



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2008 SEP 17 PM 1:45  
REGIONAL HEARING  
CLERK

SEP 17 2008

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Jose Cepeda Rodriguez  
The Hato Rey Center, Suite 906  
268 Ponce de Leon Avenue  
Hato Rey, Puerto Rico 00918-2004

Re: In the Matter of Municipality of San Juan, of the Commonwealth of Puerto Rico  
Docket No. RCRA-02-2007-7110

Dear Mr. Cepeda Rodriguez:

Please find enclosed a copy of the Consent Agreement and Final Order ("CA/FO") in the above-referenced matter, signed by the Regional Administrator of the United States Environmental Protection Agency ("EPA"), Region 2.

Please assure that your client, the Municipality of San Juan, makes arrangement for payment of the civil penalty in accordance with the timeframe specified in the CA/FO. Please also assure the deadlines specified for the three (3) Supplemental Environmental Projects (SEPs) are met in accordance with the time frames specified in the CA/FO.

Thank you for your cooperation in working with us to resolve this matter. If you have any questions, please contact me at (212) 637-3224.

Sincerely yours,

Bruce H. Aber  
Assistant Regional Counsel

Enclosure

cc: Karen Maples, Region 2 Regional Hearing Clerk  
Julio Rodriguez, PREQB

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2007 SEP 17 PM 4:48  
REGIONAL HEARING  
CLERK

In the Matter of:

Municipality of San Juan, of the  
Commonwealth of Puerto Rico

Respondent


Proceeding Under Section 3008 of the Solid  
Waste Disposal Act, as amended.

**CONSENT AGREEMENT  
AND FINAL ORDER**

**Docket No. RCRA - 02-2007-7110**

**PRELIMINARY STATEMENT**

This civil administrative proceeding was instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. § 6901 et seq. (hereinafter collectively referred to as "the Act" or "RCRA").

 Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the Administrator to enforce violations of the Act and the regulations promulgated or authorized pursuant to it. The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, has been duly delegated the authority to institute and carry forward this proceeding. The Complainant issued a Complaint, Compliance Order and Notice of Opportunity for Hearing to Respondent, Municipality of San Juan, of the Commonwealth of Puerto Rico, on June 28, 2007, bearing docket number RCRA-02-2007-7110. The Complaint alleged that the Respondent, through its Department of Public Works and Environment

(hereinafter "Respondent" and/or "DPWE"), had violated requirements of RCRA and regulations concerning management of hazardous waste and used oil.

The parties have reached an amicable resolution of this matter and have agreed to this Consent Agreement and Final Order ("CA/FO"), pursuant to Title 40 of the Code of Federal Regulations ("C.F.R."), Section 22.18(b) of the revised Consolidated Rules of Practice, as a resolution of this proceeding without further litigation.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Respondent is the Municipality of San Juan, of the Commonwealth of Puerto Rico, an entity that was organized pursuant to, and has existed under the laws of the Commonwealth of Puerto Rico.
2. Respondent is a "person," as that term is defined in Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.
3. The Department of Public Works and Environment ("DPWE") is one of the operational departments instituted by the Respondent since its creation to provide the services required by its constituents.
4. The DPWE has operated through the years at a "facility" ("DPWE facility" or "the Facility") located at KM 1.2 John F. Kennedy Expressway, at the Marginal Street, in San Juan, Puerto Rico as that term is defined at 40 C.F.R. §260.10. The Facility is owned by the Respondent.
5. The DPWE facility provides preventive maintenance and mechanic services for the vehicle fleet of the Municipality of San Juan. The Facility includes, among other areas, a large truck motor pool area and a preventive maintenance area for cars.

6. Respondent has been the “owner” and “operator” of the Facility as those terms are defined in 40 C.F.R. § 260.10.
7. Carrying out the preventive maintenance and mechanic services for the San Juan vehicle fleet (including motor oil changes), and the conducting of normal building maintenance operations at the Facility, have generated solid waste (within the meaning of 40 C.F.R. §261.2) in various maintenance areas and other areas of the Facility.
8. Activities at the DPWE Facility have included the generation and storage of used oil, within the meaning of 40 C.F.R. §279.1.
9. The used oil generated and stored at the DPWE Facility is subject to the requirements of 40 C.F.R. Part 279, Subpart C.
10. By reason of its activities at the DPWE Facility, Respondent is a “used oil generator.”
11. On or about February 14, 2006, a duly designated representative of EPA conducted an inspection of the DPWE Facility pursuant to Section 3007 of RCRA, 42 U.S.C. §6927, to determine Respondent’s compliance with Subtitle C of RCRA and its implementing regulations (hereinafter “the Inspection”).
12. On or about April 20, 2006, EPA issued to Respondent a combined Notice of Violation (“NOV”) pursuant to Section 3008 of the Act, 42 U.S.C. §6928 and an Information Request Letter (“IRL”) pursuant to Section 3007 of the Act, 42 U.S.C. §6927. The NOV cited RCRA violations discovered during the Inspection. The IRL asked questions regarding Respondent’s management of hazardous waste and used oil.
13. On May 17, 2006, Respondent submitted a preliminary response to the NOV, which included photographs showing actions performed by Respondent in response to the NOV.
14. On September 30, 2006, Respondent submitted its response to the IRL and NOV.

