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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

REGULATORY SERVICES SECTION

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2011-0004
Acme Aerospace, Inc.)	
)	
EPA ID No. AZD982434383)	CONSENT AGREEMENT AND
)	FINAL ORDER PURSUANT TO
)	40 C.F.R. SECTIONS 22.13 AND
<u>Respondent.</u>)	22.18

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and 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, 40 Code of Federal Regulations ("C.F.R.") Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Acme Aerospace, Inc. (Respondent or "Acme").
2. Respondent leases and operates a facility located at 528 W. 21st Street, in Tempe, Arizona, 85282 (the "Facility"). The Facility's EPA Identification Number is AZD982434383. Respondent designs and manufactures high-power battery chargers, fiber nickel cadmium batteries, power supplies and backup systems for commercial and military applications.
3. This Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) close containers of hazardous waste, a violation of Arizona Administrative Code ("A.A.C.") R18-8-265.A [see also 40 C.F.R. § 265.173]; (2) label containers of hazardous waste, a violation of R18-8-270.A [see also 40 C.F.R. § 270.1]; (3) maintain adequate aisle space, a violation of AAC R18-8-265.A [see also 40 C.F.R. § 265.35] (4) perform waste determinations, a violation of AAC R18-8-262.A [see also 40 C.F.R. § 262.11]; (5) prepare a manifest for transport for disposal of hazardous

waste, a violation of AAC R-18-8-262.A [see also 40 C.F.R. § 262.20(a)(1)]; and (6) maintain and operate the facility to minimize the possibility of any unplanned release, a violation of AAC R18-8-265.A [see also 40 C.F.R. § 262.34(a) and 40 C.F.R. § 265.31]. These are all in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations adopted pursuant thereto.

B. JURISDICTION

4. On November 20, 1985, the State of Arizona received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. §6926 and 40 C.F.R. § 271, effective December 4, 1985. The authorized program is established pursuant to the Arizona Laws Relating to Environmental Quality, Title 49, (Arizona Revised Statutes ("A.R.S.") 49-921, *et seq.*), and the regulations promulgated thereunder in the Arizona Administrative Code, Title 18, Chapter 8, Article 2. Effective October 7, 1991, the State of Arizona received authorization for revisions to A.R.S. 49-921, *et seq.* The State of Arizona has been authorized for all the regulations referenced in this CA/FO.
5. Respondent is a "person" as defined in A.R.S. 49-921 and A.A.C. R18-8-260.F [see also 40 C.F.R. § 260.10].
6. Respondent is the "operator" of a facility as defined in A.A.C. R18-8-260.C and 270.A [see also 40 C.F.R. § 260.10].
7. Respondent's hazardous waste manifests indicate it is a large quantity "generator" of hazardous waste as defined in A.A.C. R18-8-260.C [40 C.F.R. § 260.10].
8. At the Facility, Respondent generates and accumulates, or has generated and accumulated, "hazardous waste" as defined in A.R.S. 49-921(5), A.A.C. R18-8-260.C and 261.A [see also RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include, but are not limited to, miscellaneous debris, PPE and trash contaminated with cadmium (D006), nickel sludge generated from pasting battery anodes contaminated with cadmium (D006), damaged and off spec battery anodes contaminated with cadmium (D006), discarded baghouse and HEPA filters contaminated with cadmium (D006), evaporator bottoms from process wastewater brine contaminated with cadmium (D006), cadmium sludge generated from pasting battery anodes contaminated with lead (D006 / D008), corrosive HCl solution contaminated with nickel from cleaning process equipment (D002), nickel plating filters filled with sludge and corrosive liquid

¹ All citations to the "A.A.C." refer to the Arizona Administrative Code, contained in Title 18, Chapter 8, Department of Environmental Quality Waste Management, Article 2, Hazardous Waste. EPA is enforcing Arizona hazardous waste management program requirements as approved and authorized by the United States on October 7, 1991. 40 C.F.R. §§124, 260 through 266, 268, 270 and 273, or parts thereof, are adopted by reference.

(D002 / F006), flammable isopropyl alcohol contaminated with soldering flux from degreasing printed circuit card assemblies (D001), and expired waste flammable liquids (D001).

9. On March 20, 2008, an unannounced RCRA Compliance Evaluation Inspection ("CEI") was conducted by inspectors from the United States EPA and the Arizona Department of Environmental Quality. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated A.R.S. 49-922, and regulations adopted pursuant thereto, as approved and authorized by the United States.
10. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
11. A violation of Arizona's authorized hazardous waste program, found at A.R.S. 49-921, *et seq.*, and the regulations promulgated thereunder in the Arizona Administrative Code, Title 18, Chapter 8, Article 2, constitutes a violation of Subchapter III of RCRA.
12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subchapter III of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
13. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Failure to Close Hazardous Waste Storage Containers

14. Paragraphs 1 through 13 above are incorporated herein by this reference as if they were set forth here in their entirety.
15. Arizona regulation AAC R18-8-262.A [40 C.F.R. § 262.34(c)(1)] indicates that a generator may accumulate as much as 55 gallons of hazardous waste at or near the point of generation where wastes initially accumulate provided that the generator complies with the certain requirements of AAC R18-8-265.A. As adopted by AAC R18-8-265.A, 40 C.F.R. §265.173(a) states that "a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."
16. In the plating department, a 55-gallon drum of HCL solution was open at the time of

inspection. One 55-gallon drum of electrolyte hazardous waste was open in the assembly area. The following containers in the paste room were open: a 5-gallon container of cadmium waste; a 5-gallon bucket of waste paint; and a 15-gallon drum of nickel hydroxide waste open.

17. Therefore, EPA alleges that Respondent has violated ACC R 18-8-265 [*see also* 40 C.F.R. § 265.173(a)].

COUNT II

Failure to Label Hazardous Waste

18. Paragraphs 1 through 17 above are incorporated herein by this reference as if they were set forth here in their entirety.
19. A.A.C. R18-8-262.A, by incorporating 40 C.F.R. § 262.34 by reference, provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including that generators label containers with the words "hazardous waste" and with the date accumulation of the waste begins. Large quantity generators who fail to label containers of hazardous waste appropriately fail to meet the requirements of A.A.C. R18-8-262.A, and are subject to the requirements of A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1].
20. During the CEI, the EPA Inspector observed the following containers of hazardous waste that lacked labels: a 5-gallon container of cadmium sludge waste in the paste room; a 5-gallon container of paint waste in the 90-day storage area; and two 1-gallon containers of waste in the QA lab.
21. During the CEI, the EPA Inspector observed two 55-gallon drums of hazardous waste that lacked labels with accumulation start date.
22. Respondent's failure to meet the requirements set forth or referenced by A.A.C. R18-8-262.A subject it to the permit requirements of A.A.C. R18-8-270.A [*see also* 40 C.F.R. §§ 262.34 and 270.1].
23. Therefore, EPA alleges that Respondent violated A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1(c)].

COUNT III

Failure to Provide Required Aisle Space

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. AAC R18-8-265.A [*see also* 40 C.F.R. § 265.35] requires that the owner or operator must

maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

26. On March 20, 2008, the EPA Inspectors observed insufficient aisle space in the hazardous waste storage area.
27. Therefore EPA alleges that Respondent violated AAC R18-8-265.A [see also 40 C.F.R. § 265.35].

COUNT IV

Failure to Perform Waste Determination

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. AAC R18-8-262.A states that a facility which generates a solid waste, as defined by AAC R18-8-260.A must determine if the waste is a hazardous waste [see also 40 C.F.R. § 262.11]
30. On March 20, 2008, the EPA Inspectors found that Facility personnel did not know the contents of several containers of waste, including two 1-gallon containers of waste in the QA lab. One 5-gallon container of waste in the second 90-day hazardous waste storage area could not be identified.
31. Therefore, EPA alleges that Respondent has violated AAC R18-8-262.A [see also 40 C.F.R. § 262.11].

COUNT V

Failure to Prepare a Manifest for Disposal of Hazardous Waste

32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. AAC R18-8-262.A states that a generator who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest, and if necessary, the EPA continuation Form 8700-22A [see also 40 C.F.R. § 262.20(a)].
34. On April 1, 2008, the EPA Inspectors observed that in two work areas, the engineering lab and the electronics room, small amounts of lead solder and q-tips used to apply adhesive were being disposed of in the regular trash.
35. Therefore, EPA alleges that Respondent has violated AAC R18-8-262.A [see also 40

C.F.R. § 262.20(a)].

COUNT VI

Failure to Maintain and Operate the Facility to Minimize the Possibility of any Unplanned Release

36. Paragraphs 1 through 35 above are incorporated herein by this reference as if they were set forth here in their entirety.
37. AAC R18-8-262.A and AAC R18-8-265.A provide that facilities must be 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 air, soil, or surface water which could threaten human health or the environment [see also 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.31].
38. During the CEI, EPA Inspectors found that the facility had lead solder splatter in two work areas, the engineering lab and the electronics room. Personal protective equipment, listed as a hazardous waste stream generated by the facility, was uncontained throughout the facility. Red dust from the paste room, which generates a red cadmium sludge, was accumulating on the door seal to the room.
39. Therefore, EPA alleges that Respondent has violated AAC R18-8-262.A and AAC R18-8-265.A [see also 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.31].

