

FILED

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY 2008 FEB 21 PM 4:15
REGION IX

U.S. EPA, REGION IX
REGIONAL HEARING CLERK

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|-------------------------|---|----------------------|
| In the matter of: |) | U.S. EPA Docket No.: |
| |) | RCRA-09-2008-0006 |
| |) | |
| THE UNIVERSITY OF GUAM, |) | CONSENT AGREEMENT |
| |) | AND |
| |) | FINAL ORDER |
| EPA Identification No. |) | |
| GU0000286427 |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

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 CFR 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 University of Guam (the "University" or "Respondent"), a public corporation chartered under Guam law with an educational mission.
2. The University campus encompasses 71 buildings spread out over 161 acres and is located at University of Guam Station in Mangilao, Guam 96923 (the "Facility"). In the course of operations at the Facility, the University, (which consists of two colleges, three professional schools, a graduate school, and four research facilities), generates and stores hazardous wastes in connection with its laboratories, vehicle

maintenance, painting operations, and other maintenance activities. The Facility's EPA ID number is GU0000286427.

3. This Consent Agreement and Final Order ("CAFO"), pursuant to 40 CFR §22.13(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that, at the Facility, the University: (1) stored hazardous waste without a permit or interim status; (2) failed to make a hazardous waste determination; (3) failed to store hazardous waste in containers in good condition; (4) failed to meet emergency preparedness requirements; (5) failed to maintain emergency equipment; (6) failed to mark or label universal waste; (7) failed to properly manage universal waste lamps; (8) failed to meet the accumulation time limits for universal waste storage; and (9) failed to minimize the possibility of a release of hazardous waste. These are each in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. §6921 *et seq.*

B. JURISDICTION

4. On May 4, 1992, the Territory of Guam received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 C.F.R. § 271. The authorized Guam hazardous waste regulations are contained in the Guam Hazardous Waste Management Regulations ("HWMR") adopted May 22, 1981 (as amended August 6, 1992) and the applicable federal regulations are in Title 40 of the Code of Federal Regulations ("40 CFR") Parts 261, 262, 265, 268, 270, and 279. The Territory of Guam has been authorized for all the regulations referenced in this CA/FO.¹

18_____

¹ Citations to regulations in this CA/FO are generally expressed as CFR citations for convenience. Guam has adopted federal regulations by reference so the numbering system is almost identical to the federal system. For the regulations cited in this CA/FO, HWMR Part II.B adopts 40 CFR Part 260 by reference; HWMR Part III.A adopts 40 CFR Part 261 by reference; HWMR Part IV.A adopts 40 CFR Part 262 by reference; HWMR Part VII.A adopts 40 CFR Part 265 by reference; and HWMR Part X.A adopts 40 CFR Part 270 by reference. Although federal citations are listed, EPA is enforcing the Guam authorized program (which adopts these

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 is the “owner” of a facility as defined in 40 CFR §260.10.
8. Respondent is a “generator” of hazardous waste as defined in 40 CFR §260.10.
9. Respondent generates and stores materials that are “wastes” as defined in 40 CFR §§260.10 and 261.2.
10. At the Facility, Respondent generates, or has generated, “hazardous waste” as defined by RCRA Section 1004(5), 42 U.S.C. §6903(5), 40 CFR §§260.10 and 261.3. This hazardous waste includes, but may not be limited to, waste varnish (D001), and flammable paint waste (D001), spent lead acid batteries, and fluorescent lamps.
11. At the Facility, Respondent also generates used oil as defined by 40 CFR §279.1.
12. Respondent is, therefore, subject to the Territory regulations adopted pursuant to 10 G.C.A. §§ 51103, 51104, and Sections 3001, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6921, 6924 and 6925.
13. On March 9, 2004, EPA conducted a RCRA compliance evaluation inspection (“CEI”) at the Facility. Based upon the findings made during the CEI, and additional information obtained subsequent to the CEI, EPA determined that Respondent has violated RCRA Sections 3002, 3004, 3005, 3010, 42 U.S.C. §§6922, 6924, 6925, and 6930, and the Guam regulations adopted pursuant thereto, as approved and authorized by the United States.
14. A person who violates RCRA’s hazardous waste requirements is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. §6928. Section 3008 of RCRA, 42 U.S.C.

regulations by reference and includes them in HWMR Part XIV) in this action and not the federal regulations.