15. Based on EPA's February 14, 2006 inspections and Respondent's May 17, 2006 and September 30, 2006, responses to EPA's IRL and NOV, EPA issued an administrative Complaint against the Respondent on June 28, 2007, bearing docket number RCRA-02-2007-7110.
16. EPA's Complaint alleged various violations of RCRA and its implementing regulations, including that the Respondent failed to: determine whether each solid waste generated at its facility constituted a hazardous waste (40 C.F.R. Section 262.11); mark used oil containers with the words "Used Oil" (40 C.F.R. Section 279.22(c)(1)); stop, contain, cleanup and manage the releases of used oil properly (40 C.F.R. Section 279.22(d)(1)(2)&(3)); repair or replace leaking used oil storage containers prior to returning them to service (40 C.F.R. Section 279.22(d)(4)); store used oil storage containers in good condition (no severe rusting, apparent structural defects or deterioration) and in containers that are not leaking (40 C.F.R. Section 279.22(b)); and comply with the prohibition against storing used oil in units other than tanks, containers or units subject to regulation under Parts 264 or 265 (40 C.F.R. Section 279.22(a)).
17. Respondent submitted to EPA a letter, dated August 31, 2007, which described the compliance measures undertaken by Respondent to comply with the Compliance Order section of the Complaint.
18. As a result of negotiations over a period of several months, the parties have been able to reach an agreement to resolve this case.
19. The parties have further agreed that the settlement will include three (3) Supplemental Environmental Projects ("SEPs"), as set forth below.

## CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 3008 of RCRA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 C.F.R. § 22.18, it is hereby agreed by and between the parties, and Respondent knowingly and voluntarily agrees as follows:


1. For the purpose of this proceeding and in the interest of an expeditious resolution of this matter, Respondent (a) admits the jurisdictional allegations for this proceeding, as specified in this Consent Agreement and Final Order, and (b) neither admits nor denies the Findings of Fact and Conclusions of Law contained herein.
2. Respondent shall provide a written certification, within forty-five (45) days of the Regional Administrator's signature of the Final Order, that it has implemented measures to satisfy each of the requirements of the Compliance Order issued on June 28, 2007, consistent with Attachment 1 of Respondent counsel's August 31, 2007 letter to EPA. Provided it is true, Respondent shall also certify that its DPWE facility is in compliance with the applicable regulations and standards governing the handling and management of hazardous waste and used oil as set forth in 40 C.F.R. Part 260 through Part 279. (If it is not true, Respondent shall identify any noncompliance).
3. Respondent shall comply with 40 C.F.R. §262.11 for any newly generated solid waste.
4. Respondent shall comply with the applicable regulations and standards governing the handling and management of hazardous waste and used oil as set forth in 40 C.F.R. Part 260 - Part 279.
5. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **Twenty Five Thousand Dollars (\$25,000.00)**, payable to the "Treasurer, United States

of America." The check shall be identified with a notation of the name and docket number of this case as follows: In the Matter of the Municipality of San Juan, Docket No.

RCRA-02-2007-7110. The check shall be mailed to:

United States Environmental Protection Agency  
Fines & Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO. 63197-9000

Respondent shall also send copies of this payment to each of the following:

 Bruce Aber, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, N.Y. 10007-1866

and

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, N.Y. 10007-1866  
Attn: Karen Maples

The payment must be received at the payee address on or before ninety (90) calendar days after the date of signature of the Final Order, which is located at the end of this CA/FO (the date by which payment must be received shall hereafter be referred to as the "due date").

- a. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection.
- b. Furthermore, if payment is not received on or before its due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the

due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty (30) day period (or any portion thereof) following the due date in which the balance remains unpaid.

- c. A 6% per annum penalty also will be applied on any principal amount not paid within ninety (90) days of the due date.
- d. The effective date of this CA/FO shall be the date of its filing with the Regional Hearing Clerk, U.S. E.P.A. Region 2, New York, New York.

6. Respondent consents to the terms of this Consent Agreement and agrees to perform three (3) Supplemental Environmental Projects (“SEPs”), as described herein. Respondent indicates that the estimated costs of performing SEP 1 is \$90,050; the estimated cost of performing SEP 2 is \$7,596; and the estimated cost of performing SEP 3 is \$5,360. The parties have agreed to the scope and requirements of the SEPs and have determined that the Respondent shall spend not less than 90% of the total estimated costs of the three (3) SEPS. Thus, the Respondent shall expend at least \$92,000 on SEP-specific activities (“Required SEP Expenditure”), broken down as follows: at least \$81,000 for SEP 1; at least \$6,500 for SEP 2; and at least \$4,500 for SEP 3.

7. Respondent agrees to implement the SEPs in accordance with the terms and the schedule set forth in this CA/FO. For purposes of this Consent Agreement, days shall mean calendar days. Any proposed changes to these SEPs must be approved by EPA.

8. The following describes the requirements for each Supplemental Environmental Project:

A. Supplemental Environmental Project #1 (SEP 1).

(i) Objective: The goal of this SEP, involving a public awareness effort and a pilot-type study on pollution reduction, is to educate the general public about the proper handling and disposal of used oils and used oil filters and to inform the public about the environmental risks



associated with the improper disposal of said wastes. This SEP will also inform the communities about the different Used Oil Collection Centers located in the nearby Community.

(ii) Description: Respondent shall prepare a brochure, in Spanish, related to used oil collection program goals and objectives, including procedures for the proper handling and disposal of used oil and used oil filters. The brochure shall also describe the environmental risks associated with improper disposal of said wastes. Respondent shall provide to EPA for review and comment a copy (in English translation) of the brochure that Respondent proposes to distribute via a mailing to residences within designated areas (which are agreed upon with EPA) of the Municipality of San Juan. Respondent shall also provide to EPA an inventory of existing used oil collection centers, located in or near the residences, that are part of this SEP within the Municipality of San Juan, to whom the mailings are directed, whose use is being encouraged by the public awareness efforts associated with this SEP. In addition to providing EPA with an inventory of existing used oil collection centers, Respondent shall prepare a map that identifies the precise street addresses where the existing used oil collection centers are located within the communities where the residences to whom the mailings are directed are located, and provide the map to EPA for review and comment. Respondent shall mail the brochure and map to 43,000 residences that are part of this SEP in the Municipality of San Juan. The brochure and map which are mailed to the public will be in Spanish, in order to facilitate understanding and use by the public of the used oil collection centers. Respondent shall provide to EPA a certification and documentation confirming that the mailing has been completed in accordance with the requirements of this Consent Agreement.


