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US EPA REGION IX
HEARING CLERK

1 NANCY J. MARVEL
Regional Counsel

2 LETITIA D. MOORE
3 Assistant Regional Counsel
4 U.S. Environmental Protection Agency
5 Region IX
6 75 Hawthorne Street
7 San Francisco, CA 94105
8 (415)972-3928

7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
9 REGION IX

10	IN THE MATTER OF:)	Docket No.
11)	RCRA-09-2013-0002
12	CITY OF AVONDALE,)	CONSENT AGREEMENT
13)	AND
14	Respondent.)	FINAL ORDER
)	PURSUANT TO 40 CFR
)	SECTIONS 22.13 and 22.18

15 CONSENT AGREEMENT

16 Complainant, the United States Environmental Protection Agency, Region IX
17 ("Complainant" or "EPA"), and Respondent, City of Avondale ("Respondent"), the parties
18 herein, having agreed that settlement of this matter is in the public interest and that entry of this
19 Consent Agreement and Final Order, pursuant to 40 CFR Sections 22.13 and 22.18, ("CA/FO"),
20 without further litigation is the most appropriate means of resolving this matter;

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

22
23 A. PRELIMINARY STATEMENT

24 1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1)
25 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C.
26 § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative
27

1 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits
2 ("Consolidated Rules"), 40 CFR Part 22. Complainant is the United States
3 Environmental Protection Agency, Region IX. Respondent is the City of Avondale, a
4 municipal body politic and corporate in perpetuity, located in the State of Arizona. See
5 City of Avondale, Municipal Code, Article I, Section 1.

6 2. At the time of the violations alleged, Respondent was managing waste at a facility located
7 at 3100 N. 107th Ave., in Avondale, Arizona 85323 (hereinafter referred to as the
8 "Facility").

9 3. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences
10 and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous
11 waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C.
12 §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to
13 the federally authorized Arizona hazardous waste management program.

14 4. EPA is enforcing Arizona hazardous waste management program requirements as
15 approved and authorized by the United States.

16 5. On November 20, 1985, the State of Arizona received initial authorization to administer
17 the hazardous waste management program in lieu of the federal program pursuant to
18 Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 CFR § 271, effective December 4,
19 1985. The authorized program is established pursuant to the Arizona Laws Relating to
20 Environmental Quality, Title 49 (The Environment) [Arizona Revised Statutes ("A.R.S.")
21 §§ 49-921, et seq.], and the regulations promulgated thereunder in the Arizona
22 Administrative Code ("A.A.C.") Title 18, Chapter 8, Article 2. Additionally, revisions to
23 Arizona's hazardous waste management program have been authorized occasionally, over
24 the years, (*see* 56 Fed. Reg. 37290 (Aug. 6, 1991), 57 Fed. Reg. 30905 (July 13, 1992), 57
25 Fed. Reg. 41699 (Sept. 11, 1992), 57 Fed. Reg. 54932 (Nov. 23, 1992), and 69 Fed. Reg.
26 12544 (Mar. 17, 2004)). The State of Arizona has been authorized for all of the
27

1 regulations referenced in this CA/FO. The State of Arizona has been authorized for all the
2 regulations referenced in this CA/FO.

- 3 6. Citations in this CA/FO are to Arizona hazardous waste management program
4 requirements, followed by the corresponding federal citations provided in brackets.

5
6 B. GENERAL ALLEGATIONS

7 7. Respondent is, and at all times referred to herein was, a "person" as defined in A.R.S.
8 § 49-921 and A.A.C. R18-8-260.F.6 [see 40 CFR § 260.10].

9 8. Respondent was the "owner" or "operator" of a facility as defined in A.A.C. R18-8-260.C
10 [see 40 CFR § 260.10] at the time of the violations alleged.

11 9. At the Facility, Respondent generated and accumulated; materials that are "wastes" as
12 defined in A.R.S. § 49-921(5), A.A.C. R-18-8-260.C and 261.A [see 40 CFR §§ 260.10
13 and 261.2 for definition of "solid waste"].

