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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

U.S. EPA. REGION IX
REGIONAL HEARING CLERK

In the matter of:)	U.S. EPA Docket No.
)	RCRA-9-2012-0021
)	
United States Department of the)	COMPLAINT,
Army, Arizona Army National)	CONSENT AGREEMENT
Guard)	AND
)	FINAL ORDER
Papago Park Military Reservation,)	
Phoenix, AZ)	
)	
EPA ID No.: AZ4211890021)	
)	
Respondent.)	
)	

COMPLAINT AND 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 C.F.R. Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is the United States Department of the Army, Arizona Army National Guard (the "AZARNG" or "Respondent").
2. Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), authorizes EPA to take enforcement action against departments, agencies, and instrumentalities of the federal government in the same manner and under the same circumstances as against any other person.
3. The AZARNG operates a military installation known as the Papago Park Military Reservation at 5636 E. McDowell Road, in Phoenix, AZ (the "Facility"). In the course of operations at the Facility, the AZARNG generates and stores hazardous wastes and universal waste. The Facility's EPA ID number is AZ4211890021.

4. This Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. § 22.13(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that the AZARNG failed in the following ways to comply with the specified requirements of the authorized version of the Arizona Administrative Code ("AAC"): (1) storage of hazardous waste without a permit in violation of § R18-8-270, (*see also* § R18-8-262, 40 C.F.R. §§ 270.1, 262.34(c)(1)(ii), and 262.34(d)); (2) failure to close containers in violation of §§ R18-8-265 and R18-8-273, (*see also* 40 C.F.R. §§ 265.173(a) and 273.13(d)(1)); (3) failure to minimize the possibility of a release in violation of § R18-8-265, (*see also* 40 C.F.R. § 265.31); and (4) failure to label universal waste batteries in violation of § R18-8-273 (*see also* 40 C.F.R. § 273.14(a)). These allegations, if true, each constitute a violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. §6921 *et seq.* and state regulations adopted pursuant to the approved Arizona hazardous waste management program.

B. JURISDICTION

5. 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. Part 271. The authorized program is established pursuant to the State Hazardous Waste Management Act, Arizona Revised Statutes ("ARS") Title 49, and the regulations promulgated thereunder in the AAC Title 18 (Environmental Quality), Chapter 8 (Department of Environmental Quality Waste Management Rules), Article 2 (Hazardous Wastes). Additionally, revisions to Arizona's hazardous waste management program have been authorized occasionally, over the years, (*see* 56 FR 37290 (Aug. 6, 1991), 57 FR 30905 (July 13, 1992), 57 FR 41699 (Sept. 11, 1992), 57 FR 54932 (Nov. 23, 1992), and 69 FR 12544 (Mar. 17, 2004)). The State of Arizona has been authorized for all of the regulations referenced in this CAFO.
6. 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.
7. A violation of Arizona's authorized hazardous waste program, found at ARS Section 49-901 *et seq.*, and A.A.C. §§ R18-8-260 *et seq.* constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates Arizona's authorized hazardous waste program found at ARS Section 49-901 *et seq.*, and A.A.C. §§ R18-8-260 *et seq.* is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928. (*See* 40 C.F.R. § 272.151 *et seq.* and Appendix A thereto.)
8. 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.*

9. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX, who has redelegated this authority to the EPA Region IX Director of the Waste Management Division.
10. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2) provides that, when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify the authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of Arizona prior to issuing this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
11. Respondent, United States Army, Arizona Army National Guard is a department, agency, and/or instrumentality of the United States.
12. Respondent is a "person" as defined in AAC § R18-8-260 (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. §260.10).
13. Respondent is the "operator" of a facility as defined in AAC § R18-8-260 (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. §260.10).
14. Respondent is the "owner" of a facility as defined in AAC § R18-8-260 (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. §260.10).
15. Respondent is a "generator" of hazardous waste at the Facility as defined in AAC § R18-8-260 (*see also* 40 C.F.R. §260.10).
16. Respondent generates and stores materials that are "wastes" as defined in AAC §§ R18-8-260 and R18-8-261 (*see also* 40 C.F.R. §§260.10 and 261.2).
17. Respondent generates and stores between 100 and 1000 kilograms of hazardous waste per calendar month at the Facility, making the facility subject to the requirements which apply to a small quantity generator.
18. At the Facility, Respondent generates hazardous waste as defined by ARS Section 49-901, and AAC §§ R18-8-260 and R18-8-261 (*see also* Section 1004(5) of RCRA, 42 U.S.C. §6903(5); 40 C.F.R. §§260.10 and 261.3). This hazardous waste includes, but may not be limited to: ignitable waste (RCRA waste code D001); spent, non-halogenated solvent (RCRA waste code F003); fluorescent bulbs and used lead-acid batteries.
19. On December 2, 2010, EPA conducted a RCRA compliance evaluation inspection ("CEI") at the Facility. Based upon the findings made during the CEIs, and additional information obtained thereafter, EPA determined that Respondent has violated ARS Section 49-901 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.

C. ALLEGED VIOLATIONS

COUNT 1

**Storage of Hazardous Waste Without a Permit or Interim Status and
Failure to Properly Mark and Label Containers of Hazardous Waste**

20. Paragraphs 1 through 19 above are incorporated herein by this reference as if they were set forth here in their entirety.
21. AAC § R18-8-262 (*see also* 40 C.F.R. § 262.34) allows generators of hazardous waste to store hazardous waste on-site for certain specified time periods without a permit or interim status as long as they comply with specified waste management practices, including the proper marking and labeling of hazardous waste containers. Generators who do not comply with the waste management requirements must either be eligible for interim status or obtain a permit in order to store hazardous waste at the facility pursuant to AAC § R18-8-270 (*see also* 40 C.F.R. § 270.1).
22. In order to be eligible to store hazardous waste without a permit or interim status for less than 180 days, generators of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month must, among other things, ensure that for each container of hazardous waste, the date hazardous waste accumulation began and the words "Hazardous Waste" (and other, specified information) must be clearly marked and visible.
23. A generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste provided, among other things, the operator marks the containers either with the words "hazardous waste" or with other words that identify the contents.
24. At the time of the December 2, 2010 CEI, the inspector observed four small satellite accumulation cardboard boxes – two holding used aerosol cans and two holding a variety of miscellaneous containers -- at the Army Aviation Support Facility 1 at the Facility, none of which were labeled with the words "hazardous waste".
25. At the time of the December 2, 2010 CEI, the inspector observed one 30-gallon satellite accumulation container of used aerosol cans in a metal cabinet in the Recycle Center at the Facility that was not labeled with the words "hazardous waste".
26. At the time of the December 2, 2010 CEI, the inspector observed one 55-gallon satellite accumulation container of used aerosol cans in the Field Maintenance Shop 7 at the Facility that was not labeled with the words "hazardous waste".
27. At the time of the December 2, 2010 CEI, the inspector observed approximately 20 canisters labeled "Quick Diesel Starts," the contents of which included ether, inside a metal cabinet

labeled "Hazardous Waste Storage" in the Recycle Center at the Facility that were not labeled with the words "hazardous waste" or with the accumulation start date.

28. At the time of the December 2, 2010 CEI, the inspector observed a 10-gallon polyethylene container labeled "corrosive" at the Recycle Center at Facility that was not labeled either with the words "hazardous waste" or with the accumulation start date.
29. At the time of the December 2, 2010 CEI, the inspector observed a 30-gallon metal container labeled "lithium batteries" at the Recycle Center at Facility that was labeled with an incorrect accumulation start date.
30. At the time of the December 2, 2010 CEI, Respondent was not eligible for interim status under RCRA nor was Respondent in possession of a permit to store hazardous waste at the Facility.
31. Therefore, EPA alleges that Respondent has violated AAC § R18-8-270 (*see also* AAC § R18-8-262, 40 C.F.R. §§ 270.1, 262.34(c)(1)(ii), and 262.34(d)), and RCRA.

COUNT 2

Failure to Keep Containers of Hazardous Waste Closed During Storage

32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. Pursuant to AAC § R18-8-265 (*see also* 40 C.F.R. § 265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
34. Pursuant to AAC § R18-8-273 (*see also* 40 C.F.R. § 273.13(d)(1)), a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps and must keep the container or package closed.
35. At the time of the December 2, 2010 CEI, the inspector observed that the lid of a 30-gallon container of broken pieces of fluorescent lamps was not closed.
36. Therefore, EPA alleges that the Respondent has violated AAC § R18-8-265, (*see also* 40 C.F.R. § 265.173(a)), AAC § R18-8-273 (*see also* 40 C.F.R. § 273.13(d)(1)), and RCRA.

COUNT 3

Failure to Operate in Such a Manner as to Minimize the Possibility of a Release

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.

38. Pursuant AAC § R18-8-265 (*see also* 40 C.F.R. §§ 265.31), hazardous waste 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 December 2, 2010 CEI, the inspector observed a wooden container of used fluorescent lamps holding broken pieces of fluorescent lamps in the Recycle Center at the Facility.
40. Therefore, EPA alleges that Respondent violated AAC § R18-8-265, (*see also* 40 C.F.R. § 265.31), and RCRA.

COUNT 4

Failure to Label Universal Waste Batteries

41. Paragraphs 1 through 40 above are incorporated herein by this reference as if they were set forth here in their entirety.
42. AAC § R18-8-273, (*see also* 40 C.F.R. § 273.14(a)), requires that each universal waste battery or container in which the batteries are contained be labeled or marked clearly with one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
43. At the time of the December 2, 2010 CEI, the inspector observed approximately 30 used lead-acid batteries on wooden pallets in the Field Maintenance Shop 7 at the Facility that were not individually labeled.
44. Therefore, EPA alleges that Respondent has violated AAC § R18-8-273, (*see also* 40 C.F.R. § 273.14(a)), and RCRA.

D. TERMS OF SETTLEMENT

45. The AZARNG consents to the assessment of a civil penalty of TEN THOUSAND DOLLARS (\$10,000.00) in full satisfaction of all claims for civil penalties for the violations alleged in Section C of this CAFO. Such civil penalty amount shall become due and payable within thirty (30) days of the effective date of this CAFO.
46. The aforesaid settlement amount was based upon EPA's consideration of the statutory factors of the seriousness of the AZARNG's violations and any good faith efforts by the AZARNG to comply with all applicable requirements as provided in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), and in accordance with the applicable provisions of the "June 2003 RCRA Civil Penalty Policy." 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), 69 Fed. Reg. 7121 (Feb. 13, 2004) and 73 Fed. Reg. 75340 (Dec. 11, 2008), 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.

E. ADMISSIONS AND WAIVERS OF RIGHTS

47. Respondent admits and agrees that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action commenced in this CAFO and over the AZARNG pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.4 and 22.37. Further, for the purposes of this proceeding, the AZARNG admits to the jurisdictional allegations of facts and law set forth in Section B of this CAFO. The AZARNG consents to and agrees not to contest EPA's jurisdiction and authority to enter into and to issue this CAFO and to enforce its terms. Further, the AZARNG will not contest EPA's jurisdiction and authority to compel compliance with this CAFO in any enforcement proceedings or to impose sanctions for violations of this CAFO.
48. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CAFO. Respondent hereby waives any rights it may have to contest the allegations set forth in this CAFO, waives any rights it may have to a judicial or administrative hearing or appeal and its opportunity to confer with the EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), on any issue of law or fact set forth in this CAFO, and hereby consents to the issuance of this CAFO without adjudication.

F. PARTIES BOUND

49. This CAFO shall apply to and be binding upon the AZARNG and its agents, successors and assigns and upon all persons acting under or for the AZARNG, until such time as the civil penalty required under Section G has been paid. At such time as those matters are concluded, this CAFO shall terminate and constitute full settlement of the violations alleged herein.
50. No change in ownership or any other legal status relating to the Facility will in any way alter the AZARNG's obligations and responsibilities under this CAFO.
51. Respondent shall give prior notice of this CAFO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer until the termination of this CAFO.
52. The undersigned representative of the AZARNG hereby certifies he or she is fully authorized to enter into this CAFO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

53. Respondent consents to the assessment of and agrees to pay a civil penalty of TEN THOUSAND DOLLARS (\$10,000.00) in full settlement of the federal civil penalty claims set forth in this CAFO.

54. Respondent shall submit payment of the TEN THOUSAND DOLLARS (\$10,000.00) civil penalty within thirty (30) days of the effective date of this CAFO. Payment shall be made by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

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

Wire Transfers:

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

Federal Reserve Bank of New York

ABA = 021030004

Account = 68010727

SWIFT address = FRNYUS33

33 Liberty Street

New York, NY 10045

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

Overnight Mail:

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

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17th Street, NW

Washington, DC 20074

ABA = 051036706

Transaction Code 22 - checking

Environmental Protection Agency

Account 31006

CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "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.

55. A copy of the check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both the following Region IX addresses:

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

and

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

56. The payment 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.

57. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the AZARNG's name and address, and the EPA docket number of this action.

H. RESERVATION OF RIGHTS

58. EPA expressly reserves all rights and defenses that it may have.

59. 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 CAFO. 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 CAFO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. §6928(c). This CAFO 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.

60. Compliance by Respondent with the terms of this CAFO shall not relieve the AZARNG of its obligations to comply with RCRA or any other applicable local, Arizona, or federal laws and regulations.
61. The entry of this CAFO 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.
62. This CAFO is not intended to be nor shall it be construed as a permit. This CAFO does not relieve Respondent of any obligation to obtain and comply with any local, Arizona, or federal permits.

I. OTHER CLAIMS

63. Nothing in this CAFO 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.

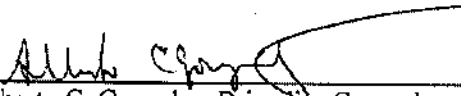
J. MISCELLANEOUS

64. By signing this CAFO, the AZARNG -- without admitting or denying them -- certifies that all of the alleged violations set forth in Section C of this CAFO have been corrected.
65. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.
66. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

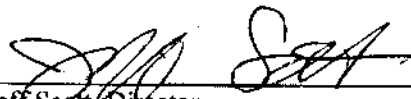
67. The Effective Date of this CAFO is the date the CAFO, once signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

26 Sep 12
Date


Alberto C. Gonzalez, Brigadier General
United States Department of the Army,
Arizona Army National Guard

9/27/12
Date

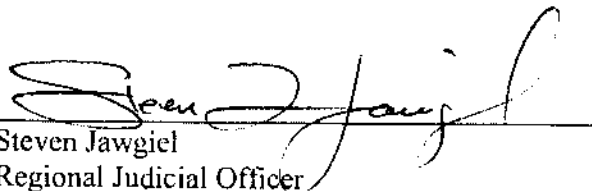

Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA - 9-2012-0021) be entered and that the UNITED STATES DEPARTMENT OF THE ARMY, ARIZONA ARMY NATIONAL GUARD ("Respondent"), pay a civil penalty of TEN THOUSAND DOLLARS (\$10,000.00) by check payable to "Treasurer of the United States," or another method specified in paragraph 54 of this Consent Agreement and Final Order within the time frame set forth in Section D of this Consent Agreement and Final Order. A notice of the payment and a copy of the check or other form of payment or evidence thereof shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within the time frame set forth in Section D.

This Final Order, once signed, shall be effective immediately upon it being filed with the Regional Hearing Clerk.

09/28/12
Date


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

CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order in the matter of Arizona Army National Guard was filed with:

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

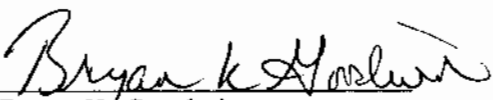
A true and correct copy of the same was sent to the following parties via CERTIFIED MAIL to:

LTC John Ladd
Environmental Program Manager
Environmental Office
United States Department of the Army
Arizona Army National Guard
5636 E. McDowell Road, M5330
Phoenix, AZ 85008-3495

CERTIFIED MAIL NUMBER: 7005 2570 0001 6436 5467

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

Mimi Newton
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


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

9/28/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FILED

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U.S. EPA REGION IX
REGIONAL HEARING CLERK

CERTIFIED MAIL NO. 7005 2570 0001 6436 5467
RETURN RECEIPT REQUESTED

SEP 28 2012

LTC John Ladd
Environmental Program Manager
Environmental Office
United States Dept. of the Army
Arizona Army National Guard
5636 E. McDowell Rd. M5330.
Phoenix, AZ 85008-3495

Re: Consent Agreement and Final Order In the Matter of Arizona Army National Guard

Dear LTC Ladd:

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

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action In the Matter of United States Department of the Army, Arizona Army National Guard.

Your full compliance with the payment terms of this CA/FO and completion of all tasks required by this CA/FO will close this case. If you have any questions regarding the rules, regulations and statutes governing your operations which are implemented by EPA or which govern the proceedings terminated by the enclosed document, please contact Mr. Kaoru Morimoto of my staff at (415) 972-3306, or Assistant Regional Counsel, Ms. Mimi Newton at (415) 972-3941.

Sincerely,

Jeff Scott, Director
Waste Management Division

Enclosure

cc: Mel Bunkers, ADEQ