



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

MAY 13 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Receipt #: 7001 0320 0006 0185 1017

REPLY TO THE ATTENTION OF:

LR-8J

Mr. Wallace Joslyn
President
Silbond Corporation
9901 Sand Creek Highway
Weston, Michigan 49289

Re: Consent Agreement and Final Order
Silbond Corporation
EPA ID No.: MID005039458
Docket No.:

Dear Mr. Joslyn:

Enclosed, please find an original, signed, fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on **MAY 13 2008**, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$67,235 in the manner prescribed in paragraphs 99 - 104 of the CAFO, and reference all checks with the number BD 2750842R008 and the docket number RCRA-05-2008-0008. Your payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: George Bruchmann, Chief – MDEQ, Lansing (w/CAFO)
John Craig, Chief – MDEQ, Lansing (w/o CAFO)
Bryan Grochowski – MDEQ, Lansing (w/o CAFO)

**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:)
)
SILBOND CORPORATION)
WESTON, MICHIGAN)
)
)
U.S. EPA ID NO. MID005039458)
)
Respondent)
_____)

DOCKET NO. RCRA-05-2008-0008

[Handwritten Signature]

2008 MAY 13 AM 11:48

RECEIVED
REGIONAL COUNCIL CLERK
U.S. ENVIRONMENTAL PROTECTION AGENCY

CONSENT AGREEMENT AND FINAL ORDER

I. JURISDICTION

1. This is a civil administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. § 6928(a). RCRA was amended in 1984 by the Hazardous Waste and Solid Waste Amendments of 1984 ("HSWA"). This action is also simultaneously commenced and concluded under Sections 22.1(a)(4), 22.13(b), 22.14(a)(1)-(3) and (8), 22.18(b)(2) and (3), and 22.37 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22.

2. Jurisdiction for this action is conferred upon the United States Environmental Protection Agency (U.S. EPA) by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

3. The Complainant is, by lawful delegation, the Director, Land and Chemicals Division, Region 5, U.S. EPA.

4. 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.

5. 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 of 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.

6. 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). U.S. EPA granted authorization for changes to Michigan's program on November 24, 1989, effective January 23, 1990 (54 FR 48608); on April 23, 1991, effective June 24, 1991 (56 FR 18517); on October 1, 1993, effective November 30, 1993 (58 FR 51244); on January 13, 1995, effective January 13, 1995 (60 FR 3095); on February 8, 1996, effective April 8, 1996 (61 FR 4742); on November 14, 1997, effective November 14, 1997 (62 FR 61175); on March 2, 1999, effective June 1, 1999 (64 FR 10111); on July 31, 2002, effective July 31, 2002 (67 FR 49617); and on March 9, 2006, effective March 9, 2006 (71 FR 12141). The U.S. EPA authorized Michigan regulations are codified at Michigan Part 111 Administrative Rules 299.9101 *et seq.* See also 40 C.F.R. § 272.1151 *et seq.*

7. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), provides U.S. EPA with the authority to enforce State regulations in those States authorized to administer a hazardous waste program.

8. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), requirements imposed pursuant to HSWA take effect immediately in all States.

9. U.S. EPA has 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).

II. ALLEGATIONS

10. The Respondent is Silbond Corporation, which is and was at all times relevant to this Consent Agreement and Final Order (“CAFO”) a corporation doing business in the State of Michigan.

11. Respondent is a "person" as defined by Michigan Part 111 Administrative Rule 299.9106(i) and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

12. Respondent is the owner and operator, as those terms are defined by Michigan Part 111 Administrative Rule 299.9106(g) and (f), of a manufacturing plant located at 9901 Sand Creek Highway, Weston, Michigan, 49289. This plant is hereinafter referred to as the “Facility”.

13. The Facility is a “facility” as defined by Michigan Part 111 Administrative Rule 299.9103(r) and Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).

14. At the Facility, Respondent manufactures ethyl silicates.

15. On December 13, 2006, U.S. EPA conducted an inspection (“Inspection”) of the Facility to evaluate Respondent’s compliance with the applicable requirements of RCRA.

16. Under the Michigan regulations, "waste" is defined at Michigan Part 111 Administrative Rules 299.9109(gg) and 299.9202.

