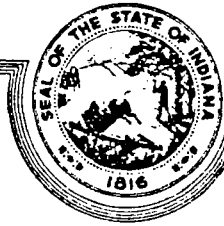


STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
219 STATE HOUSE
46204

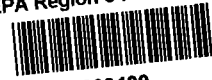
STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE ENVIRONMENTAL MANAGEMENT
BOARD OF THE STATE OF INDIANA

IN THE MATTER OF THE:

ENVIRONMENTAL MANAGEMENT BOARD)
OF THE STATE OF INDIANA)
)
 Complainant)
)
 vs.)
)
FEDERATED METALS CORPORATION)
)
 Respondent)

EPA Region 5 Records Ctr.



299109

CAUSE NO. N-104

CONSENT DECREE

Come now the parties to this cause and, being desirous of settling and compromising this action without hearing or adjudication of any issue of fact or law, hereby consent to the following Findings and Order.

FINDINGS OF FACT

NOW, THEREFORE, upon the consent of the parties hereto, the following FINDINGS are made:

1. The Complainant is the Environmental Management Board of the State of Indiana (hereinafter referred to as "Board"), an agency of the State of Indiana duly empowered pursuant to IC 13-7 and the rules duly promulgated thereunder to determine whether or not there is a violation of such laws or rules and to issue Orders with respect thereto as it deems proper.
2. Respondent, Federated Metals Corporation, is a company authorized to do business in Indiana and operates a place of business at 2230 Indianapolis Boulevard, Hammond, Indiana.

3. The Board has jurisdiction over both the subject matter and the parties to this action.
4. Pursuant to IC 13-7-11 and IC 4-22-1-6, Complaint and Notice of Hearing was served upon:

Mr. J. J. Pigeon, General Manager
Federated Metals Corporation
P.O. Box 471
Whiting, Indiana 46394

5. Based upon an investigation of the facility by the Division of Land Pollution Control of the Indiana State Board of Health (hereinafter referred to as "Division"), it was determined that the Respondent is in violation of the Indiana Hazardous Waste Regulation Program, IC 13-7-8.5, and 320 IAC 4.
6. Based upon the above-mentioned investigation, the following violations were found:
 - a. Pursuant to 320 IAC 4-6 (40 CFR 265.90(a)), the owner or operator must have implemented a groundwater monitoring program by November 19, 1981, capable of determining the facility's impact on the quality of the groundwater in the uppermost aquifer underlying the facility. Based on information gathered by the Division, Respondent has not implemented such a groundwater monitoring program in a timely manner.
 - b. Pursuant to 320 IAC 4-6 (40 CFR 265.90(b)), the owner or operator must install, operate, and maintain a groundwater monitoring system which meets the requirements of 320 IAC 4-6 (40 CFR 265.91), and must comply with 320 IAC 4-6 (40 CFR 265.92-265.94). The program must be carried out during the active life of the facility and during the post-closure care period as well. Based on information gathered by the Division, Respondent has not installed, operated, or maintained such a groundwater monitoring program during the active life of the facility.
 - c. Pursuant to 320 IAC 4-6 (40 CFR 265.9(c)), groundwater monitoring requirements can be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste constituents from the facility via the uppermost aquifer to water supply wells or to the surface water. Based on information gathered by the

Division, Respondent has not demonstrated that there is a low potential for migration of hazardous waste or hazardous waste constituents to the surface water or to water supply wells via the uppermost aquifer.

- d. Pursuant to 320 IAC 4-6 (40 CFR 265.9(d)), an owner or operator may install, operate, and maintain an alternate groundwater monitoring system if it is assumed or known that the groundwater monitoring of indicator parameters would show statistically significant increases when evaluated. If the owner or operator decided to use an alternate groundwater monitoring system, he must have submitted a certified specific plan which satisfies the requirements to the EPA Regional Administrator by November 19, 1981. Based on information gathered by the Division, Respondent did not submit such a plan to the EPA Regional Administrator by that date and the surface water monitoring program conducted by Respondent is not equivalent.
- e. Respondent ceased operation of the facility in February 1983 and is preparing to undergo formal RCRA closure/post-closure.
- f. Respondent has submitted a preliminary closure/post-closure care plan to the Division and EPA. Said plan is currently under review by both agencies.

RECOMMENDED ORDER

WHEREFORE, based upon the above Findings and upon the consent of the parties, it is hereby ORDERED that:

1. Respondent must submit Final Closure/Post-Closure Plan within sixty (60) days of receipt of this Order.
2. Respondent shall undergo RCRA closure/post-closure with reference to the landfill area and hazardous waste piles at the facility within fifteen (15) days of notification of approval by the Board of the Final Closure/Post-Closure Plan. Compliance schedules set forth in Final Closure/Post-Closure Plan or as otherwise approved shall be adhered to.
3. Respondent shall comply with all applicable requirements for closure/post-closure pursuant to 40 CFR 265, Subparts F, G, L, N, and the approved Final Closure/Post-Closure Plan.

4. Respondent shall within thirty (30) days receipt of the Order pay a civil penalty of \$1,000 to the Environmental Management Special Fund at 1330 West Michigan Street, Indianapolis, Indiana 46204.
5. The provisions of this Agreed Order will apply to the Respondent, its agents, servants, employees, successors, and assigns, and to all persons, firms, or corporations acting through or for the Respondent.
6. This Agreed Order will have no force or effect until it is approved by the Board, and timely compliance with the terms of this Agreed Order shall constitute a final resolution of this cause.
7. Respondent, by the duly authorized undersigned, hereby consents to the provisions of this Findings and Recommended Order and agree to be bound by said Order when issued by the Board.

TECHNICAL RECOMMENDATION

FEDERATED METALS CORPORATION

BY: Thomas Russell
 Thomas Russell, Chief
 Enforcement Section

BY: T.C. Osborne
 T.C. Osborne
 President

DATE: April 12, 1985

DATE: June 17, 1985

APPROVED FOR LEGALITY AND FORM

ATTEST

LINLEY E. PEARSON
 Attorney General of Indiana
 BY: Carmen L. Quintana
 Carmen L. Quintana
 Deputy Attorney General

BY: Carmen S. Gonzalez
 TITLE: Assistant Secretary
 DATE: June 17, 1985

DATE: April 19, 1985

RECOMMENDATION FOR ADOPTION

By: Wayne Penrod
 Wayne Penrod
 Hearing Officer

DATE: September 4, 1985