



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

JUN 20 2017

CERTIFIED MAIL #7041 2870 0001 9577 6107
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mr. Quesnell Hartman
General Manager
II-VI Epiworks
1606 Rion Drive
Champaign, Illinois 61822

Re: Consent Agreement and Final Order
II-VI Epiworks
Docket No: **RCRA-05-2017-0016**

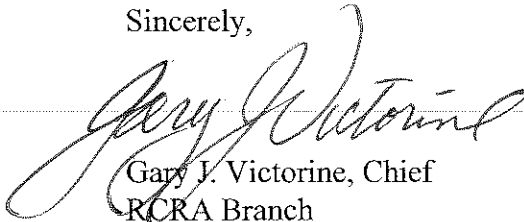
Dear Mr. Hartman:

Enclosed please find a copy of the signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on June 20, 2017, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$51,457 in the manner prescribed in paragraph 74 of the CAFO, and reference all checks with the docket number **RCRA-05-2017-0016**. Your payment is due on within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

If you have any questions regarding this matter, please contact Sheila Burrus, of my staff, at burrus.sheila@epa.gov or (312) 886-3587.

Sincerely,


Gary J. Victorine, Chief
RCRA Branch

Enclosures

cc: Todd Marvel, Illinois EPA (todd.marvel@illinois.gov)

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."

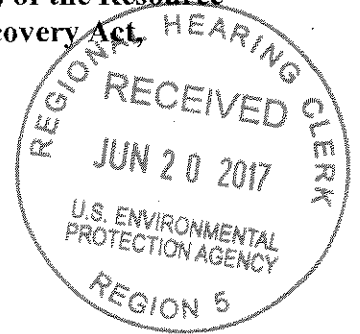
You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described 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:)	Docket No. RCRA-05-2017-0016
)	
II-VI EpiWorks)	Proceeding to Commence and Conclude
Champaign, Illinois)	an Action to Assess a Civil Penalty
USEPA ID No. ILR 000 103 317)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
_____)	



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act, as amended (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 Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is II-VI EpiWorks, a corporation doing business in the State of Illinois.
5. Where the parties agree to settle one or more causes of action before 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 the 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 40 C.F.R. Parts 260 through 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 and used oil, pursuant to Sections 3001 – 3007, 3013, and 3014, among others, of RCRA, of RCRA, 42 U.S.C. §§ 6921 – 6927, 6934, and 6935.

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 Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 30, 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(g) of RCRA, 42 U.S.C. § 6928(g). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, 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 \$32,500 per day for each violation of Subtitle C of RCRA that occurred after March 15, 2004 through January 12, 2009, 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 through November 2, 2015, may assess a civil penalty of up to \$93,750 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 and was assessed between August 1, 2016 and January 15, 2017, and may assess a civil penalty of up to \$95,284 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 and was assessed on or after January 15, 2017.

Factual Allegations and Alleged Violations

17. Respondent was and is a "person" as defined by 35 Illinois Administrative Code (IAC) § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is an "owner" or "operator," as those terms are defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10, of a facility located at 1606 Rion Drive, Champaign, Illinois (Facility).

19. Respondent's Facility is a "facility," as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

21. Respondent is a semiconductor fabrication facility.

22. At all times relevant to this CAFO, Respondent generated solid wastes including spent copper sulfate and arsenic contaminated hazardous waste.

23. Respondent's processes at the facility produce several hazardous wastes identified or listed in 35 IAC §§ 721.120 - 721.131 or cause a hazardous waste to become subject to regulation under 35 IAC Parts 720-729 [40 C.F.R. Parts 260-270].

24. Respondent is a "generator," as that term is defined in 35 IAC § 720.110 and 40 C.F.R. § 260.10. Respondent produced more than 1,000 kilograms (2,205 pounds) of hazardous waste for at least one month prior to the inspection, and was a large quantity generator.

25. At all times relevant to this CAFO, Respondent stored hazardous waste at its Facility.

26. At all times relevant to this CAFO, Respondent stored used oil as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10 at its Facility.

27. Spent copper sulfate generated at the Facility is a hazardous waste that exhibits the corrosive characteristic and the toxicity characteristic for arsenic, and has the hazardous waste numbers D002 and D004 as defined by 35 IAC § 721.122 and 722.124 [40 C.F.R. §§ 261.22 and 261.24].

28. Arsenic contaminated waste generated at the Facility is a hazardous waste that exhibits the toxicity characteristic for arsenic and has the hazardous waste number D004 as defined by 35 IAC § 721.124 [40 C.F.R. § 261.24].

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

30. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at its Facility.

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

32. On November 20, 2015, U.S. EPA conducted a Compliance Evaluation Inspection at the Facility.

33. On February 5, 2016, U.S. EPA issued a Notice of Violation (NOV) to Respondent alleging certain violations of RCRA discovered during U.S. EPA's inspection.

34. On March 14, 2016 and April 14, 2016, Respondent submitted to U.S. EPA written responses to the NOV.

35. On April 19, 2016, U.S. EPA contacted Respondent via telephone seeking additional information pertaining to Respondent's responses to the NOV.

36. On April 25, 2016, Respondent submitted to U.S. EPA a written response to U.S. EPA's April 19, 2016, telephone request for additional information about the NOV responses.

37. On May 20, 2016, U.S. EPA again contacted Respondent via telephone seeking additional information regarding the date of the removal of five bulk storage tanks and the date of the installation of two 1,250 bulk storage tanks.

38. On May 20, 2016, Respondent submitted to U.S. EPA a written response via email to U.S. EPA's May 20, 2016, telephone request for additional storage tank information.

39. On or about March 1, 2016, Respondent submitted its most recent Hazardous Waste Notification to the Illinois Environmental Protection Agency for the Facility.

40. In its Hazardous Waste Notification, Respondent identified itself as a large quantity generator.

41. At all times relevant to this CAFO, Respondent generated, during each calendar month, more than 1,000 kilograms of hazardous waste at the Facility.

42. On August 24, 2016, U.S. EPA issued a Notice of Intent to file an Administrative Complaint.

Count 1: Storage of Hazardous Waste Without a Permit or Interim Status

43. Complainant incorporates paragraphs 1 through 42 of this CAFO as though set forth in this paragraph.

44. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at IAC 35 Part 703 [40 C.F.R. Part 270], the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

45. Pursuant to 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)], however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in 35 IAC § 722.134(a)(1)-(a)(4) [40 C.F.R. § 262.34(a)(1)-(a)(4)], including, but not limited to, requirements for owners and operators in Subparts C and D of 35 IAC Part 725 [40 C.F.R. Part 265 Subparts C and D].

46. At all times relevant to this CAFO, Respondent failed to satisfy the following conditions for maintaining its exemption from the requirement that it have an operating permit or interim status:

Failure to Implement an Adequate Hazardous Waste Training Program

47. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, facility personnel must implement a training program and maintain and keep documents required for personnel training. See 35 IAC §§ 722.134(a)(4) and 725.116(a), and 725.116(d) [40 C.F.R. §§ 262.34(a)(4), 265.16(a), and 265.16(d)].

48. At the time of the November 20, 2015 inspection, Respondent had not implemented an adequate personnel training program for its facility, and failed to keep the following documents required for personnel training: job title for each position at the facility related to hazardous waste management and the name of the employee filling each job; a written job description for each position at the facility related to hazardous waste management; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and

records that document that the training or job experience described above has been given to and completed by facility personnel.

Failure to Submit a Copy of the Contingency Plan to Local Emergency Authorities

49. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, facility personnel must submit a copy of its contingency plan and revisions to the plan to the local police department, fire department, hospital and state and local emergency response teams that may be called upon to provide emergency services. See 35 IAC §§ 722.134(a)(4) and 725.153(b) [40 C.F.R. §§ 262.34(a)(4) and 265.53(b)].

50. At the time of the November 20, 2015 inspection, Respondent had not submitted a copy of the facility contingency plan to the local fire and police departments, contractors, and state and local emergency response teams to coordinate emergency services.

