



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7007 2560 0001 7660 7327

RETURN RECEIPT REQUESTED

Mr. Michael Rapport
President
Frontier Aluminum,
2480 Railroad St., Corona,
CA 92880-5418
EPA Identification Numbers: CAD983594128; CAR000077388

Re: In the matter of Frontier Aluminum
-- U.S. EPA Docket No. RCRA-09-2009- 0014

Dear Mr. Rapport:

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.

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 Dorian Young at (415) 972-3515.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosure

cc: Charles McLaughlin, DTSC
P Mitchell, Riverside County Community Health Agency

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

FILED

JUL -7 PM 4:27

U.S. EPA REGION IX

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2009- 0014
FRONTIER ALUMINUM)	
CORPORATION)	
EPA ID Nos. CAD 983594128)	CONSENT AGREEMENT AND
CAR 000077388)	FINAL ORDER PURSUANT TO
)	40 C.F.R. SECTIONS 22.13 AND
)	22.18
Respondent.)	
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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 Frontier Aluminum Corporation ("Frontier," or "Respondent").
2. Respondent Frontier, located in Corona, CA, utilizes presses to extrude aluminum to specified shapes and lengths. Respondent has a work force of 127 employees, and operates 24 hours per day in three shifts – Monday through Friday. Respondent operates two Facilities. Each Facility has its own EPA identification number: (1) the 2480 Railroad Street Facility (ID No. CAD983594128); and (2) the 1990 Railroad Street Facility (ID No. CAR000077388) (collectively, the "Facilities").
3. This Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) properly close containers in violation of 22 C.C.R. §66265.173(a) [See also 40 C.F.R. §265.173(a)]; (2) properly maintain its leak detection system in violation of 22 C.C.R. §66265.193(c)(3) [See also 40 C.F.R. §265.193(c)(3)]; (3) conduct daily inspections of its tanks in violation of 22 C.C.R. §66265.195(a) [See also 40 C.F.R. §265.195(a)]; (4) create adequate aisle space in violation of 22 C.C.R. §66265.35 [See also 40 C.F.R. §265.35]; (5) conduct annual refresher training in

violation of 22 C.C.R. §66265.16(c) [*See also* 40 C.F.R. §265.16(c)]; (6) conduct weekly inspections in violation of 22 C.C.R. §66265.174 [*See also* 40 C.F.R. §265.174]; (7) obtain a permit to store hazardous waste in violation of 22 C.C.R. §66270.1 [*See also* 40 C.F.R. §270.1]; and (8) submit a 2007 biennial report in violation of 22 C.C.R. §66262.41(b) [*See also* 40 C.F.R. §262.41(a)]. 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.¹

B. JURISDICTION

4. 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 § 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. 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, 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.
5. Respondent is a “person,” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
6. Respondent is the “operator” of a facility as defined in 22 C.C.R. § 66260.10 [*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 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10]. Wastes generated at Respondent’s Facilities include the following: (1) corrosive sodium hydroxide solution and water waste – generated from a die cleaning operation (D002); (2) paint related material waste, and paint solvent-liquid waste (D001/F003); (3) spent non-halogenated solvent waste (D001); (4) hazardous solid waste – filter-cake, chromium silver – generated from the treatment of wastewater (D007/D011); (5) paint-waste related material, and paint solvent-solids (D001); (6) spent non-halogenated solvent, generated from paint operations (D007/D011); (7) hazardous waste liquid – chromic acid (“chromium”) – generated from pretreatment in cleaner system (D007); (8) corrosive waste-liquid – potassium hydroxide and water – generated from pretreatment of metal in painting operations (D002); and (9) corrosive inorganic liquid- waste – sodium hydroxide – generated from die cleaning (D002).

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 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 September 26, 2001 (66 FR 49118, September 26, 2001). Corresponding Federal citations are provided in brackets.

