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U.S. EPA REGION IX
REGIONAL HEARING CLERK

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105**

| | | |
|--|---|------------------------------------|
| IN THE MATTER OF: |) | U.S. EPA Docket No. |
| |) | RCRA-09-2012- 0003 |
| |) | |
| 21 st CENTURY ENVIRONMENTAL |) | CONSENT AGREEMENT |
| MANAGEMENT of NEVADA, LLC, |) | AND FINAL ORDER PURSUANT |
| |) | TO 40 CFR SECTIONS 22.13 and 22.18 |
| EPA I.D. NVD980895338 |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

CONSENT AGREEMENT

Complainant, the United States Environmental Protection Agency, Region IX ("Complainant" or "EPA"), and Respondent, 21st Century Environmental Management of Nevada, LLC, the parties herein, having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order, pursuant to 40 CFR Sections 22.13 and 22.18, ("CA/FO"), without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, Complainant and Respondent hereby agree as follows:

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 ("Consolidated Rules"), 40 CFR Part 22. Complainant is the United States Environmental Protection Agency, Region IX. Respondent is 21st Century Environmental Management of Nevada, LLC ("Respondent"), a corporation organized under the laws of the State of Nevada.
2. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous waste in violation of the RCRA hazardous waste management requirements, 42 U.S.C. §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to the federally authorized Nevada hazardous waste management program, as set forth in detail in Section C of this CA/FO.

B. GENERAL ALLEGATIONS

3. On November 1, 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 Part 271. The authorized program is established pursuant to the Nevada Revised Statutes ("NRS") § 459.520 and Nevada Administrative Code ("NAC") §§ 444.842 through 444.960. The State of Nevada has adopted 40 CFR Subpart A of Part 2, Subparts A and B of Part 124, and Parts 260 through 270 inclusive, by reference in the NAC § 444.8632 (with exceptions listed in NAC § 444.86325, as revised at § 444.8633).¹

¹ EPA is enforcing the requirements of the authorized program in the NAC in this CA/FO but, for convenience, this CA/FO uses federal RCRA regulatory citations rather than the NAC, which incorporates the federal regulations by reference.

4. EPA is enforcing Nevada hazardous waste management program requirements as approved and authorized by the United States.
5. Respondent owns and operates a commercial hazardous waste treatment and storage facility located at 2095 Newlands Drive East, Fernley, Lyon County, Nevada 89408 ("Facility"). The Facility's EPA Identification Number is NVD980895338.
6. Respondent is permitted to accept, store or treat hazardous waste, including acids, alkalines, metal bearing aqueous liquids and sludges, cyanides and batteries, at the Facility under Hazardous Waste Management Permit Number NEVHW0018, issued by the Nevada Division of Environmental Protection ("NDEP") on October 14, 2004 and revised October 2008 (the "Permit").
7. The Permit, according to its terms, consists of the conditions in the Permit, the Facility's permit renewal application submitted to the NDEP on November 19, 2001 ("Part B application"), and the applicable regulations contained in 40 CFR Parts 260 through 266, 270, and 124, and Sections 206, 212, and 224 of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616, 98 Stat. 3221).
8. Under 40 CFR § 270.32(c) and NAC §§ 444.8632, regulations applicable to the Facility are those that are in effect on the date of the issuance of the Permit.
9. Under 40 CFR § 270.30(a), Respondent is required to comply with all conditions of the Permit.
10. Respondent is a "person" as defined by 40 CFR § 261.10.
11. Respondent is the "owner" and "operator" of a facility as defined by 40 CFR § 260.10.
12. Respondent is engaged in "storage" and "treatment" of hazardous waste as defined in 40 CFR § 260.10.
13. At the Facility, Respondent stores and treats a number of hazardous wastes as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR §§ 260.10 and 261.3.

