodman, d/b/a Goodman Salvage, was filed on June 21, 2011, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No.7009 1680 0000 7666 9047 to:

Mr. George E. Goodman  
127 Guinea Dr.  
Xenia, Illinois 62889

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Maria Gonzalez, Counsel for Complainant/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown, PTCS (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Docket No. TSCA-05-2011-0005<sup>22</sup>.

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U.S. EPA REGION 5  
CLERK

***In the Matter of: George E. Goodman  
d/b/a Goodman Salvage  
Docket No. TSCA-05-2011-0005***

**CERTIFICATE OF SERVICE**

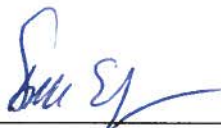
I hereby certify that today I filed the original and one copy of the letter to the Administrative Law Judge enclosing the filed Consent Agreement and Final Order in the office of the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590

I also mailed today a true and accurate copy, by first class mail, to each of the following:

Honorable Barbara A. Gunning, Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW, Mail Code 1900L  
Washington, DC 20460

Mr. George E. Goodman  
127 Guinea Drive  
Xenia, Illinois 62899

dated: June 24, 2011

  
\_\_\_\_\_  
Donald E. Ayres,  
Paralegal Specialist, MM2-4  
Office of Regional Counsel  
U.S. EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590  
(312) 353-6719

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