In addition to the mailing of the brochures and maps, as described above, Respondent shall also personally deliver the brochures and maps by conducting door to door visits of the

43,000 residences to which the mailings are sent. The purpose of making a personal delivery is to allow interaction with residents to reinforce the mailings and further promote and encourage the recycling effort. Respondent shall consult with EPA in advance about how it proposes to implement personal delivery to these residences and shall later provide to EPA a certification that the personal delivery has been completed in accordance with the requirements of this Consent Agreement.

Furthermore, in addition to the mailing and personal delivery of the aforementioned brochures and maps, the Respondent shall conduct outreach into the community where these mailings and personal deliveries are targeted, in order to publicize this effort to increase the use of collection centers. This can be accomplished by having a representative of the Municipality of San Juan either hold a meeting at a local center, such as a public library, community center, shopping center, and/or recycling center to encourage the use of collection centers and distribute the materials, or set up a table at such a local center, to distribute the brochures and maps and encourage use of the collection centers. Respondent shall provide to EPA a certification that this public outreach effort has been completed in accordance with the requirements of this Consent Agreement.


Respondent shall submit a written Report to EPA (in English) that summarizes the results of the personal delivery, such as the communities encompassed by the personal deliveries, the amount of brochures and/or maps that were delivered, the number of houses where personal delivery was made (i.e., where the person was home and took the delivery), and the number of houses where the brochures and/or maps were left at or in the mailbox because nobody was home/or answered the door. The Report shall also provide information on the nature, location and results of the additional outreach effort (i.e., holding a meeting or setting up a table at a local

public center, such as a shopping mall, public library, community center and/or recycling center), including but not limited to, how many brochures and maps were distributed to the public at these outreach events, and other pertinent information. Furthermore, the Report shall also include any recommendations to other municipalities for undertaking similar public outreach efforts. Respondent shall include the results and recommendations in its Final Report which will be mailed to other municipalities once this SEP is completed.

 Additionally, the Respondent shall conduct a study over an 18 month period, in order to measure the effectiveness of the above-described public awareness efforts by quantifying the amount of used oil and discarded used oil filters disposed of at designated used oil collection centers over time. Data on the amount of used oil and discarded used oil filters brought to the used oil collection centers will be collected for the 6 month period prior to the initiation of the awareness effort (“first phase”), and then for the 4 month period when the public education/awareness effort is going on (“second phase”). In addition, data will be collected for 8 months immediately after the completion of the SEP during a period of the year approximately comparable to the time period when the data was collected initially. Respondent shall submit a written report to EPA after the completion of each of these three (3) phases. Each Report shall summarize the results of the data collected and provide a month by month breakdown of the collection volumes of used oil at the recycling centers.

Following this study, the Respondent shall prepare a Final Report, in Spanish and English, summarizing the study of the effectiveness of the public awareness effort and the data collected for the three phases of the SEP. Respondent shall provide to EPA, for review and comment, a draft Final Report (in English) prior to its distribution. Respondent shall incorporate any comments received from EPA prior to distributing the Final Report to the public.

Respondent shall mail the Final Report, in Spanish, to seventy-seven (77) municipalities in Puerto Rico, as well as the Commonwealth Solid Waste Management Authority, State and Private Universities and Public Libraries, in order to inform EPA, other municipalities, and the public of the public awareness campaign with respect to any increase in the amount of used oil and discarded used oil filters disposed of at used oil collection centers. The Final Report shall include any recommendations as to how other public awareness campaigns might be conducted in the future to increase their effectiveness, and other steps to increase the public's use of used oil collection centers. Also, prior to distribution, the Respondent shall provide to EPA a copy of the proposed distribution list (i.e., the addressees) where the Final Report is to be sent.



B. Supplemental Environmental Project #2 (SEP 2):

(i) Objective: The goal of this SEP, involving compliance promotion, is to train employees of other municipalities and community groups about the procedures for proper handling and disposal of used oil and used oil filters (it may also incidentally educate Municipal of San Juan employees who work in vehicle fleet departments of the Municipality of San Juan, including a few employees of the Department of Public Works & Environment, the activities of which are the subject of the Complaint in this case). The training will educate attendees about the environmental risks associated with the improper disposal of used oil and used oil filters. This training should be designed to improve handling practices and reduce exposure of the public from improper disposal. This SEP should help protect the environment from further degradation resulting from releases caused by the improper handling and disposal of used oil and used oil filters.

(ii) Description: The Respondent shall schedule one (1) seminar of at least one-hour in length (unless a shorter length is approved in writing by EPA) that discusses procedures related

to the proper handling and disposal of used oil and used oil filters and the environmental risks associated with improper disposal of said wastes. Respondent shall train employees of other municipalities, community groups, and incidentally, Municipal of San Juan employees who work in vehicle fleet departments of the Municipality of San Juan (along with a few employees of the Department of Public Works & the Environment, the activities of which are the subject of the Complaint in this case).

 (iii) The Plan

Respondent shall provide to EPA for review and comment a Plan for the seminar on the proper handling and disposal of used oil and used oil filters. The Plan shall describe the proposed content of the seminar, and include an Agenda. The Plan shall also:

- a) Identify the person(s) who will teach/conduct the compliance promotion seminar and include a copy of the instructor(s) resume and qualification dossier. (The seminar shall be taught by an instructor(s) who has the expertise required to present and cover the topics);
- b) Provide a date and time and location (address, building and room number) for the seminar;
- c) Provide a copy of the invitation and guest (invitee) list. The invitations shall state that the seminar will be helpful to municipalities, since they generate these kinds of wastes and are subject to EPA regulation and fines for noncompliance. If there is limited space and registrations exceed seating capacity, preference shall be given to employees of other municipalities;
- d) Provide a copy of the course material (in English translation), including any brochure/literature, that will be provided to the attendees (in Spanish); and
- e) Provide a copy of the seminar evaluation forms that will be distributed to attendees.

(iv) The Invitees

Respondent shall invite employees of other (non-San Juan) Municipalities to this compliance promotion seminar. Respondent shall mail invitations to at least the following twenty (20) municipalities: a) Municipality of Guaynabo, b) Municipality of Catano, c) Municipality of Bayamon, d) Municipality of Toa Baja, e) Municipality of Vega Alta, f) Municipality of Toa Alta, g) Municipality of Caguas, h) Municipality of Cidra, i) Municipality of Aguas Buenas, j) Municipality of Gurabo, k) Municipality of San Lorenzo, l) Municipality of Cayey, m) Municipality of Trujillo Alto, n) Municipality of Carolina, o) Municipality of Canovanas, p) Municipality of Rio Granda, q) Municipality of Liquillo, r) Municipality of Fajardo, s) Municipality of Comerio, t) Municipality of Naranjto.

Respondent plans to invite the following community groups to the seminar: a) Puerto Nuevo, b) Caparra Terrace, c) Las Lomas, and d) Reparto Metropolitano, each of whom is located in Gobernador Pinero Ward, Puerto Rico and e) Santiago Iglesias, located in Monacillo Urbano Ward. In addition, Respondent plans to invite up to ten (10) Municipality of San Juan employees from non DPWE departments, such as the Municipal Tower, Municipal Police and up to twenty employees from the Comunidades al Dia Area.

(v) Training Session Report

Respondent shall provide a Report on the training session to EPA in English. The written report shall summarize the training session performed, and include a list of the attendees and their association (name of municipality, department/division and/or community group) and their numbers (e.g., count of the number of non-San Juan municipal employees that attended the seminar). Either at the end of the seminar or when this Report is submitted, Respondent shall

provide the completed evaluation forms to EPA, so that EPA can gauge the effectiveness of the compliance promotion seminar.

C. Supplemental Environmental Project #3 (SEP 3)


(i) Objective: The goal of this SEP, involving compliance promotion, is to train employees of other municipalities and community groups about the proper procedures related to the handling and disposal of spent fluorescent bulbs and lamps and other mercury containing used bulbs and lamps (it may also incidentally educate Municipal of San Juan employees who work in other departments of the municipality of San Juan, including a few employees of the Department of Public Works & the Environment, the activities of which are the subject of the Complaint in this case). The training will educate attendees about the environmental risks associated with the improper handling and disposal of spent fluorescent bulbs and lamps and other mercury containing used bulbs and lamps. This training should be designed to improve handling practices and reduce exposure of the public from improper disposal. This SEP should help protect the environment from further degradation resulting from releases caused by the improper handling and disposal of spent fluorescent bulbs and lamps and other mercury containing bulbs and lamps.

(ii) Description: The Respondent shall schedule one (1) seminar of at least one-hour length (unless a shorter length is approved in writing by EPA) that discusses proper procedures related to the handling and disposal of spent fluorescent light bulbs and lamps and other mercury containing bulbs and lamps and the environmental risks associated with improper disposal of said wastes. Respondent shall train employees of other municipalities, community groups, and incidentally, Municipal of San Juan employees who work in other departments of the

municipality of San Juan (along with a few employees of the Department of Public Works & Environment, the activities of which are the subject of this Complaint).

(iii) The Plan

Respondent shall provide to EPA for review and comment a Plan for the seminar on the proper handling of spent fluorescent bulbs and lamps and other mercury-containing bulbs and lamps. The Plan shall describe the proposed content of the seminar and include an Agenda. The Plan shall also:

- 
- a) Identify the person(s) who will teach/conduct the compliance promotion seminar and include a copy of the instructor(s) resume and qualification dossier. (The seminar shall be taught by an instructor(s) who has the expertise required to present and cover the topics);
  - b) Provide a date and time and location (address, building and room number) for the seminar;
  - c) Provide a copy of the invitation and guest (invitee) list. The invitations shall state that the seminar will be helpful to municipalities, since they generate these kind of wastes and are subject to EPA regulation and fines for noncompliance. If there is limited space and registrations exceed seating capacity, preference shall be given to employees of other municipalities;
  - d) Provide a copy of the course material (in English translation), including any brochure/literature, that will be provided to the attendees (in Spanish); and
  - e) Provide a copy of the seminar evaluation forms that will be distributed to attendees.

(iv) The Invitees

Respondent shall invite employees of other (non-San Juan) municipalities to this compliance promotion seminar. Respondent shall mail invitations to at least the twenty (20) municipalities previously listed under B. SEP 2 (iv), above. Respondent plans to invite the following community groups to the seminar: a) Puerto Nuevo, b) Caparra Terrace, c) Las Lomas,



and d) Reparto Metropolitano, each of whom is located in Gobernador Pinero Ward, and e) Santiago Iglesias, located in Monacillo Urbano Ward. In addition, Respondent plans to invite up to ten (10) Municipality of San Juan employees from non DPWE departments, such as Municipal Tower, Gonzalez Padin Building, and up to twenty (20) employees from the San Juan City Hall.

(v) Training Session Report

Respondent shall provide a report on the training session to EPA in English. The written report shall summarize the training session performed, and include a list of the attendees and their association (name of municipality, department/division, and/or community group) and their numbers (e.g., count of the number of non-San Juan municipal employees that attended the seminar). Either at the end of the seminar or when this report is submitted, Respondent shall provide the completed evaluation forms to EPA, so that EPA can gauge the effectiveness of the compliance promotion seminar.

9. Respondent shall perform the SEP activities in accordance with the schedule set forth below.

**Activity**

**Date Deliverable Due**

SEP 1	
a) Provide a copy of the brochures (in English) to EPA for review and comment, as further described in Paragraph 8. A.(ii.), above.	No later than 90 days from the Regional Administrator's signature of the Final Order.
b) Provide to EPA an inventory of the Used Oil Collection Centers in the communities to be covered by SEP 1, as further described in Paragraph 8.A. (ii.), above.	No later than 90 days from the Regional Administrator's signature of the Final Order

<p>c) Provide to EPA a copy of the Map that will be distributed to the public. The map shall identify the precise street addresses of the used oil collection centers located in the communities to be covered by SEP 1.</p>	<p>No later than 90 days from the Regional Administrator's signature of the Final Order</p>
<p>d) Mail and personally deliver brochures and maps in Spanish, to 43,000 residences that are part of this SEP, located within the Municipality of San Juan.</p> <p>Respondent shall provide to EPA a certification and documentation confirming that mailing has been completed, and a certification that the personal delivery has been completed in accordance with the requirements of this Consent Agreement.</p> <p>Respondent shall conduct outreach into the community where these mailings and personal deliveries are targeted, as described in Paragraph 8 A ii), in order to publicize this effort to increase the use of collection centers.</p>	<p>During the 4 month awareness campaign, from June 1, 2009 through September 30, 2009.</p> <p>By November 1, 2009</p> <p>During the 4 month awareness campaign, from June 1, 2009 through September 30, 2009.</p>

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<p>Respondent shall provide to EPA a certification that the public outreach has been completed in accordance with the requirements of this Consent Agreement.</p> <p>e) Respondent will submit a Report to EPA (in English) that i) summarizes the results of the mailing and personal delivery, ii) provides information on the nature, location and results of the outreach effort, including but not limited to, how many brochures and maps were distributed to the public at these outreach events, and any other pertinent information. The Report shall also include recommendations to other municipalities for undertaking similar public outreach efforts.</p>	<p>By October 31, 2009</p> <p>By November 15, 2009</p>
<p>f) Data Gathering Efforts (on Used Oil and Discarded Used Oil Filters) 6 months prior to the start of the Awareness Campaign, as further described in Paragraph 8. A. (ii), above.</p>	<p>Start Date: December 1, 2008</p> <p>End Date: May 31, 2009</p>

*MA*

<p>Respondent shall submit a written Report to EPA (in English) that summarizes the results of this data collection effort after completion of phase 1 of SEP 1.</p>	<p>Date Due: June 30, 2009</p>
<p><i>A</i></p> <p>g) Data Gathering Efforts (on Used Oil and Discarded Used Oil Filters) during the 4 month Awareness Campaign, as further described in Paragraph 8 A.(ii.), above.</p> <p>h) Respondent shall submit a written Report to EPA (in English) that summarizes the results of this data collection effort after completion of phase 2 of SEP #1, as further described in Paragraph 8.A.(ii.), above.</p>	<p>Start Date: June 1, 2009</p> <p>End Date: September 30, 2009</p> <p>Date Due: By October 31, 2009</p>
<p>i) Data Gathering Efforts (on Used Oil and Discarded Used Oil Filters) during an 8 Month period after the Awareness Campaign, as</p>	<p>Start Date: October 1, 2009</p> <p>End Date: May 31, 2010</p>


<p>further described in Paragraph 8A.(ii), above.</p> <p>Respondent shall submit a written Report to EPA (in English) that summarizes the results of this data collection effort after completion of phase 3 of SEP 1, as further described in Paragraph 8.A. (ii), above.</p>	<p>Date Due: By June 30, 2010</p>
<p><i>SA</i></p> <p>j) Final Report Summarizing Data Collection.</p> <p>Respondent shall provide to EPA for review and comment a draft Final Report that summarizes the data collected during the three phases for SEP #1 and the outreach that occurred during phase 2 of the SEP.</p>	<p>Date Due: By July 31, 2010</p>
<p>k) Respondent shall mail the Final Report, in Spanish, to approximately seventy-seven (77) municipalities in the Commonwealth of Puerto Rico, as well as to the Solid Waste Management Authority, State &amp; Private Universities, and Public Libraries, and to EPA (translated in English). Respondent shall provide to EPA a list of the addressees and</p>	<p>Date Due: By September 30, 2010 or within thirty (30) days of receiving EPA's comments on the draft Final Report, whichever occurs later.</p>

documentation confirming the mailing.	
<p>SEP 2</p> <p>a) Respondent shall submit to EPA for EPA's review and comment a Plan for a Compliance Promotion Seminar concerning the proper procedures for handling and disposal of used oil and used oil filters. The Plan shall include the information required in paragraphs 8 B. (iii) and (iv)., above.</p>	Date Due: Within 120 days after the Regional Administrator's signature of the Final Order.
b) Conduct Seminar.	Date Due: During 2009, at a date and time acceptable to the parties (EPA and Respondent) signing this Consent Agreement.
c) Provide to EPA a copy of the Training Session Report, as described in Paragraph 8 B (v), above, which shall also include an Attendance Sheet and Seminar Evaluation Forms.	Date Due: Within 15 days after the Seminar

*AA*

<p>SEP 3</p> <p>a) Respondent shall submit to EPA for EPA's review and comment a Plan for a Compliance Promotion Seminar concerning the proper procedures for handling and disposal of discarded Fluorescent bulbs and Lamps and other mercury containing lamps and bulbs.</p> <p>The Plan shall include the required information in paragraphs 8 C. (iii) and (iv) above.</p>	<p>Date Due: Within 120 days after the Regional Administrator's signature of the Final Order.</p>
<p>b) Conduct Seminar.</p>	<p>Date Due: During 2009, at a time and date acceptable to the parties (EPA and Respondent) signing this Consent Agreement</p>
<p>c) Provide to EPA a copy of the Training Session Report, as described in Paragraph 8 C. (v), above, which shall also include an Attendance Sheet and Seminar Evaluation Forms.</p>	<p>Date Due: Within 15 days after the Seminar</p>