14 10. EPA alleges that Respondent (1) failed to make a hazardous waste determination in
15 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11],
16 (2) failed to prepare a Manifest for off-site treatment, storage or disposal of hazardous
17 waste in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)], and (3) sent
18 hazardous waste to a facility that is not permitted to handle hazardous waste in violation
19 of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

20 11. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of Arizona's
21 authorized RCRA Hazardous Waste Management Program are federally enforceable.
22 Respondent is therefore subject to the powers vested in the EPA Administrator by Section
23 3008 of RCRA, 42 U.S.C. § 6928.

24 12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue
25 orders assessing a civil penalty for any past or current violation, or requiring compliance
26 immediately or within a specified time for violation of any requirement of Subtitle C of
27

1 RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

- 2 13. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of
3 Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of
4 RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to
5 issuing an order under Section 3008 of RCRA in that state. EPA notified the State of
6 Arizona as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
- 7 14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA
8 Regional Administrator for Region IX, who has redelegated this authority to the Director
9 of the Waste Management Division.

10
11 C. ALLEGED VIOLATIONS

12 COUNT I

13 (Failure to Make a Hazardous Waste Determination)

- 14 15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were
15 set forth here in their entirety.
- 16 16. A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11] require that a
17 person who generates solid waste determine if that waste is a hazardous waste.
- 18 17. Respondent generated spent brine solution at the Facility.
- 19 18. Spent brine solution is a "waste" as defined in A.R.S. § 49-921(5), A.A.C. R-18-8-260.C
20 and 261.A [see 40 CFR §§ 260.10 and 261.2 for definition of "solid waste"].
- 21 19. Under A.A.C. R18-8-261.A [see 40 CFR § 261.20(a)], a solid waste is a hazardous waste
22 if it exhibits the characteristic of toxicity.
- 23 20. Respondent's spent brine solution exhibited the characteristic of toxicity.
- 24 21. Respondent generated and accumulated hazardous waste chromium, waste code D007.
- 25 22. Respondent was a "generator" of "hazardous waste" as defined in A.A.C. R18-8-260.C
26 [see 40 CFR § 260.10] at the time of the violations alleged.
- 27

1 23. Respondent arranged to have 42,180 lbs of its spent brine solution transported to a
2 municipal solid waste (MSW) landfill, the Southwest Regional Landfill
3 (AZR000042184).

4 24. Respondent failed to identify the spent brine solution as a hazardous waste.

5 25. Respondent failed to complete a hazardous waste determination for the spent brine
6 solution in violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR
7 § 262.11].

8 COUNT II

9 (Failure to Manifest Hazardous Waste)

10 26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were
11 set forth here in their entirety.

12 27. A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)] requires that a generator who transports,
13 or offers for transport a hazardous waste for offsite treatment, storage, or disposal must
14 prepare a Manifest, EPA Form 8700-22, before the waste is transported off-site.

15 28. Respondent transported or offered for transport hazardous waste, waste code D007, for
16 offsite treatment, storage or disposal.

17 29. Respondent failed to prepare a Manifest, EPA Form 8700-22, before the hazardous waste
18 was transported off-site, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)].

19 COUNT III

20 (Sent Hazardous Waste to Facility Not Permitted for Hazardous Waste)

21 30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were
22 set forth here in their entirety.

23 31. Under A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], a generator must designate on the
24 manifest one facility which is permitted to handle the waste described on the manifest.

25 32. Respondent's hazardous waste spent brine solution was delivered to the Southwest
26 Regional Landfill (AZR000042184) on July 15, 2011.

- 1 33. The Southwest Regional Landfill (AZR000042184) is not permitted to receive hazardous
2 waste.
- 3 34. Respondent sent hazardous waste to a facility that is not permitted to handle hazardous
4 waste, in violation of Under A.A.C. R18-8-262.A [*see* 40 CFR § 262.20(b)].

5

6 D. CIVIL PENALTY

- 7 35. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection
8 Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-
9 SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each
10 violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.
- 11 36. Based upon the facts alleged herein and upon those factors which EPA must consider
12 pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil
13 Penalty Policy, including the seriousness of the violations, any good faith efforts by
14 Respondents to comply with applicable requirements, and any economic benefit accruing
15 to Respondents, as well as such other matters as justice may require, EPA proposes that
16 Respondent be assessed **SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500)** as
17 the civil penalty for the violations alleged herein. The proposed penalty is consistent with
18 the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the Debt Collection
19 Improvement Act.

20

21 E. ADMISSIONS AND WAIVERS

- 22 37. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations
23 set forth in Sections A and B of this CA/FO. Respondent consents to and agrees not to
24 contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce
25 its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel
26 compliance with this CA/FO in any enforcement proceedings, either administrative or
27

1 judicial, or to impose sanctions for violations of this CA/FO.

2 38. Respondent neither admits nor denies any allegations of fact or law set forth in Section C
3 of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the
4 allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing
5 on any issue relating to the factual allegations or legal conclusions set forth in this
6 CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42
7 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without
8 adjudication. In addition, Respondent hereby waives any rights Respondent may have to
9 appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

10
11 F. PARTIES BOUND

12 39. This CA/FO shall apply to and be binding upon Respondent and its agents, successors
13 and assigns and upon all persons acting under or for Respondent, until such time as the
14 civil penalty required under Section D has been paid in accordance with Section G, all
15 compliance tasks have been completed, and any delays in performance and/or stipulated
16 penalties have been resolved. At such time as those matters are concluded, this CA/FO
17 shall terminate and constitute full settlement of the civil violations alleged herein.

18 40. No change in ownership or corporate, partnership or legal status relating to the Facility
19 will in any way alter Respondent's obligations and responsibilities under this CA/FO.

20 41. The undersigned representative of Respondent hereby certifies that she is fully authorized
21 by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.

22
23
24 G. PAYMENT OF CIVIL PENALTY

25 42. Respondent hereby consents to the assessment of a civil penalty in the amount of **SIX**
26
27

1 **THOUSAND FIVE HUNDRED DOLLARS (\$6,500)** in settlement of the civil penalty
2 claims of the United States for the violations of the federally authorized program
3 established pursuant to the Arizona Laws Relating to Environmental Quality, 49 A.R.S.
4 §§ 49-921, et seq., and A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [*see* 40 CFR
5 §§ 262.11 and 262.20(a) and (b)], as alleged in Section C above.

6 43. Respondent shall submit payment of the civil penalty of **SIX THOUSAND FIVE**
7 **HUNDRED DOLLARS (\$6,500)** within thirty (30) calendar days of the Effective Date
8 of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order
9 contained in this CA/FO, having been approved and issued by either the Regional Judicial
10 Officer or Regional Administrator, is filed.

11 44. Respondent shall submit the payment due under this CA/FO in accordance with one of
12 the options set forth below, and shall reference the Respondent's name and the docket
13 number of this matter:

14 a. A check sent by regular U.S. Postal Service mail should be made payable to the
15 "Treasurer, United States of America" and addressed to:

16 US Environmental Protection Agency
17 Fines and Penalties
18 Cincinnati Finance Center
19 PO Box 979077
20 St. Louis, MO 63197-9000

21 b. Wire transfers should be directed to the Federal Reserve Bank of New York as
22 follows:

23 Federal Reserve Bank of New York
24 ABA: 021030004
25 Account Number: 68010727
26 SWIFT address: FRNYUS33
27 33 Liberty Street
28 New York NY 10045
 Field Tag 4200 of the Fedwire message should read:
 "D 68010727 Environmental Protection Agency".

1 c. A check sent by overnight mail should be payable to the "Treasurer, United States
2 of America" and addressed to:

3 U.S. Bank
4 1005 Convention Plaza
5 Mail Station SL-MO-C2GL
6 St. Louis, MO 63101
7 Contact: Natalie Pearson, 314-418-4087

8 d. An On Line Payment Option for payments directly from your bank account or by
9 credit/debit card is available through the U.S. Department of Treasury. To use
10 this payment option, access www.pay.gov, enter "sfo 1.1" in the Public Forms
11 search field, open the form, and complete the required fields.

12 See also, http://www.epa.gov/ocfo/finservices/payment_instructions.htm.

13 45. At the time payment is so made, a copy of the transmittal form shall be sent to:

14 Regional Hearing Clerk (RC-1)
15 U.S. Environmental Protection Agency - Region IX
16 75 Hawthorne Street
17 San Francisco, CA 94105

18 and

19 Kandice Bellamy (WST-3)
20 Waste Management Division
21 U.S. Environmental Protection Agency - Region IX
22 75 Hawthorne Street
23 San Francisco, CA 94105

24 46. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM
25 6-8000), the payment must be received within thirty (30) calendar days of the effective
26 date of this CA/FO to avoid additional charges. If payment is not received within thirty
27 (30) calendar days, interest will accrue from the effective date of this CA/FO at the
28 current rate published by the United States Treasury as described at 40 CFR §13.11(a).
Additionally, administrative costs for collecting the overdue debt will be assessed
monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any
principal amount not paid within ninety (90) calendar days of the due date. See 40 CFR
§13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set

1 forth below for any payment not received by its due date.

