UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

In Re:	)	
	)	
American Plating Service, Inc.	)	
4004 East Monument Street	)	**Docket No. RCRA-03-2013-0196**
Baltimore, Maryland 21205	)	
	)	
and	)	
	)	
Monument Street Properties, L.L.C.	)	
4000 East Monument Street	)	
Baltimore, Maryland 21205,	)	
	)	
RESPONDENTS.	)	**Proceeding Under Section**
	)	**3008(a) and (g) of the**
American Plating Service, Inc.	)	**Resource Conservation and**
4004 East Monument Street	)	**Recovery Act, as amended,**
Baltimore, Maryland 21205	)	**42 U.S.C. § 6928(a) and (g)**
EPA Facility I.D. # MDD054909072,	)	
	)	
FACILITY.	)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and American Plating Service, Inc. and Monument Street Properties, L.L.C. (collectively, "Respondents"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and

(3). Pursuant thereto, this Consent Agreement ("CA") and the accompanying Final Order ("FO", collectively referred to herein as the "CAFO") simultaneously commences and concludes this administrative proceeding against Respondents.

3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Maryland has been granted final authorization to administer its hazardous waste management program, set forth at the Code of Maryland Regulations ("COMAR"), Title 10, Subtitle 51 *et seq.*, *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The State of Maryland Hazardous Waste Management Regulations ("MdHWMR") originally were authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13, were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised federally-authorized program have thereby become requirements of RCRA Subtitle C are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. The factual allegations and legal conclusions in this CA are based on provisions of the federally-authorized MdHWMR in effect at the time of the violations alleged herein.

5. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA. Respondents are hereby notified of EPA's determination that Respondents have violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized MdHWMR requirements, at their facility located at 4004 East Monument Street, Baltimore, Maryland 21205, EPA Facility I.D. # MDD054909072 (the "Facility").

6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letters dated April 8, 2010 and August 6, 2013, EPA notified the State of Maryland (hereinafter, the "State"), through the Hazardous Waste Program Administrator of the Maryland Department of the Environment ("MDE"), of EPA's intent to commence this administrative action against Respondents in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. Respondents admit the jurisdictional allegations set forth in this CAFO.

8. Respondents neither admit nor deny the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, immediately above, of this CA.

9. Respondents agree not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.

10. For the purposes of this proceeding only, Respondents hereby expressly waive their right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.

11. Respondents consent to the issuance of this CAFO and agree to comply with its terms and conditions.

12. Respondents shall bear their own costs and attorneys' fees.

13. The provisions of this CAFO shall be binding upon Complainant and upon Respondents, their officers, directors, employees, successors and assigns.

14. This CAFO shall not relieve Respondents of their 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; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:

15. American Plating Service, Inc. (hereinafter "APS" or "Respondent APS") is a corporation organized under the laws of the State of Maryland which does business in the State of Maryland and is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. Section 6903(15) and COMAR 26.13.01.03B(61).

16. Monument Street Properties, L.L.C. (hereinafter "MSP" or "Respondent MSP") is a limited liability corporation, organized under the laws of the State of Maryland and is a "person" as defined by RCRA Section 1004(15), 42 U.S.C. Section 6903(15) and COMAR 26.13.01.03B(61).

17. Respondent MSP purchased the Facility on or about October 2, 2000 and has been the "owner" of the Facility, as defined by COMAR 26.13.01.03.B (59), from October, 2000 through the period of the violations alleged herein.

18. Respondent APS has operated the Facility from on or about late 2003 through the present date and, at all times relevant to the allegations in this CAFO, was and is the "operator" of the Facility, as that term is defined in COMAR 26.13.01.03 (58).

19. At the Facility, the Respondents engage in commercial metal plating and finishing activities.

20. As described below and at all times relevant to the allegations set forth in this CAFO, each of the Respondents has been a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in COMAR 26.13.01.03.B(29), (73) and (31), and has engaged in the "storage" of "solid waste" and "hazardous waste" at the Facility, as those terms are defined in COMAR 26.13.01.03.B(76), (73) and (31).

21. The Facility is, and at all times herein relevant has been, a hazardous waste storage "facility" as that term is defined in COMAR 26.13.01.03(23).

22. As described below, each Respondent is and, at all times relevant to the allegations in this CAFO has been, a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in COMAR 26.13.01.03(29), (73) and (31).

23. At all times relevant to the allegations in this CAFO, and as described below, Respondents have engaged in the "storage" of solid waste and hazardous waste in "container[s]" at the Facility, as the terms "storage" and "container" are defined in COMAR 26.13.01.03(76) and (9).