§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.*

15. 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 1

Storage of Hazardous Waste Without a Permit

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
17. 40 CFR §262.34(a)(2) allows hazardous waste generators to accumulate hazardous waste on-site for 90 days or less without a permit or interim status. This provision, however, is only applicable if, *among other things*: (1) the date upon which each period of accumulation begins is clearly marked and visible for inspection for each container and each container in which hazardous waste is accumulating is clearly marked or labeled with the words “Hazardous Waste”; and (2) the generator maintains hazardous waste training records in accordance with 40 CFR §265.16(d). Generators who store waste without complying with these requirements must obtain a permit in accordance with 40 CFR §§265.1(b), 270.1(c) and 10 G.C.A. § 51104.
18. 40 CFR §265.16(d) requires a facility to maintain the following hazardous waste training-related records:
 - (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 listed;
 - (3) A written description of the type and amount of both introductory and continuing training that will be given to each person listed above; and

- (4) Records that document that the required training or job experience has been completed.
19. At the time of the CEI, the University had failed to mark three containers of hazardous waste with either their respective accumulation start dates or the words “Hazardous Waste.” Nor had the University maintained any hazardous waste training-related records.
 20. Therefore, EPA alleges that the University has violated 40 CFR §265.1(b), and RCRA.

COUNT 2

Failure to Make a Hazardous Waste Determination

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 §262.11 requires generators of solid waste, as defined in 40 CFR §261.2, to make a determination as to whether each waste stream they generate constitutes a hazardous waste within the meaning of RCRA and its implementing regulations. Generators must first determine if the waste they generate is excluded from regulation under 40 CFR 261.4. They must then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261.
23. For the purposes of compliance with 40 CFR Part 268 (the Land Disposal Restrictions), or if the waste is not listed in Subpart D of 40 CFR Part 261, generators must then determine whether the waste is identified in subpart C of 40 CFR Part 261. This analysis is achieved either by testing the waste in accordance with Subpart C of 40 CFR Part 261, (or an equivalent method approved under 40 CFR §261.21), or by applying knowledge of the hazard characteristics of the waste in light of the materials or processes used.
24. At the time of the CEI, the University failed to make hazardous waste determinations for three one-gallon containers of “Extremely Flammable” waste varnish. The waste varnish at issue constitutes hazardous waste D001.

25. Therefore, EPA alleges that the University has violated 40 CFR §§262.11 and RCRA.

COUNT 3

**Failure to Store Hazardous Waste in Containers
in Good Condition**

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 §265.171 provides that, if a container holding hazardous waste is not in good condition or begins to leak, the facility owner or operator must transfer the hazardous waste from the container to a container in good condition, or manage the waste in some other way that complies with the requirements of 40 CFR Part 265.
28. At the time of the CEI, the University was storing hazardous waste in three containers that were severely corroded. The containers were placed directly on the soil and there were no plans or attempts apparent to properly manage the containers.
29. Therefore, EPA alleges that the University has violated 40 CFR §265.171 and RCRA.

COUNT 4

Failure to Maintain a Contingency Plan

30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were set forth here in their entirety.
31. 40 CFR §265.50 requires facility owners and operators to maintain a contingency plan at the facility to implement in emergency circumstances.
32. At the time of the CEI, the University did not maintain a contingency plan for the Facility.
33. Therefore, EPA alleges that the University has violated 40 CFR §265.50 and RCRA.

COUNT 5

Failure to Maintain Emergency Equipment

34. Paragraphs 1 through 33 above are incorporated herein by this reference as if they were set forth here in their entirety.
35. 40 CFR §265.33 requires generators to test and maintain, as necessary, all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, to ensure the proper operation of such equipment in times of emergency.
36. At the time of the CEI, the University's fire extinguisher within the main maintenance area was completely discharged. The Facility representatives had no information regarding how long the extinguisher had been in this condition or why it had been discharged.
37. Therefore, EPA alleges that the University has violated 40 CFR §265.33 and RCRA.

