

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2014-0006
)	
Summit, Inc.)	Proceeding to Assess a Civil Penalty
Gary, Indiana)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
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Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a).

2. On March 17, 2014, U.S. EPA filed the Complaint in this action against Respondent Summit, Inc. The Complaint alleges that Respondent violated Sections 3002-3005, 3006 and 3014 of RCRA, 42 U.S.C. § 6922-6925, 6926 and 6935, at its facility in Gary, Indiana.

3. Respondent filed an Answer on April 17, 2014, and requested a hearing under Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.15.

Stipulations

4. Respondent withdrew its answer on March 8, 2016. Respondent admits the jurisdictional allegations in the Complaint and paragraphs 1 to 130 of the Complaint.

5. Respondent has stipulated to the authenticity and admissibility of Complainant's exhibits CXs 4, 4A, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 26, 27, 28, 30, 32, 44, 52, 53, 55 (pages 1573 through 1588), 56, 57, 58, 59, 61, 62, and 63.

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

7. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k and the applicable regulations.

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

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

Civil Penalty

Within 30 days after the effective date of this CAFO, Respondent must pay the \$263,375 civil penalty for the RCRA violations by sending a cashier's or certified check, payable to the

“Treasurer, United States of America,” to:

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

[for checks sent by express mail]

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

The check must state In the Matter of Summit, Inc. and the docket number of this CAFO.

10. A transmittal letter stating Respondent's name and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

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

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

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

12. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

13. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

Compliance Plan

14. Respondent shall develop and implement a Contingency Plan pursuant to 329 IAC 3.1-7-1 (40 CFR 262.34(a)(4), 265.51 and 265.53) and an Employee Training Plan that complies with 329 IAC 3.1-7-1 and 10-1 (40 CFR 262.34(a)(4), 265.16(a)-(c) and 265.16(d)(1),

268.7(a)(5)). The Plans shall address hazardous waste, used oil and universal wastes. The Respondent shall submit new versions of these Plans to EPA for review and approval within 30 days of the effective date of this CAFO. These plans shall identify all crushers that the Respondent owns or operates and their location (name of company, street address, city, state and zip code).

15. Respondent shall submit to EPA within 30 days of the effective date of this CAFO a list of all crushers that it owns or operates and their location at that time. It shall include the location the name and address of where the crusher is located. Respondent shall identify which if any of these crushers are leased. For non-leased crushers the Respondent shall maintain a daily log of the location of the crusher and the transporter of any waste streams generated from the operation of the crusher. The Respondent shall submit a quarterly report of these daily logs to EPA up until one year of the effective date of this CAFO.

16. The Respondent shall label all containers of hazardous waste, used oil and universal waste in accordance with 329 IAC 3.1-6-1 and 3.1-7-1, (40 CFR 262.34(a)(3) and (d)(3)) and 329 IAC 13-4-3(d) (40 CFR 279.22(c)(1)) and 329 IAC 3.1-16-1 (40 CFR 273.14(a) and 15(c)).

17. Respondent shall submit a Notification of Regulated Waste Activity, EPA SF 8700-12 (Notification), to EPA and IDEM within 15 days of the effective date of this CAFO. The Notification shall be complete. Respondent shall include in the Notification that it is a storage facility of hazardous waste and a large quantity generator.

18. Respondent shall submit to EPA and IDEM for review and approval a closure plan for areas A and B as marked on Exhibit 1. The Closure Plan shall comply with 329 IAC 3.1-11.1-7. Respondent shall implement the closure plan in accordance with the schedule and plan approved or modified by IDEM.

General Provisions

19. This CAFO resolves only Respondent's liability for federal civil penalties and injunctive relief for the violations alleged in the Complaint.

20. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

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

22. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

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

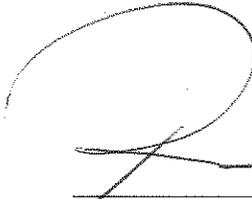
24. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

25. Each party agrees to bear its own costs and attorneys' fees in this action.

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

Summit, Inc., Respondent

3/8/16
Date



Peter Coulopoulos, General Manager
Summit, Inc.

United States Environmental Protection Agency, Complainant

3/08/2014

Date



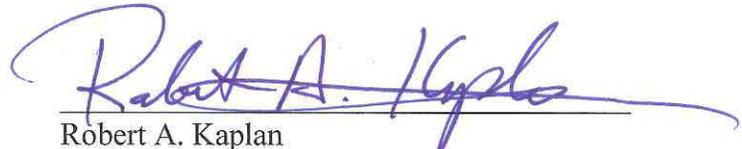
Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Summit, Inc.
Docket No. RCRA-05-2014-0006

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

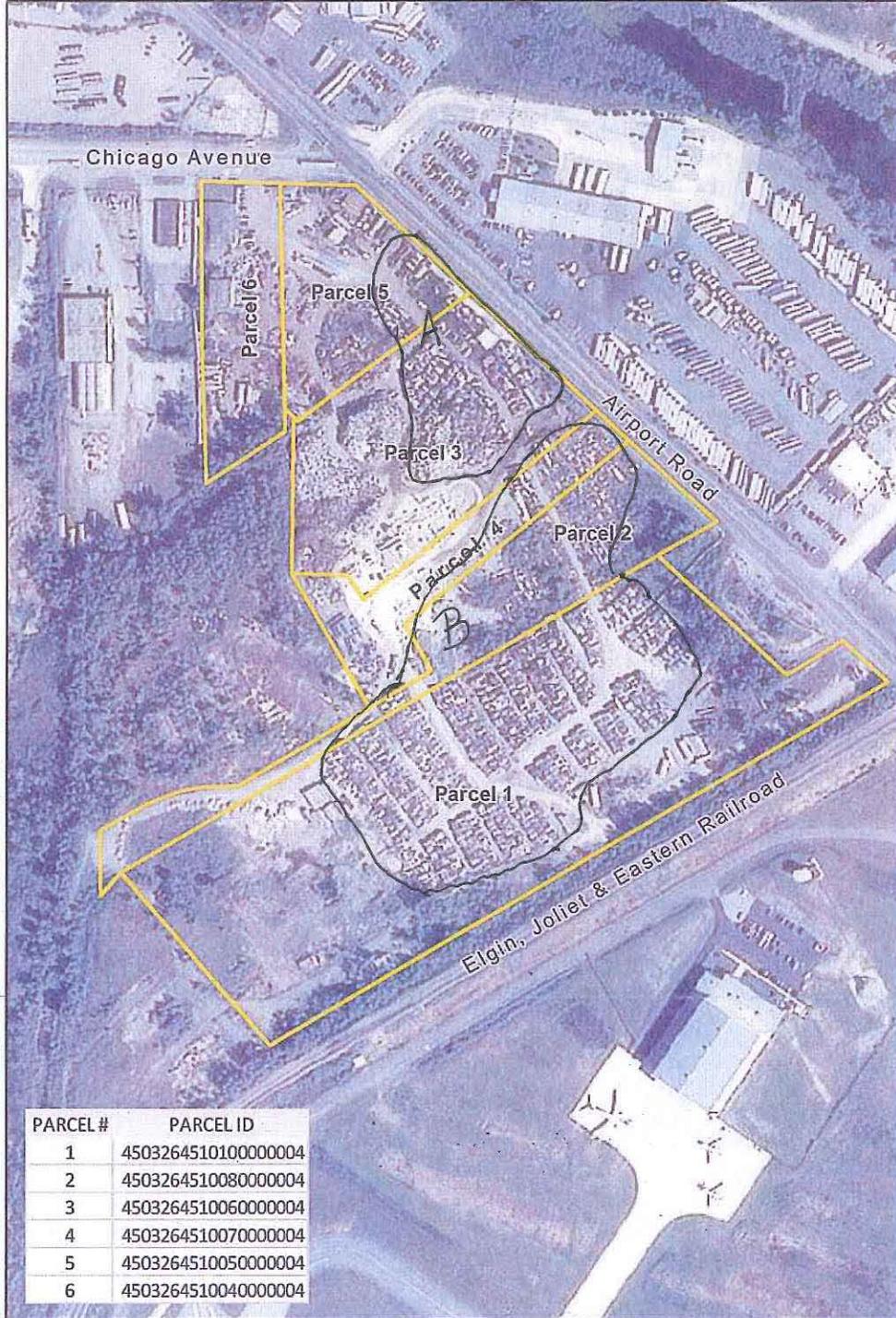
March 9, 2016
Date



Robert A. Kaplan
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

Exhibit 1

Parcel Boundaries for Summit Inc., 6901 West Chicago Ave, Gary, IN 46406



0 250 500 Feet

Imagery: USDA NAIP Summer 2008
US EPA R5 LCD: LS 2/10/16