**Failure to describe in its Contingency Plan Arrangements with
Local Emergency Authorities**

51. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, the facility's contingency plan must describe arrangements agreed to by local fire and police departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services. See 35 IAC §§ 722.134(a)(4) and 725.152(c) [40 C.F.R. §§ 262.34(a)(4) and 265.52(c)].

52. At the time of the November 20, 2015 inspection, Respondent's contingency plan did not describe arrangements agreed to by local fire and police departments, hospitals, contractors and state and local emergency response teams.

**Failure to designate a Primary Emergency Coordinator and Failure to Include
Primary and Alternate Home Addresses and phone numbers in Contingency Plan**

53. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, the facility's written contingency plan must include, among other things, the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator. See 35 IAC §§ 722.134(a)(4) and 725.152(d) [40 C.F.R. §§ 262.34(a)(4) and 265.52(d)].

54. At the time of the November 20, 2015 inspection, Respondent's contingency plan did not designate a specific person as the primary emergency coordinator nor did it include the primary or alternate coordinator's home addresses, and phone numbers (office and home).

Failure to Identify Emergency Equipment in Contingency Plan

55. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, the facility contingency plan must identify all emergency equipment including its description, capability and location. See 35 IAC §§ 722.134(a)(4) and 725.152(e) [40 C.F.R. §§ 262.34(a)(4) and 265.52(e)].

56. At the time of the November 20, 2015 inspection, Respondent's contingency plan did not identify all emergency equipment, including its description, capability and location.

Failure to Mark and Date Hazardous Waste Containers

57. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, a facility must clearly mark each container holding hazardous waste with the date upon which each period of accumulation began, and, while being accumulated on-site, each container and tank is labeled with the words, "Hazardous Waste." See 35 IAC § 722.134(a)(2) and (3) [40 C.F.R. § 262.34(a)(2) and (3)].

58. At the time of the November 20, 2015 inspection, Respondent was storing three 55-gallon containers of spent copper sulfate hazardous waste and one 55-gallon container of arsenic contaminated hazardous waste that were not marked with the date upon which the accumulation of the hazardous waste began.

59. At the time of the November 20, 2015 inspection, Respondent did not mark three 55-gallon containers of copper sulfate hazardous waste, one 55-gallon container of arsenic contaminated hazardous waste, and one 400-gallon, three 225-gallon and one 150-gallon bulk storage tank containing arsenic contaminated hazardous waste with the words "Hazardous Waste."

Failure to Have a Written Assessment of Hazardous Waste Storage Tanks

60. In order for a generator storing hazardous waste in tanks to maintain its exemption from the requirement to have an operating permit or interim status, it must comply with Subpart J of 35 IAC 725, except 35 IAC §§ 725.297(c) and 725.300 [Subpart J of 40 C.F.R. § 265 except §§ 265.197(c) and 265.200]. See 35 IAC § 722.134(a)(1)(B) [40 C.F.R. § 262.34(a)(1)(ii) and 40 C.F.R. §§ 265.197(c) and 265.200].

61. Under Subpart J, Tank Systems, 35 IAC § 725.292(a) [40 C.F.R. § 265.192(a)], the generator must obtain a written assessment, reviewed and certified by a qualified Professional Engineer, in accordance with 35 IAC § 702.126(d) [40 C.F.R. § 270.11(d)], attesting that the new tank system has sufficient structural integrity and is acceptable for storing and treating hazardous waste.

62. At the time of the November 20, 2015 inspection, Respondent did not have a written assessment for its one 400-gallon, three 225-gallon and one 150-gallon bulk hazardous waste storage tanks.

63. Respondent removed the one 400-gallon, three 225-gallon and one 150-gallon bulk hazardous waste storage tanks on March 29, 2016.

64. Respondent installed two 1,250-gallon polyethylene bulk hazardous waste storage tanks on April 12, 2016.

65. As set forth above, Respondent did not meet the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] necessary to exempt it from the requirement to obtain interim status or apply for and obtain a permit for the storage of hazardous waste; therefore, Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations found at 35 IAC § 703.180 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c), 270.10(a) and (d), and 270.13].

