



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

Certified Mail No. 7007 0710 0003 6240 3671  
Return Receipt Requested

Mr. Frank Encinas, President  
Semiray Inspection Services, Inc.  
3027 E. Washington Street  
Phoenix, AZ 85034

SEP 26 2016

**RE: Consent Agreement and Final Order  
In the Matter of Semiray Inspection Services**

Dear Mr. Encinas:

Please find enclosed a copy of the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA) and Semiray Inspection Services, Inc. (Semiray).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action against Semiray for alleged violations of the hazardous waste management regulations at your facility in Phoenix, Arizona.

Semiray's full compliance with the payment terms of this CA/FO will close this case. If you have any questions regarding the RCRA hazardous waste regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please contact Rick Sakow of my staff at (415) 972-3495 or Rebecca Sugerman, in the Office of Regional Counsel, at (415) 972-3893.

Sincerely,

*Claire Neubauer*  
*for* Kathleen H. Johnson  
Director, Enforcement Division

Enclosure

cc with enclosure: Terry Baer, ADEQ Solid and Hazardous Waste Unit Supervisor



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

\*\* FILED \*\*  
26SEP2016 - 11:36AM  
U.S.EPA - Region 09

In the matter of	)	U.S. EPA Docket No.
	)	RCRA-9-2016- 0007
Semiray Inspection Services	)	
	)	CONSENT AGREEMENT AND
EPA ID No. AZD 981636129	)	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 and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22. Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Semiray Inspection Services ("Semiray" or "Respondent").
2. Respondent operates a facility at 3027 East Washington Street, in Phoenix, Arizona, 85034 (the "Facility"). The Facility's EPA Identification Number is AZD 981636129. At the Facility, Respondent performs aluminum anodizing (chromic and sulfuric anodize), chemical conversion coating, cleaning and passivation, pre-penetrant etch (aluminum and steel), non-destructive testing (mag particle and fluorescent dye penetrant), solvent cleaning, paint and rubber application.
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) obtain a permit or grant of interim status for storage of hazardous waste, a violation of Arizona Administrative Code ("A.A.C.") R18-8-270.A [see also 40 C.F.R. § 270.1(c)]; (2) make a hazardous waste determination, a violation of A.A.C. R18-8-262.A [see also 40 C.F.R. § 262.11]; (3) submit a biennial report, a violation of A.A.C. R18-8-262.A [see also 40 C.F.R. §§ 262.41(a) and (b)]; (4) adequately train employees managing hazardous waste, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.16]; (5) maintain and operate the facility to minimize the possibility of an unplanned release of hazardous waste, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.31]; (6) keep containers of hazardous waste closed, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.173]; (7) maintain adequate aisle space, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.35]; (8) maintain a contingency plan, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R.

§ 265.52]; and (9) meet hazardous waste tank requirements, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. §§ 265.190 – 265.202]. 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.<sup>1</sup>

## 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.6 [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.A and 270.A [see also 40 C.F.R. § 260.10].
7. Respondent 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. Respondent generates or has generated hazardous waste including but not limited to: methyl ethyl ketone (D035, F005), chromium (D007), spent non-halogenated solvents, including acetone and xylene (F003), and flammable waste (D001) which are "hazardous wastes" as defined in A.R.S. 49-921(5), A.A.C. R18-8-260.C and 261.A [see also Section 1004(5) of RCRA, 42 U.S.C. §6903(5), 40 C.F.R. §§ 260.10 and 261.3].
9. On October 30, 2014, EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility. Based upon the findings EPA made during the inspection, and

---

<sup>1</sup> 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.

additional information obtained subsequent to the inspection, EPA determined that Respondent had violated A.R.S. 49-922, and regulations adopted pursuant thereto [*see also* Sections 3001, 3004 and 3005 of RCRA, 42 U.S.C. §§ 6921, 6924 and 6925].

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 Subtitle C of RCRA and, therefore, a person who violates Arizona'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.
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 Subtitle C 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 signatory below.