8. Respondent is or has been engaged in “storage” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
9. Respondent generates and accumulates, or has 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].
10. At the Facilities, Respondent generates and accumulates, or has generated and accumulated, “hazardous waste” as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3].
11. On May 21, 2008, EPA Investigators conducted a RCRA Compliance Evaluation Inspection (“CEI”) at the Facilities. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated California Health & Safety Code § 25100 et seq. and the regulations adopted pursuant thereto, as approved and authorized by the United States.
12. 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.
13. A violation of California’s authorized hazardous waste program, found at H&SC §§ 25100 et seq., constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California’s authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
14. 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 Subtitle C of RCRA, Section 3001 of RCRA et seq., 42 U.S.C. § 6921 et seq.
15. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has re-delegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

[Failure to properly close containers.]

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.

17. Pursuant to 22 C.C.R. §66265.173(a) [*see also* 40 C.F.R. §265.173(a)], a container holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste. 22 C.C.R. §66265.173(a) [*see also* 40 C.F.R. §265.173(a)].
18. At the time of the CEI, EPA Investigators observed two open 5-gallon buckets of solvent line flush (D001), and one open 40-cubic-yard bin of filter cake (D007).
19. Therefore, EPA alleges that Respondent has violated 22 C.C.R. §66265.173(a) [*see also* 40 C.F.R. §265.173(a)].

COUNT II

[Failure to properly maintain tank leak detection systems.]

20. Paragraphs 1 through 19 above are incorporated herein by this reference as if they were set forth here in their entirety.
21. Pursuant to 22 C.C.R. §66265.193(c)(3) [*see also* 40 C.F.R. §265.193(c)(3)], a hazardous waste storage tank shall be provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours. 22 C.C.R. §66265.193(c)(3) [*see also* 40 C.F.R. §265.193(c)(3)].
22. At the time of the CEI, EPA Investigators observed the following: (1) the 2480 Railroad Street Facility's 2,500-gallon sodium hydroxide hazardous waste tank did not have a leak detection system; and (2) the 1990 Railroad Street Facility's 2,500-gallon sodium hydroxide hazardous waste tank did not have a leak detection system.
23. Therefore, EPA alleges that Respondent has violated 22 C.C.R. §66265.193(c)(3) [*see also* 40 C.F.R. §265.193(c)(3)].

COUNT III

[Failure to conduct daily inspections of its tanks.]

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. Pursuant to 22 C.C.R. §66265.195(a) [*see also* 40 C.F.R. §265.195(a)], the owner or operator of a facility shall inspect, where present, at least once each operating day: (1) overflow/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order; (2) the aboveground portions of the tank system, if any, to detect corrosion or releases of waste; (3) data gathered from

monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; (4) the construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation); and (5) for uncovered tanks, the level of waste in the tank. 22 C.C.R. §66265.195(a) [*see also* 40 C.F.R. §265.195(a)].

26. At the time of the CEI, EPA Investigators noted that the 2480 Railroad Street Facility's 2,500-gallon sodium hydroxide hazardous waste tank; and the 1990 Railroad Street Facility's 2,500-gallon sodium hydroxide hazardous waste tank were not inspected on a daily basis.
27. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §66265.195(a) [*see also* 40 C.F.R. §265.195(a)].

COUNT IV

[Failure to maintain adequate aisle space.]

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. Pursuant to the requirements of 22 C.C.R. §66265.35 [*see also* 40 C.F.R. §265.35], the owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Department of Toxic Substances Control ("DTSC" or the "Department") that aisle space is not needed for any of these purposes. 22 C.C.R. §66265.35 [*see also* 40 C.F.R. §265.35].
30. At the time of the CEI, at the 2480 Railroad Street Facility, EPA Investigators observed that access to that Facility's main hazardous waste storage area was blocked by drums stacked on top of each other. As such, Respondent failed to create adequate aisle space.
31. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §66265.35 [*see also* 40 C.F.R. §265.35].

COUNT V

[Failure to conduct annual refresher training.]

