



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

SEP 21 2015

CERTIFIED MAIL 7009 1680 0000 7663 6148
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mr. Bryan Bateman
General Manager
All-Brite Anodizing Company, Inc.
100 West Lake Street
Northlake, Indiana 60164

Re: Expedited Settlement Agreement and Final Order
All-Brite Anodizing Company, Inc.
Docket No: **RCRA-05-2015-0015**

Dear Mr. Bateman:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on September 23, 2015, with the Regional Hearing Clerk (RHC).

Enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your payment and for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Victorine".

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:)
)
All-Brite Anodizing Company)
100 West Lake Street)
Northlake, Illinois)
)
U.S. EPA ID: ILD 005 137 690)
)
Respondent.)

Docket No. RCRA-05-2015-0015
Expedited Settlement Agreement
and Final Order



Expedited Settlement Agreement and Final Order

1. On or about September 3, 2013, the U.S. Environmental Protection Agency Region 5 (EPA) conducted an inspection at the All-Brite Anodizing Company (Respondent), located at 100 West Lake Street in Northlake, Illinois, to determine compliance with the Solid Waste Disposal Act, 42 U.S.C. § 9601 *et seq.* as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments of 1984 (HSWA). EPA finds that Respondent violated the requirements applicable to generators of hazardous waste found at Ill. Admin. Code tit. 35 § 722.134(d)(4) [40 CFR § 262.34(d)(4)]; 35 § 722.134(a)(1) [40 CFR § 262.34(a)(1)]; 35 § 722.134(d)(5)(ii) [40 CFR § 262.34(d)(5)(ii)]; 35 § 722.134(d)(2) [40 CFR § 262.34(d)(2)]; 35 § 722.111 [40 CFR § 262.11], as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM (Form), Attachment A, which is hereby incorporated by reference.
2. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) under the authority vested in the EPA Administrator by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and by 40 C.F.R. § 22.13(b).
3. The parties enter into this Agreement in order to settle the civil violations described

in the Form.

This Agreement is Subject to the Following Terms and Conditions

4. For purposes of this proceeding, Respondent admits it is subject to the requirements set forth in Ill. Admin. Code tit. 35 § 722.134(d)-(f) [40 CFR § 262.34(d)-(f)] and 35 § 722.111 [40 CFR 262.11], and that EPA has jurisdiction pursuant to RCRA over the Respondent and the Respondent's conduct as described in the Form.

5. Respondent neither admits nor denies the factual allegations in the Form.

6. Respondent shall prepare a written Certification of Compliance, subject to civil and criminal penalties for making a false submission to the United States Government, describing how it has corrected the violations identified in the Form and the corrective actions Respondent will take to prevent future violations of RCRA. This certification shall be mailed within thirty (30) days of the effective date of this Expedited Settlement to Ms. Jamie Paulin (LR-8J), RCRA Branch, U.S. EPA, Region 5, 77 West Jackson Blvd, Chicago, Illinois 60604, and is subject to approval by EPA.

7. In addition, within thirty (30) days of the effective date of this Agreement, Respondent shall send a certified check in the amount of \$1,200 payable to the "Treasurer of the United States" to the United States Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, Missouri 63197-9000. Respondent shall write "EPA," and the docket number of this case on the check. A copy of the check shall be mailed to the Regional Hearing Clerk, (Mailcode E-13J), U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. Respondent consents to the assessment of this penalty and the requirement to submit a Certification of Compliance.

8. Upon receipt by EPA of the penalty payment and EPA approval of Respondent's

Certification of Compliance, EPA will take no further civil action against the Respondent for the specific violations of Ill. Admin. Code tit. 35 § 722.134(d)(4) [40 CFR § 262.34(d)(4)]; 35 § 722.134(a)(1) [40 CFR § 262.34(a)(1)]; 35 § 722.134(d)(5)(ii) [40 CFR § 262.34(d)(5)(ii)]; 35 § 722.134(d)(2) [40 CFR § 262.34(d)(2)]; 35 § 722.111 [40 CFR § 262.11], described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of RCRA, this Agreement, or of any other federal or state statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

9. Upon signing and returning this Agreement, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008 of RCRA and consents to EPA's approval of the Agreement without further notice.

10. This Agreement is binding on the parties signing below, and effective upon filing. If the Respondent does not sign and return this Agreement as directed by EPA, the proposed Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

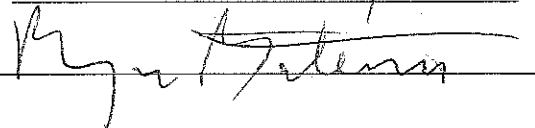
11. Each party shall bear its own costs and fees, if any.

12. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), and is effective upon filing.

IT IS SO AGREED,

Name (print): BRYAN DATERMAN

Title (print): GENERAL MANAGER / CORP. SPCY

Signature: 

Date 7-28-2015

APPROVED BY EPA:



Margaret M. Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date 9/14/2015

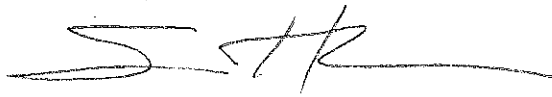
In the Matter of:
All-Brite Anodizing Company

Docket Number RCRA-05-2015-0015

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:

17 Sept 2015
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: All-Brite Anodizing Company, Inc.
Docket Number: [RCRA-05-2015-0015

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on 9/23/2015, this day in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Mr. Bryan Bateman
All-Brite Anodizing Company, Inc.
100 West Lake Street
Northlake, Illinois 60164

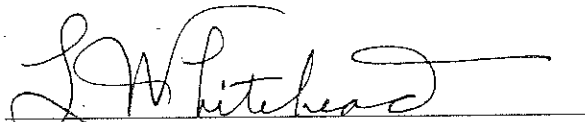
Copy by e-mail to
Attorney for Complainant:

Peter Felitti
felitti.peter@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: September 23, 2015



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

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