24. Respondents submitted to EPA a Notification of Hazardous Waste Activity ("Notification"), pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, for its operations at the Facility, which includes operation as a large quantity generator of hazardous waste.

25. Duly authorized representatives of EPA (the "EPA Inspectors") performed a compliance evaluation inspection ("CEI") at the Facility, and conducted file reviews of certain Facility records, on August 4, 2009 and again on February 9, 2011in order to assess Respondents' compliance with federally-authorized MdHWMR requirements at the Facility.

26. On January 23, 2012, EPA sent a Notice of Noncompliance and Request to Show Cause letter ("NON") to the Facility advising Respondent APS of EPA's preliminary findings of MdHWMR violations at the Facility and offering Respondents an opportunity to provide such additional information as they believed the Agency should review and consider before reaching any final conclusions as to the Respondents' MdHWMR compliance at the Facility.

27. In response to the NON, Respondent APS provided EPA with supplemental information in May, 2012.

28. On the basis of the Facility CEIs, file reviews, Respondent APS' responses to EPA information request letters and supplemental information provided by Respondent APS in response to the NON, EPA concludes that Respondents have violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized MdHWMR requirements promulgated thereunder.

Permit/Interim Status Requirements

29. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01, with exceptions not relevant to this matter, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.

30. At no time did either Respondent have a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or COMAR 26.13.07.01, for the storage of hazardous waste at the Facility.

31. At no time did either Respondent have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or COMAR 26.13.07.23.

Permit Exemption Conditions - Accumulation Time Requirements

32. COMAR 26.13.03.05E(1) provides, in relevant part, that a generator may accumulate hazardous waste on-site in containers or in tanks without a permit or without having interim status, for 90 days or less, so long as the hazardous waste is accumulated in accordance with a number of conditions set forth in that section, including, *inter alia*:

    a. the condition set forth at COMAR 26.13.03.05E(1)(a), which requires that "[t]he waste [be] shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility";

    b. the condition set forth at COMAR 26.13.03.05E(1)(d), which requires that waste in containers must be accumulated in accordance with COMAR 26.13.05.09, which provides, in relevant part and at COMAR 26.13.05.09D, that "[a] container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in any manner which may rupture the container or cause it to leak";

    c. the condition set forth at COMAR 26.13.03.05E(1)(e), which requires that "[t]he date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container";

    d. the condition set forth at COMAR 26.13.03.05E(1)(f)(ii), which requires that each container be "[l]abeled or marked clearly with the words 'Hazardous Waste,' while being accumulated on site";

    e. the condition set forth at COMAR 26.13.03.05E(1)(g), which requires, in relevant and applicable part, that "[t]he generator complies with the requirements for owners and operators in COMAR 26.13.05.02G . . .", pertaining to "Personnel Training"; and

    f. the condition set forth at COMAR 26.13.03.05E(3), pursuant to which "[a] generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely

hazardous waste listed in COMAR 26.13.02.19E in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with §E(1) provided the generator: (a) Complies with COMAR 26.13.05.09B – D; and (b) Marks his containers either with the words 'Hazardous Waste' or with other words that identify the contents of the containers."

COUNT I
(*Operating Without a Permit or Interim Status*)

33. The allegations of Paragraphs 1 through 32 of this CA are incorporated herein by reference.

34. As described immediately below, Respondents stored the following containers of hazardous waste at an area near the Old Zinc Plating Line at the Facility for time periods in excess of the ninety day storage limitation set forth at COMAR 26.13.03.05E(1):

    a. Respondents stored greater than 55 gallons of D003/F008 hazardous waste cyanide-containing spent zinc plating bath solution with an accumulation start date of January 15, 2009 in a large, open, 2,400 gallon fiberglass reinforced plastic ("FRP") container that was labeled "Satellite Station #1 – Cyanide Carbonate Removal Tank" from January 15, 2009 through November 20, 2009;

    b. Respondents stored D006/F006 hazardous waste with an accumulation start date of January 17, 2009 in an open blue-plastic 55-gallon drum container labeled "Non-Hazardous – Barrel Tank Bottom Sludge" from January 17, 2009 through December 22, 2009; and

    c. Respondents stored D006/F006 hazardous waste with an accumulation start date of January 17, 2009 in two open black steel 55-gallon drum containers labeled "Non-Hazardous – Barrel Tank Bottom" from January 17, 2009 through December 22, 2009.

