



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

REPLY TO THE ATTENTION OF:

MAR 07 2007

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Subhash Patel, President
Star Acquisition, Inc.
825 Pratt Boulevard
Elk Grove Village, Illinois 60007-5116

Re: Consent Agreement and Final Order
Star Acquisition, Inc.
U.S. EPA ID: ILD 984 779 587
Docket No: **RCRA-05-2007-0005**; *BD#*: 2750742R004

Dear Mr. Patel:

Please find enclosed one copy of two original signed copies of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above-captioned case. The originals were filed on March 7th, 2007 with the Regional Hearing Clerk (RHC). The agreement contains the terms previously discussed to resolve this matter.

U.S. EPA received a check in payment of the civil penalty of \$1,289 from Star on February 16, 2007. U.S. EPA will provide the check to the United States Treasury, and send a copy of the check and this transmittal letter to the Regional Hearing Clerk. 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,

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Todd Marvel, Illinois EPA (w/enclosure)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Star Acquisition, Inc.)
(a.k.a. Star Electronics, Inc.))
825 Pratt Boulevard)
Elk Grove Village, Illinois 60007)
)
U.S. EPA ID #: ILD 984 779 587)
)
Respondent.)
_____)

Docket No. RCRA-05-2007-0005

RECEIVED
MAY 11 2007
REGIONAL OFFICE
EPA REGION 5

CONSENT AGREEMENT AND FINAL ORDER

Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency ("U.S. EPA" or "the Agency").

Respondent is Star Acquisition, Inc. ("Star Acquisition").

Complainant and Respondent ("the Parties") have agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of resolving this matter. Therefore, Complainant and Respondent have agreed to a settlement of this action before the filing of a complaint, and thus, this action is simultaneously commenced and concluded pursuant to Sections 22.13(b), 22.18(b)(2) and 22.18(b)(3) 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. §§ 22.13(b), 22.18(b)(2) and 22.18(b)(3).

NOW, THEREFORE, based upon this pleading, before the taking of any testimony,

without adjudication of any issue of fact or law, and upon the consent and agreement of the Parties, it is hereby Ordered as follows:

I. PRELIMINARY STATEMENT AND 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 and Solid Waste Amendments of 1984 (HSWA).
2. This action is also instituted pursuant to Sections 22.1(a)(4), 22.13, 22.14 and 22.37 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (“Consolidated Rules”), 40 C.F.R. Part 22.
3. Jurisdiction for this action is conferred upon 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.
4. The Complainant is, by lawful delegation, the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (U.S. EPA).
5. The Regional Administrator, U.S. EPA, Region 5, was delegated the authority to issue this Complaint and Compliance Order under EPA Delegation No. 8-9-A.
6. The Chief of the Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, U.S. EPA has been delegated the authority to issue this Complaint and Compliance Order under EPA Region 5 Delegation No. 8-9-A.
7. Respondent is Star Acquisition, Inc. (Star Acquisition), which is and was at all times

relevant to this Complaint a corporation incorporated under the laws of the State of Illinois.

8. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), U.S. EPA provided notice of commencement of this action to the State of Illinois on January 16, 2007 by delivering written notice of U.S. EPA's intent to file a complaint and compliance order against Respondents.

II. STATUTORY AND REGULATORY PROVISIONS APPLICABLE TO RESPONDENT AND RESPONDENT'S OPERATION

9. 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 the issuance of compliance orders under Section 3008 of RCRA, 42 U.S.C. § 6928.
10. 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 31, 1986). The Administrator of U.S. EPA granted Illinois final authorization to administer certain HSWA and additional RCRA requirements effective March 5, 1988, 53 Fed. Reg. 126 (January 5, 1988); April 30, 1990, 55 Fed. Reg. 7320 (March 1, 1990); June 3, 1991, 56 Fed. Reg. 13595 (April 3,

1991); August 15, 1994, 59 Fed. Reg. 30525 (June 14, 1994); May 14, 1996, 61 Fed. Reg. 10684 (March 15, 1996); and October 4, 1996, 61 Fed. Reg. 40520 (August 5, 1996).

