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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

U.S. EPA REGION IX
REGIONAL HEARING CLERK

In the matter of)	U.S. EPA Docket No
)	RCRA-9-2012- 0619
United States Pipe and Foundry Company, LLC)	
)	CONSENT AGREEMENT AND
)	FINAL ORDER PURSUANT TO
Respondent.)	40 C.F.R. SECTIONS 22.13 AND
)	22.18

CONSENT AGREEMENT

Complainant, the United States Environmental Protection Agency, Region IX ("Complainant" or "EPA"), and Respondent, United States Pipe and Foundry Company, LLC ("Respondent"), the parties herein, having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order, pursuant to 40 C.F.R. Sections 22.13 and 22.18, ("CA/FO"), without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, Complainant and Respondent hereby agree as follows:

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 (A.C.F.R.@) Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is United States Pipe and Foundry Company, LLC ("Respondent" or "US Pipe").
2. Respondent owns and operates a pipe manufacturing facility located at 1295 Whipple Road, Union City, California, 94587 (the "Facility").
3. At the time of the violations alleged, Respondent generated baghouse dust (which contains the hazardous waste materials cadmium and lead) and universal waste bulbs at the Facility.
4. At the time of the violations alleged, Respondent was a large quantity generator ("LQG") of hazardous waste.

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5. This CA/FO, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to the federally authorized California hazardous waste management program.
6. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States.
7. On August 1, 1992, the State of California 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. Part 271. This authorization was updated on September 26, 2001 (*see* 66 Fed. Reg. 49118, September 26, 2001). The authorized program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code ("H&SC"), and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CA/FO.¹ Citations in this CA/FO are to California hazardous waste management program requirements, followed by the corresponding federal citations provided in brackets.

B. GENERAL ALLEGATIONS

8. Respondent is, and at all times referred to herein was, a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
9. Respondent was the "owner" or "operator" of the facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged.
10. At the Facility, Respondent was a "generator" of "hazardous waste" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged.
11. At the Facility, Respondent was engaged in the "storage" of "hazardous waste" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged.

¹ All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing the California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (*see* 57 FR 32726, July 23, 1992) and the Final Authorization of Revisions to the Hazardous Waste Management Program as approved and authorized by the United States on September 26, 2001 (*see* 66 FR 49118, September 26, 2001). Citations to the federal regulations are included for informational purposes.

12. At the Facility, Respondent generated and accumulated materials that are "wastes" as defined in 22 C.C.R. §§ 66260.10 and 66261.2 [see also 40 C.F.R. §§ 260.10 and 261.2].
13. At the Facility, Respondent generated and accumulated "hazardous waste" as defined in California H&SC § 25117 and 22 C.C.R. §§ 66260.10 and 66261.3 [see also RCRA Section 1004(5), 42 U.S.C. 6903(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include, but are not limited to: baghouse dust (which contains the hazardous waste materials cadmium and lead) and universal waste bulbs.
14. On August 16, 2011, EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility.
15. Based upon the findings EPA made during the inspection and additional information obtained subsequent to the inspection, EPA alleges that Respondent violated RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921 – 6939e, and the implementing regulations, and the federally authorized California hazardous waste management program, 22 C.C.R. Division 4.5, and the implementing regulations at the Facility.
16. EPA alleges that Respondent failed to (1) maintain and operate the facility to minimize the possibility of a release of hazardous waste, in violation of 22 C.C.R. § 66265.31 [40 C.F.R. § 265.31]; (2) properly label hazardous waste containers, including failure to include the accumulation start date and detail of the waste, in violation of 22 C.C.R. §§ 66262.34(a), (e)(1), (f) and 66273.34(c) [40 C.F.R. §§ 262.34(a)(2), (a)(3), (c)(1)(ii), and 273.14(e)]; (3) keep hazardous waste storage containers closed, in violation of 22 C.C.R. §§ 66265.173(a) and 66273.33(b) [40 C.F.R. §§ 265.173(a) and 273.13(d)(1)]; (4) adequately train personnel in violation of 22 C.C.R. § 66265.16 [40 C.F.R. § 265.16].
17. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of California's authorized RCRA Hazardous Waste Management Program are federally enforceable. Respondent is therefore subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
18. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.
19. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of California as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

20. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Failure to Maintain and Operate Facility to Minimize Risk of Release

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. 22 C.C.R. § 66265.31 [*see also* 40 C.F.R. § 265.31] requires that facilities 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.
23. At the Facility, on August 16, 2011, the EPA inspector observed baghouse dust piled on the concrete pad and bare ground near the Baghouse Dust Collection Area, in violation of 22 C.C.R. § 66273.34(c) [*see also* 40 C.F.R. § 273.14(e)].
24. Accordingly, EPA alleges that Respondent violated 22 C.C.R. § 66265.31 [*see also* 40 C.F.R. § 265.31].