17. Pursuant to Michigan Part 111 Administrative Rules 299.9104(d) and 299.9203(a), "hazardous waste" is defined in pertinent part as a waste which exhibits any of the characteristics of hazardous waste identified in Michigan Part 111 Administrative Rule 299.9212.

Count I: Failure to Make Hazardous Waste Determinations.

18. Complainant incorporates paragraphs 1 through 17 of this Complaint as though set forth in this paragraph.

19. Pursuant to Michigan Part 111 Administrative Rule 299.9302, a person who generates a waste shall determine if that waste is a hazardous waste.

20. During the Inspection, the following materials were located at the Facility:

- a. a yellow bin of rags and other waste was located in a paint storage area;
- b. a stack of lead-acid batteries was located in Building 601; and
- c. crushed lamp bulbs were located outside of Building 901.

21. Respondent was a generator, as that term is defined by Michigan Part 111 Administrative Rule 299.9104(a) of the materials identified in paragraph 20.

22. At the time of the Inspection, each of the materials identified in Paragraph 20 was a waste as defined by Michigan Part 111 Administrative Rules 299.9109(gg) and 299.9202.

23. At or prior to the time of the Inspection, Respondent had failed to make a hazardous waste determination as required by Michigan Part 111 Administrative Rule 299.9302 for each of the materials identified in paragraph 20.

24. Respondent's failures to make hazardous waste determinations for the materials identified in paragraph 20 each constitute a violation of Michigan Part 111 Administrative Rule 299.9302.

Count II: Failure to Label Containers.

25. Complainant incorporates paragraphs 1 through 24 of this Complaint as though set forth in this paragraph.

26. Pursuant to Michigan Part 111 Administrative Rule 299.9107(dd), "storage" is defined as the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

27. Pursuant to Michigan Part 111 Administrative Rule 299.9102(q), "container" is defined as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

28. Pursuant to Michigan Part 111 Administrative Rule 299.9601, owners and operators of a facility that treat, store or dispose of hazardous waste are required to comply with the standards in Michigan Part 111 Administrative Rule Part 6.

29. Pursuant to Michigan Part 111 Administrative Rule 299.9614(1)(b), owners and operators of all hazardous waste facilities that store containers or hazardous waste shall ensure that each container is labeled or marked clearly with the words "Hazardous Waste" and the hazardous waste number.

30. During the Inspection, a 300-gallon tote containing off-spec ethyl silicates was located in Building 102.

31. The tote identified in paragraph 31 is a "container" as defined by Michigan Part 111 Administrative Rule 299.9102(q).

32. During the Inspection, Respondent was storing, as "storage" is defined in the Michigan Part 111 Administrative Rule 299.9107(dd), hazardous waste in the container identified in paragraph 31.

33. During the Inspection, the container identified in paragraph 31 contained a "hazardous waste" as defined by Michigan Part 111 Administrative Rules 299.9104(d) and 299.9203(a).

34. At the time of the Inspection, the container identified in paragraph 31 was not labeled or marked clearly with the words "Hazardous Waste" and the hazardous waste number.

35. Respondent's failure to label or clearly mark the container identified in paragraph 31 with the words "Hazardous Waste" and the hazardous waste number constitutes a violation of Michigan Part 111 Administrative Rule 299.9614(1)(b).

Count III: Failure to Conduct Weekly Container Inspections

36. Complainant incorporates paragraphs 1 through 35 of this Complaint as though set forth in this paragraph.

37. Pursuant to Michigan Part 111 Administrative Rule 299.9614(1)(a), owners and operators of all hazardous waste facilities that store containers of hazardous waste shall comply with all requirements of 40 C.F.R. part 264, subpart I.

38. Pursuant to 40 C.F.R. § 264.174, an owner or operator must inspect, at least weekly, areas where containers are stored.

39. At all times relevant to this Complaint, Respondent stored containers of hazardous waste at the Facility.

40. During weeks including each of the following dates, Respondent failed to conduct weekly inspections of its hazardous waste storage containers: December 25, 2005;

January 1, 2006; January 6, 2006; May 28, 2006; July 2, 2006; September 24, 2006; October 29, 2006; and November 19, 2006.

41. Respondent's failure to conduct weekly container inspections during each of the weeks identified in paragraph 40 each constitutes a violation of 40 C.F.R. § 264.174.