14. Respondent is a large quantity "generator" of hazardous waste as defined in 40 CFR § 260.10.
15. On April 27 and 28, 2010, EPA conducted a compliance evaluation inspection ("CEI") of the Facility.
16. Based upon the findings that EPA made during the CEI and additional information obtained subsequent thereto, EPA alleges that Respondent violated RCRA hazardous waste management requirements, 42 U.S.C. §§ 6921-6939e, and its implementing regulations, and the federally authorized Nevada hazardous waste management program, NAC §§ 444.842-444.960.
17. EPA alleges that Respondent failed to comply with conditions of its hazardous waste management permit in violation of 40 CFR § 270.30. Respondent failed to (a) store hazardous waste in containers in good condition in violation of Permit condition 3.4; (b) properly label a hazardous waste container in violation of Permit condition 3.13.1; (c) provide adequate aisle space for hazardous waste containers in violation of Permit condition 2.8.5; (d) store hazardous waste in a permitted storage area in violation of Permit condition 3.3; (e) properly maintain facility operation records in violation of Permit condition 2.11.1; (f) adequately maintain and operate secondary containment systems in violation of Permit conditions 4.3 and 5.3; and (g) perform weekly inspection of secondary containment systems in violation of Permit condition 3.8 and 4.6.1.
18. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of Nevada's RCRA authorized hazardous waste management program are federally enforceable. Respondent is therefore subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
19. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA.

20. 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 an authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of Nevada as required by Section 3008(a)(2) of RCRA.
21. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Storing Hazardous Waste in Container in Poor Condition

22. Paragraphs 1 through 21 above are incorporated herein by this reference as if they were set forth here in their entirety.
23. Under Permit condition 3.4, if a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Respondent shall transfer the hazardous waste from such container to a container that is in good condition. See also 40 CFR § 264.171.
24. During the CEI, the EPA inspector observed five significantly corroded 55-gallon steel containers at the West Receiving Pad and one leaking 55-gallon container at the West Container Storage Pad that were holding hazardous waste.
25. Therefore, EPA alleges that Respondent failed to properly manage containers of hazardous waste as required by Permit condition 3.4, in violation of 40 CFR § 270.30.

COUNT II

Failure to Properly Label a Hazardous Waste Storage Container

26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were set forth here in their entirety.

27. Under Permit condition 3.13.1, Respondent must label all containers of hazardous waste placed into storage with the date the waste is accepted by the facility, and the facility-tracking label within 72 hours of acceptance.
28. During the CEI, the EPA inspector observed a container of hazardous waste in the East Pad Container Storage area that was not marked and labeled as required under condition 3.13.1 of the Permit.
29. Therefore, EPA alleges that Respondent failed properly label a container of hazardous waste in violation of Permit condition 3.13.1 and 40 CFR § 270.30.

COUNT III

Failure to Provide Adequate Aisle Space for a Hazardous Waste Storage Container

30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were set forth here in their entirety.
31. Under Permit condition 2.8.5, Respondent shall provide adequate aisle space for hazardous waste storage containers. See also 40 CFR § 264.35.
32. During the CEI, the EPA inspector observed in the East Pad Container Storage, a 55-gallon container in the bottom of a two tiered stack of containers that did not have sufficient aisle space for Facility personnel to either inspect the container for leaks or respond to a container spill.
33. Therefore, EPA alleges that Respondent failed to provide adequate aisle space in violation of Permit condition 2.8.5 and 40 CFR § 270.30.

COUNT IV

Storage of Hazardous Waste in an Area not Permitted for Storage

34. Paragraphs 1 through 33 above are incorporated herein by this reference as if they were set forth here in their entirety.
35. Under Permit condition 3.3, Respondent may accept hazardous waste for storage in containers in the amounts and areas of the Facility listed in Permit condition 3.3, Table 1.

36. Permitted container storage areas listed in Permit condition 3.3, Table 1 are: Truck Bay, West Container Storage, East Container Storage, East Pad Container Storage and Lab Pack Room.
37. During the CEI, the EPA inspector observed five containers of hazardous waste stored in the Detoxification Room. The EPA inspector did not observe any facility personnel transferring wastes from the containers to any waste treatment system to be processed.
38. Therefore, EPA alleges that Respondent stored hazardous waste in an area not permitted for storage of hazardous waste in violation of Permit condition 3.3 and 40 CFR § 270.30.

COUNT V

Failure to Properly Maintain Operating Record

39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were set forth here in their entirety.
40. Under Permit condition 2.11.1, Respondent is required to maintain a written operating record, in accordance with 40 CFR § 264.73. In accordance with 40 CFR § 264.73(b), the operating record must include a description and the quantity of each hazardous waste received, the method(s), and date(s) of its treatment.
41. During the CEI, the EPA inspector observed that the Facility's operating record did not accurately describe the date and method of treatment for five hazardous waste containers in the Detoxification Room at the Facility.
42. Therefore, EPA alleges that Respondent failed to properly maintain its operation record in violation of Permit condition 2.11.1 and 40 CFR § 270.30.

