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**U.S. EPA. REGION IX
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5 San Francisco, CA 94105
(415)972-3928
6

7 **UNITED STATES**
8 **ENVIRONMENTAL PROTECTION AGENCY**
9 **REGION IX**

10 **IN THE MATTER OF:**

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SOUTHWEST PETROLEUM
WASTE MANAGEMENT, LLC,

Respondent.

Docket No.
RCRA-09-2012-0018

**CONSENT AGREEMENT
AND
FINAL ORDER
PURSUANT TO 40 CFR
SECTIONS 22.13 and 22.18**

CONSENT AGREEMENT

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

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

A. **PRELIMINARY STATEMENT**

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1)
of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C.

1 § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative
2 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits
3 ("Consolidated Rules"), 40 CFR Part 22. Complainant is the United States
4 Environmental Protection Agency, Region IX. Respondent is a limited liability company
5 organized under the laws of the State of Arizona.

6 2. At the time of the violations alleged, Respondent was managing waste at a facility located
7 at 6515 N. El Mirage Rd., Glendale, Arizona 85307, EPA Identification Number
8 AZR000504332, (hereinafter referred to as the "Facility").

9 3. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences
10 and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous
11 waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C.
12 §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to
13 the federally authorized Arizona hazardous waste management program.

14 4. EPA is enforcing Arizona hazardous waste management program requirements as
15 approved and authorized by the United States.

16 5. On November 20, 1985, the State of Arizona received initial authorization to administer
17 the hazardous waste management program in lieu of the federal program pursuant to
18 Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 CFR § 271, effective December 4,
19 1985. The authorized program is established pursuant to the Arizona Laws Relating to
20 Environmental Quality, Title 49 (The Environment) [Arizona Revised Statutes ("A.R.S.")
21 §§ 49-921, et seq.], and the regulations promulgated thereunder in the A.A.C. Title 18,
22 Chapter 8, Article 2. Additionally, revisions to Arizona's hazardous waste management
23 program have been authorized occasionally, over the years, (*see* 56 Fed. Reg. 37290
24 (Aug. 6, 1991), 57 Fed. Reg. 30905 (July 13, 1992), 57 Fed. Reg. 41699 (Sept. 11, 1992),
25 57 Fed. Reg. 54932 (Nov. 23, 1992), and 69 Fed. Reg. 12544 (Mar. 17, 2004)). The State
26 of Arizona has been authorized for all of the regulations referenced in this CA/FO. The
27

1 State of Arizona has been authorized for all the regulations referenced in this CA/FO.

2 6. Citations in this CA/FO are to Arizona hazardous waste management program
3 requirements, followed by the corresponding federal citations provided in brackets.
4

5 B. GENERAL ALLEGATIONS

6 7. Respondent is, and at all times referred to herein was, a "person" as defined in A.R.S.
7 § 49-921 and A.A.C. R18-8-260.F.5 [see 40 CFR § 260.10].

8 8. Respondent was the "owner" or "operator" of a facility as defined in A.A.C. R18-8-260.C
9 [see 40 CFR § 260.10] at the time of the violations alleged.

10 9. At the Facility, Respondent generated and accumulated; materials that are "wastes" as
11 defined in A.R.S. § 49-921(5), A.A.C. R-18-8-260.C and 261.A [see 40 CFR §§ 260.10
12 and 261.2 for definition of "solid waste"].

13 10. EPA alleges that Respondent (1) twice failed to make a hazardous waste determination in
14 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11],
15 (2) twice failed to prepare a Manifest for off-site treatment, storage or disposal of
16 hazardous waste in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)], and (3)
17 twice sent hazardous waste to a facility that is not permitted to handle hazardous waste in
18 violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

19 11. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of Arizona's
20 authorized RCRA Hazardous Waste Management Program are federally enforceable.
21 Respondent is therefore subject to the powers vested in the EPA Administrator by Section
22 3008 of RCRA, 42 U.S.C. § 6928.

23 12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue
24 orders assessing a civil penalty for any past or current violation, or requiring compliance
25 immediately or within a specified time for violation of any requirement of Subtitle C of
26 RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

1 13. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of
2 Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of
3 RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to
4 issuing an order under Section 3008 of RCRA in that state. EPA notified the State of
5 Arizona as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

6 14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA
7 Regional Administrator for Region IX, who has redelegated this authority to the Director
8 of the Waste Management Division.

9
10 C. ALLEGED VIOLATIONS

11 COUNT I

12 (Failure to Make a Hazardous Waste Determination)

13 15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were
14 set forth here in their entirety.

15 16. A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11] require that a
16 person who generates solid waste determine if that waste is a hazardous waste.

17 17. Respondent generated wastewater at the Facility.

18 18. Respondent's wastewater is a "waste" as defined in A.R.S. § 49-921(5), A.A.C. R-18-8-
19 260.C and 261.A [see 40 CFR §§ 260.10 and 261.2 for definition of "solid waste"].

20 19. Under A.A.C. R18-8-261.A [see 40 CFR § 261.20(a)], a solid waste is a hazardous waste
21 if it exhibits the characteristic of toxicity.

22 20. On or around May 2010, Respondent's wastewater exhibited the characteristic of toxicity.

23 21. On or around May 2010, Respondent generated and accumulated hazardous waste
24 selenium, waste code D010.

25 22. Respondent was a "generator" of "hazardous waste" as defined in A.A.C. R18-8-260.C
26 [see 40 CFR § 260.10] at the time of the violations alleged.