The U.S. EPA-authorized Illinois regulations are codified at 35 Illinois Administrative Code (IAC) Part 703 *et seq.* See also 40 C.F.R. § 272.700 *et seq.*

11. Section 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, directed U.S. EPA to promulgate regulations governing generators of hazardous waste and facilities that treat, store or dispose of hazardous waste, and governing the owners and operators of such facilities. Pursuant to Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, respectively governing generators of hazardous waste, and facilities that treat, store or dispose of hazardous waste, and governing the owners and operators of such facilities. The federally-authorized Illinois regulations that govern generators of hazardous waste are codified at 35 IAC 722.34 *et seq.* The federally-authorized Illinois regulations that govern facilities that treat, store or dispose of hazardous waste, and that govern the owners and operators of such facilities, are codified at 35 IAC Part 724 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), and 35 IAC Part 725 (Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities).
12. Section 3005 of RCRA, 42 U.S.C. § 6925, directed U.S. EPA to promulgate regulations prohibiting the treatment, storage, or disposal of hazardous waste except in accordance with a permit, and requiring each person owning or operating a facility at which hazardous waste is treated, stored or disposed (TSD facility) to have a permit issued by U.S. EPA or the authorized state, or to have interim status under Section 3005(e) or

RCRA, 42 U.S.C. § 6925(e).

13. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), U.S. EPA has promulgated regulations at 40 C.F.R. Part 270 that establish permitting requirements and procedures.
14. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the issuance of hazardous waste permits are codified at 35 IAC Part 703.
15. Section 3005(e) of RCRA, 42 U.S.C. § 6925(e) includes a provision for “interim status” which allows TSD facilities to operate in certain circumstances pending receipt of a permit. U.S. EPA promulgated standards at 40 C.F.R. Part 265 that are applicable to facilities subject to interim status requirements. The federally-authorized Illinois regulations that govern the interim status standards for owners and operators of hazardous waste TSD facilities (in lieu of analogous federal regulations) are codified at 35 IAC 725.
16. Facilities that treat, store, or dispose of hazardous waste must obtain either a permit or interim status pursuant to 35 IAC Part 703, and 40 C.F.R. § 270.1, and Sections 3005 and 3006 of RCRA, 42 U.S.C. §§ 6925-6926.
17. 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.
18. 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.
19. The Illinois regulation at 35 IAC 720.110 defines the term “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in 35 IAC Part 721 or whose act first causes a hazardous waste to become subject to regulation.

20. The regulation at 40 C.F.R. § 260.10 defines the term “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261, or whose act first causes a hazardous waste to become subject to regulation.
21. Under 35 IAC 720.110, the term “small quantity generator” means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.
22. 35 IAC 720.110 and 40 C.F.R. § 260.10 define the term “facility” as, *inter alia*, all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
23. 35 IAC Part 720 defines the term “solid waste” as any discarded material that is not excluded by 40 C.F.R. § 261.4(a) or that is not excluded by variance granted under 40 C.F.R. §§ 260.30 and 260.31.
24. Under 35 IAC Parts 720.110 and 721.103, a solid waste is a hazardous waste if, *inter alia*, it is listed in Subpart D of Part 721 and has not been excluded from the lists in Subpart D of this Part under 35 IAC 720.120 and 720.122.
25. The regulation at 35 IAC Part 721, Subpart D, contains a list of classes and types of hazardous wastes that have been listed on the basis that the class or type of waste is ignitable waste, corrosive waste, reactive waste, toxicity characteristic waste, acute hazardous waste, or toxic waste.
26. The regulation at 40 C.F.R. § 261.2 defines the term “solid waste” as any discarded material that is not excluded by 40 C.F.R. § 261.4(a) or that is not excluded by variance granted under 40 C.F.R. §§ 260.30 and 260.31.

27. Under 40 C.F.R. § 261.3, a solid waste is a hazardous waste if, *inter alia*, (1) it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and (2) it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C, §§ 261.20 to 261.24 (i.e., the characteristics of ignitability, corrosivity, reactivity, or toxicity), or it is listed under 40 C.F.R. Part 261, subpart D, and has not been excluded from the lists in subpart D by virtue of 40 C.F.R. §§ 260.20 and 260.22.
28. Under 35 IAC Part 721.131, and 40 C.F.R. Part 261, subpart D, wastewater treatment sludges from certain electroplating operations are listed hazardous wastes with the waste code “F006,” which have not been excluded from the lists in 35 IAC Part 720, Subpart D, under 35 IAC 720.120 and 720.122, and which have not been excluded from the lists in 40 C.F.R. Part 261, subpart D, by virtue of 40 C.F.R. §§ 260.20 and 260.22.
29. Any violation of regulations promulgated pursuant to Subtitle C, Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6039, or of any State regulations approved by U.S. EPA pursuant to Section 3006 of RCRA, 42 U.S.C. § 6912, constitutes a violation of RCRA, subject to the assessment of civil or criminal penalties and compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

III. COMPLAINANT’S ALLEGED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Star Acquisition, Inc.

30. Respondent Star Acquisition, owns or operates a facility located at 825 Pratt Boulevard, in Elk Grove Village, Illinois (hereinafter referred to as “the Star Acquisition facility”), with operations that include the design and manufacture of printed circuit boards. Star Acquisition acquired ownership of the facility on or about May 19, 2005.

31. The Star Acquisition facility was previously owned by Star Electronics, Inc. Star Electronics, Inc. notified U.S. EPA of hazardous waste activities at the facility pursuant to Section 3010 of RCRA, 42 U.S.C. 6930, on or about November 20, 1989.
32. The Star Acquisition facility has been in operation since at least November 20, 1989.
33. Respondent Star Acquisition is, and was at all times relevant to this Complaint, a corporation incorporated under the laws of the State of Illinois.
34. Respondent is a “person” as defined by 35 I.A.C. § 720.110 [40 C.F.R. 260.10], and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
35. Respondent Star Acquisition owns and operates the Star Acquisition facility located at 825 Pratt Blvd. in Elk Grove Village, Illinois.
36. Respondent Star Acquisition is, and was at all times relevant to this Complaint, the owner of a “facility” as defined by 35 IAC 720.110, and 40 C.F.R. § 260.10, which is located at 825 Pratt Blvd., in Elk Grove Village, Illinois.
37. Respondent Star Acquisition is, and was at all times relevant to this Complaint, the operator of a “facility” as defined by 35 IAC 720.110, and 40 C.F.R. § 260.10, which is located at 825 Pratt Blvd., in Elk Grove Village.
38. Respondent Star Acquisition is, and was at all times relevant to this Complaint, a generator of hazardous waste as defined in 35 IAC 720.110, and 40 C.F.R. § 260.10.
39. During calendar year 2005, the hazardous waste generated by Star Acquisition included a listed hazardous waste with the hazardous waste code “F006.”
40. The hazardous waste identified in paragraph 39, above, consisted of a wastewater treatment sludge generated at the Star Acquisition facility.
41. The hazardous waste identified in paragraphs 39-40, above, was generated from a

- wastewater treatment system inside the Star Acquisition facility that treats processing water.
42. The hazardous waste currently being generated by Star Acquisition includes the "F006" listed hazardous waste.
 43. During calendar year 2005, approximately 10,000 pounds of F006 hazardous waste sludge were generated at the Star Acquisition facility.
 44. The F006 hazardous waste sludge generated at the Star Acquisition facility during calendar year 2005 was sent off-site to the Michigan Disposal Waste Treatment Plant, Environmental Quality Company, for treatment or disposal in two shipments; one shipment of approximately 4,000 pounds in May 2005, and another shipment of approximately 6,000 pounds in August 2005.
 45. During calendar year 2005, Respondent Star Acquisition generated more than 100 kilograms of hazardous waste per month .
 46. During calendar year 2005, Respondent Star Acquisition generated less than 1,000 kilograms of hazardous waste per month.
 47. Respondent Star Acquisition currently generates more than 100 kilograms of hazardous waste per month.
 48. Respondent Star Acquisition currently generates less than 1,000 kilograms of hazardous waste per month.
 49. Respondent Star Acquisition is, and was at all times relevant to this Complaint, a "small quantity generator" of hazardous wastes within the meaning of 35 IAC 720.110 and 35 IAC 722.134 [40 C.F.R. § 260.10 and 40 C.F.R. § 262.34].
 50. As a small quantity generator of hazardous wastes, Respondent Star Acquisition is, and

was at all times relevant to this Complaint, subject to, *inter alia*, the requirements set forth in 35 IAC 722.134 [40 C.F.R. § 262.34]; 35 IAC 725.273 [40 C.F.R. 265.173]; 35 IAC 702.120, 35 IAC 702.123 and 35 IAC 703.150(a) [40 C.F.R. § 270.10(a) and (e)]; 35 IAC 728.107(a)(8) [40 C.F.R. § 268.7(a)(8)]; and 35 IAC 722.142 [40 C.F.R. § 262.42].

IV. COMPLAINANT'S SPECIFIC ALLEGATIONS

51. On November 28, 2005, U.S. EPA Inspector conducted an inspection at the Star Acquisition facility. This inspection was a follow-up to an earlier inspection of the facility conducted on January 31, 2005, while the facility was owned by Star Electronics, Inc.
52. During the November 28, 2005, inspection, U.S. EPA observed that Star Acquisition was storing F006 listed hazardous waste sludge in poly-resin totes lined with plastic, as was found at the time of the January 31, 2005 inspection.
53. During the November 28, 2005, inspection, three totes were containing F006 listed hazardous waste, which were open.
54. During the November 28, 2005, inspection, one tote was containing F006 listed hazardous waste that was not labeled as "hazardous waste" or with other words identifying the contents.
55. At the time of the November 28, 2005, inspection, no employees were in the vicinity of the three totes described in paragraphs 53-54, above.
56. During the November 28, 2005, inspection, the label had fallen off from one of the totes.

Failure to Keep Containers Holding Hazardous Waste Closed During Storage

57. Under 35 IAC 722.134(d) and (e) [40 C.F.R. § 262.34(d) and (e)], a generator of hazardous waste that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal, may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with, *inter alia*, the requirements of Subpart I of 35 IAC 725 (except 35 IAC 725.276 and 725.278) [40 C.F.R. Part 265, Subpart I].
58. Under 35 IAC Part 725, Subpart I, § 725.273(a) [40 C.F.R. § 265.173(a)], a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
59. At the time of the November 28, 2005, inspection of the Star Acquisition facility, each of the three totes described in paragraphs 53-54, above, was a "container" within the meaning of 35 IAC §§ 721.110 and 725.273(a) [40 C.F.R. § 260.10 and 40 C.F.R. § 265.173(a)].
60. At the time of the November 28, 2005, inspection of the Star Acquisition facility, the F006 sludge contained in each of the three totes described in paragraphs 53-54, above, constituted "hazardous waste" within the meaning of 35 IAC 721.103 and 35 IAC 721, Subpart C [40 C.F.R. § 261.3 and 40 C.F.R. Part 261, Subpart C].
61. At the time of the November 28, 2005, inspection of the Star Acquisition facility, each of the three totes described in paragraphs 53-54, above, was in storage.
62. At the time of the November 28, 2005, inspection, each of the three totes of F006 listed

- hazardous waste sludge described in paragraphs 53-54, above, was not closed during storage, as required under 35 IAC 725.273(a) [40 C.F.R. § 265.173(a)].
63. By failing to keep each of the totes described above closed, in non-compliance with the requirements of 35 IAC 725.273(a) [40 C.F.R. § 265.173(a)], Respondent failed to comply with the conditions for a permit exemption set forth in 35 IAC 722.134(d) and (e) [40 C.F.R. § 262.34(d) and (e)].
 64. As a consequence of Respondent's failure to comply with the conditions for a permit exemption set forth in 35 IAC 722.134(d) and (e) [40 C.F.R. § 262.34(d) and (e)], Respondent was required to obtain a permit for the treatment, storage or disposal of hazardous waste or have interim status under Section 3005 of RCRA, 42 U.S.C. § 6925.
 65. At the time of the November 28, 2005, inspection of the Star Acquisition facility, Respondent did not have interim status under Section 3005 of RCRA, 42 U.S.C. § 6925.
 66. Respondent does not currently have interim status under Section 3005 of RCRA, 42 U.S.C. § 6925
 67. Respondent has never had interim status under Section 3005 of RCRA, 42 U.S.C. § 6925.
 68. Respondent has never applied for a permit for the treatment, storage or disposal of hazardous waste under Section 3005 of RCRA, 42 U.S.C. § 6925.
 69. Respondent has never obtained a permit for the treatment, storage or disposal of hazardous waste under Section 3005 of RCRA, 42 U.S.C. § 6925.
 70. Therefore, Respondent stored or disposed of hazardous waste at the Star Acquisition facility without a permit or interim status, in violation of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a)&(e), and the regulations at 35 IAC § 702.120, 702.123 and 703.150(a) [40 C.F.R. § 270.10].