C. ALLEGED VIOLATIONS

COUNT I

Storage of Hazardous Waste Without a Permit

14. Paragraphs 1 through 13 above are incorporated herein by this reference as if they were set forth here in their entirety.
15. A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1(c)] and A.R.S. 49-922 [*see also* RCRA Section 3005(e) (42 U.S.C. § 6925(e))] require 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.
16. 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 meet the conditions fail to meet the requirements of A.A.C. R18-8-262.A, and are subject to the permitting requirements of A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1].

17. During the CEI, the EPA Inspectors observed thirteen 55-gallon containers of chrome waste (hazardous waste code F006) and flammable wastes (hazardous waste code D001), accumulating at the Facility for longer than 90 days.
18. During the CEI, the EPA Inspectors observed solvent waste accumulated in a drainage sump within the Hazardous Waste Accumulation Area ("HWAA") that had no label or accumulation start date.
19. After the inspection Semiray determined that the sump had contained 56 gallons of hazardous solvent waste.
20. Numerous boxes and bags of hazardous waste paint filters were accumulated without an accumulation start date or label in the HWAA.
21. During the CEI, the EPA Inspectors observed thirteen containers of hazardous waste that were not labelled with hazardous waste information or accumulation start dates.
22. During the CEI, the EPA Inspectors observed several boxes and bags of hazardous waste paint filters, as well as one full one-ton Supersack of F006 filter cake, that were not labelled with either the words "hazardous waste" or the accumulation start date.
23. 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]. Therefore, EPA alleges that Respondent stored hazardous waste without a permit, a violation of A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1(c)].

## COUNT II

### Failure to Make a Waste Determination

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. A.A.C. R18-8-262.A requires that a person who generates solid waste must determine if that waste is hazardous waste [*see also* 40 C.F.R. § 262.11].

26. At the time of the EPA inspection, Semiray had not determined if waste it generated, including a 55-gallon container with contaminated rags and personal protective equipment, and a drainage sump filled with liquid, were hazardous wastes.
27. After the inspection, at EPA's direction, Semiray characterized the wastes, and determined they were hazardous.
28. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-262.A [*see also* 40 C.F.R. § 262.11].

### COUNT III

#### Failure to Submit Biennial Report

29. Paragraphs 1 through 28 above are incorporated herein by this reference as if they were set forth here in their entirety.
30. A.A.C. R18-8-262.A requires large quantity generators who ship hazardous waste off-site to a treatment, storage, or disposal facility within the United States prepare and submit a copy of the Biennial Report to EPA by March 1 of each even numbered year [*see also* 40 C.F.R. § 262.41(a)]. The Biennial Report covers generator activities during the previous year.
31. Subsequent to the EPA inspection, Semiray had not submitted the required Biennial Reports for the years of 2011 and 2013.
32. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-262.A [*see also* 40 C.F.R. § 262.41].

### COUNT IV

#### Failure to Develop and Implement a Personnel Training Program

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. A.A.C. R18-8-262.A provides that a 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 requirements, including the requirements at A.A.C. R18-8-265.A which require that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the general facility standards set forth in the regulations [*see also* 40 C.F.R. §§ 262.34(a)(4) and 265.16]. The requirements include that facility personnel must take part in an annual review of initial training and that owners or operators maintain records that document that the training or job experience required have been given to and completed by facility personnel.

35. EPA found that Respondent had failed to provide appropriate training for several employees who handle hazardous waste, lacked a written training program, and records documenting training were not available for review.
36. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.16].

#### COUNT V

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

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. A.A.C. R18-8-262.A provides that a 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 requirements, including A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 262.34(a) and 40 C.F.R. § 265.31] which provides 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.
39. At the time of the inspection, the EPA Inspectors observed that the secondary containment structure for the wastewater treatment unit was full of plating waste and showed evidence of degradation, including numerous cracks. One crack split completely through the concrete on the southern boundary of the Facility, increasing the likelihood of a release of hazardous waste to the environment.
40. In addition, metal plating waste had accumulated in floor drains throughout the Facility, with extensive staining from plating bath wastes noted throughout the Facility.
41. At the time of the inspection, the EPA Inspectors observed hazardous filter cake residue uncontained on the concrete surface of the wastewater treatment area.
42. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.31].

#### COUNT VI

##### Failure to Close Containers of Hazardous Waste

43. Paragraphs 1 through 42 above are incorporated herein by this reference as if they were set forth here in their entirety.



44. A.A.C. R18-8-262.A provides that a 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 requirements, including A.A.C. R18-8-265.A, which requires that generators keep containers holding hazardous waste closed during transfer and storage, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 265.173(a)].
45. At the time of the inspection, the EPA Inspectors observed the following containers of hazardous waste that did not meet the requirement: two open boxes and approximately eight garbage bags of hazardous waste paint filters accumulated in the HWAA without being properly closed; one full one-ton Supersack of filter cake that was not closed; one partially full one-ton Supersack of filter cake in the wastewater treatment area that was not closed; a container of hazardous waste solvent accumulating in the HWAA with a funnel which was not latched shut and did not have adequate gaskets to contain solvent fumes.
46. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.173].

#### COUNT VII

##### Failure to Maintain Adequate Aisle Space

47. Paragraphs 1 through 46 above are incorporated herein by this reference as if they were set forth here in their entirety.
48. A.A.C. 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 to any area of facility operation in an emergency, unless the aisle space is not needed for any of these purposes [*see also* 40 C.F.R. §§ 262.34(a)(4) and 265.35].
49. At the time of the inspection, the EPA Inspectors observed that several containers in the HWAA were inaccessible due to inadequate aisle space.
50. Therefore EPA alleges Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.35].

#### COUNT VIII

##### Failure to Maintain Contingency Plan

51. Paragraphs 1 through 50 above are incorporated herein by this reference as if they were set forth here in their entirety.
52. A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.51] requires that the owner or operator must maintain a contingency plan designed to minimize hazards to human health or the

environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan must include the names addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator [*see also* 40 C.F.R. § 265.52(d)].

53. At the time of the inspection, the EPA Inspectors noted that Semiray's contingency plan was specific to its predecessor, and it did not include names, addresses and phone number of qualified emergency coordinators.
54. Therefore EPA alleges Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. §§ 265.51 – 265.52].

#### COUNT IX

##### Failure to Meet Hazardous Waste Tank Requirements

55. Paragraphs 1 through 54 above are incorporated herein by this reference as if they were set forth here in their entirety.
56. 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 waste is placed in containers or tanks that meet certain requirements.
57. A.A.C. R18-8-265.A requires that the owner or operator of facilities that use tanks systems for storing or treating hazardous waste must meet the applicable requirements set out at 40 CFR Part 265 Subpart J [40 C.F.R. §§ 265.190 – 265.202] regarding assessment of existing tank integrity; design and installation of new tank systems or components; leak detection; general operating requirements; inspections; response to leaks or spills; closure and post-closure care; special requirements for ignitable or reactive wastes; and air emission standards.
58. At the time of the inspection, the EPA Inspectors observed that Respondent was storing hazardous waste in a sump and in secondary containment, but was not meeting any of the requirements set out at 40 CFR Part 265 Subpart J.
59. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. §§ 262.34, 265.190 – 265.202].

#### D. CIVIL PENALTY

60. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes a civil penalty of up to \$37,500 per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.* 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, ability to pay, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty Policy."

E. ADMISSIONS AND WAIVERS OF RIGHTS

61. 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.
62. 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

63. 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.
64. 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.
65. 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

66. Respondent consents to the assessment of and agrees to pay a civil penalty of SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
67. Respondent shall submit payment of the SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) in accordance with the payment plan specified in Paragraph 69 of this CA/FO, and in accordance with one of the options set forth below. 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.

Regular Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and sent as follows:

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

Overnight Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and sent as follows:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

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"

ACH (also known as REX or remittance express):  
Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> 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](http://www.pay.gov)

Enter “sfol.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.**

68. At the time payment is made, proof of payment shall be sent to:

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

and

Rick Sakow (ENF-2-2)  
Enforcement Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105.

69. EPA assesses interest on all debts not paid within 30 days of the Effective Date, Accordingly, the payments below reflect interest calculated pursuant to 40 C.F.R. 13.11(a). The first payment of \$1,879.17 is due within 30 days of the Effective Date of this CA/FO. The following payments are due at monthly intervals, with interest included, as follows:

	Due by:	Payment
--	---------	---------

Payment 1	Effective Date +90 days	\$5,579.50
Payment 2	Effective Date+180 days	\$5,565.96
Payment 3	Effective Date+270 days	\$5,552.42
Payment 4	Effective Date+360 days	\$5,538.87
Payment 5	Effective Date+450 days	\$5,525.33
Payment 6	Effective Date+540 days	\$5,511.79
Payment 7	Effective Date+630 days	\$5,498.25
Payment 8	Effective Date+720 days	\$5,484.70
Payment 9	Effective Date+810 days	\$5,471.16
Payment 10	Effective Date+900 days	\$5,457.62
Payment 11	Effective Date+990 days	\$5,444.08
Payment 12	Effective Date+1080 days	\$5,426.53
<b>Totals:</b>		<b>\$66,056.20</b>

70. 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

71. 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.

72. 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.
73. All penalties due under this section shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 67.

74. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
75. 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. CERTIFICATION OF COMPLIANCE

76. By signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized Arizona hazardous waste management program that formed the basis for the violations alleged in this CA/FO. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. RESERVATION OF RIGHTS

77. 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.
78. 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.
79. 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.

80. 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.

K. OTHER CLAIMS

81. 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.

L. MISCELLANEOUS

82. The civil penalty assessed above is conditional upon the accuracy of Respondent's representations to EPA concerning its financial resources as memorialized in Respondent's correspondence to EPA in response to this enforcement action.

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

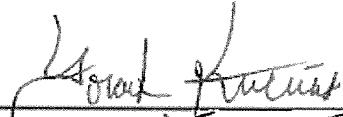
84. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.


85. 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.

9-8-16  
Date

9-20-2016  
Date

  
Name Title: FRANK ENCINAS PRESIDENT  
Semiray Inspection Services, Inc.

  
for Kathleen Johnson, Director  
Enforcement Division  
U.S. Environmental Protection Agency, Region 9



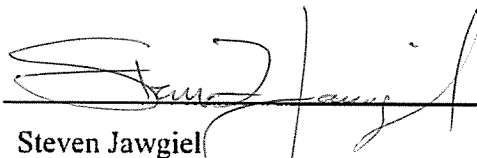
FINAL ORDER

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-9-2016-~~007~~ ) be entered. Semiray Inspection Services is being assessed a civil penalty of SIXTY FIVE THOUSAND DOLLARS (\$65,000.00) and shall pay in accordance with the payment plan specified in Paragraph 69 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.

09/23/16

Date



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



CERTIFICATE OF SERVICE

I hereby certify that the original ~~and a copy~~ of the foregoing Consent Agreement and Final Order in the matter of Semiray Inspection Services, Inc. with Docket # RCRA-09-2016-0007 has been filed with the Regional Hearing Clerk, Region 9, and a copy was sent:

By Certified Mail, Return Receipt Requested to Respondent:

Mr. Frank Encinas, President  
Semiray Inspection Services, Inc.  
3027 E. Washington Street  
Phoenix, AZ 85034  
Certified Mail No. 7007 0710 0003 6240 3671

Sept. 26, 2016  
Date

Steven Armsou  
Regional Hearing Clerk  
Office of Regional Counsel, Region 9

\*\*\*\*\*

1000

1000

1000