35. At the time of the August 4, 2009 CEI, the four (4) containers of hazardous waste previously identified and described in paragraphs 34.a through 34.c, immediately above, were not kept closed by the Respondents during storage at a time when it was neither necessary to add or remove waste from any of the containers, in contravention of the satellite accumulation provision set forth at COMAR 26.13.03.05E(3) and the permit exemption condition set forth at COMAR 26.13.03.05E(1)(d).

36. At the time of the August 4, 2009 CEI, the Respondents were storing hazardous waste in each of the following containers that were not marked with the date upon which each period of hazardous waste accumulation began, in contravention of the permit exemption condition set forth at COMAR 26.13.03.05E(1)(e):

a. two (2) 55-gallon plastic drums (one blue drum and one black drum) containing F006 hazardous waste were being stored next to a tank labeled "AN #15 – Anodize Solution" that was near the Facility's iridite and anodizing lines; and

b. the FRP Container of D003/F008 hazardous waste, previously identified and described in paragraph 34.a, above.

37. At the time of the August 4, 2009 CEI, Respondents failed to label or otherwise mark the following containers of hazardous waste with the Words "Hazardous Waste" while being accumulated on-site at the Facility, in contravention of the permit exemption condition set forth at COMAR 26.13.03.05E(1)(f)(ii):

a. a metal hopper containing F006 (filter cake) hazardous waste sludge located under a filter press near the Facility's Wastewater Treatment System;

b. the FRP Container of D003/F008 hazardous waste located near the Facility's Old Zinc Plating Line, initially identified and described in paragraph 34.a, above;

c. the blue plastic 55-gallon drum container of D006/F006 hazardous waste located next to the Old Zinc Plating Line at the Facility, initially identified and described in paragraph 34.b, above;

d. the two (2) black steel 55-gallon drum containers of D006/F006 hazardous waste located next to the Old Zinc Plating line at the Facility, initially identified and described in paragraph 34.c, above; and

e. the two (2) 55-gallon plastic drums (one blue drum and one black drum) of F006 hazardous waste located next to a tank labeled "AN #15 – Anodize Solution," as initially identified and described in paragraph 36.a, above.

38. The permit exemption conditions of COMAR 26.13.03.05E(1)(g) incorporate owner and operator compliance requirements which are set forth in COMAR 26.13.05.02G, entitled "Personnel Training," and which provide, in relevant and applicable part, as follows:

(1) Program of Instruction or Training.

(a) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter [and that t]he owner or operator shall ensure that this program includes all the elements described in the document required under [COMAR 26.13.05.02] § G(4)(c) . . . .

(b) This program shall . . . include instruction which teaches facility personnel hazardous waste management procedures . . . relevant to the positions in which they are employed.

(c) At a minimum the training shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems . . . .

(2) Facility personnel shall successfully complete the program required in [COMAR 26.13.05.02] § G(1), above, within 6 months after the effective date of these regulations or 6 months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later . . . .

(3) Facility personnel shall take part in an annual review of the initial training required in [COMAR 26.13.05.02] § G(1), above.

(4) The owner or operator shall maintain the following documents and records at the facility:

(a) The job title for each position at the facility related to hazardous waste management, and the name of each employee filling each job.

(b) A written job description for each position listed under [COMAR 26.13.05.02] § G(4)(a), above . . . .

(c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under [COMAR 26.13.05.02] § G(4)(a), above.

(d) Records that document that the training or job experience required under [COMAR 26.13.05.02] § G(1), (2), and (3) has been given to, and completed by, facility personnel.

(5) Training records on current personnel shall be kept until closure of the facility. . . .

39. In a March 26, 2010 response to a February 3, 2010 EPA information request letter ("IRL"), Respondent APS identified six (6) Facility employees as responsible for the management of hazardous waste at the Facility during calendar years 2006, 2007, 2008 and 2009. However, the Respondents were unable to provide EPA with any records indicating that four (4) of these identified employees had ever received timely initial and/or annual waste training in the hazardous waste management procedures relevant to their positions during those calendar years.

40. In a subsequent June 23, 2010 IRL response letter, Respondent APS further explained to EPA that: "[t]he facility does not have a documented job titles [sic] and written job description for employees . . . for the period 2006 to present"; Respondents had timely provided initial hazardous waste training to two (2) of the six (6) identified employees on December 9, 2003; "the Facility does not have a [sic] hazardous waste training records for . . . employees" and that the Facility did not maintain documentation specifying the

type and amount of introductory or continuing training required for each person filling a hazardous waste management position at the Facility from January 1, 2006 to the date of Respondent APS' June 23, 2010 IRL response letter.