10. Respondent shall provide EPA with a SEP Completion Report for SEPs 1, 2 and 3 documenting the completion of the SEPs and the expenditures made in connection with the performance of the SEPs. The SEP Completion Report shall be submitted to EPA by no later than November 1, 2010. All SEP expenditures are subject to approval by EPA. Said documentation shall be mailed to:



Edward Guster  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 21<sup>st</sup> Floor  
New York, N.Y. 10007-1866

and

Bruce Aber, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866.

11. The SEP Completion Report for SEPs 1, 2 and 3, which shall be submitted to EPA (to the addressees in paragraph 10, above) in English, on or before November 1, 2010, shall contain the following information:

- a) Detailed description of each SEP as implemented;
- b) Description of any problems encountered and the solutions thereto;
- c) Itemization of costs incurred which Respondent feels are eligible for SEP credit, accompanied by copies of invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and services for which payment is being made (if the itemization and documentation have been previously provided with the Progress Report, it will suffice to refer to the prior submittal );
- d) Certification that each SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order; and,
- e) Description of the environmental and public health benefits resulting from implementation of each SEP (with quantification of the benefits and pollutant reductions, if feasible).
- f) The SEP Completion Report shall reference the written Report which summarizes the results of the data collection effort for phases 1 through 3 of SEP 1.



12. Respondent shall provide EPA with semiannual Progress Reports, in a form approved by EPA, starting 6 months after the effective date of the Final Order and continuing until the SEPs are completed. The Progress Reports shall inform EPA of Respondent's efforts to achieve milestones for each SEP, shall identify any issues or problems that have arisen in the implementation of each SEP and how any such issues or problems were addressed, and shall itemize and document the expenditures that Respondent has made in connection with each SEP. Unless otherwise approved by EPA, copies of all invoices and a copy of documents related to each SEP and created or paid or received by Respondent during the reporting period shall be enclosed with the Progress Reports when transmitted to EPA. Respondent shall send the Progress Reports to the addressees in paragraph 10, above.

13. Respondent agrees that failure to timely submit the Progress Reports or SEP Completion Report for SEPs 1, 2, and 3, shall be deemed a violation of this Consent Agreement and Final Order, and Respondent shall become liable for stipulated penalties pursuant to paragraph 19 B., below.

14. Following receipt of Progress Reports and the SEP Completion Report, EPA will:

- a) accept the report;
- b) reject the report, notify Respondent in writing of deficiencies in the report and grant Respondent an additional thirty (30) days in which to correct any deficiencies. If EPA, after allowing Respondent thirty (30) days to correct any deficiencies, finds that the same type of deficiencies remain, then EPA may seek stipulated penalties in accordance with paragraph 19 B., below.

15. If EPA elects to exercise option 14(b) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within 10 days of receipt of such notification. EPA and Respondent will have an additional thirty (30) days (or such time as the parties may agree to) from the due date of

Respondent's notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, Respondent may ask that the Complainant or her representative review the matter. Thereafter, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this Consent Agreement and Final Order. In the event each SEP is not completed as contemplated herein, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 19 B., below.

*At*

16. In all documents or reports, including without limitation, Progress Reports for SEPs 1, 2 and 3 and the SEP Completion Report for SEPs 1, 2 and 3, which were submitted to EPA pursuant to this CA/FO, Respondent shall, by its official, sign and certify under penalty of law that the information contained in such document or report is true, accurate and not misleading by signing the following statement.

“I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant potential penalties for knowingly submitting materially false information, including the possibility of fines and imprisonment.” The certification shall be signed by a person knowledgeable about the information provided in the report, and who is authorized by Respondent to make such certification. The certified report shall be sent to Mr. Edward Guster of EPA at the address in Paragraph 10.

17. Whether Respondent has complied with the terms of this Consent Agreement and Final Order through the implementation of each SEP project as herein required, whether each SEP has been satisfactorily completed, whether the Respondent has made good faith, timely effort to implement each SEP, and whether costs expended are creditable to the SEP shall be the sole determination of EPA. Should EPA have any concerns about the satisfactory completion of the

SEP(s), EPA will communicate those concerns to Respondent and provide it with an opportunity to respond, and/or correct the deficiencies. If EPA makes a determination that the SEP(s) have been satisfactorily completed, it will provide Respondent with written confirmation of the determination within a reasonable amount of time.

18. Respondent shall maintain in one central location legible copies of documentation concerning the development, implementation, and financing of the SEPs and documentation supporting information in documents or reports submitted to EPA pursuant to this CA/FO, including the reports required to be submitted for SEP 1, the Plans for SEPs 2 and 3, the Semi-Annual Progress Reports and the SEP Completion Report for SEPs 1, 2 and 3 required pursuant to this CA/FO. Respondent shall grant EPA and its authorized representatives access to such documentation and shall provide copies of such documentation to EPA within thirty (30) days of Respondent's receipt of a request by EPA for such information, or such additional time as approved by EPA, in writing. The provisions of this paragraph shall remain in effect for five (5) years from the effective date of this CA/FO or from three (3) years from the satisfactory completion of the required SEPs, whichever is later.

19. Stipulated penalties will be calculated as follows:

A. In the event that EPA determines, in its sole discretion, that Respondent fails to comply with any of the terms or provisions of this Consent Agreement and Final Order relating to the performance of each SEP described in paragraphs 6, 7, 8 and 9 above (but excluding violations described in paragraph 19 B. and/or to the extent that the actual allowable expenditures for each SEP do not equal or exceed the required minimum expenditure for each SEP identified in paragraph 6 above, Respondent shall be liable for stipulated penalties (except

as provided in subparagraphs (iv) and (v), immediately below) according to the following provisions:

i) If EPA determines, in its sole discretion, that SEP 1 has not been completed satisfactorily, Respondent shall pay a stipulated penalty in the amount of **Forty-Five Thousand Dollars (\$45,000)**. Payment shall be transmitted using the same procedure specified in paragraph 5, above.

AA ii) If EPA determines, in its sole discretion, that SEP 2 is not completed satisfactorily, Respondent shall pay a stipulated penalty in the amount of **Two Thousand Five Hundred Dollars (\$2,500)**. Payment shall be transmitted using the same procedure specified in paragraph 5, above.

iii) If EPA determines, in its sole discretion, that SEP 3 is not completed satisfactorily, Respondent shall pay a stipulated penalty in the amount of **One Thousand Eight Hundred Dollars (\$1,800)**. Payment shall be transmitted using the same procedure specified in paragraph 5, above.

iv) If EPA determines, in its sole discretion, that either SEP 1, SEP 2 and/ or SEP 3 is not completed satisfactorily, but:

(a) EPA determines that Respondent made good faith and timely efforts to complete the project; and

(b) Respondent certifies, with supporting documentation, that at least ninety (90) percent of the amount of money which was required pursuant to paragraph 6 to be spent was expended on the specific SEP (ie., SEP 1, SEP 2 or SEP 3), and EPA accepts that such expenditures are creditable for the specific SEP, then: Respondent shall not pay any stipulated penalty.

v) If EPA determines, in its sole discretion, that the SEP is satisfactorily completed, but:

(a) Respondent spent less than ninety (90) percent of the amount of money required to be spent for the specific SEP, and

(b) Respondent certifies, with supporting documentation, the costs that were expended on the specific SEP (ie., SEP 1, SEP 2 or SEP 3), and EPA accepts that such expenditures are creditable for the specific SEP, then:

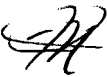
Respondent shall, unless the provisions of subparagraph "c" (immediately below) are applicable, pay a stipulated penalty in an amount equal to two (2) times the difference between the required expenditure for the SEP as set forth in Paragraph 6 above, and the amount the Respondent has expended that EPA determines is properly credited toward the SEP.

(c) Where Respondent completes a SEP to EPA's satisfaction, but spends less than the required amount for the SEP, Respondent may, with written EPA approval, spend unexpended monies for another of the SEPs or a closely related activity whose nature and purposes are determined by EPA to be consistent with the three approved EPA SEPs.

B. Notwithstanding any other provision of this Consent Agreement, stipulated penalties shall accrue per day per violation for the following types of matters: failure to comply with any schedule to submit records and documentation, including but not limited to reports and work plans, evidence that the activities required by this Consent Agreement have been completed, failure to include the required certifications or public statement and/or to revise any documents on schedule following receipt of comments; and/or failure to maintain and/or provide records. If deviation from the due dates/schedule in this

Consent Agreement for the documents/reports/records described in this paragraph, has not been approved by EPA in writing pursuant to paragraph 26, below, and if Respondent is determined by EPA to be liable to EPA for a stipulated penalty, such liability shall commence on the first day of noncompliance and continue through the final date of completion of the activity for which compliance is achieved. Simultaneous penalties shall accrue for separate violations of the Consent Agreement. The stipulated penalties shall accrue as follows:

**STIPULATED PENALTY AMOUNTS**



<u>Period of Failure to Comply</u>	<u>Penalty Per Day</u>
1st to 20th day	\$100
21st to 60th day	\$300
Each day in excess of 60 days	\$1000

C. Unless Respondent provides EPA with a written explanation in accordance with subparagraph D, below, all stipulated penalties are due and payable within sixty (60) calendar days of the Respondent's receipt from EPA of a written demand for payment of the penalties. Respondent agrees that such demand may be mailed to Respondent via its counsel, Jose A. Cepeda Rodriguez, Esq., Suite 906, The Hato Rey Center, #268 Ponce de León Avenue. Hato Rey, Puerto Rico 00918-2004. All stipulated penalty payments shall be made in accordance with the payment instructions in Paragraph 5 of this Consent Agreement. Penalties shall accrue as provided above regardless of whether EPA has notified the Respondent of the violation or made a demand for payment, but need only be paid upon demand.

D. After receipt of a demand from EPA for stipulated penalties pursuant to the preceding paragraph, Respondent shall have thirty (30) calendar days in which to provide Complainant with a written explanation of why it believes that a stipulated penalty is not

appropriate for the cited violation(s) of this Consent Agreement (including any technical, financial or other information that Respondent deems relevant). Pursuant to paragraph 20, below, EPA shall evaluate the written explanation provided by the Respondent.

E. Failure of Respondent to pay any stipulated penalty demanded by EPA pursuant to this Consent Agreement may result in referral of this matter to the United States Department of Justice or the Department of the Treasury for collection.

20. Complainant at her discretion may reduce or eliminate any stipulated penalty due if Respondent has in writing demonstrated to EPA's satisfaction good cause for such action by EPA. If, after review of Respondent's submission pursuant to the paragraph 19 D. above, Complainant determines that Respondent has failed to comply with the provisions of this Consent Agreement, and Complainant does not, in her sole discretion, eliminate the stipulated penalties demanded by EPA, Complainant will notify Respondent, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by Respondent. Respondent shall pay the stipulated penalty amount indicated in EPA's notice within sixty (60) calendar days of its receipt of such written notice from EPA.

21. At any time prior to Respondent's payment of stipulated penalties, the Director, may, for good cause as independently determined by her, reduce or eliminate the stipulated penalty(ies). If the Director makes such determination, EPA shall notify Respondent in writing of the change.

22. Any public statement, oral or written, made by Respondent making reference to the SEPs shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of RCRA and regulations concerning the management of hazardous waste and used oil."

23. Delays:

a) If any event occurs which causes or may cause delays in the completion of the SEPs as required under this Consent Agreement, Respondent shall notify EPA in writing within thirty (30) days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken by Respondent to prevent or minimize delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and may constitute a waiver of Respondent's right to request an extension of its obligation under this Consent Agreement based on such incident.

b) If the parties agree that the delay or anticipated delay in compliance with this Consent Agreement has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

c) In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Consent Agreement has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays in completion of the SEPs shall not be excused.

d) The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased cost or expenses associated with the implementation of actions called for by this Consent Agreement shall not, in any event, be a



basis for changes in this Consent Agreement or extensions of time under section b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

24. The civil penalties and stipulated penalties provided for herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal, Commonwealth or local law.



25. The SEPs to be completed by Respondent, described in paragraphs 6, 7, 8 and 9 of this Consent Agreement, have been accepted by Complainant solely for purposes of settlement of this civil administrative proceeding.

26. EPA Region 2 may grant an extension of the date(s) of performance or such other dates as are established in this Consent Agreement with regard to any of the SEP components, if Respondent has first demonstrated in writing good cause for such extension. If Respondent submits a request for extension, such request shall be accompanied by supporting documentation and submitted to EPA no later than thirty (30) calendar days prior to any due date set forth in this Consent Agreement, or other deadline established pursuant to this Consent Agreement. Such extension, if any, shall be approved in writing.

27. Respondent hereby certifies that, as of the date of this Consent Agreement and Final Order, Respondent is not required to perform or develop each SEP described in paragraphs 6 through 9, above, by any federal, Commonwealth, or local law or regulation; nor is Respondent required to

perform or develop each SEP by agreement, grant, or as injunctive relief in this or any other case or in compliance with Commonwealth or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for each SEP. Respondent certifies that it had not committed to perform each SEP prior to the commencement of this action.



28. Respondent shall not use or expend any money received from the federal government, as a grant or otherwise, to directly finance, implement or perform any aspect or portion of each of the aforementioned SEPs.

29. If in the future EPA believes that any of the information certified to, pursuant to Paragraphs 2 and 27 is inaccurate, EPA will advise Respondent of its belief and its basis for such, and will afford Respondent an opportunity to respond to EPA. If the certification is materially inaccurate with respect to compliance with the requirements set forth in the Compliance Order and/or the SEP(s), EPA may, in addition to seeking stipulated penalties under this CA/FO for noncompliance, initiate a separate criminal investigation pursuant to 18 U.S.C. § 1001 *et seq.*, or any other applicable law.

30. This Consent Agreement is being voluntarily and knowingly entered into by the Complainant and Respondent to resolve the civil and administrative claims alleged in the Complaint in this matter (upon full payment of the penalty and any stipulated penalty that comes due). Nothing herein shall be read to preclude EPA or the United States, however, from pursuing the remedies mentioned in 40 C.F.R. Section 22.18(c) for any violations of law.

31. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to the issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

32. Respondent explicitly and knowingly consents to the assessment of the civil penalty and stipulated penalties as set forth in this Consent Agreement and agrees to pay these penalties in accordance with the terms of this Consent Agreement.



33. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or on the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.

34. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, except in an action or proceeding to enforce the terms of this Consent Agreement and its accompanying Final Order.

35. Respondent explicitly waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

36. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

37. Nothing in this document is intended or shall be construed to be a ruling on or determination of any issue related to a federal or Commonwealth permit.

38. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

39. The provisions of this Consent Agreement and Final Order shall be binding upon Respondent, its officials, agents, authorized representatives and successors or assigns.

40. Each party hereto agrees to bear its own costs and fees in this matter.

41. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

42. Pursuant to 40 C.F.R. § 22.31(b), the effective date of the Final Order herein shall be the date when filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2.

RESPONDENT:

**Municipality of San Juan, Puerto Rico**

BY: 

(Authorizing Signature)

NAME: Jose J. Molina Resto

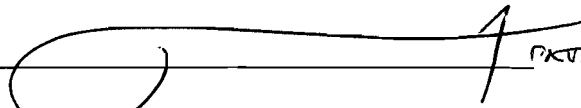
TITLE: Director, Environmental Protection

DATE: September 12, 2008

COMPLAINANT:

**United States Environmental Protection Agency**

**Region 2**

 PATRICK DORNEC FOR 2

**Dore LaPosta, Director**

Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency - Region 2  
290 Broadway  
New York, New York 10007-1866





DATE: SEPTEMBER 15, 2008

**In the Matter of Municipality of San Juan,**

**Docket No. RCRA-02-2007-7110**

**FINAL ORDER**

 The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of RCRA and 40 C.F.R. Section 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

 Alan J. Steinberg  
Regional Administrator  
U.S. Environmental Protection Agency - Region 2  
290 Broadway  
New York, New York 10007-1866


DATE:  9/15/08

**In the Matter of Municipality of San Juan, Puerto Rico Docket No. RCRA-02-2007-7110**

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy  
by Hand:

 Office of Regional Hearing Clerk  
U.S. Environmental Protection  
Agency - Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866  
Attn: Karen Maples

Copy by Certified Mail,  
Return Receipt Requested:

Jose A.Cepeda Rodriguez, Esq.  
Attorney for Respondent  
Suite 906, The Hato Rey Center  
268 Ponce de León Avenue  
Hato Rey, Puerto Rico 00918-2004

Mildred N. Baez 9/17/08