COUNT VI

Failure to Adequately Maintain and Operate Secondary Containment Systems for Containers and Tanks

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

44. Under Permit conditions 4.3 and 5.3, Respondent is required to design, construct, and operate the secondary containment systems for storage and treatment tanks in accordance with the Respondent's Part B application.
45. Under Section D2.3 of Respondent's Part B application, the secondary containment systems for tanks must be designed, installed and operate to prevent any migrated waste or accumulated liquid from entering the soil, groundwater, or surface water, and the systems must be capable of collecting releases until the collected material can be removed. See also 40 CFR §§ 264.193(a), (b), (c), and (d); and 270.16(g).
46. During the CEI, the EPA inspector observed a crack in a secondary containment sump located in the Storage Bay, deteriorated concrete in the secondary containment system underlying tanks within the Detoxification Room, and significantly deteriorated concrete within a sump adjacent to the acid/metal bearing waste treatment area at the Facility.
47. Therefore, EPA alleges that Respondent failed to adequately maintain secondary containment systems at the Facility as required by Permit conditions 4.3 and 5.3, in violation of 40 CFR § 270.30.

COUNT VII

Failure to Perform Weekly Inspections of Secondary Containment System Units

48. Paragraphs 1 through 47 above are incorporated herein by this reference as if they were set forth here in their entirety.
49. Under Permit conditions 3.8 and 4.6.1, Respondent is required to inspect all container areas and tanks systems, including the containment systems, for deterioration in accordance with Respondent's Part B application.
50. Section F2.0 of the Part B application requires that Respondent inspect all secondary containment systems at least weekly for the deterioration or cracking of concrete and chemically resistant coatings, and the accumulation of dirt or other materials that may prevent the inspection of coatings or concrete.

51. EPA's investigation revealed that Respondent was not inspecting the secondary containment systems at least weekly.
52. Therefore, EPA alleges that Respondent failed to comply with Permit conditions 3.8 and 4.6.1, in violation of 40 CFR § 270.30.

D. CIVIL PENALTY

53. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.
54. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed SEVENTY-NINE THOUSAND AND FIVE HUNDRED DOLLARS (\$79,500.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty Policy," as adjusted by the Debt Collection Improvement Act.

E. ADMISSIONS and WAIVER OF RIGHTS

55. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Sections A and 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.

56. 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

57. This CA/FO shall apply to and be binding upon Respondent and Respondent's employees, agents, successors and assigns, and upon all persons acting under or for Respondent. When 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, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.

58. 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.

59. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into and execute this CA/FO, and to legally bind Respondent.

G. PAYMENT OF CIVIL PENALTY

60. Respondent consents to the assessment of and agrees to pay a civil penalty in the amount of SEVENTY-NINE THOUSAND AND FIVE HUNDRED DOLLARS (\$79,500.00) in settlement of the federal civil penalty claims for the violations alleged in this CA/FO.

61. Respondent shall submit payment of SEVENTY-NINE THOUSAND AND FIVE HUNDRED DOLLARS (\$79,500.00) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order contained

in this CA/FO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

62. All payments shall indicate Respondent's name and address, the EPA identification number of the Facility, and the EPA docket number of this action. The civil penalty shall be paid in accordance with one of the methods set forth below:

Regular Mail:

A certified or cashier's check, payable to "Treasurer, United States of America," and including the name and docket number of this case, sent addressed as follows:

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:

A certified or cashier's check, payable to "Treasurer, United States of America," and including the name and docket number of this case, sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson (314-418-4087)

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact =Jesse White (301-887-6548)
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 “sf01.1” in the search field
Open form and complete required fields

63. At the time payment is made, a copy of the check or notification that the payment has been made by one of the methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent’s name and docket number, to both:

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

and

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

64. 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 CFR § 13.111. A late penalty charge will be imposed if payment is not received by the due date, with an additional charge for each subsequent 30-day period the

payment is not received. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

65. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

66. In addition to the interest, late charges and per annum penalties described above, in the event Respondent fails to pay the full amount of the penalty within the time specified in Section G of this CA/FO, Respondent agrees to pay a stipulated penalty in the amount of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day the delay continues.
67. In the event Respondent fails to comply with any task, with the exception of the payment of the civil penalty, required in this CA/FO, Respondent shall, for each such failure, be liable for a stipulated penalty in the amount of up to ONE THOUSAND DOLLARS (\$1,000) for each day from the first to fifteenth day, TWO THOUSAND DOLLARS (\$2,000) for each day from the sixteenth to thirtieth day, and THREE THOUSAND DOLLARS (\$3,000) for each day thereafter that the failure continues.
68. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
69. 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 CFR § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.

70. All penalty payments shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted by Regular Mail as described in Paragraph 62 of this CA/FO.
71. 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.
72. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the task required by this CA/FO.
73. 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.
74. The payment of stipulated penalties specified in this CA/FO shall represent civil penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

I. CERTIFICATION OF COMPLIANCE

75. By signing this consent agreement, Respondent certifies under penalty of law to EPA that Respondent has fully complied with the requirements of the federally authorized Nevada hazardous waste management program and the conditions of Hazardous Waste Management Permit No. NEVHW0018, including permit conditions 2.8.5, 2.11.1, 3.3, 3.4, 3.8, 3.13.1, 4.3, 4.6.1 and 5.3, that formed the basis for the violations alleged in this CA/FO.
76. 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. EPA expressly reserves all rights and defenses that it may have.
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. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, state or federal permits.

K. OTHER CLAIMS

82. 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

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

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

85. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

86. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer or Regional Administrator, is filed by the Regional Hearing Clerk.

IT IS SO AGREED,

For Respondent **21st CENTURY ENVIRONMENTAL MANAGEMENT OF NEVADA, LLC**

10/6/2011

Date

A. Paul

Paul Lewis
Division Vice President
Environmental Services Division
21st Century Environmental Management of
Nevada, LLC

For Complainant U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

11/22/11

Date



Jeff Scott
Director
Waste Management Division
United States Environmental Protection Agency,
Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA RCRA-09-2012- 0503) be entered and that Respondent pay a civil penalty in the amount of SEVENTY-NINE THOUSAND AND FIVE HUNDRED DOLLARS (\$79,500) within thirty (30) days after the Effective Date of this Consent Agreement and Final Order. Documentation of the payment transmittal shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within such 30-day period.

This Final Order shall be effective upon filing.

11/28/11

Date


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

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Consent Agreement and Final Order in the matter of 21st Century Environmental Management of Nevada, LLC, has been filed with the Regional Hearing Clerk, Region IX, and that copies have been sent by Certified Mail, Return Receipt Requested, to:

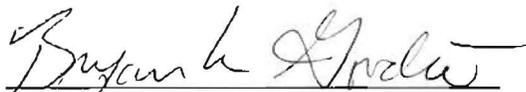
Paul Lewis
PSC Environmental Services Division
21st Century Environmental Management of Nevada, LLC
5151 San Felipe Street, Suite 1600
Houston, TX 77056

Certified Mail No.

and by Hand Delivery to:

Letitia D. Moore
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

11/28/11
Date


Bryan K. Goodwin
Regional Hearing Clerk
Office of Regional Counsel, Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Certified Mail No. 7011 1570 0003 5224 1751
Return Receipt Requested

NOV 28 2011

In reply, refer to WST-3

Mr. Paul Lewis
PSC Environmental Services Division
21st Century Environmental Management of Nevada, LLC
5151 San Felipe Street, Suite 1600
Houston, TX 77056

Re: Consent Agreement and Final Order
In the Matter of 21st Century Environmental Management of Nevada, LLC

Dear Mr. Lewis:

Please find enclosed the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA), and 21st Century Environmental Management of Nevada, LLC (21st Century EMN).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action against 21st Century EMN for alleged hazardous waste permit violations at its facility in the City of Fernley, Lyon County, Nevada.

21st Century EMN's full compliance with the payment terms of this CA/FO and completion of all tasks in accordance with the terms of this CA/FO will close this case. If you have any questions regarding the RCRA requirements and regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please contact John Schofield of my staff at (415) 972-3386, or Letitia Moore, in the Office of Regional Counsel, at (415) 972-3928.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosure