



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

JUN 28 2010

REPLY TO THE ATTENTION OF:

**LR-8J**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John N. Skoubis, Registered Agent for  
1810 W. Grace St., LLC  
1300 W. Higgins Rd., Ste. 209  
Park Ridge, IL 60068

Re: Consent Agreement and Final Order  
1810 W. Grace St., LLC  
Docket No: RCRA-05-2009-0019

Dear Mr. Skoubis:

Enclosed please find a copy of a signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on JUN 28 2010, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$50,000 in the manner prescribed in paragraph 10 of the CAFO, and reference all checks with the number **BD 2751042R015** and docket number RCRA-05-2009-0019. Your payment is due within 60 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.

Sincerely,

A handwritten signature in cursive script that reads "Mary S. Setnicar".

Mary S. Setnicar  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (w/CAFO)  
William Anaya, Arnstein & Lehr, LLP (w/CAFO)  
Honorable Susan L. Biro, ALJ/1900L (w/CAFO)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. RCRA-05-2009-0019</b>
	)	
<b>1810 W. Grace St. LLC</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Chicago, Illinois,</b>	)	<b>Under Section 3008(a) of the Resource</b>
	)	<b>Conservation and Recovery Act,</b>
<b>Respondent.</b>	)	<b>42 U.S.C. § 6928(a)</b>
<hr/>		

**RECEIVED**  
JUN 28 2010

**Consent Agreement and Final Order**

**Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY.**

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty 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).

2. On September 25, 2009, U.S. EPA filed the Complaint in this action against Respondent 1810 W. Grace St. LLC. The Complaint alleges that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of 35 IAC §§ 703.121, 703.180 and 705.121; and 40 C.F.R. § § 270.1(c) and 270.10(a) and (d), and 270.13, at its facility in Chicago, Illinois, by storing hazardous waste without a permit or interim status.

3. Respondent filed an Answer on October 29, 2009, and requested a hearing under Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.15.

**Stipulations**

4. Respondent admits the jurisdictional allegations in the Complaint and denies the factual allegations in the Complaint, other than those admitted in its Answer.

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

6. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, if applicable, and any applicable regulations at 40 C.F.R. §§ 260.1 – 279.82.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

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

**Civil Penalty**

9. 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 \$50,000. 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.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$50,000 civil penalty for the RCRA violations alleged in the Complaint by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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

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 1810 W. Grace St. LLC" on its face and include the docket number of this CAFO and the billing document number.

11. A transmittal letter stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

Judith Kriz (LR-8J)  
RCRA Branch  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Susan Prout (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

13. 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.

14. 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 overdue amount 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.

principal amount 90 days past due.

**General Provisions**

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

16. 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 violation of law.

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

18. 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).

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

20. 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.

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

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

**1810 W. Grace LLC, Respondent**


6/24/2010  
Date



1810 W. Grace St. LLC

**United States Environmental Protection Agency, Complainant**

6/28/10  
Date

  
Bruce Sypniewski  
Acting Director  
Land and Chemicals Division

**In the Matter of:  
1810 W. Grace St. LLC  
Docket No. RCRA-05-2009-0019**

**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.

6-28-2010

Date



Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

**RECEIVED**  
JUN 28 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order dated June \_\_\_, 2010, was filed this day in the following manner to the addresses listed below:

Original and one copy by hand delivery to:

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

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Copy by Regular Mail to:

Attorney for Complainant: William J. Anaya  
Robert A. McKenzie, Esq.  
Arnstein & Lehr, LLP  
120 South Riverside Plaza, Suite 1200  
Chicago, IL 60606-3109  
Fax: 312-876-7309

Copy by Regular Mail and facsimile to:

Presiding Judge The Honorable Susan L. Biro  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW  
Mail Code 1900L  
Washington, DC 20005  
Fax: 202-565-0044

*Gay Cuernston for Margaret Gray*  
*margaret Gray*  
U.S. EPA  
77 W. Jackson Blvd.,  
Chicago, IL 60604

Dated: June 28, 2010