- 2 47. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and
3 shall not be deducted by Respondent or any other person or entity for federal, state or
4 local taxation purposes.

5
6 H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES

- 7 48. In addition to the interest and per annum penalties described above, in the event that
8 Respondent fails to pay the full amount of the penalty within the time specified in
9 Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of
10 up to ONE THOUSAND DOLLARS (\$1,000) for each day the default continues.

- 11 49. All penalties shall begin to accrue on the date that performance is due or a violation
12 occurs, and shall continue to accrue through the final day of correction of the
13 noncompliance. Nothing herein shall prevent the simultaneous accrual of separate
14 penalties for separate violations.

- 15 50. All penalties owed to EPA under this Section shall be due within thirty (30) days of
16 receipt of a notification of noncompliance. Such notification shall describe the
17 noncompliance and shall indicate the amount of penalties due. Interest at the current rate
18 published by the United States Treasury, as described at 40 CFR § 13.11, shall begin to
19 accrue on the unpaid balance at the end of the thirty-day period.

- 20 51. All penalties under this Section shall be made payable by certified or cashier's check to
21 "Treasurer of the United States" and shall be remitted to:

22 US Environmental Protection Agency
23 Fines and Penalties
24 Cincinnati Finance Center
25 PO Box 979077
26 St. Louis, MO 63197-9000

- 27
28 52. All payments shall indicate the name of the Facility, any EPA identification number of

1 the Facility, Respondent's name and address, and the EPA docket number of this action.

2 At the time payment is made, Respondent shall send a copy of the payment transmittal to:

3
4 Kandice Bellamy (WST-3)
5 Waste Management Division
6 U.S. Environmental Protection Agency - Region IX
7 75 Hawthorne Street
8 San Francisco, CA 94105

9 53. The payment of stipulated penalties shall not alter in any way Respondent's obligation to
10 complete the performance required hereunder.

11 54. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any
12 other remedies or sanctions which may be available to EPA by reason of Respondent's
13 failure to comply with any of the requirements of this CA/FO.

14 I. CERTIFICATION OF COMPLIANCE

15 55. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the
16 Respondent has fully complied with the requirements of the federally authorized Arizona
17 hazardous waste management program, including (i) A.A.C. R18-8-262.A and A.A.C.
18 R18-8-262.D [see 40 CFR § 262.11], (ii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)],
19 and (iii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], that formed the basis for the
20 violations alleged in this CA/FO.

21 56. This certification of compliance is based upon true, accurate and complete information,
22 which the signatory can verify personally or regarding which the signatory has inquired of
23 the person or persons directly responsible for gathering the information.

24 J. RESERVATION OF RIGHTS

25 57. EPA expressly reserves all rights and defenses that it may have.
26
27

1 58. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and
2 remedies, both legal and equitable, including the right to require that Respondent perform
3 tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory
4 and regulatory powers, authorities, rights and remedies, both legal and equitable, which
5 may pertain to Respondent's failure to comply with any of the requirements of this
6 CA/FO, including without limitation, the assessment of penalties under Section 3008(c)
7 of RCRA, 42 U.S.C. § 6928(c).

8 59. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation
9 of any rights, remedies, powers or authorities, civil or criminal, which EPA has under
10 RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of
11 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law
12 enforcement authority of the United States, except as otherwise stated above.

13 60. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of
14 its obligations to comply with any applicable local, state, or federal laws and regulations.

15 61. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise
16 preclude EPA from taking additional enforcement actions should EPA determine that
17 such actions are warranted except as they relate to Respondent's liability for federal civil
18 penalties for the specific alleged violations and facts as set forth in Section C of this
19 CA/FO.