COUNT 6

Failure to Mark or Label Universal Waste

38. Paragraphs 1 through 37 above are incorporated herein by this reference as if they were set forth here in their entirety.
39. A small quantity handler of universal waste, must comply with the provisions of 40 CFR §§273.14(a) and (e) regarding marking or labeling universal waste.
40. Pursuant to 40 CFR §273.14(a), each universal waste battery or container in which they are contained must be labeled or marked clearly with the words "Universal Waste --- Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)."
41. Pursuant to 40 CFR §273.14(e), each universal waste lamp or container in which they are contained must be labeled or marked clearly with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

42. At the time of the CEI, the University had not marked or labeled nineteen universal waste batteries, nor had it marked or labeled sixteen universal waste lamps.
43. Therefore, EPA alleges that the University has violated 40 CFR §§273.14(a) and (e) and RCRA.

COUNT 7

Failure to Properly Manage Universal Waste Lamps

44. Paragraphs 1 through 43 above are incorporated herein by this reference as if they were set forth here in their entirety.
45. A small quantity handler of universal waste, must comply with the provisions of 40 CFR §273.13(d)(1) relating to the management of universal waste lamps.
46. Pursuant to 40 CFR §273.13(d)(1), any lamp must be contained in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
47. At the time of the CEI, the University was storing sixteen universal waste lamps on the ground and within the surrounding foliage at the dump site near the maintenance Facility. The lamps were not stored in any containers whatsoever.
48. Therefore, EPA alleges that the University has violated 40 CFR §273.13(d)(1) and RCRA.

COUNT 8

Failure to Meet Accumulation Time Limits for Universal Waste Storage

49. Paragraphs 1 through 48 above are incorporated herein by this reference as if they were set forth here in their entirety.
50. 40 CFR §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.

51. At the time of the CEI, the University had been accumulating at least nineteen universal waste batteries and sixteen universal waste lamps. None of the University representatives present during the inspection were able to demonstrate how long the batteries and lamps had been accumulating on-site. Neither was the Facility able to provide such a demonstration after the inspection. The inspector observed that the batteries and lamps appeared to have been subjected to the elements for quite some time.
52. Therefore, EPA alleges that the University has violated 40 CFR §273.15 and RCRA.

COUNT 9

Failure to Minimize the Possibility of a Release of Hazardous Waste

53. Paragraphs 1 through 52 above are incorporated herein by this reference as if they were set forth here in their entirety.
54. 40 CFR §265.31 requires that facilities 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.
55. At the time of the CEI, the Facility's practice was to dispose of certain hazardous waste in the marine lab by putting the waste down the drain in the sink. This practice included waste acids and lab wastes, including hydrochloric acid (D002) and formaldehyde (U122).
56. Therefore, EPA alleges that the University has violated 40 CFR §265.31 and RCRA.

D. TERMS OF SETTLEMENT

57. Respondent 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 immediately upon Respondent's receipt of a true and correct copy of this CAFO. Respondent or the Government of Guam must pay the civil penalty no later than THIRTY (30) CALENDAR DAYS after the effective date of this CAFO.

58. The aforesaid settlement amount was based upon EPA's consideration of the statutory factors of the seriousness of Respondent's violations and any good faith efforts by Respondent 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) and 69 Fed. Reg. 7121 (Feb. 13, 2004), authorizes a civil penalty of up to TWENTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring on or after January 31, 1997 but before March 16, 2004, and a civil penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after March 15, 2004. The settlement amount was also based upon EPA's assessment of the ability of the Respondent to pay a civil penalty.

E. ADMISSIONS AND WAIVERS OF RIGHTS

59. 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 Respondent pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, and 40 CFR §§22.4 and 22.37. Further, for the purposes of this proceeding, Respondent admits to the jurisdictional allegations of facts and law set forth in Section B of this CAFO. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CAFO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CAFO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CAFO.

60. 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 hearing on any issue relating to the factual allegations or legal conclusions set forth in this CAFO, 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 CAFO without adjudication. In addition, Respondent hereby waives any rights it may have to appeal the Final Order attached to this Consent Agreement and made part of this CAFO.

F. PARTIES BOUND

61. This CAFO shall apply to and be binding upon Respondent and its agents, successors and assigns and upon all persons acting under or for Respondent, 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.

62. No change in ownership or any other legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CAFO.

63. The undersigned representative of the Respondent 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

64. 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.

65. Respondent shall submit payment of the TEN THOUSAND DOLLAR (\$10,000.00) civil penalty within thirty (30) calendar days of the Effective Date of this CAFO. Payment shall be made in accordance with one of the options set forth below:

- a. A check sent by regular U.S. Postal Service mail should be made payable to the “Treasurer, United States of America” and addressed to:

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

- b. Wire transfers should be directed to the Federal Reserve Bank of New York as follows –

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”

- c. A check sent by overnight mail should be payable to the “Treasurer, United States of America” and addressed to:

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

Contact: Natalie Pearson, 314-418-4087

- d. If using 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 310006
CTX Format

e. An On Line Payment Option is available through the Dept. of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV
Enter sfo 1.1 in the search field

Open form and complete required fields.

At the time payment is so made, a notice of payment with a copy of the check shall be sent to each of the following Region IX addresses:

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

and

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

66. 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.
67. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the Effective Date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, interest will accrue from the Effective Date of this

CAFO at the current rate published by the United States Treasury as described at 40 CFR §13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent thirty (30) day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent 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

68. In the event Respondent fails to submit a payment to EPA by the time required in this CAFO, Respondent shall pay stipulated penalties up to FIVE HUNDRED DOLLARS (\$500.00) per day for the first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000.00) per day for the sixteenth to thirtieth day of delay, and up to FIFTEEN HUNDRED DOLLARS (\$1,500.00) per day for each day of delay thereafter.
69. 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 or completion of the activity.
70. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a written demand by EPA for such penalties. Such demand 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 (30) day period. Payment shall be made in accordance with one of the options set forth above in paragraph 65 unless Respondent is otherwise advised by EPA in writing.

At the time payment is so made, a copy of the check shall be sent to each of the following Region IX addresses:

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

and

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

71. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Respondent's name and address, and the EPA docket number of this action.
72. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
73. 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 CAFO.

I. RESERVATION OF RIGHTS

74. EPA expressly reserves all rights and defenses that it may have.
75. 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.

76. Compliance by Respondent with the terms of this CAFO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, Guam, or federal laws and regulations.
77. 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 except as it relates to Respondent’s liability for federal civil penalties for the specific alleged violations and facts as set forth in Section C of this CAFO.
78. 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, Guam or federal permits.

J. OTHER CLAIMS

79. 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.

K. MISCELLANEOUS

80. By signing this CAFO, Respondent, without admitting or denying them, certifies that all of the alleged violations set forth in Section C of this CAFO, which are or were capable of correction, have been corrected.

81. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.
82. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.
83. The Effective Date of this CAFO is the date the CAFO, after having been signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

12/21/07
Date

Harold L. Allen
Harold L. Allen
President
For Respondent University of Guam

12/21/07
Date

Victorina M.Y. Renacia
Victorina M.Y. Renacia
University of Guam Legal Counsel

FEB 20 2008

Date

Nancy Lindsay
Nancy Lindsay, Acting Director
Waste Management Division
U.S. Environmental Protection Agency,
Region IX

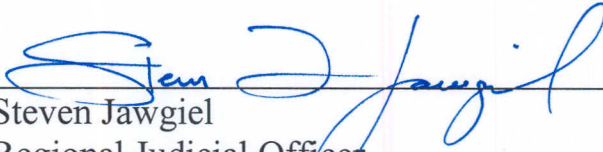
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA _____) ("CAFO") be entered and that RESPONDENT, THE UNIVERSITY OF GUAM, pay a civil penalty of TEN THOUSAND DOLLARS (\$10,000.00) by one of the methods set forth and in accordance with Section G of this CAFO, within thirty (30) days after this CAFO's Effective Date. A notice of the payment and a copy of the check or other form of payment or other evidence thereof shall be sent to the EPA Region IX addresses specified in Section G of this CAFO within such thirty (30) day period.

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

02/21/08

Date



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

CERTIFICATE OF SERVICE

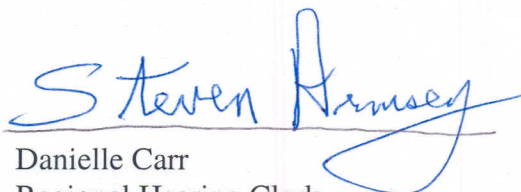
I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified mail, return receipt requested, to:

Dr. Harold L. Allen
President
University of Guam
Executive Offices, Admin. Bldg.
University of Guam Station
Mangilao, Guam 96923
Ph: 735-2975
Fax: 734-2296

Feb. 29, 2008

Date

For



Danielle Carr
Regional Hearing Clerk
Office of Regional Counsel, Region IX