

FILED

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
US EPA - REGION IX  
HEARING CLERK

In the matter of	)	U.S. EPA Docket No.
	)	RCRA- 9-2014- 0009
Triax Turbine Components, LLC	)	
	)	CONSENT AGREEMENT AND
EPA ID No. AZR000502591	)	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 Triax Turbine Components, LLC (Respondent or "Triax").
2. Respondent owns and operates a facility located at 6519 W. Allison Road, Chandler, AZ, 85226 (the "Facility"). The Facility's EPA Identification Number is AZR000502591. Respondent operates a facility that manufactures non-ferrous blades and vanes for engines used in the aerospace and industrial gas turbine industries.
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 attain the permit exemption for storage of hazardous waste, a violation of 40 C.F.R. §§ 270.1(c) and 262.34(a); (2) comply with tank requirements, a violation of 40 C.F.R. § 262.34(a), §§ 265.192(a), 265.193(c)(3), 265.194(b)(1-2), 265.195(b)(2-3), and 265.195(e); (3) provide a decontamination shower at the 90-day storage area, a violation of 40 C.F.R. §§ 262.34(a)(4) and 265.32(c); (4) meet the personnel training requirements, a violation of 40 C.F.R. §§ 262.34(a)(4), 265.16(a)(1), and 265.16(d)(1-3); (5) comply with the requirements in the contingency plan, a violation of 40 C.F.R. §§ 262.34(a)(4) and 265.52(d-e); (6) perform weekly inspections of containers, a violation of 40 C.F.R. §§ 262.34(a)(1)(i) and 265.174; and (7) label and accumulate in closed containers universal

waste fluorescent lamps, a violation of 40 C.F.R. §§ 273.13(d)(1) and 273.15. These are all in violation of Section 3001 et seq. of RCRA, 42 U.S.C. § 6921 et seq., and regulations adopted pursuant thereto.

B. JURISDICTION

4. Respondent is a "person" as defined in 40 C.F.R. § 260.10.
5. Respondent is the "operator" of a facility as defined in 40 C.F.R. § 260.10.
6. Respondent is a "generator" of hazardous waste as defined in 40 C.F.R. § 260.10.
7. Respondent is or has been engaged in "storage" of hazardous waste as defined in 40 C.F.R. § 260.10.
8. Respondent generates and accumulates, or has generated and accumulated, materials that are "wastes" as defined in 40 C.F.R. § 261.2.
9. At the Facility, Respondent generates and accumulates, or has generated and accumulated, "hazardous waste" as defined in RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3. These hazardous wastes include, but are not limited to, waste caustic solution from core removal (D002 and D007), waste acids (D002 and D007), spent fixer and developer solutions (D011), caustic sludge (D002 and D007), waste solvents (primarily D001) and miscellaneous lab-pack waste. Other RCRA-regulated wastes generated or accumulated at the Facility include universal waste lamps and used oil.
10. The Facility is located within the boundaries of the Gila River Indian Community and Respondent is, therefore, subject to the federal regulations adopted pursuant to Sections 3004 and 3005 of RCRA, 42. U.S.C. §§ 6924 and 6925.
11. On June 5 and 6, 2013, EPA representative and a Gila River Indian Community representative conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility. The purpose of the inspection was to determine the Facility's compliance with applicable federal environmental statutes and regulations, and in particular RCRA, as amended, and the regulations in 40 C.F.R. Parts 261-265, 268, 273 and 279. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated RCRA and the regulations adopted pursuant thereto.
12. EPA alleges that Respondent's failure to comply with the requirements of 40 C.F.R. §§ 262, 265, 270.1(c) and 273 constitutes violations of Subtitle C of RCRA and Respondent is therefore subject to the powers vested in the EPA Administrator by

Section 3008(a) of RCRA, 42 U.S.C. § 6928 and Section 6001 of RCRA, 42 U.S.C. § 6921.

13. 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.*
14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the Director of the Enforcement Division.

C. ALLEGED VIOLATIONS

COUNT I

(Storage of hazardous waste without a permit for failure to adequately label)

15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
16. 40 C.F.R. § 270.1(c) requires a permit for the “treatment,” “storage,” and “disposal” of any “hazardous waste” as identified or listed in 40 C.F.R. Part 261.
17. 40 C.F.R. § 270.1(c)(2) provides an exclusion for generators who accumulate hazardous waste onsite for less than the time periods provided in 40 C.F.R. § 262.34
18. 40 C.F.R. § 262.34(a)(2) allows generators to accumulate hazardous waste on-site for ninety (90) days or less without a permit or without having interim status, provided that, among other things: the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and each container and tank is labeled or marked clearly with the words “Hazardous Waste.”
19. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to store hazardous waste under 40 C.F.R. § 270.1(c) and 42 U.S.C. § 3005(e).
20. Based on information gathered during the CEI, EPA determined that two of seven of the hazardous waste accumulation containers were not marked with accumulation start dates, the label (including the space for marking an accumulation start date) for one of seven hazardous waste accumulation containers was not visible for inspection, and the 2,000-gallon less than ninety (90) day hazardous waste accumulation tank is not labelled or marked with the words “Hazardous Waste.”

21. Therefore EPA alleges that Respondent did not comply with the requirements of 40 C.F.R. § 262.34(a)(2) and failed to obtain a permit for storage of hazardous waste as required by 40 C.F.R. § 270.1.

COUNT II

(Failure to comply with tank requirements)

22. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
23. 40 C.F.R. § 262.34(a)(ii) requires generators to comply with 40 C.F.R. §§ 265.192(a), 265.193(c)(3), 265.194(b)(1-2), 265.195(b)(2-3), and 265.195(e).
24. 40 C.F.R. § 265.192(a) requires that owners or operators of new tank systems or components must obtain a written assessment reviewed and certified by a qualified Professional Engineer attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
25. 40 C.F.R. § 265.193(c)(3) requires that owners or operators that use tank systems for storing or treating hazardous waste must have secondary containment that has 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 twenty-four (24) hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release.
26. 40 C.F.R. § 265.194(b)(1-2) requires that owners or operators must use appropriate controls and practices to prevent spills and overflows from the tank or secondary containment including spill prevention controls and overfill prevention controls.
27. 40 C.F.R. § 265.195(b)(2-3) requires that at least once each operating day, owners or operators must inspect above ground portions of the tank system and the construction materials and the area immediately surrounding the externally accessible portion of the tank system.
28. 40 C.F.R. § 265.195(e) requires that at least once each operating day, owners or operators must inspect ancillary equipment that is not provided with the secondary containment.
29. As a result of the CEI, EPA concluded that, with respect to the hazardous waste accumulation tank, Respondent has not obtained a written assessment of the hazardous waste accumulation tank system, does not have a leak detection system in place, does not have controls and practices in place to prevent spills and overflows from the tank system,

and does not perform inspections of the tank system.

30. Therefore EPA alleges that Respondent did not comply with tank requirements, a violation of 40 C.F.R. §§ 262.34(a)(ii), 265.192(a), 265.193(c)(3), 265.194(b)(1-2), 265.195(b)(2-3), and 265.195(e).

### COUNT III

(Failure to provide a decontamination shower at the 90-day storage area)

31. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. 40 C.F.R. § 262.34(a)(4) requires generators to comply with 40 C.F.R. § 265.32(c).
33. 40 C.F.R. § 265.32(c) requires that owners and operators of hazardous waste facilities ensure that facilities are equipped with certain equipment including decontamination equipment.
34. As a result of the CEI, EPA concluded that the Facility did not have adequate decontamination equipment because the nearest emergency shower to the outdoor hazardous waste accumulation area was through a doorway that cannot be opened from the outside.
35. Therefore, EPA alleges that Respondent has violated 40 C.F.R. §§ 262.34(a)(4) and 265.32(c).

### COUNT IV

(Failure to meet the personnel training requirements)

36. Paragraph 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
37. 40 C.F.R. § 262.34(a)(4) requires generators to comply with 40 C.F.R. §265.16.
38. 40 C.F.R. § 265.16(a)(1) requires that facility personnel must 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 RCRA.
39. 40 C.F.R. § 265.16(d)(1-3) requires the owner or operator to maintain certain documents and records at the facility including: (1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) a written job description for each position at the facility, and (3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling each position as the facility.

40. As a result of the CEI, EPA concluded that at the time of the CEI Respondent did not have an adequate training program for persons listed in the Facility's Emergency Action Plan ("EAP") and Emergency Response Plan ("ERP") as alternate emergency coordinators, had not developed a list of job titles for each position related to the management of hazardous waste, and the name(s) of the employee(s) filling each job, had not developed written descriptions for the emergency coordinator and persons serving as alternate emergency coordinators with respect to hazardous waste management duties, and had not developed written descriptions of the type and amount of introductory and continuing RCRA training for persons listed in the EAP and ERP as alternate Emergency Coordinators.
41. Therefore, EPA alleges that Respondent has violated 40 C.F.R. §§ 262.34(a)(4), 265.16(a)(1), and 265.16(d)(1-3).

COUNT V

(Failure to comply with the requirements in the contingency plan)

42. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
43. 40 C.F.R. § 262.34(a)(4) requires generators to comply with 40 C.F.R. § 265.52(d-e).
44. 40 C.F.R. § 265.52(d-e) requires that owners and operators have a contingency plan for the facility that, among other things, lists names, addresses, and phone numbers (office and home) of all persons qualified to act as an emergency coordinator, and this list must be kept up to date; lists the primary emergency coordinators and others in the order in which they will assume responsibility; and lists all emergency and decontamination equipment and their capabilities.
45. As a result of the CEI, EPA concluded that the Facility's EAP and ERP (which serve as the RCRA Contingency Plan) do not list addresses and phone numbers (home and office) of the emergency coordinator and alternates, do not list the emergency coordinator and alternates in the order that they will assume responsibility, and do not list all emergency and decontamination equipment and their capabilities.
46. Therefore, EPA alleges that Respondent has violated 40 C.F.R. §§ 262.34(a)(4), and 265.52(d-e).

COUNT VI

(Failure to perform weekly inspections of containers)

47. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
48. 40 C.F.R. § 262.34(a)(1)(i) requires generators to comply with 40 C.F.R. § 265.174.
49. 40 C.F.R. § 265.174 requires that, at least weekly, owners or operators must inspect areas where containers are stored.
50. As a result of the CEI, EPA concluded that Respondent is not performing weekly inspections at two (of three) hazardous waste accumulation areas.
51. Therefore, EPA alleges that Respondent has violated 40 C.F.R. §§ 262.34(a)(1)(i) and 265.174.

COUNT VII

(Failure to label and accumulate in closed containers universal waste fluorescent lamps)

52. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
53. 40 C.F.R. § 273.10 defines “universal waste” to include “lamps”.
54. 40 C.F.R. § 273.10 defines “small quantity handler of universal waste” as a universal waste who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, collected collectively) at any time.
55. 40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste lamps manage lamps in a way that prevents releases of any universal waste by containing any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
56. 40 C.F.R. § 273.14(e) requires that each lamp or container or package in which universal waste lamps are contained must be labeled or marked with one of the following phrases: “Universal Waste Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”
57. 40 C.F.R. § 273.15(c) provides that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the

universal waste has been accumulated from the date it becomes a waste or is received.

58. As a result of the CEI, EPA concluded that Respondent failed to accumulate universal waste lamps (fluorescent lamps and HID lamps) in closed containers; label universal waste lamp accumulation containers (fluorescent lamps and HID lamps) with the words "universal waste; or "waste lamps" or "used lamps," and date universal waste lamp accumulation containers or otherwise track the length of time that universal waste lamps have been accumulating.
59. Therefore, EPA alleges that Respondent failed to label, date and accumulate in closed containers universal waste fluorescent lamps as required by 40 C.F.R. §§ 273.13(d)(1), 273.14(e) and 273.15(c).

#### 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 thirty-seven thousand, five hundred dollars (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the 2003 RCRA Civil Penalty Policy ("Penalty Policy") as amended by the 2010 Revision to Adjusted Penalty Policy Matrices Package Issued on November 16, 2009, 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 TWELVE THOUSAND DOLLARS (\$12,000.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the Penalty Policy and taking into account Respondent's ability to pay.
61. The effect of the settlement described above is based on the accuracy of Respondent's representations to EPA concerning its financial resources.

#### E. ADMISSIONS AND WAIVERS OF RIGHTS

62. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.



63. 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

64. 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.
65. 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.
66. 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

67. Respondent consents to the assessment of and agrees to pay a civil penalty of TWELVE THOUSAND DOLLARS (\$12,000.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
68. Respondent shall submit three payments of FOUR THOUSAND DOLLARS (\$4000.00) for a total of TWELVE THOUSAND DOLLARS (\$4,000.00) in accordance with one of the options set forth below. Within thirty (30) calendar days of the Effective Date of this CA/FO, Respondent shall submit FOUR THOUSAND DOLLARS (\$4,000.00). Within 120 calendar days of the Effective Date of this CA/FO, Respondent shall submit a second payment of FOUR THOUSAND DOLLARS (\$4,000.00). Within 210 calendar days of the Effective Date of this CA/FO, Respondent shall submit a third and final payment of FOUR THOUSAND DOLLARS (\$4000.00). 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.

In the matter of Triax Turbine Components, LLC  
EPA ID No. AZR000502591  
Consent Agreement And Final Order

Regular Mail:

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

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

Wire Transfers:

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

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank

1005 Convention Plaza

Mail Station SL-MO-C2GL

ATTN Box 979077

St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 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:

In the matter of Triax Turbine Components, LLC  
EPA ID No. AZR000502591  
Consent Agreement And Final Order

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter "sfo1.1" in the search field

Open form and complete required fields

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

69. At the time payment is made, a copy of the payment transmittal shall be sent to:

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

and

Daniel Fernandez (ENF 2-2)  
Enforcement Division  
Waste and Chemical Section  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105.

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. 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: TWO HUNDRED FIFTY DOLLARS (\$250) per day for first to fifteenth day of delay, SEVEN HUNDRED FIFTY DOLLARS (\$750) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) 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 shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 68.
74. The payment of stipulated penalties shall not alter in any way Respondent's obligations to complete performance required hereunder.
75. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
76. 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

77. 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, including 40 C.F.R. §§ 270.1(c) and 262.34(a), 40 C.F.R. § 262.34(a), §§ 265.192(a), 265.193(c)(3), 265.194(b)(1-2), 265.195(b)(2-3), and 265.195(e), 40 C.F.R. §§ 262.34(a)(4) and 265.32(c), 40 C.F.R. §§ 262.34(a)(4), 265.16(a)(1), and 265.16(d)(1-3), 40 C.F.R. §§ 262.34(a)(4) and 265.52(d-e), 40 C.F.R. §§ 262.34(a)(1)(i) and 265.174, and 40 C.F.R. §§ 273.13(d)(1) and 273.15, 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

78. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO, except as to those civil penalties for the violations and facts alleged herein. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to sue,

release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA (except as to those civil penalties for the violations and facts alleged herein); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"); or any other statutory, regulatory or common law enforcement authority of the United States.

79. 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.
80. 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.
81. This CA/FO is not intended to be nor shall it be construed as a permit.

K. OTHER CLAIMS

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

L. MISCELLANEOUS

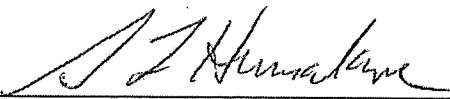
83. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
84. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
85. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

In the matter of Triax Turbine Components, LLC  
EPA ID No. AZR000502591  
Consent Agreement And Final Order

IT IS SO AGREED.

9/22/14


Date



Name: Susan L. Hunsaker  
Title: CFO  
Triax Turbine Components, LLC

9/29/14

Date



Douglas K. McDaniel, Chief  
Waste and Chemical Section  
Enforcement Division  
U.S. Environmental Protection Agency, Region 9

In the matter of Triax Turbine Components, LLC  
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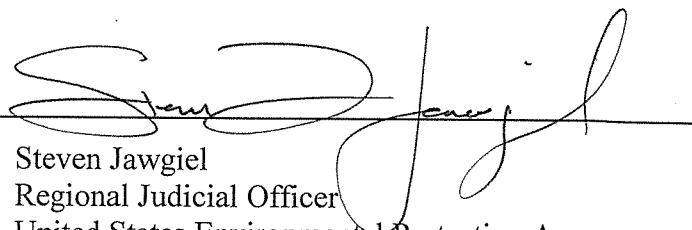
FINAL ORDER

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 -2014- 0009 ) be entered and that Triax Turbine Components, LLC pay a civil penalty of twelve thousand dollars (\$12,000) due in three payments of four thousand dollars (\$4,000) as follows: (1) the first payment is due within thirty (30) calendar days from the Effective Date of this Consent Agreement and Final Order (CA/FO); (2) the second payment is due within 120 calendar days of the Effective date of this CA/FO; and (3) the third payment is due within 210 calendar days of the Effective date of this CA/FO. 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.

09/29/14

Date

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

**CERTIFICATE OF SERVICE**

Docket No. RCRA-9-2014-0009

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, with the Docket numbers referenced above, was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified Mail, Return Receipt Requested to:

Susan Hunsaker  
Chief Financial Officer  
Triax Turbine Components  
6519 W. Allison Road  
Chandler, AZ 85226

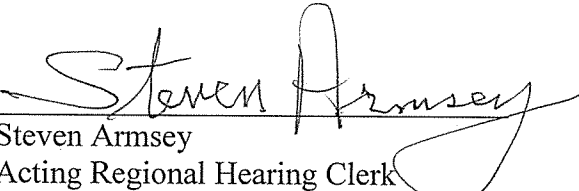
CERTIFIED MAIL NUMBER: 7010 2780 0000 8388 8600

I hereby certify that an additional copy was hand-delivered to the following U.S EPA case attorney:

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