COUNT II

Failure to Properly Label

25. Paragraphs 1 through 24 above are incorporated herein by this reference as if they were set forth here in their entirety.
26. 22 C.C.R. §§ 66262.34(f) [*see also* 40 C.F.R. §§ 262.34(a)(2), (a)(3) and (c)(1)(ii)] requires that generators who accumulate hazardous waste clearly mark the container with the date the accumulation begins, the words "Hazardous Waste," and the composition and physical state of the waste.
27. 22 C.C.R. § 66273.34(c) [*see also* 40 C.F.R. § 273.14(e)] requires that a container with waste lamps be clearly labeled "Universal Waste-Lamp(s)."
28. At the Facility, on August 16, 2011, the EPA inspector observed that 20-cubic-yard containers of baghouse dust were not labeled properly -- one container was dated over a year prior, one container did not have an accumulation start date or the words "hazardous waste," and one container did not accurately describe the hazardous waste it contained, in violation of 22 C.C.R. §§ 66262.34(a), (e)(1) and (f) [*see also* 40 C.F.R. §§ 262.34(a)(2), (a)(3) and (c)(1)(ii)].

29. At the Facility, on August 16, 2011, the EPA inspector observed seven containers with waste lamps that were not labeled or marked, in violation of 22 C.C.R. § 66273.34(c) [see also 40 C.F.R. § 273.14(e)].
30. Accordingly, EPA alleges that Respondent violated 22 C.C.R. §§ 66262.34(f), and 66273.34(c) [see also 40 C.F.R. §§ 262.34(a)(2), (a)(3), (c)(1)(ii), and 273.14(e)].

COUNT III

Failure to Keep Hazardous Waste Storage Containers Closed

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. 22 C.C.R. § 66265.173(a) [see also 40 C.F.R. § 265.173(a)] requires that a container holding hazardous waste must always be closed during transfer and storage, except when it is necessary to add or remove waste.
33. 22 C.C.R. § 66273.33(b) [see also 40 C.F.R. § 273.13(d)(1)] requires that a universal waste handler manage lamps in a way that prevents releases of any universal waste or component of universal waste to the environment. Specifically, a universal waste handler shall contain any lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp. Such a container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
34. At the Facility, on August 16, 2011, the EPA inspector observed that four containers containing baghouse dust hazardous waste were not closed, in violation of 22 C.C.R. § 66265.173(a) [see also 40 C.F.R. § 275.173(a)].
35. At the Facility, on August 16, 2011, the EPA inspector observed five containers of universal waste lamps that were not closed and many universal waste lamps that were not in a container, in violation of 22 C.C.R. § 66273.33(b) [see also 40 C.F.R. § 273.13(d)(1)].
36. Accordingly, EPA alleges that Respondent violated 22 C.C.R. §§ 66265.173(a), and 66273.33(b) [see also 40 C.F.R. §§ 265.173(a), and 273.13(d)(1)].

COUNT IV

Failure to Adequately Train Personnel

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. 22 C.C.R. § 66265.16 [see also 40 C.F.R. § 265.16] requires that facility personnel be trained to ensure that they perform their duties in compliance with the hazardous waste

requirements of this chapter. The training program must be directed by a person trained in hazardous waste management procedures. Personnel must have initial training within six months of starting employment and receive refresher training annually. The owner or operator must maintain all training records and documents detailing the job title for each position related to hazardous waste management, the name of the employee filling each job, a written job description of each position, and the required training for each position.

39. At the Facility, on August 16, 2011, Respondent was unable to produce records of the hazardous waste management duties, initial and refresher training requirements and hazardous waste management training for three employees, in violation of 22 C.C.R. § 66265.16 [see also 40 C.F.R. § 265.16].
40. Accordingly, EPA alleges that Respondent violated 22 C.C.R. § 66265.16 [see also 40 C.F.R. § 265.16].

D. CIVIL PENALTY

41. 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 \$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 ONE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$158,100) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty Policy."