D. CIVIL PENALTY

40. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 (61 Fed. Reg. 69360 (Dec. 31, 1996)) authorizes a civil penalty of up to \$27,500 per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring between January 31, 1997 and March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule (69 Fed. Reg. 7121 (Feb. 13, 2004)) authorizes a civil penalty of up to \$32,500 per day per violation for violations occurring after March 15, 2004 and a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed THIRTY-ONE THOUSAND AND THREE HUNDRED DOLLARS (\$31,300.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty Policy." Under the penalty policy, EPA uses a penalty assessment matrix to determine a gravity-based penalty. That penalty

amount is then adjusted to take into account multi-day violations, the economic benefit gained from non-compliance, where appropriate, and case-specific circumstances.

E. ADMISSIONS AND WAIVERS OF RIGHTS

41. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
42. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO, and this CA/FO and Respondent's compliance with it shall not be construed as an admission by Respondent of any wrongdoing or liability. Notwithstanding the foregoing, Respondent hereby waives any rights Respondent may have to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

F. PARTIES BOUND

43. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until such time as the civil penalty required under Sections D and G has been paid in accordance with Section G, and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement and satisfaction of the violations alleged herein.
44. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
45. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

46. Respondent consents to the assessment of and agrees to pay a civil penalty of THIRTY-ONE THOUSAND AND THREE HUNDRED DOLLARS (\$31,300.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.

47. Respondent shall submit payment of the THIRTY-ONE THOUSAND AND THREE HUNDRED DOLLARS (\$31,300.00) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

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

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York

ABA = 021030004

Account = 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"

Overnight Mail:

U.S. Bank

1005 Convention Plaza

Mail Station SL-MO-C2GL

ATTN Box 979077

St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17th Street, NW

Washington, DC 20074

ABA = 051036706

Transaction Code 22 – checking

Environmental Protection Agency

Account 31006

CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "sfo1.1" in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

At the time payment is made, a notice of payment shall be sent to:

Regional Hearing Clerk (ORC-1)
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

and

Estrella Armijo (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105.

48. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

49. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as set forth below:
For failure to submit a payment to EPA by the time required in this CA/FO: ONE HUNDRED DOLLARS (\$100) per day for first to fifteenth day of delay, FIVE HUNDRED DOLLARS (\$500) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND DOLLARS (\$1,000) per day for each day of delay thereafter.

50. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
51. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 47.
52. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
53. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. RESERVATION OF RIGHTS

54. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO, except as to those civil penalties for the violations and facts alleged herein. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA (except as to those civil penalties for the violations and facts alleged herein); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"); or any other statutory, regulatory or common law enforcement authority of the United States.
55. Respondent reserves its right to object to, or defend, any action to enforce the terms of the CA/FO, or to defend against matters that are not resolved by this CA/FO.
56. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
57. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO.

58. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

J. OTHER CLAIMS

59. Nothing in this CA/FO shall constitute or be construed as a release from nor an admission by Respondent of any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

K. MISCELLANEOUS

60. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

61. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

62. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

12/27/10

Date



Name, Title: LAURA BERNSTEIN, BUSINESS OPERATIONS MANAGER
Acme Aerospace, Inc.

1/21/11

Date



Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

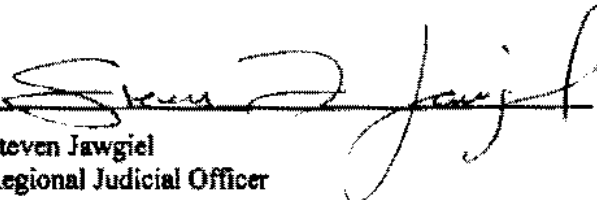
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9 -2011- 0004) be entered and that Acme Aerospace pay a civil penalty of THIRTY ONE THOUSAND AND THREE HUNDRED DOLLARS (\$31,300.00) due in accordance with Section G of the Consent Agreement.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

01/26/11

Date



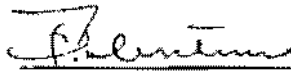
Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region 9

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, Region 9, and that a copy was sent by certified mail, return receipt requested, to:

Ms. Laura Bernstein
Business Operations Manager
Acme Aerospace, Inc.
528 W. 21st Street
Tempe, AZ 85282

1/27/11
Date



~~FE~~: Regional Hearing Clerk
Office of Regional Counsel, Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO: 70033110000619981786
RETURN RECEIPT REQUESTED

JAN 27 2011

Ms. Laura Bernstein
Business Operations Manager
Acme Aerospace, Inc.
528 W. 21st Street
Tempe, AZ 85282

Re: In the matter of Acme Aerospace, Inc. EPA I.D. No. AZD 982434383

Dear Ms. Bernstein:

Enclosed is a copy of the fully executed Consent Agreement and Final Order ("CA/FO") which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Consent Agreement and Final Order will close this case. If you have any questions regarding the rules, regulations and statutes which govern the Proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Estrella Armijo at 415-942-3859.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosures

cc: Mel P. Bunkers