20 62. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does
21 not relieve Respondent of any obligation to obtain and comply with any local, state, or
22 federal permits. Compliance by Respondent with the terms of this CA/FO shall not
23 relieve Respondent of any obligations to comply with RCRA or any other applicable
24 local, state, or federal laws and regulations.

25 63. EPA reserves its right to seek reimbursement from Respondent for any additional costs
26
27

1 incurred by the United States which may result or arise from the alleged counts set forth
2 in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is
3 not released from liability, if any, for the costs of any response actions taken by EPA.
4

5 K. OTHER CLAIMS

6 64. Nothing in this CA/FO shall constitute or be construed as a release from any other claim,
7 cause of action or demand in law or equity by or against any person, firm, partnership,
8 entity or corporation for any liability it may have arising out of or relating in any way to
9 the generation, storage, treatment, handling, transportation, release, or disposal of any
10 hazardous constituents, hazardous substances, hazardous wastes, pollutants, or
11 contaminants found at, taken to, or taken from the Facility.
12

13 L. MISCELLANEOUS

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

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

18 67. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
19 proceeding.
20

21 M. EFFECTIVE DATE

22 68. In accordance with 40 CFR §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on
23 the date that the Final Order contained in this CA/FO, having been approved and issued
24 by either the Regional Judicial Officer or Regional Administrator, is filed.
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1 **IT IS SO AGREED,**

2

3 For Respondent **CITY OF AVONDALE,**

4

5

1-10-13

6

Date



Charles McClendon
City Manager
City of Avondale

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

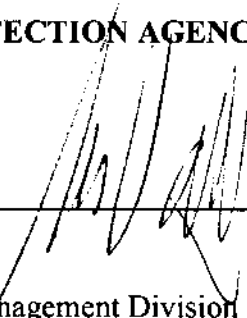
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1 25 13

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Date



Jeff Scott
Director
Waste Management Division
United States Environmental Protection Agency,
Region IX

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1
2 **FINAL ORDER**
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4 **IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ((U.S. EPA Docket
5 No. RCRA-09-2013-0002) be entered and that Respondent pay a civil penalty in the amount of
6 **SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500)** within thirty (30) days after the
7 Effective Date of this Consent Agreement and Final Order, in accordance with the term of this
8 Consent Agreement and Final Order. A copy of the payment transmittal shall be sent to EPA
9 Region IX as specified in Section G of this Consent Agreement and Final Order within such 30-
10 day period.

11
12 **This Final Order shall be effective upon filing.**
13

14
15 February 1, 2013

16 Date

17 
18 _____
19 Steven Jawgiel
20 Regional Judicial Officer
21 United States Environmental Protection Agency,
22 Region IX
23
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CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order in the matter of City of Avondale was filed with:

Regional Hearing Clerk
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

A true and correct copy of the same was sent to the following parties via CERTIFIED MAIL to:

Mr. Charles McClendon
City Manager
City of Avondale
11465 W. Civic Center Dr.
Avondale, AZ 85323

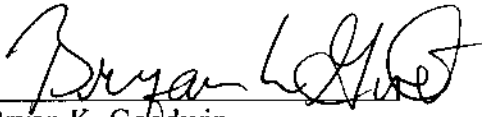
CERTIFIED MAIL NUMBER: 7011 1570 0003 5224 1881

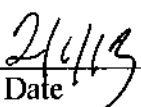
And by mail to:

Ms. Barbara U. Rodriguez-Pashkowski
Gust Rosenfeld, PLC
One E. Washington, Suite 1600
Phoenix, AZ 85004-2553

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

Letitia Moore
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


Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3000
<http://www.epa.gov/region9>

CERTIFIED MAIL NO. 7011 1570 0003 5224 1881
RETURN RECEIPT REQUESTED

FEB 01 2013

Mr. Charles McClendon
City Manager
City of Avondale
11465 W. Civic Center Dr.
Avondale, AZ 85323

Re: In the matter of City of Avondale - U.S. EPA Docket No. RCRA-09-2013-0002

Dear Mr. McClendon,

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

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. 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 Letitia Moore at (415) 972-3928 or moore.letitia@epa.gov.

Sincerely,


Jeff Scott, Director
Waste Management Division

Enclosures

cc: Randall Matas, ADEQ
Ms. Barbara U. Rodriguez-Pashkowski, Gust Rosenfeld, PLC