71. Respondent's violations of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a)&(e), and the regulations at § 702.120, 702.123 and 703.150(a) [40 C.F.R. § 270.10] subject Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

V. TERMS OF SETTLEMENT

72. Complainant and Respondent have agreed that this matter should be settled without resorting to a hearing or further proceedings, upon the terms set forth in this CAFO.
73. This CAFO shall apply to and be binding upon Respondent, its officers, directors, servants, employees, agents, successors and assigns, including, but not limited to, subsequent purchasers.
74. For purposes of this proceeding, Respondent admits the jurisdictional allegations of this CAFO. Respondent stipulates that U.S. EPA has jurisdiction over the subject matter alleged in this CAFO, and that the CAFO states a claim upon which relief can be granted. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations set forth above, consents to the terms of this CAFO.
75. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in this CAFO.
76. Under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the Administrator of U.S. EPA must consider "the seriousness of the violation and any good faith efforts to comply with applicable requirements" in assessing a civil penalty. In enforcement actions brought under RCRA, proposed penalties are determined by reference to U.S. EPA's

2003 RCRA Civil Penalty Policy. This policy provides a consistent method of applying the statutory penalty factors to the specific facts of a case.

77. Complainant has determined an appropriate civil penalty in accordance with Section 3008 of RCRA, 42 U.S.C. § 6928, after considering the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy.

Penalty To Be Paid in Settlement.

78. Respondent agrees to pay a civil penalty of **one thousand two hundred eighty nine dollars (\$1,289)** to resolve the claims of this CAFO.
79. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in paragraph 78, above.
80. Respondent shall pay the civil penalty described in paragraph 78, above, within thirty (30) days of the date this CAFO is filed with the Regional Hearing Clerk, Region 5, U.S. EPA. Interest shall accrue on any portion of the \$1,289 civil penalty which remains unpaid as of the date thirty (30) days after the date this CAFO is filed with the Regional Hearing Clerk, Region 5, U.S. EPA, as provided in paragraph 81, below.
81. Payment shall be made by cashier's or certified check, paid to the order of the "Treasurer, United States of America," and sent to:

Region 5
U.S. Environmental Protection Agency
P.O. Box 371531
Pittsburgh, PA 15251-7531

Respondent shall provide a copy of the check to:

Regional Hearing Clerk
Mail Code R-19J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Jamie L. Paulin
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
Mail Code DE-9J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

and

James J. Cha
Associate Regional Counsel
Office of Regional Counsel
Mail Code C-14J
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Respondent shall designate on the face of each check the name and docket number of this action. Interest shall accrue on any portion of the **one thousand two hundred eighty nine dollars (\$1,289)** civil penalty which remains unpaid as of the date thirty (30) days after the date this CAFO is filed with the Regional Hearing Clerk, Region 5, U.S. EPA, at the prevailing United States Treasury tax and loan rate, in accordance with 4 C.F.R. § 102.13(c).

82. The penalty specified in Paragraph 78, above, shall represent civil penalties assessed by the U.S. EPA and shall **not** be deductible for purposes of federal taxes.
83. Nothing in this agreement shall be construed as prohibiting, altering or in any way

limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law.

84. Pursuant to 31 U.S.C. § 3717, the U.S. EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. 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). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of five (5) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 4 C.F.R. §§ 102.13(d) and (e).