41. Respondents were in contravention of the permit exemption conditions set forth at COMAR 26.13.03.05E(1)(g) as a result of their failure to comply with applicable personnel training requirements of COMAR 26.13.05.02G through their failure to:

    a. provide initial hazardous waste training, within the prescribed time period, to four (4) employees who managed hazardous waste at the Facility during the 2008, and 2009 calendar years, as required pursuant to COMAR 26.13.03.05..02G(1) and (2);

    b. ensure that four (4) employees who managed hazardous waste at the Facility during the 2008 and 2009 calendar years took part in an annual review of the hazardous waste training required pursuant to COMAR 26.13.03.05..02G(1) during each of those years, as required pursuant to COMAR 26.13.03.05.02G(3);

    c. maintain the following documents and records at the Facility at the time of the August 24, 2009 CEI, as required pursuant to COMAR 26.13.03.05..02G(4): (i) the job title for each position at the Facility related to hazardous waste management, and the name of each employee filling each job; (ii) a written job description for each position at the Facility related to hazardous waste management; (iii) a written description of the type and amount of introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and (iv) records documenting that the training or job experience required under COMAR 26.13.05.02 G(1), (2), and (3) had been given to, and completed by, Facility personnel; and

    d. keep training records on current Facility personnel, as required pursuant to COMAR 26.13.03.05.02G(5).

42. For the reasons and during each of the dates and time periods identified in Paragraphs 34 through 41, above, Respondents failed to comply with the permit exemption conditions, identified in Paragraph 32, above, for temporary *(i.e.*, 90 days or less) or satellite accumulation of hazardous waste by a generator at the Facility, as required pursuant to COMAR 26.13.03.05E(1) and (3), and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.

43. For each of the reasons and during each of the dates and time periods identified in Paragraphs 34 through 41, above, Respondents engaged in the operation of a hazardous waste storage facility (*i.e.*, the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, or COMAR 26.13.07.

44. Respondents violated COMAR 26.13.07.01 and Section 3005(a) of RCRA, 42 U.S.C. §

6925(a), by operating a hazardous waste storage facility (*i.e.*, the Facility) without a permit, interim status or valid exemption to the permitting/interim status requirements.

COUNT II
(*Failure to Make Required Hazardous Waste Determinations*)

45. The allegations of Paragraphs 1 through 44 of this CA are incorporated herein by reference.

46. COMAR 26.13.03.02A provides that "[a] person who generates a solid waste, as defined in COMAR 26.13.02.02, shall determine if that waste is a hazardous waste using the following method: (1) The person should first determine if the waste is excluded from regulation under COMAR 26.13.02.04 – .04.5; (2) The person shall then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15 – .19 [ ]; (3) If the waste is not listed as a hazardous waste in COMAR 26.13.02.15 – .19, the person shall determine whether the waste is identified by either: (a) Testing the waste according to the methods set forth in COMAR 26.13.02.10 – .14, or, according to an equivalent method approved by the Secretary [of MDE] under COMAR 26.13.01.04B; or (b) Applying knowledge of the hazardous characteristic of the waste in light of the materials or processed used."

47. COMAR 26.13.03.02B additionally requires that "[i]f the person determines that the waste is a hazardous waste, the person shall refer to COMAR 26.13.02, 20.13.05, 26.13.06, and 26.13.10 for possible exclusions or restrictions pertaining to management of the specific waste."

48. Based upon information gathered and observations made by the EPA Inspectors during the course of the August 4, 2009 CEI conducted at the Facility and upon additional information submitted to EPA by Respondent APS in a March 12, 2010 IRL response letter and a March 26, 2010 IRL response letter update, Respondents failed to make required hazardous waste determinations for:

    a. a D001/D035/F005 Masking Room Waste Stream (consisting of waste brushes, cotton swabs, rags, Q-tips with MEK, papers and empty cans contaminated with MEK) generated at the Facility from at least October 1, 2008 until March, 2010, which were solid and hazardous wastes pursuant to COMAR 26.13.02.11, .14 and .15;

    b. a Spent Universal Waste Lamp Waste Stream generated at the Facility from at least August 24, 2009 through March 26, 2010, which were solid wastes and may have been characteristic hazardous wastes, having the potential to exhibit the characteristic of toxicity for lead and/or mercury (D008 and/or D009), pursuant to COMAR 26.13.02.14; and

    c. Spent Aerosol Can Waste Streams generated at the Facility from at least August 24, 2009 through March 26, 2010, which were solid wastes and may have been characteristic hazardous wastes, having the potential to exhibit the characteristics

of ignitability and/or reactivity (D001 and/or D003), pursuant to COMAR 26.13.02.11 and/or 13.

