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NANCY J. MARVEL
Regional Counsel

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KAREN GOLDBERG
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U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3951

U.S. EPA. REGION IX
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2012- 0009
Young Electric Sign Company)	
aka YESCO,)	
)	CONSENT AGREEMENT AND
EPA ID No. NVD 982 445991)	FINAL ORDER PURSUANT TO
)	40 CFR SECTIONS 22.13 AND
Respondent.)	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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 Code of Federal Regulations ("CFR") Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Young Electric Sign Company, ("YESCO" or "Respondent").
2. Respondent manufactures and maintains commercial signs at its facility located at Young Electric Sign Company, 5119 South Cameron Street, Las Vegas, Nevada 89118 (the "Facility"). The Facility's EPA Identification Number is NVD 982 445991.
3. This Consent Agreement and Final Order ("CA/FO"), pursuant to 40 CFR Sections 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that: Respondent was found to be in violation of the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC") and federal regulations by treating

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hazardous waste without a permit (NAC § 444.8632, 40 CFR § 270.1), offering hazardous waste for disposal without a manifest (NAC § 444.8632, 40 CFR § 262.20), failure to prevent a release of hazardous waste (NAC § 444.8632, 40 CFR §§ 262.34(a)(4) and 265.31), failure to make a hazardous waste determination (NAC § 444.8632, 40 CFR § 262.11), storage of hazardous waste without a permit (NAC § 444.8632, 40 CFR §§ 262.34(a)(1)(i), 262.34(e)(1), and 265.173) and failure to properly label used oil and respond to releases of used oil (NAC § 444.8632, 40 CFR § 279.22).

B. JURISDICTION

4. On August 19, 1985, the State of Nevada 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 CFR § 271, effective October 18, 1985. The authorized program is established pursuant to NRS §§ 459.400-459.600, and the regulations promulgated thereunder in NAC §§ 444.842 – 444.976. The State of Nevada has been authorized for all the regulations referenced in this CA/FO.
5. Respondent is a “person” as defined in 40 CFR § 260.10.
6. Respondent is the “operator” of a “facility” as defined in 40 CFR § 260.10.
7. Respondent’s hazardous waste manifests indicate that it is a small quantity “generator” of hazardous waste as defined in 40 CFR § 260.10.
8. Respondent generates or has generated solvents (F001-F009),¹ mercury (D009)² and lead (D008), which are “hazardous wastes” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 CFR §§ 260.10 and 261.3, and generates or has generated used oil, which is regulated pursuant to 40 CFR Part 279.
9. On February 26 and 27, 2009, EPA conducted a RCRA Compliance Evaluation Inspection (“CEI”) at the Facility, along with representatives of the Nevada Division of Environmental Protection (“NDEP”). Based on the CEI, on May 24, 2010, EPA issued a Notice of Violation alleging violations of requirements under the federal RCRA and the EPA-approved Nevada state RCRA program. On February 23, 2011, EPA issued an Order under RCRA § 3013 (42 U.S.C. § 6934) requiring YESCO to perform testing and report the results to EPA. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated Sections 3001, 3002, 3004 and 3005 of RCRA, 42 U.S.C. §§ 6921, 6922, 6924 and 6925 and regulations adopted pursuant thereto at 40 CFR Parts 262 and 264.
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

¹ 40 CFR § 261.31

² 40 CFR § 261.3 Table 1

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. Nevada's regulations incorporate the requirements of federal hazardous waste regulations. NAC 444.8632. A violation of Nevada's authorized hazardous waste program requirements constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates Nevada's authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.³
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 Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Treatment 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. 40 CFR § 270.1 requires a permit for treatment, storage or disposal of any hazardous waste.
16. Waste lamps are "hazardous waste" pursuant to 40 CFR § 261.3.
17. 40 CFR Part 273 establishes requirements for managing lamps containing hazardous waste, such as fluorescent lamps as universal waste, in lieu of the hazardous waste permitting requirements under 40 CFR Parts 260-272, provided that certain conditions are met. 40 CFR § 273.13(d), states that a handler of universal waste must contain any waste lamps in containers or packages that are structurally sound and adequate to prevent breakage. Such containers must remain closed. Waste lamps must be maintained in a way that prevents release to the environment, and any broken lamp must be immediately cleaned up and placed in a closed container.
18. Handling lamps containing hazardous waste in a manner inconsistent with the requirements of 40 CFR § 273.13(d), such as crushing waste lamps, constitutes "treatment" pursuant to 40 CFR § 260.10 and requires compliance with the requirements of 40 CFR Parts 260-272, including the requirement to obtain a permit for treatment of hazardous waste pursuant to 40 CFR § 270.1.

³ This CA/FO will refer to the relevant provision of the federal regulations in 40 CFR Parts 262 through 270 and Parts 273, incorporated by reference in Nevada regulations at NAC 444.8632.

- 19. During the CEI, the EPA inspector found evidence of crushing of waste lamps, including a lamp crushing device in use, crushed lamps in an open container, and evidence of broken lamps throughout the Facility.
- 20. Therefore, EPA alleges that Respondent violated 40 C.F.R. § 270.1.

COUNT II

Offering Hazardous Waste for Disposal Without a Manifest

- 21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
- 22. 40 CFR § 262.20 requires that a generator of hazardous waste who offers for transport for disposal a hazardous waste load must prepare a manifest according to instructions set forth in the regulations.
- 23. On or around July 14, 2008, Respondent offered for transport for disposal a shipment of crushed lamps that exceeded the Toxicity Characteristic Leaching Procedure (TCLP) test for mercury.
- 24. Waste that exceeds the TCLP for mercury is a "hazardous waste" as defined in 40 CFR § 261.10.
- 25. Therefore, EPA alleges that Respondent violated the requirements of 40 CFR § 262.20.

COUNT III

Failure to Prevent Releases of Hazardous Waste

- 26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were set forth here in their entirety.
- 27. 40 CFR § 264.31 requires that any facility that treats, stores or disposes of hazardous waste be maintained and operated to minimize the possibility of a release of hazardous waste or hazardous waste constituents into the environment.
- 28. During the CEI, EPA inspectors observed broken lamps throughout the Facility's service department and maintenance shop.
- 29. Therefore, EPA alleges that Respondent violated the requirements of 40 CFR §§ 264.31.

COUNT IV

Failure to Make a Hazardous Waste Determination

- 30. Paragraphs 1-29 above are incorporated herein by this reference as if they were set forth here in their entirety.
- 31. 40 CFR § 262.11 provides that a person who generates a solid waste as defined in 40 CFR § 261.2 must determine if that waste is a hazardous waste and, if the waste is

determined to be hazardous, must comply with applicable requirements for managing hazardous waste.

32. Waste lamps are solid waste as defined in 40 CFR § 261.2.
33. During the CEI, the EPA Inspector observed crushed lamps in a lamp crushing device, in an open container, and throughout the Facility. Respondent provided documentation that hazardous waste determinations were made with respect to crushed lamps on only four (4) occasions prior to the dates of the CEI. Respondent did not provide any manifests indicating the crushed lamps were disposed of at a hazardous waste disposal facility. On at least one occasion, described in Count II above, Respondent offered crushed lamps for transport for disposal at a solid waste disposal facility that was later determined to be hazardous waste.
34. Therefore, EPA alleges that Respondent violated 40 C.F.R. § 262.11.

COUNT V

Storage of Hazardous Waste without a Permit

35. Paragraphs 1-34 above are incorporated herein by this reference as if they were set forth here in their entirety.
36. 40 CFR § 262.34(c)(1) provides that a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste (commonly referred to as a "satellite accumulation area") without a permit as required under 40 CFR § 270.1, provided that the operator complies with certain requirements, including the requirement of 40 CFR § 265.173(a) that the container must always be closed during storage, except when it is necessary to add or remove waste, and the container must be labeled with the words "hazardous waste" or words identifying the contents of the container.
37. At the time of the CEI, the EPA inspector observed one open, unlabelled 55-gallon drum of solvent waste in the Facility's Paint Department mixing room and one open, unlabelled 55-gallon drum of solvent waste in Building B. The EPA inspector also observed two 55-gallon drums of solvent waste in the satellite accumulation area outside of Building C, exceeding the 55-gallon limit on storage of hazardous waste without a permit.
38. Therefore, EPA alleges that Respondent failed to meet the requirements of 40 CFR § 262.34(c)(1) and therefore violated the requirement of 40 CFR § 270.1 to obtain a permit for storage of hazardous waste.

COUNT VI

Failure to Properly Label Used Oil and to Respond to a Release of Used Oil

39. Paragraphs 1- 38 above are incorporated herein by reference as if they were set forth here in their entirety.
40. 40 CFR § 279.22(c)(1) requires that the containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
41. During the CEI, the EPA inspector observed several containers of unlabelled used oil in the Facility's Service Department and the Maintenance Shop.
42. 40 CFR § 279.22(d) requires that upon detection of a release of used oil to the environment the generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials and, if necessary, repair or replace any leaking used oil storage containers prior to returning them to service.
43. During the CEI, the EPA inspector observed soil contaminated with oil throughout the Service Department and Maintenance Area.
44. Therefore EPA alleges Respondent has violated 40 C.F.R. § 279.22(c)(1) and (d).

D. CIVIL PENALTY

45. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 (61 Fed. Reg. 69360 (Dec. 31, 1996)) authorizes a civil penalty of up to \$27,500 per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring between January 31, 1997 and March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule (69 Fed. Reg. 7121 (Feb. 13, 2004) as amended by 73 Fed. Reg. 75340 (Dec. 11, 2008)) authorizes a civil penalty of up to \$32,500 per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after March 15, 2004 and a civil penalty of up to \$37,500 per day for violations occurring after January 12, 2009. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), EPA must consider the seriousness of the violation and any good faith efforts to comply with the applicable requirements in assessing a penalty. EPA's RCRA Civil Penalty Policy provides that EPA will consider factors 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. Based upon the facts alleged herein, and upon the factors which EPA must consider pursuant to RCRA and its Civil Penalty Policy, EPA proposes that Respondent be assessed **ONE HUNDRED TWENTY THOUSAND, FOUR HUNDRED DOLLARS (\$120,400.00)** as the civil penalty for the violations alleged herein.

E. ADMISSIONS AND WAIVERS OF RIGHTS

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

47. Respondent neither admits nor denies the 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

48. 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 Section D 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.
49. 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.
50. 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

51. Respondent consents to the assessment of and agrees to pay a civil penalty of ONE HUNDRED TWENTY THOUSAND, FOUR HUNDRED DOLLARS (\$120,400.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
52. Respondent shall submit payment of the amount of ONE HUNDRED TWENTY ONE THOUSAND, FOUR HUNDRED DOLLARS (\$120,400.00) pursuant to the schedule attached as Appendix A hereto. Interest shall accrue on any unpaid balance, beginning on the thirty-first (31st) day after the Effective Date of this CA/FO, at the current rate published by the United States Treasury as described in 40 CFR § 13.11.
53. All payments shall indicate the name of the Facility, the EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. The civil penalty shall be paid 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 "sfoL1" 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.

54. At the time payment is made, a copy of the check or evidence of wire transfer 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

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

55. 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. 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

56. 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.

57. All stipulated penalties owed to EPA under this Section shall be due within thirty (30) days of Respondent's 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.
58. All stipulated penalties shall be made payable by certified or cashier's check or wire transfer to "Treasurer of the United States" and shall be remitted as described in Paragraph 53.
59. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
60. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. RESERVATION OF RIGHTS

61. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable. 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.
62. 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.
63. 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.
64. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, state or federal permits.

J. OTHER CLAIMS

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

K. MISCELLANEOUS

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

L. EFFECTIVE DATE

68. 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.

APPENDIX A

Schedule of Payment

Respondent shall pay the full civil penalty in four installments, as follows:

First Installment, to be made within thirty (30) days of the Effective Date of this CA/FO, of \$30,100.00.

Second Installment, to be made within 210 days of the Effective Date of this CA/FO, of \$30,545.42.

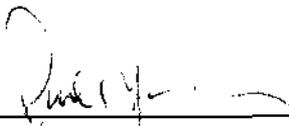
Third Installment, to be made within 390 days of the Effective Date of this CA/FO, of \$30,401.00.

Final Installment, to be made within 570 days after the Effective Date of this CA/FO, of \$30,250.50.

This schedule of payments includes interest accrual at the current rate published by the United States Treasury as described in 40 CFR § 13.11.

IT IS SO AGREED.

APR 26, 2012
Date



Signature

Name, Title: EXECUTIVE YOUNG ELECTRIC SIGN COMPANY
Young Electric Sign Company, Las Vegas, Nevada

5/24/12
Date



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

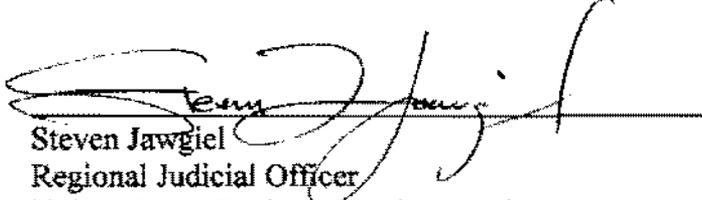
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R.

Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9-2012- 0007) be entered and that Young Electric Sign Company pay a civil penalty of ONE HUNDRED TWENTY THOUSAND, FOUR HUNDRED DOLLARS (\$120,400.00) due in four installments, the first payment due thirty (30) days from the Effective Date of this Consent Agreement and Final Order and ending within 540 days after the first payment. Payments must be made pursuant to Section G of the Consent Agreement.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

05/30/12
Date


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

CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order, Docket # **RCRA-09-2012-0A** 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:

Neil B. Smith, Senior Vice President
Young Electric Sign Company
Corporate Legal Counsel
2401 Foothill Drive
Salt Lake City, Utah 84109

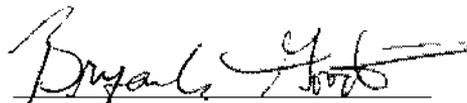
CERTIFIED MAIL NUMBER: 7011 0110 0001 9066 8029

And by mail to:

Steven J. Christiansen, Esq.
Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, UT 84111

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

Karen Goldberg, Esq.
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

6/1/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Phone: (415) 972-3000

<http://www.epa.gov/region9>

CERTIFIED MAIL NO. 7011 0110 0001 9066 8029
RETURN RECEIPT REQUESTED

JUN 07 2012

Neil B. Smith, Senior Vice President
Young Electric Sign Company
Corporate Legal Counsel
2401 Foothill Drive
Salt Lake City, Utah 84109

Re: In the matter of Young Electric Sign Company U.S. EPA Docket No. RCRA-09-2012-0009

Dear Mr. Smith:

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

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order, this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Karen Goldberg at (415) 972-3951.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosure