

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

2015 MAY 26 PM 4: 21

US EPA REGION IX
HEARING ROOM

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2015-0005
RJR Polymers, Inc.)	
)	<u>CONSENT AGREEMENT AND</u>
EPA ID No. CAD 000245738)	<u>FINAL ORDER PURSUANT TO</u>
)	40 C.F.R. SECTIONS 22.13 AND
<u>Respondent.</u>)	22.18

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22. Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is RJR Polymers, Inc. (Respondent or "RJR Polymers").
2. Respondent operates a facility located at 7875 Edgewater Drive, Oakland, California 94621 (the "Facility"). The Facility's EPA Identification Number is CAD 000245738 (at the time of inspection the Facility's only identification number was CAL 000162293). RJR Polymers manufactures electronic packaging materials for the RF/Wireless, telecom, medical, automotive, optical and vision industries using a patented liquid crystal polymer technology. In the course of manufacturing packaging materials, the Facility generates methylethyl ketone (D035 waste) and non-halogenated solvents (F003). The Facility also generates hazardous wastes in the form of used oil and off-specs aged organic chemical compounds in the form of chemical reagents used in the Facility's laboratory.
3. On February 10, 2014, inspectors from EPA conducted an unannounced RCRA Compliance Evaluation Inspection ("CEI") at the Facility. The purpose of the inspection was to determine the Facility's compliance with applicable federal environmental statutes and regulations, in particular RCRA, as amended, and the regulations in 40 C.F.R. Parts 261-165, 268, 273 and 279, and the regulations adopted by the California authorized program under RCRA in the California Code of Regulations ("C.C.R."), Title 22, Division 4.5 and the California Health and Safety Code, Division 20. Based on the findings EPA made during the inspection and additional information obtained subsequent to the inspection, EPA determined that RJR Polymers had violated California Health &

Safety Code §25100 et seq. and the regulations adopted pursuant thereto, as approved and authorized by the United States.

4. This Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2), simultaneously commences and concludes this proceeding, wherein EPA alleges that RJR Polymer failed to comply with the following requirements of Title 22 of the California Code of Regulations:¹
 - a. 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)] (failure to obtain a permit for the “treatment” and “storage” of hazardous waste due to a failure to meet the conditions of the exemption)
 - b. 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. §262.11] (failure to determine if the waste generated by the facility’s activities is a hazardous waste);
 - c. 22 C.C.R. § 66262.40(a) [*see also* 40 C.F.R. § 262.40(a)] (failure to keep a copy of signed waste manifests); and
 - d. 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. §262.12(a)] (failure to obtain an EPA ID number before shipping RCRA hazardous waste off-site for disposal).

These each are a violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations adopted pursuant to the approved California hazardous waste management program.

B. JURISDICTION

5. On August 1, 1992, the State of California received initial authorization to administer the hazardous waste management program in lieu of the federal program pursuant to § 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. This authorization was updated on September 26, 2001; (*see* 66 Fed. Reg. 49118, September 26, 2001), and again on October 7, 2011, (*see* 76 Fed. Reg. 62303, October 7, 2011). The authorized program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for all of the regulations referenced in this CA/FO.
6. Respondent is a “person” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
7. Respondent is an “operator” of a “facility” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

¹All citations to the “C.C.R.” refer to Division 4.5 of Title 22 of the current California Code of Regulations. Corresponding Federal citations are provided in brackets. See Paragraph B.5 for a discussion of the relationship of the State and Federal requirements.

8. Respondent is the “owner” of a facility as defined in 22 C.C.R. § 66260.10 (see also 40 C.F.R. § 260.10).
9. Respondent is a small quantity "generator" of RCRA hazardous waste as defined in 22 C.C.R. § 66260.10 [see also 40 C.F.R. § 260.10] and 51 Fed. Reg. 10153 (March 24, 1986).
10. Respondent generates and accumulates materials that are “wastes” as defined in 22 C.C.R. §§ 66260.10 and 66261.2 [see also 40 C.F.R. §§ 260.10 and 261.2].
11. At the Facility, Respondent generates and accumulates “hazardous waste” as defined in California Health & Safety Code (“H&SC”) § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [see also RCRA § 1004(5), 42 U.S.C. 6903(5); 40 C.F.R. §§ 260.10 and 261.3].² These hazardous wastes include, but are not limited to, methylethyl ketone (RCRA hazardous waste code D035) non-halogenated solvents (F003), and used oil.
12. Respondent generates less than 1000 kilograms, of hazardous waste in any month for purposes of California H&SC Section 25123.3 and 22 C.C.R. § 66262.34(d) [see also 40 C.F.R. § 262.34(d)].
13. On February 10, 2014, representatives of EPA conducted an unannounced CEI of the Facility. Based upon the findings EPA made during the CEI, and additional information obtained subsequent to the CEI, EPA determined that Respondent had violated California H&SC §§ 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
14. 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.
15. A violation of California’s authorized hazardous waste program, found at H&SC §§ 25100 *et seq.*, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California’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.
16. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue an order assessing a civil penalty and/or requiring compliance immediately or within a

²The definition of “hazardous waste” contained in the California statute and regulations is broader in scope than the definition contained in RCRA and the federal regulations. Those hazardous wastes regulated under California law, but not regulated under federal law, are known as “California wastes” and the portions of the California statute and regulations governing California wastes were not included in the provisions authorized under RCRA. Thus, EPA enforces California’s authorized program but does not enforce those aspects of the California program relating solely to California wastes.

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.*

17. 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, Deputy Director, Assistant Directors and Managers of the Enforcement Division.

C. ALLEGED VIOLATIONS

Count I

Storage of Hazardous Waste Without A Permit Or Interim Status

18. Paragraphs 1 through 17 above are incorporated herein by this reference as if they were set forth here in their entirety.
19. 22 CCR § 66262.34 (*see also* 40 CFR § 262.34) allows generators of hazardous waste to accumulate 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 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 22 CCR § 66270.1 [*see also* 40 CFR § 270.1].
20. In order to be eligible to accumulate hazardous waste without a permit or interim status, small quantity generators of hazardous waste must limit the duration of storage to 180 days or less. 22 CCR § 66262.34(d) [*see also* 40 CFR § 262.34(d)].
21. In addition, in order to be eligible to accumulate hazardous waste without a permit or interim status, generators of hazardous waste must, among other requirements:
 - a. Keep containers of hazardous waste closed during storage, except when necessary to add or remove waste, pursuant to 22 CCR § 66265.173 [*see also* 40 CFR § 265.173];
 - b. Maintain and operate their facilities to minimize the possibility, among other things, of an unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, pursuant to 22 CCR § 66262.34(a)(4) & 66265.31 [*see also* 40 CFR § 262.34(a)(4) & 265.31]; and
 - c. Provide proper training to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities

during normal facility operations and emergencies, pursuant to 22 CCR § 66262.34(d)(2) [*see also* 40 CFR § 262.34(d)(5)(iii)].

22. At the time of the CEI, the inspectors observed that Respondent was storing [RCRA] hazardous waste [D001] in a container with a small opening in the top into which a metal funnel with a lid was inserted. In addition, the inspectors observed used gloves contaminated with chemicals (potentially D035 MEK, with known harmful toxicity characteristics) in an open trash can in the Mix Lab/Mix Room. Finally, from their observations, it was apparent to the inspectors that Facility personnel were not thoroughly familiar with proper waste handling and emergency procedures. Respondent thus failed to comply with at least three of the conditions for being allowed to store hazardous waste for 180 days or less without a permit or interim status.
23. At the time of the CEI, Respondent was not eligible for interim status under RCRA, nor was Respondent in possession of a permit to store hazardous waste.
24. Therefore, EPA alleges that RJR Polymers violated 22 CCR § 66270.1 [*see also* 40 CFR § 270.1], and RCRA.

Count II

Failure To Make A Hazardous Waste Determination

25. Paragraphs 1 through 24 are incorporated herein by this reference as if they were set forth here in their entirety.
26. 22 C.C.R. § 66262.11) [*see also* 40 C.F.R. § 262.11] requires that a person who generates solid waste must determine if that waste is a hazardous waste by means of the method specified therein.
27. At the time of inspection, EPA inspectors observed an open container (bucket) in the Application Room and two open containers in the Mix Lab/Mix Room, each of the containers partially filled with a substance, and that the Facility personnel did not know what substance partially filled the containers.
28. Therefore, EPA alleges that Respondent failed to make a hazardous waste determination in violation of 22 C.C.R. § 66262.11) [*see also* 40 C.F.R. § 262.11].

Count III

Failure To Keep A Signed Copy Of Each Hazardous Waste Manifest

29. Paragraphs 1 through 28 are incorporated herein by this reference as if they were set forth here in their entirety.

30. 22 CCR§ 66262.40(a) [40 CFR § 262.40(a)] requires a generator to keep a copy of each hazardous waste shipment manifest for three years or until he receives a signed copy from the designated facility which received the waste.
31. At the time of inspection, EPA inspectors observed that Facility personnel were unable to provide them with a copy of any signed manifests, and subsequently only were able to provide a signed copy of 9 of 10 missing manifests.
32. Therefore, EPA alleges that Respondent violated 22 CCR§ 66262.40(a) [40 CFR § 262.40(a)].

Count IV

Failure To Obtain An EPA Identification Number

33. Paragraphs 1 through 32 are incorporated herein by this reference as if they were set forth here in their entirety.
34. 22 CCR § 66262.12(a) [40 CFR § 262.12(a)], requires a generator to obtain an EPA identification number before, among other things, storing or offering for transportation, hazardous waste.
35. 22 C.C.R. § 66260.10 provides that an EPA identification number is issued to a person who handles 100 kilograms or more per calendar month of a RCRA hazardous waste.
36. At the time of inspection, EPA inspectors observed that the Facility generates RCRA hazardous waste, but did not have an EPA identification number, although it did have identification number from the State of California.
37. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12(a)].

D. CIVIL PENALTY

38. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule authorizes a civil penalty of up to thirty-seven thousand five hundred dollars (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. §6921 *et seq.*, occurring after January 12, 2009. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the 2003 RCRA Civil Penalty Policy (“Penalty Policy”), 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 ELEVEN THOUSAND FOUR HUNDRED EIGHTY-FOUR DOLLARS (\$11,484.00) as the civil penalty for the violations alleged herein. The proposed penalty was calculated in accordance with the

Penalty Policy. Under the Penalty Policy, EPA uses a penalty assessment matrix to determine a gravity-based penalty. That penalty amount is then adjusted to take into account multi-day violations, the economic benefit gained from non-compliance, where appropriate, and case-specific circumstances.

E. ADMISSIONS AND WAIVERS OF RIGHTS

39. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
40. 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.
41. Respondent consents to the assessment of the civil penalty described herein.

F. PARTIES BOUND

42. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until such time as the civil penalty required under Sections D and G has been paid in accordance with Section G, all compliance tasks have been completed, 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.
43. 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.
44. 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

45. Respondent consents to the assessment of and agrees to pay a civil penalty of ELEVEN THOUSAND FOUR HUNDRED EIGHTY-FOUR DOLLARS (\$11,484.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.

46. Respondent shall submit payment of the ELEVEN THOUSAND FOUR HUNDRED EIGHTY-FOUR DOLLARS (\$11,484.00) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" (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 "sfol.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.

47. At the time payment is made, a copy of the check or other evidence of payment shall be sent to:

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

and

Sharon Lin
Enforcement Division
Air, Waste and Toxics Branch, ENF-2-2
U.S. Environmental Protection Agency – Region 9
75 Hawthorne Street
San Francisco, CA 94105

48. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. 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

49. 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: FIVE HUNDRED DOLLARS (\$500.00) per day for first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000.00) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) per day for each day of delay thereafter.

50. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
51. The determination of whether Respondent has satisfactorily complied with the terms of this CA/FO and the determination of whether Respondent has made a good faith, timely effort to complete the tasks required by this CA/FO, are within the sole discretion of the Division Director, Enforcement Division, EPA Region IX. The decision of the Division Director, Enforcement Division, EPA Region IX is not reviewable in any forum.
52. All 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 46.
53. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
54. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. CERTIFICATION OF COMPLIANCE

55. By Signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has, to the best of its knowledge and belief, fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized California hazardous waste management program including the requirements that formed the basis for the violations alleged in this CA/FO: 22 C.C.R. § 66270.1(c) (see also 40 C.F.R. § 270.1(c)); 22 C.C.R. § 66262.11 (see also 40 C.F.R. §262.11); 22 C.C.R. § 66262.40(a) (see also 40 C.F.R. § 262.40(a)); and 22 C.C.R. § 66262.12(a) (see also 40 C.F.R. §262.12(a)). 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

56. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO, except as to those civil penalties for the violations and facts alleged herein. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA (except as to those civil penalties for the violations and facts alleged herein); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"); or any other statutory, regulatory or common law enforcement authority of the United States.

57. 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.

58. 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.

59. 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 obligations to obtain and comply with any local, State or federal permits.

K. RESERVED CLAIMS

60. Nothing in this CA/FO shall constitute or be construed as a release from, nor an admission by, Respondent of any Reserved Claim.

L. MISCELLANEOUS

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

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

63. 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.

IT IS SO AGREED.

4/29/15
Date



Wil Salhuaña, CEO & President
RJR Polymers, Inc.

5/18/15
Date



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

4

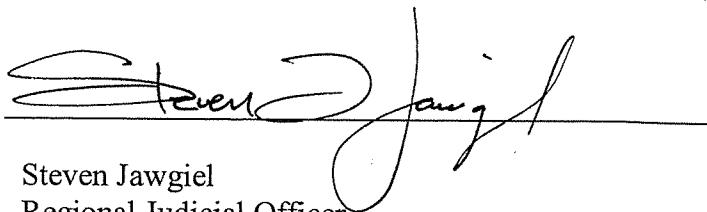
FINAL ORDER

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-09-2015-0005) be entered and that RJR Polymers, Inc. pay a civil penalty of ELEVEN THOUSAND FOUR HUNDRED EIGHTY-FOUR DOLLARS (\$11,484.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. Payment must be made pursuant to Section G of the Consent Agreement.

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

05/22/2015

Date

A handwritten signature in black ink, appearing to read "Steven Jawgiel", is written over a horizontal line.

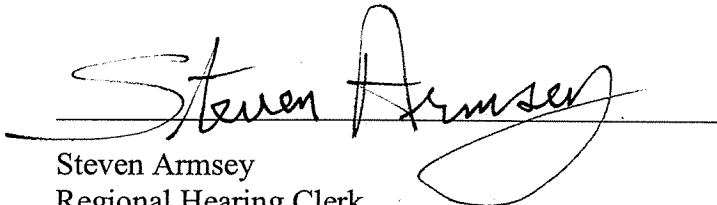
Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region 9

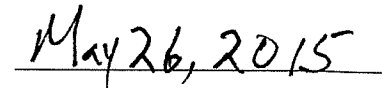
CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order pursuant to 40 C.F.R. 22.13 and 22.18 (Docket No. RCRA-09-2015-**0005**) against RJR Polymers, Inc. was filed this day with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, and that a true and correct copy of the same was sent to Respondent at the following address:

Mr. Raymond S. Bregante
Executive Chairman
RJR Polymers, Inc.
7875 Edgewater Drive
Oakland, CA 94621

Certified Mail No. 7009 0820 0001 3646 6325


Steven Armsey
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX


Date