42. Respondent's failure to conduct container inspections during each of the weeks identified in Paragraph 40 constitute violations of Michigan Part 111 Administrative Rule 299.9614(1)(a).

Count IV: Failure to Have Adequate Contingency Plan

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

44. Michigan Part 111 Administrative Rule 299.9607(1) provides that owners or operators of hazardous waste treatment, storage and disposal facilities shall maintain a contingency plan for the facility and comply with 40 C.F.R. part 264.

45. Pursuant to 40 C.F.R. §§ 264.50 and 264.51, each owner and operator of a facility must have a contingency plan for the facility.

46. 40 C.F.R. § 264.52(c) provides that a contingency plan must describe arrangements, made pursuant to 40 C.F.R. §264.37, agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams.

47. 40 C.F.R. § 264.52(d) provides that a contingency plan must list the names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

48. 40 C.F.R. § 264.52(e) provides that a contingency plan must include a list of all emergency equipment at the facility, a physical description of each item on that list and a brief outline of the capabilities of each item on that list.

49. At the time of the Inspection, Respondent's contingency plan did not describe arrangements with State and local emergency response providers as required by 40 C.F.R. § 264.52(c).

50. At the time of the Inspection, Respondent's contingency plan did not describe arrangements made with the local hospital as required by 40 C.F.R. § 264.52(c).

51. At the time of the Inspection, Respondent's contingency plan did not include designations for primary and alternate emergency coordinators and did not identify addresses for the emergency coordinators as required by 40 C.F.R. § 264.52(d).

52. At time of Inspection, Respondent's contingency plan did not provide a description of the equipment listed in the contingency plan and did not identify the capabilities of the equipment listed in the contingency plan as required by 40 C.F.R. § 264.52(e).

53. Respondent's failure to include arrangements with responders and the local hospital in its contingency plan constitutes a violation of 40 C.F.R. § 264.52(c).

54. Respondent's failure to include in the contingency plan designations for primary and alternate emergency coordinators and addresses for the emergency coordinators constitutes a violation of 40 C.F.R. § 264.52(d).

55. Respondent's failure to provide a description of the equipment listed in the contingency plan and to identify the capabilities of the equipment listed in the contingency plan constitutes a violation of 40 C.F.R. § 264.52(e).

56. Respondent's violations of 40 C.F.R. § 264.52 each constitute a violation of Michigan Part 111 Administrative Rule 299.9607(1).

Count V: Failure to Properly Label Used Oil Containers

57. Complainant incorporates paragraphs 1 through 56 of this Complaint as though set forth in this paragraph.

58. Pursuant to Michigan Part 111 Administrative Rule 299.9809, used oil is subject to regulation pursuant to the provisions of Michigan Part 111 Administrative Rules 299.9810-299.9816.

59. Pursuant to Michigan Part 111 Administrative Rule 299.9810(3), a used oil generator shall comply with the provisions of 40 C.F.R. §§ 279.22, 279.23, and 279.24, except §279.22(a).

60. Pursuant to 40 C.F.R. § 279.22(c)(1), containers and above-ground tanks used to store used oil at generator facilities must be labeled or clearly marked with the words "Used Oil."

61. Pursuant to Michigan Part 111 Administrative Rule 299.9109(p), "Used oil" means any oil which has been refined from crude oil, or any synthetic oil, which has been used and, as a result of the use, is contaminated by physical or chemical impurities.

62. At the time of the Inspection, four 300-gallon totes were located in Building 601 at the Facility.

63. At the time of the Inspection, the four 300-gallon totes each contained used oil generated by the Respondent.

64. At the time of the Inspection, Respondent was storing the used oil in the four 300-gallon totes.

65. At the time of the Inspection, the four 300-gallon totes were not labeled or clearly marked with the words "Used Oil."

66. Respondent's failure to label or clearly mark the four 300-gallon totes used oil containers with the words "Used Oil" constitutes a failure to meet the requirements of 40 C.F.R. § 279.22(c)(1).

67. Respondent's failure to label or clearly mark the four 300-gallon totes used oil containers with the words "Used Oil" constitutes a violation of Michigan Part 111 Administrative Rules 299.9809 and 299.9810(3).

Count VI: Failure to Have a Hazardous Waste Storage License or Interim Status

68. Complainant incorporates paragraphs 1 through 67 of this Complaint as though set forth in this paragraph.

69. Pursuant to Michigan Part 111 Administrative Rule 299.9306(3), a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to parts 5, 6, and 7 of the Michigan Part 111 Administrative Rules.

70. At the time of the Inspection, one 55-gallon drum was located in the storage corral outside of Building 502 at the Facility.

71. At the time of the Inspection, one 300-gallon tote was located inside of Building 102 at the Facility.

72. The drum and the tote identified in paragraphs 70 and 71 are "containers" as defined by Michigan Part 111 Administrative Rule 299.9102(q).

73. During the Inspection, the containers identified in paragraphs 70 and 71 each held a "hazardous waste" as defined by Michigan Part 111 Administrative Rules 299.9104(d) and 299.9203(a).

74. Respondent was a generator, as that term is defined by Michigan Part 111 Administrative Rule 299.9104(a) of the hazardous wastes in the containers identified in paragraphs 70 and 71.

75. At the time of the Inspection, the drum identified in paragraph 70 was marked with an accumulation start date of May 10, 2006.

76. The drum identified in paragraph 70 was not manifested off-site until January 11, 2007.

77. Respondent "stored", as storage is defined in Michigan Part 111 Administrative Rule 299.9107(dd), hazardous waste in the drum identified in paragraph 70 from May 10, 2006, to January 11, 2007; a total of 156 days over the 90-day limit.

78. At the time of the inspection, the tote identified in paragraph 71 was not marked with the start date of accumulation.

79. The tote identified in paragraph 71 was not manifested off-site until March 29, 2007.

80. Respondent "stored", as storage is defined in Michigan Part 111 Administrative Rule 299.9107(dd), hazardous waste in the tote identified in paragraph 70 from at least the date of the Inspection to March 29, 2007; a total of 17 days over the 90-day limit.

81. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at Michigan Part 111 Administrative Rule 299.9502, the treatment, storage, or disposal of hazardous waste by any person who does not have a permit, an operating license or interim status is prohibited.

82. Neither U.S. EPA nor the State of Michigan has issued an operating license or a permit to Respondent to treat, store, or dispose of hazardous waste at the Facility.

83. Respondent did not have interim status for the treatment, storage, or disposal of hazardous wastes at the Facility at the time of the Inspection.

84. By storing hazardous wastes at the Facility for greater than 90 days without a permit or interim status, Respondent violated Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), the regulations at Michigan Part 111 Administrative Rule 299.9502, and the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, MCL 324.11123(1).

III. STIPULATIONS

85. U.S. EPA and Respondent agree that the settlement of this matter pursuant to 22.13(b) of the Consolidated Rules, 40 C.F.R. §22.13(b), is in the public interest and that the entry of this CAFO without engaging in litigation is the most appropriate means of resolving this matter.

86. Respondent admits the jurisdictional allegations of this CAFO. Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this CAFO.

87. Respondent neither admits nor denies the factual allegations of this CAFO and makes no admissions of violation of law or rule or liability in entering into this CAFO.

88. Respondent consents to the issuance of this CAFO, all of the conditions of this CAFO, and the assessment of the civil penalty as outlined in Section IV of this CAFO.

89. Respondent waives any and all rights under any provisions of law to a hearing on the allegations contained in this CAFO. Respondent also waives any right to contest or appeal the factual allegations in Section II of this CAFO and any right to appeal the terms and conditions of this Consent Agreement or the Final Order that accompanies this Consent Agreement.

90. Respondent's failure to timely comply with any provision of this CAFO may subject Respondent to a civil action pursuant to Section 3008(c) of RCRA to collect penalties for any noncompliance with the Order (as well as injunctive relief) and any unpaid portion of the assessed penalty, together with interest, handling charges and nonpayment penalties as set forth above. Respondent waives any rights it may possess in law or equity to challenge the authority of U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with this CAFO and/or seek an additional penalty for noncompliance with the CAFO. In any such collection action, the validity, amount and appropriateness of this CAFO or the penalty and charges assessed hereunder will not be subject to review.

91. This CAFO constitutes a settlement by U.S. EPA of all claims for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a), for the violations alleged in Section II of this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by U.S. EPA, and it is the responsibility of the Respondent to comply with such laws and regulations.

92. Nothing in this CAFO shall be construed to relieve the Respondent from its obligation to comply with all applicable federal, state and local statutes and regulations, including the Subtitle C requirements at 40 C.F.R. parts 260 through 270.

93. Nothing in this CAFO is intended, nor shall be construed, to operate in any way to resolve any criminal liability of Respondent arising from the violations alleged in this CAFO. Notwithstanding any other provision of this CAFO, U.S. EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an

imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right: (a) for any matters other than violations alleged in the Complaint, to take any action authorized under Section 3008 of RCRA; (b) to enforce compliance with the applicable provisions of the Michigan Administrative Rules; (c) to take any action under 40 C.F.R. Parts 124 and 270; and (d) to enforce compliance with this CAFO.

94. Nothing in this agreement prohibits, alters, or in any way limits U.S. EPA's ability to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

95. This CAFO constitutes the entire settlement between the parties and constitutes final disposition of the violations alleged in Section II of this CAFO.

96. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

97. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

98. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

IV. CONSENT AGREEMENT

99. Respondent shall maintain compliance with all requirements and prohibitions governing the generation, storage, treatment and disposal of hazardous waste, codified at or incorporated into the Michigan Administrative Rules and 40 C.F.R. Parts 260 through 279.

100. Complainant determined the proposed civil penalty in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928. In assessing a civil penalty, the Administrator of U.S. EPA must consider “the seriousness of the violation and any good faith efforts to comply with applicable requirements.” Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to U.S. EPA's 1990 RCRA Civil Penalty Policy. Based on an analysis of the above factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$67,235.00 to be paid as specified below.

101. Respondent agrees not to claim or attempt to claim a Federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

102. Within 30 days following the effective date of this CAFO, the Respondent shall pay a civil penalty in the amount of \$67,235.00. Payment shall be made by certified or cashier's check, payable to “Treasurer, the United States of America”, and shall be sent to

U.S. EPA, Region 5
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall reference the name of the Respondent and the Docket Number of this CAFO.

Interest and late charges shall be paid as specified below.

103. Upon payment of the civil penalty, Respondent shall send to each of the persons listed below a copy of the check and a transmittal letter referencing the name of Respondent and the docket number of this CAFO:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd. (E-13J)
Chicago, Illinois 60604-3590

Charles V. Mikalian
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Brenda Whitney
RCRA Branch (LR-8J)
U.S. EPA
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

104. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

(a) **Interest.** Any unpaid portion of a civil penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains.

(c) **Payment of Penalty.** On any portion of a civil penalty more than 90 calendar days past due, Respondent shall pay a non payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) above.

V. SIGNATORIES

Each undersigned representative of a party to this Consent Agreement and Final Order certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order and to bind legally such party to this document.

Agreed to this April day of 15th, 2008.

Wallace Joslyn
Wallace Joslyn, President
Silbond Corporation
Respondent

Agreed to this 5th day of May, 2008.

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


RCRA-05-2008-0008
SDW


2008 MAY 13 AM 11:48
REGIONAL HEADQUARTERS
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5
BOSTON, MASSACHUSETTS

FINAL ORDER

Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement, effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

Ordered this 8th day of May, 2008.

By: 
Bharat Mathur
Acting Regional Administrator
U.S. EPA Region 5

RCRA-05-2008-0008


2008 MAY 13 AM 11:48
RECEIVED
REGIONAL HEARING CLERK
US EPA REGION 5

CASE NAME: Silbond Corporation

DOCKET NO: RCRA-05-2008-0008



CERTIFICATE OF SERVICE

I hereby certify that today, I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

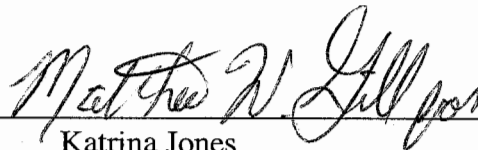
I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

Mr. Wallace Joslyn
President
Silbond Corporation
9901 Sand Creek Highway
Weston, Michigan 49289

Return Receipt # 7001 0320 0006 0185 1017

Dated:

5/13/08



Katrina Jones
Administrative Program Assistant
United States Environmental Protection Agency
Land and Chemicals Division -RCRA Branch
77 W. Jackson Boulevard – LR-8J
Chicago, IL 60604-3590
(312) 353-5882

2008 MAY 13 AM 11:48
RECEIVED
REGIONAL HEARING CLERK
US EPA REGION 5