32. Paragraphs 1 through 31 above are incorporated herein by this reference as they were set forth herein in their entirety.
33. 22 C.C.R. §66265.16(c) [*see also* 40 C.F.R. §265.16(c)] requires that Facility personnel shall take part in an annual review of initial Facility training. 22 C.C.R. §66265.16(c)

[*see also* 40 C.F.R. §265.16(c)].

34. At the time of the CEI, Respondent was unable to present to EPA Investigators documentation, or other evidence, that personnel that managed hazardous waste at its Facilities had received annual refresher training.
35. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §66265.16(c) [*see also* 40 C.F.R. §265.16(c)].

COUNT VI

[Failure to conduct weekly inspections.]

36. Paragraphs 1 through 35 above are incorporated herein by this reference as they were set forth herein in their entirety.
37. In compliance with the requirements of 22 C.C.R. §66265.174 [*see also* 40 C.F.R. §265.174], Respondent is required to inspect areas used for container storage or transfer, at least weekly, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. 22 C.C.R. §66265.174 [*see also* 40 C.F.R. §265.174].
38. At the time of the CEI, Respondent failed to conduct regular weekly inspections of its hazardous waste storage areas.
39. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §66265.174 [*see also* 40 C.F.R. §265.174].

COUNT VII

[Failure to obtain a permit to store hazardous waste.]

40. Paragraphs 1 through 39 above are incorporated herein by this reference as if they were set forth here in their entirety.
41. 22 C.C.R. §66270.1(c) requires that each person owning or operating a facility where hazardous waste is transferred, treated, stored, or disposed must have a permit. At the time of the inspection, Respondent did not have a permit or grant of interim status to store hazardous waste under 22 C.C.R. § §66270.1(c) [*see also* 40 C.F.R. § §270.1(c)] for either facility.
42. 22 C.C.R. § §66262.34(a) 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. 22 C.C.R. § §66262.34(f) requires that generators label containers with the words “hazardous waste” and with the date accumulation of the waste begins, and the label must be visible for inspection [*see also* 40 C.F.R. § §262.34(a)]. 22 C.C.R. § §66262.34(c)(1) provides that a generator may

accumulate up to 55 gallons of hazardous waste at a satellite accumulation area [*see also* 40 C.F.R. § §262.34(c)(1)]. Generators who fail to label containers of hazardous waste accordingly, or who exceed the 55 gallon limit at a satellite accumulation area fail to meet the requirements of 22 C.C.R. § §66262.34, and are subject to the permitting requirements of 22 C.C.R. § §66270.1 [*see also* 40 C.F.R. § §270.1].

43. At the time of the CEI, EPA Investigators noted that the 2480 Railroad Street Facility (CAD983594128) failed to meet these requirements: (1) one 55-gallon drum of D001/F003 hazardous waste in the hazardous waste storage area had an accumulation start date of January 31, 2008 (i.e., 21 days beyond 90 day limit); (2) two 5-gallon buckets of solvent line flush were unlabeled; (3) 90-day storage area hazardous waste containers were either unlabeled or only partially labeled, including two 55-gallon drums of D001/F003 that lacked accumulation start dates, ten 55-gallon drums that were unlabeled, and one 40-cubic-yard bin of filter cake (D017, F019) that did not have an accurate accumulation start date; and (4) the Facility's 2,500-gallon sodium hydroxide hazardous waste tank was unlabeled. In addition, the inspectors noted that, in the 1990 Railroad Street Facility (CAD983594128), a 2,500-gallon sodium hydroxide hazardous waste tank was unlabeled. Respondent did not comply with – and was not exempt from – the requirements of 22 C.C.R. §66270.1(b).
44. Therefore, EPA alleges that Respondent has violated 22 C.C.R. §66270.1(b)-(c) [*see also* 40 C.F.R. §270.1].

COUNT VIII

[Failure to submit a 2007 biennial report.]