49. Respondents violated the requirements of COMAR 26.13.03.02A by failing to make required hazardous waste determinations for the D001/D035/F005 Masking Room Waste Stream, the Spent Universal Waste Lamp Waste Stream and for Spent Aerosol Can Waste Streams generated at the Facility during the respective time periods identified and described in paragraph 48.a - .c, immediately above.

COUNT III
(*Preparedness and Prevention Failure*)

50. The allegations of Paragraphs 1 through 49 of this CA are incorporated herein by reference.

51. The preparedness and prevention provisions of COMAR 26.13.05.03B, pertaining to "Design and Operation of Facility" and applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities, provide that "Facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment."

52. On August 24, 2009 and on February 9, 2011, the EPA Inspectors observed that the Facility had been designed and constructed, and was on each of those referenced occasions being operated by Facility personnel, in a manner in which F006 hazardous waste sludge was allowed to: overflow the Facility's sludge thickening tank and sludge filter press accumulation hopper; fall onto the floor of the Facility; be washed or swept into an open trough located proximate to employee work areas that was constructed of materials not demonstrated to be impervious to leaks and upon which only limited maintenance had been undertaken over many years; and to be stored in such trough for undocumented periods of time.

53. On February 9, 2011, the EPA Inspectors also observed an open, 30-gallon container dated November 26, 2010 and labeled with the words "Hazardous Waste" and "sludge from trough" at the Facility which confirmed that, after initial placement, accumulation and storage in the trough at the Facility, it was the subsequent practice of Facility personnel to remove, containerize and ship the overflow F006 hazardous waste sludge (from the Facility's sludge thickening tank and sludge filter press accumulation hopper) off-site for disposal.

54. Respondents violated the preparedness and prevention provisions of COMAR 26.13.05.03B, pertaining to "Design and Operation of Facility," through their failure to design, construct, maintain, and operate the Facility in a manner that properly minimized the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human

health or the environment.

COUNT IV
(*Improper Container Management*)

55. The allegations of Paragraphs 1 through 54 of this CA are incorporated herein by reference.

56. The provisions of COMAR 26.13.05.09.D, pertaining to the "Management of Containers" require that "[a] container holding hazardous waste shall always be kept closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in any manner which may rupture the container or cause it to leak."

57. At the time of the August 4, 2009 CEI, each of the four (4) containers of hazardous waste, previously identified, described and listed in paragraph 34.a - .c, above, were being stored on-site at the Facility and were not kept closed during storage at a time when it was not necessary to add or remove waste.

58. Respondents violated the requirements of COMAR 26.13.05.09.D by failing to keep four (4) containers of hazardous waste closed during storage at times when it was not necessary to add or remove waste.

COUNT V
(*Failure to Comply with Personnel Training Requirements*)

59. The allegations of Paragraphs 1 through 58 of this CA are incorporated herein by reference.

60. The requirements and provisions of COMAR 26.13.05.02.G(1) through (3), pertaining to the "Personnel Training" requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, are set forth, in relevant and applicable part, in paragraph 38, above.

61. Based upon information gathered by EPA during and subsequent to the August 4, 2009 CEI, including information contained in Respondent APS' March 26, 2010 IRL response update and its subsequent June 23, 2010 IRL response letter, and for the reasons set forth previously in paragraphs 39 and 40, above, Respondents violated the requirements of COMAR 26.13.03.05.02G(1) through (3) by:

    a. failing to provide initial hazardous waste training, within the prescribed time period, to four (4) employees who managed hazardous waste at the Facility during the 2008 and 2009 calendar years, as required pursuant to COMAR 26.13.03.05.02G(1) and (2); and

b. failing to ensure that four (4) employees who managed hazardous waste at the Facility during the 2008 and 2009 calendar years took part in an annual review of the hazardous waste training required pursuant to COMAR 26.13.03.05..02G(1) during each of those years, as required pursuant to COMAR 26.13.03.05.02G(3).

COUNT VI
(*Failure to Comply with Personnel Recordkeeping Requirements*)

62. The allegations of Paragraphs 1 through 61 of this CA are incorporated herein by reference.

63. The personnel recordkeeping requirements and provisions of COMAR 26.13.05.02.G(4) and (5), applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, also are set forth, in relevant and applicable part, in paragraph 38, above.