85. Respondent certifies that, to the best of its knowledge and belief, it is in compliance with the requirements of RCRA, 42 U.S.C. §§ 6901 *et seq.* Respondent understands that these requirements include, but are not limited to, the following:

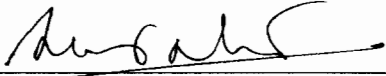
- a. A generator of hazardous waste may not treat, store, or dispose of hazardous waste at its facility without either complying with applicable provisions of 35 IAC 722.134(d) and (e) [40 C.F.R. § 262.34(d) and (e)], or obtaining interim status, or obtaining a RCRA permit, except as otherwise provided for in applicable regulations.
- b. All containers in which hazardous wastes are stored must be closed during storage

(except when it is necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with, *inter alia*, the requirements of Subpart I of 35 IAC 725 (except 35 IAC 725.276 and 725.278) [40 C.F.R. Part 265, Subpart I]; 35 IAC 725.273(a); [40 C.F.R. § 265.173(a)].

86. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.
87. This CAFO constitutes a settlement by Complainant of all claims for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the U.S. EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of U.S. EPA to issue such orders or to seek such injunctive relief as U.S. EPA deems necessary to protect human health or the environment, nor shall anything in this CAFO be construed as prohibiting, altering or in any way limiting the ability of U.S. EPA to take appropriate actions to address conditions that may present an imminent and substantial endangerment to human health or the environment. Nothing in this CAFO is intended to operate in any way to resolve any criminal liability of the Respondent, nor shall anything in this CAFO be construed to operate in any way to resolve any criminal liability of the Respondent.
88. The effective date of this CAFO shall be the date on which this CAFO is filed with the Regional Hearing Clerk, Region 5, U.S. EPA.

89. This CAFO shall terminate thirty (30) days after Respondent's compliance with all of the terms and conditions set forth herein.
90. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.
91. Each party shall bear its own costs and attorney's fees in connection with the action resolved by this CAFO.
92. This CAFO constitutes the entire agreement between the parties.
93. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.
94. This CAFO constitutes a Final Order pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
95. Each undersigned representative of a Party to this Consent Agreement and Final Order, consisting of nineteen (19) pages, certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such Party to this document.

Agreed to this 15th day of Feb, 2007.

By: 
Subhash Patel, President
Star Acquisition, Inc.
Respondent

RCRA-05-2007-0005

NO. 11-01-2007-0005
RCRA-05-2007-0005
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Agreed to this 5th day of March, 2007.

By: Joseph M. Boyle
Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. Environmental Protection Agency, Region 5
Complainant

**Consent Agreement and Final Order
In the Matter of Star Acquisition, Inc.
Docket No. RCRA-05-2007-0005**

VI. ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with all of the terms and conditions of the Consent Agreement, effective immediately.

By: Margaret M. Guiererro
Margaret M. Guiererro, Director
Waste, Pesticides and Toxics Division
U.S. Environmental Protection Agency, Region 5

NO - 11 11 27 11 11 11
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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.

CASE NAME: Star Acquisition, Inc.
DOCKET NO: RCRA-05-2007-0005

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 V, 77 W. Jackson Boulevard, Chicago, IL 60604-3590.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

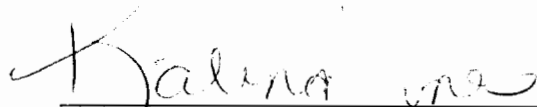
Subhash Patel, President
Star Acquisition, Inc.
825 Pratt Boulevard
Elk Grove Village, IL 60007-5116

Certified Mail Receipt # **7001 0320 0006 1448 2031**

And Via 1st Class Mail to:

Todd Marvel
Bureau of Land
Illinois Environmental Protection Agency
1021 North Central Avenue East
Springfield, IL 62702-3998

Dated: March 7, 2007



Katrina Jones, Administrative Program Asst.
United States Environmental Protection Agency, Region V
Waste, Pesticides and Toxics Division
77 W. Jackson Blvd., DE-9J
Chicago, IL 60604-3590
(312) 353-5882

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REGIONAL CLERK