E. ADMISSIONS AND WAIVERS OF RIGHTS

42. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in this CA/FO. Respondent consents to 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.

43. Respondent neither admits nor denies any allegations of fact or law set forth in this CA/FO. 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

44. 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 of the violations alleged herein.
45. 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.
46. 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

47. Respondent consents to the assessment of and agrees to pay a civil penalty of ONE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$158,100) in full and final settlement of the federal civil penalty claims set forth in this CA/FO. Entry of this CA/FO and payment by Respondent of the penalty shall resolve all civil claims of the United States for the violations alleged in this CA/FO.
48. Respondent shall submit payment of the ONE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$158,100) 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. The civil penalty shall be paid by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (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 "sf01.1" 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.

49. At the time payment is made, a copy of the check or evidence of wire transfer payment shall be sent to:

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

and

Kaoru Morimoto (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

50. 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

51. In addition to the interest and per annum penalties described above, in the event that Respondent fails to pay the full amount of the penalty within the time specified in Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of up to ONE THOUSAND DOLLARS (\$1,000.00) for each day the default continues.
52. 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.

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53. All penalties shall be made payable by certified or cashier's check or wire transfer to "Treasurer of the United States" and shall be remitted as described in Paragraph 48.
54. The payment of stipulated penalties shall not alter in any way Respondent=s obligation to complete the performance required hereunder.
55. 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

56. 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. 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, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (ACERCLA@), or any other statutory, regulatory or common law enforcement authority of the United States, except as otherwise provided herein.
57. 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.
58. 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.
59. 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

60. Nothing in this CA/FO shall constitute or be construed as a release from 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

61. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
62. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
63. 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,

For Respondent **US PIPE AND FOUNDRY CO.**

9-5-2012

Date

Brad Overstreet

Name, Title: BRAD OVERSTREET, CFO
United States Pipe and Foundry Company, LLC

For Complainant **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX**

9/18/12

Date

Jeff Scott

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

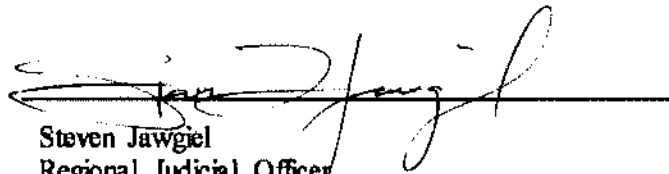
FINAL ORDER

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-9-2012-0019) be entered and that Respondent pay a civil penalty of ONE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$158,100) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. Payment must be made pursuant to Section G of the Consent Agreement.

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

09/25/12

Date



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

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of UNITED STATES PIPE & FOUNDRY CO. (Docket #: RCRA-09-2012-00019) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

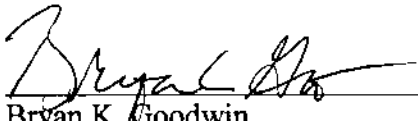
A copy was mailed via CERTIFIED MAIL to:

David Hiestand
Plant Manager
United States Pipe & Foundry Company
1295 Whipple Road
Union City, CA 94587

CERTIFIED MAIL NUMBER: 7011 1570 0000 6494 7316

And additional copy was hand-delivered to the following U.S. EPA case attorney:

Marie Rongone, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/26/12
Date



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

Certified Mail No. 7011 1570 0000 6494 7316
Return Receipt Requested

SEP 26 2012

David Hiestand
Plant Manager
United States Pipe and Foundry Company
1295 Whipple Road
Union City, CA 94587

Re: Consent Agreement and Final Order In the Matter of United States Pipe and Foundry Company

Dear Mr. Hiestand:

Please find enclosed the final executed Consent Agreement and Final Order (CA/FO) that you entered into on behalf of United States Pipe and Foundry Company, with the United States Environmental Protection Agency, Region IX (EPA).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action In the Matter of United States Pipe and Foundry Company.

Your full compliance with the payment terms of this CA/FO and completion of all tasks required by this CA/FO will close this case. If you have any questions regarding the rules, regulations and statutes governing your operations which are implemented by EPA or which govern the proceedings terminated by the enclosed document, please contact Mr. Kaoru Morimoto of my staff at (415) 972-3306, or Assistant Regional Counsel, Ms. Marie Rongone at (415) 972-3891.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosure

cc: Sue Laney, DTSC (via e-mail)
Andy Block, City of Union City (via e-mail)