64. Based upon information gathered by EPA during and subsequent to the August 4, 2009 CEI, including information in Respondent APS' March 26, 2010 IRL response update and its subsequent June 23, 2010 IRL response letter, and for the reasons set forth previously in paragraphs 39 and 40, above, Respondents violated the requirements of COMAR 26.13.03.05.02G(4) and (5) by:

a. failing to maintain at the Facility at the time of the August 24, 2009 CEI: (i) the job title for each position at the facility related to hazardous waste management, and the name of each employee filling each job; (ii) a written job description for each position at the Facility related to hazardous waste management; (iii) a written description of the type and amount of introductory and continuing training that will be given to each person filling a position at the Facility related to hazardous waste management; and (iv) records documenting that the training or job experience required under COMAR 26.13.05.02 G(1), (2), and (3) had been given to, and completed by, Facility personnel, as required pursuant to COMAR 26.13.03.05.02G(4); and

b. failing to keep, until Facility closure, training records on current Facility personnel, as required pursuant to COMAR 26.13.03.05.02G(5).

IV. COMPLIANCE ORDER

65. Respondents agree to, and shall, perform the following Compliance Tasks within the time periods specified:

a. Immediately (*i.e.,* upon the effective date of the Consent Agreement) cease the treatment, storage or disposal of hazardous wastes (in containers, in tanks or in any other unit or location) at the Facility except in accordance with a valid permit issued pursuant to COMAR 26.13.07 or a valid exemption or exclusion from the permitting/interim status requirements provided by such section. In keeping with

this Compliance Order provision, Respondents immediately (*i.e.,* upon the effective date of the Consent Agreement) shall:

i. cease treating any hazardous plating wastes (*i.e.* spent plating baths, spent plating sludge, etc.) at the Facility through the Facility's onsite wastewater treatment system;

ii begin and continue to make required hazardous waste determinations for all solid wastes generated at the Facility including, but not limited to, the Facility's Masking Room Waste Stream, Spent Universal Waste Lamp Waste Stream and all of the Facility's Spent Aerosol Can Waste Streams; and

iii. in the absence of a valid hazardous waste storage permit issued pursuant to COMAR 26.13.07 or a valid exemption or exclusion from the permitting/interim status requirements provided by such section, accumulate hazardous waste(s) at the Facility only in accordance with the accumulation time requirements and provisions of COMAR 26.13.03.05E.

b. Within thirty (30) calendar days after the effective date of this Consent Agreement, Respondents shall:

i. ***Certify to EPA***, in writing, that all hazardous wastes at the Facility are being treated and accumulated/stored in accordance with COMAR 26.13.07 or a valid exemption or exclusion from the permitting/interim status requirements of such section.

ii. ***Submit to EPA*** a written description of the measures being taken by Respondents to ensure that all containers in which hazardous wastes are accumulated at the Facility in the absence of a COMAR 26.13.07 hazardous waste storage permit or a valid permit exemption or exclusion are managed in accordance with the requirements of COMAR 26.13.05.09. Such description shall include, but shall not be limited to:

1. a written listing of: the type(s) of hazardous waste (by EPA Hazardous Waste Code(s)) accumulated at the Facility; the type of container(s) used to accumulate each hazardous waste; and the location(s) at the Facility where containerized accumulation of each hazardous waste takes place;

2. a written description of the measures that will be taken to ensure that hazardous wastes are not spilled or leaked from containers during the filling, emptying or transporting of any containers; and

3. a written description of the measures taken to ensure compliance, at the Facility, with:

(a) the hazardous waste container condition, waste compatibility and management requirements of COMAR 26.13.05.09;

(b) the hazardous waste container visible marking (*i.e.*, the date upon which each period of accumulation in the container begins) requirements of COMAR 26.13.03.05E(1)(e); and

(c) the "Hazardous Waste" container labeling requirements of COMAR 26.13.03.05E(1)(f)(ii).

c. Within thirty (30) calendar days after the effective date of this Consent Agreement, and to the extent that Respondents continue to generate and accumulate hazardous waste at the Facility in accordance with the requirements of COMAR 26.13.03.05E, Respondents shall:

i. Ensure that Facility personnel are provided with, and have successfully completed, a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the Facility's compliance with the requirements of COMAR 26.13.05.02G. In demonstration of such successful completion, Respondents shall ***submit to EPA***:

1. written documentation that clearly identifies each of the Facility employees and personnel who manage hazardous waste at the Facility by name, job title, job description (including hazardous waste activity), and amount and type of hazardous waste training required, in accord with the requirements and provisions of COMAR 26.13.05.02G(4)(a) – (c); and

2. copies of those records which document that the training or job experience required pursuant to COMAR 26.13.05.02G(1), (2) and (3) has been given to, and successfully completed by, each individual, identified in response to the preceding paragraph, who manages hazardous waste at the Facility.

ii. ***Submit to EPA*** a written description of those corrective measures taken and employed at the Facility to eliminate the source of all leaks/releases of hazardous wastes onto the concrete floor of the Facility from the Facility's plating areas (*i.e.,* plating tank overflow from the immediate vicinity of the zinc-cyanide and cadmium-cyanide plating tanks; overflow of untreated Iridite and Anodize Line plating process wastes), and from the overflow of hazardous wastewater and F006 hazardous waste sludge from the Facility's sludge tank overflow pipe, filter press, open floor trough and sump, in order to ensure that Facility preparedness and prevention measures are fully compliant with the incorporated Facility design and

operation requirements and provisions of COMAR 26.13.05.03B, which require, among other things, that facilities "shall be designed, constructed, maintained, and operated to minimize the possibility of . . . any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment."

66. EPA may review the content of each required Section IV ("Compliance Order") certification or submission and may notify the Respondents, through written correspondence, of any deficiency(ies) in any such required certification or submission. In the event that EPA notifies the Respondents of any deficiency(ies) in any required certification or submission, Respondents shall, within seven (7) calendar days of its receipt of any such notification, modify the deficient certification(s) and/or submission(s) to remedy the identified deficiency(ies), therein providing any additional information deemed necessary by EPA, and re-submit such modified required certification(s) and/or submission(s) to EPA.

67. Any notice, submission, certification, data presentation, or other document submitted by Respondents to EPA pursuant to this Section IV ("Compliance Order") which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondents' compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of each Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of each Respondent:

> I certify under penalty of law that this document and all attachments are true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

68. Any notice, submission, certification, data presentation, or other document submitted by Respondents to EPA pursuant to this Section IV ("Compliance Order") shall be sent to the attention of:

Andrew Ma (3WC70)
RCRA Enforcement and Compliance Officer
U.S. Environmental Protection Agency, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

and

A.J. D'Angelo (3RC30)
Sr. Asst. Regional Counsel
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

V. CIVIL PENALTY

69. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondents consent to the assessment of a civil penalty of FIVE THOUSAND DOLLARS ($5,000.00), which Respondents agree to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondents' receipt of a true and correct signed copy of this CAFO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CAFO, Respondents must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondents.

70. The Parties find and represent that the aforesaid settlement amount is reasonable and is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation,* pursuant to 40 C.F.R. Part 19, and the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*. The Parties further acknowledge and represent that the aforesaid settlement is based, in part, upon an analysis of Respondents' ability to pay a

civil penalty. This analysis was based upon the following information submitted to Complainant by Respondents:

a. American Plating Service, Inc.'s Federal Income Tax Returns for 2008, 2009 and 2010;

b. American Plating Service, Inc.'s internally prepared Balance Sheets from 2008 through 2011;

c. American Plating Service, Inc.'s internally prepared Profit & Loss Statements from January 2008 through April 2012;

d. American Plating Service, Inc.'s internally prepared Accounts Payable Aging Summary as of April 12, 2012;

e. American Plating Service, Inc.'s internally prepared Open Invoice List as of April 12, 2012;

f. American Plating Service, Inc.'s internally prepared Payroll Summary for President David J. Naumann, Sr. from January 2008 through May 24, 2012;

g. American Plating Service, Inc.'s internally prepared Employee Earnings Summary from January 2008 through May 24, 2012;

h. City of Baltimore, Department of Finance Tax Sale Notice (4000 – 4008 East Monument Street, Baltimore, Maryland);

i. Maryland Judiciary Judgment and Lien Report for American Plating Service, Inc.;

j. The "Financial Statement of Corporate Debtor" for American Plating Service, Inc., signed by David J. Naumann, Sr., President; and

k. a prior ability to pay analysis performed for EPA by Industrial Economics, Inc. which reported that: Monument Street Properties, LLC's sole asset is the property at 4000 – 4008 East Monument Street, Baltimore, Maryland; such asset is held in an irrevocable trust and cannot be leveraged to finance a penalty; no rent is collected from this property; and Monument Street Properties, LLC has no cash flow.

71. Complainant has relied upon the financial information provided by Respondents and identified in Paragraph 70, immediately above. Based upon an analysis of the same, and in consideration and application of a number of factors to the particular facts and circumstances of this case, including: the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), with specific

reference to EPA's October,1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"); the appropriate Adjustment of Civil Monetary Penalties for Inflation pursuant to 40 C.F.R. Part 19; and associated EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division implementation guidance, it is Complainant's conclusion that the Respondents have established that they are unable to pay a civil penalty in excess of the amount set forth in Paragraph 69, above, in settlement of the above-captioned action.

72. By their signatures below, Respondents' respective representatives each certify that the information submitted to EPA regarding Respondents' ability to pay and regarding any other matter at issue in this proceeding, is accurate and not misleading. Respondents and their officers, directors and principals are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondents to Complainant regarding Respondents' claim of inability to pay, or regarding any of other matter herein at issue, are false or, in any material respect, inaccurate.

73. The civil penalty of FIVE THOUSAND DOLLARS ($5,000.00), set forth in Paragraph 69, above, may be paid in three (3) installments with interest at the rate of one per cent (1%) per annum on the outstanding principal balance in accordance with the following schedule:

a. **1st Payment**: The first payment in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS ($1,500.00), consisting of a principal payment of $1,500.00 and an interest payment of $0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondents;

b. **2nd Payment**: The second payment in the amount of ONE THOUSAND FIVE HUNDRED EIGHT DOLLARS AND SEVENTY-FIVE CENTS ($1,508.75), consisting of a principal payment of $1,500.00 and an interest payment of $8.75, shall be paid within ninety (90) days of the date on which this CAFO is mailed or hand-delivered to Respondents; and

c. **3rd Payment**: The third payment in the amount of TWO THOUSAND FIVE DOLLARS ($2,005.00), consisting of a principal payment of $2,000.00 and an interest payment of $5.00, shall be paid within one hundred eighty (180) days of the date on which this CAFO is mailed or hand-delivered to Respondents.

Pursuant to the above schedule, Respondents will remit total principal payments for the civil penalty in the amount of FIVE THOUSAND DOLLARS ($5,000.00) and total interest payments in the amount of THIRTEEN DOLLARS AND SEVENTY-FIVE CENTS ($13.75).

74. If Respondents fail to make one of the installment payments in accordance with the schedule set forth in Paragraph 73, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondents shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondents shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 77, 78, 79 and 80 below, in the event of any such failure or default.

75. Respondents may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.

76. Respondents shall remit payment for the civil penalty set forth in Paragraph 69, above, and/or any administrative fees and late payment penalties due in accordance with Paragraphs 78, 79 and 80, below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:

a. All payments by Respondents shall reference Respondents' names, addresses and the Docket Number of this action (***Docket No. RCRA-03-2013-0196)***.

b. All checks shall be made payable to "**United States Treasury**".

c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Customer service contact: 513-487-2105

d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"**D 68010727 Environmental Protection Agency**"

g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No. 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/paygov/

Enter **sfo 1.1** in the search field. Open and complete the form.

i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

j. At the time of each payment, Respondents simultaneously shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

A.J. D'Angelo
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III (3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

77. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondents' failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

78. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondents. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

79. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

80. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

81. The Respondents agree not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

VI. CERTIFICATIONS

82. Respondents each certify to Complainant by their respective representatives' signatures hereto, to the best of their knowledge and belief, that Respondents and the Facility currently are in compliance with all relevant provisions of the federally-authorized MdHWMR, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this CA.

VII. OTHER APPLICABLE LAWS

83. Nothing in this CAFO shall relieve Respondents of any duties otherwise imposed upon them by applicable federal, state, or local law and/or regulation.

VIII. RESERVATION OF RIGHTS

84. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person(s), including the Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice.* Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

IX. FULL AND FINAL SATISFACTION

85. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this CA. Compliance with the requirements and provisions of this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and/or regulations administered by EPA.

X. PARTIES BOUND

86. This CA and the accompanying FO shall apply to and be binding upon the EPA, the Respondents, Respondents' officers and directors (in their official capacity) and Respondents' successors and assigns. By his or her signature below, the

person signing this CA on behalf of each Respondent acknowledges that he or she is fully authorized to enter into this CA and to bind such Respondent to the terms and conditions of this CA and the accompanying FO.

XI. EFFECTIVE DATE

87. The effective date of this CAFO is the date on which the FO is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XII. ENTIRE AGREEMENT

88. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent Monument Street Properties, L.L.C.:

Date: _____ By: _____

David J. Naumann, Sr.
Trustee of Monument Street Properties Trust, sole member of Monument Street Properties, LLC

For Respondent American Plating Service, Inc.:

Date: _____ By: _____

David J. Naumann, Sr.
President
American Plating Service, Inc.

For the Complainant: U.S. Environmental Protection Agency, Region III

Date: _____ By: _____
A.J. D'Angelo
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached FO.

Date: _____ By: _____
John A. Armstead, Director
Land and Chemicals Division