Count 2: Record Keeping and Reporting Violation

66. Complainant incorporates paragraphs 1 through 65 of this CAFO as though set forth in this paragraph.

67. A generator who ships hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of an annual report to the Illinois Environmental Protection Agency (IEPA) by March 1 of each calendar year. See 35 IAC § 722.141(a) [40 C.F.R. § 262.41(a)].

68. At all times relevant to this CAFO, Respondent had not submitted annual reports to the IEPA.

69. Respondent's failure to submit annual reports to IEPA violated 35 IAC § 722.141(a) [40 C.F.R. § 262.41(a)].

Count 3: Used Oil Violation

Failure to Properly Label a Used Oil Container

70. Complainant incorporates paragraphs 1 through 69 of this CAFO as though set forth in this paragraph.

71. A person who stores used oil in containers and tanks at generator facilities must ensure that the containers and above-ground tanks are labeled or marked clearly with the words, "Used Oil." See 35 IAC § 739.122(c)(1) [40 C.F.R. § 279.22 (c)(1)].

72. At the time of the November 20, 2015 inspection, Respondent labeled a container of used oil "Waste Oil" rather than with the words "Used Oil."

73. Respondent's failure to clearly label or mark containers or above ground tanks used to store used oil with the words, "Used Oil," violated 35 IAC § 739.122(c)(1) [40 C.F.R. § 279.22(c)(1)].

Civil Penalty

74. 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 \$51,457. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Complainant also considered the U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

75. Within 30 days after the effective date of this CAFO, Respondent must pay a \$51,457 civil penalty for the RCRA violations. Respondent must pay the penalty by Automated Clearinghouse (ACH), as follows:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, D.C. 20074
Contact: Jesse White
301-887-6548
ABA = 051036706
Transaction Code 22 – checking
Environmental Protection Agency
Account 310006
CTX Format

Respondent must send a copy of the transmittal letter to:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Cathleen R. Martwick (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Sheila Burrus (LR-17J)
RCRA Branch
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

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

77. 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

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

79. 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.

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

81. 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).

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

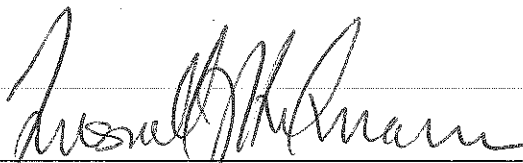
83. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

II-VI EpiWorks, Respondent

June 6, 2017
Date



Quesnell Hartman
General Manager II-VI EpiWorks

United States Environmental Protection Agency, Complainant

June 14, 2017
Date

Ignacio L. Arrazola
Ignacio L. Arrazola
Acting Director
Land and Chemicals Division

In No. the Matter of:
II-VI EpiWorks
Docket RCRA-05-2017-0016

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 16, 2017
Date

Ann Coyle
Ann Coyle
Regional Judicial Officer

In the matter of: II-VI Epiworks
EPA ID Number:
Docket Number: **RCRA-05-2017-0016**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, Docket Number **RCRA-05-2017-0016**, which was filed on June 20, 2017, in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Quesnell Hartman, General Manager
II-VI Epiworks
1606 Rion Drive
Champaign, Illinois 61822

Certified Mail Receipt Number: 7014 2870 0001 9577 6107

Copy by e-mail to
Attorney for Complainant:

Cathleen R. Martwick
martwick.cathleen@epa.gov

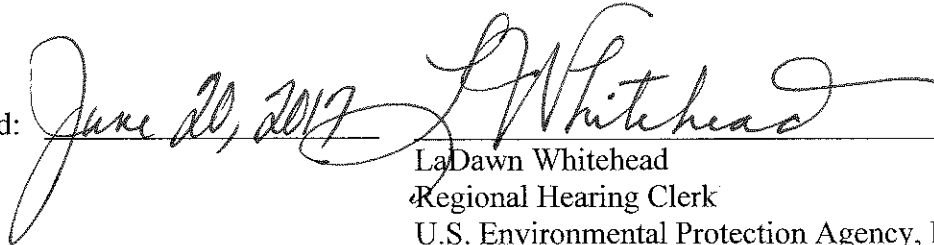
Copy by e-mail to
Case Assignee:

Sheila Burrus
burrus.sheila@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: June 20, 2017



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