45. Paragraphs 1 through 44 above are incorporated herein by this reference as they were set forth herein in their entirety.
46. Pursuant to 22 C.C.R. §66262.41(b) [*see also* 40 C.F.R. §262.41(a)], a generator who ships any hazardous waste offsite to a transfer, treatment, storage or disposal facility within the United States shall prepare and submit a single copy of a Biennial Report....to the Department by March 1 of each even-numbered year....[t]he Biennial Report shall be submitted on forms provided by the Department and shall cover generator activities during the previous calendar year. 22 C.C.R. §66262.41(b) [*see also* 40 C.F.R. §262.41(a)].
47. At the time of the CEI, Respondent had failed to submit a 2007 biennial report for at its 1990 Railroad Street Facility.
48. Therefore, EPA alleges that Respondent violated 22 C.C.R. §66262.41(b) [*see also* 40 C.F.R. §262.41(a)].

D. CIVIL PENALTY

49. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, see 61 Fed. Reg. 69360 (Dec. 31, 1996), and the Civil Monetary Penalty Inflation Adjustment Rule, see 69 Fed. Reg. 7121 (Feb. 13, 2004), authorizes a civil penalty of up to TWENTY SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day 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 issued in February 2004 authorizes a civil penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) for violations that occur after March 15, 2004. 69 Fed. Reg. 7121 (Feb. 13, 2004), and authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) for violations that occur after Jan. 11, 2009. 73 Fed. Reg. 75340 (Dec. 11, 2008). 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-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) 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, for case-specific circumstances, and for the economic benefit gained from non-compliance, where appropriate.

E. ADMISSIONS AND WAIVERS OF RIGHTS

50. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of 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.
51. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of 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

52. 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, 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.
53. 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.
54. 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

55. Respondent consents to the assessment of and agrees to pay a civil penalty of THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
56. Respondent shall submit payment of the THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) 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" and sent to:

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

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

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

and

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

57. 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

58. 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 THOUSAND DOLLARS (\$1,000) per day for first to fifteenth day of delay, ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) per day for sixteenth to thirtieth day of delay, and TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) per day for each day of delay thereafter.

59. 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.
60. 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 55.
61. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
62. 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

63. 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 ("CERCLA"), or any other statutory, regulatory or common law enforcement authority of the United States.
64. 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.
65. 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.
66. 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

67. 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

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

70. 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.

5-29-09

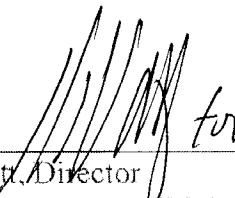
Date



Michael Rapport
President
Frontier Aluminum Corporation

6 30 09

Date



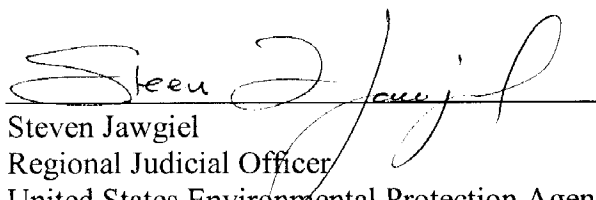
Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

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-9-2009-0014) be entered and that Pacific Sky Supply, Inc. pay a civil penalty of THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. This Final Order shall be effective upon filing by the Regional Hearing Clerk.

07/06/09

Date


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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the matter of Frontier Aluminum (RCRA-09-2009-0014), signed by the Regional Judicial Officer on July 6, 2009, has been filed with the Regional Hearing Clerk, and a copy was served on Counsel for Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:

(With Return Receipt)

Respondent -

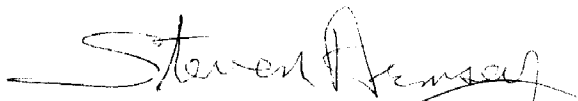
Michael Rapport, Pres.
FRONTIER ALUMINUM
2480 Railroad Street
Corona, CA 92880

HAND DELIVERED:

Complainant -
(By Counsel)

Dorian Young, Esq.
Office of Regional Counsel
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Dated at San Francisco, Calif., this 7th day of July, 2009.



Steven Armsey
Regional Hearing Clerk
EPA, Region 9