- 1 23. On or around May 28, 2010, Respondent arranged to have 29,300 pounds (lbs) of its
2 wastewater transported to a municipal solid waste (MSW) landfill, the Southwest
3 Regional Landfill (AZR000042184).
- 4 24. Respondent failed to identify the wastewater as a hazardous waste.
- 5 25. Respondent failed to complete a hazardous waste determination for the wastewater in
6 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11].

7 COUNT II

8 (Failure to Make a Hazardous Waste Determination)

- 9 26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were
10 set forth here in their entirety.
- 11 27. On or around August 2011, Respondent's wastewater exhibited the characteristic of
12 toxicity.
- 13 28. On or around August 2011, Respondent generated and accumulated hazardous waste
14 tetrachloroethylene (also known as tetrachloroethene), waste code D039.
- 15 29. On or around August 29, 2011, Respondent arranged to have 24,040 lbs of its wastewater
16 transported to the Southwest Regional Landfill (AZR000042184).
- 17 30. Respondent failed to identify the wastewater as a hazardous waste.
- 18 31. Respondent failed to complete a hazardous waste determination for the wastewater in
19 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11].

20 COUNT III

21 (Failure to Manifest Hazardous Waste)

- 22 32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were
23 set forth here in their entirety.
- 24 33. A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)] requires that a generator who transports,
25 or offers for transport a hazardous waste for offsite treatment, storage, or disposal must
26 prepare a Manifest, EPA Form 8700-22, before the waste is transported off-site.

1 34. On or around May 2010, Respondent transported or offered for transport hazardous
2 waste, waste code D010, for offsite treatment, storage or disposal.

3 35. Respondent failed to prepare a Manifest, EPA Form 8700-22, before the hazardous waste
4 was transported off-site, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)].

5 COUNT IV

6 (Failure to Manifest Hazardous Waste)

7 36. Paragraphs 1 through 35 above are incorporated herein by this reference as if they were
8 set forth here in their entirety.

9 37. On or about August 2011, Respondent transported or offered for transport hazardous
10 waste, waste code D039, for offsite treatment, storage or disposal.

11 38. Respondent failed to prepare a Manifest, EPA Form 8700-22, before the hazardous waste
12 was transported off-site, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)].

13 COUNT V

14 (Sent Hazardous Waste to Facility Not Permitted for Hazardous Waste)

15 39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were
16 set forth here in their entirety.

17 40. Under A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], a generator must designate on the
18 manifest one facility which is permitted to handle the waste described on the manifest.

19 41. Respondent's hazardous waste, waste code D010, was delivered to the Southwest
20 Regional Landfill (AZR000042184) on May 28, 2010.

21 42. The Southwest Regional Landfill (AZR000042184) is not permitted to receive hazardous
22 waste.

23 43. Respondent sent hazardous waste to a facility that is not permitted to handle hazardous
24 waste, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

1 COUNT VI

2 (Sent Hazardous Waste to Facility Not Permitted for Hazardous Waste)

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

5 45. Respondent's hazardous waste, waste code D039, was delivered to the Southwest
6 Regional Landfill (AZR000042184) on August 29, 2011.

7 46. The Southwest Regional Landfill (AZR000042184) is not permitted to receive hazardous
8 waste.

9 47. Respondent sent hazardous waste to a facility that is not permitted to handle hazardous
10 waste, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

11
12 D. CIVIL PENALTY

13 48. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection
14 Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-
15 SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each
16 violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.

17 49. Based upon the facts alleged herein and upon those factors which EPA must consider
18 pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil
19 Penalty Policy, including the seriousness of the violations, any good faith efforts by
20 Respondents to comply with applicable requirements, and any economic benefit accruing
21 to Respondents, as well as such other matters as justice may require, EPA proposes that
22 Respondent be assessed **SIX THOUSAND AND FIVE HUNDRED DOLLARS**
23 **(\$6,500)** as the civil penalty for the violation alleged herein. The proposed penalty is
24 consistent with the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the
25 Debt Collection Improvement Act.

1 E. ADMISSIONS AND WAIVERS

2 50. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations
3 set forth in Sections A and B of this CA/FO. Respondent consents to and agrees not to
4 contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce
5 its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel
6 compliance with this CA/FO in any enforcement proceedings, either administrative or
7 judicial, or to impose sanctions for violations of this CA/FO.

8 51. Respondent neither admits nor denies any allegations of fact or law set forth in Section C
9 of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the
10 allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing
11 on any issue relating to the factual allegations or legal conclusions set forth in this
12 CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42
13 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without
14 adjudication. In addition, Respondent hereby waives any rights Respondent may have to
15 appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

16
17 F. PARTIES BOUND

18 52. This CA/FO shall apply to and be binding upon Respondent and its agents, successors
19 and assigns and upon all persons acting under or for Respondent, until such time as the
20 civil penalty required under Section D has been paid in accordance with Section G, all
21 compliance tasks have been completed, and any delays in performance and/or stipulated
22 penalties have been resolved. At such time as those matters are concluded, this CA/FO
23 shall terminate and constitute full settlement of the civil violations alleged herein.

24 53. No change in ownership or corporate, partnership or legal status relating to the Facility
25 will in any way alter Respondent's obligations and responsibilities under this CA/FO.

26 54. The undersigned representative of Respondent hereby certifies that he is fully authorized
27

1 by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.

2
3 **G. PAYMENT OF CIVIL PENALTY**

4 55. Respondent hereby consents to the assessment of a civil penalty in the amount of **SIX**
5 **THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** in settlement of the civil
6 penalty claims of the United States for the violations of the federally authorized program
7 established pursuant to the Arizona Laws Relating to Environmental Quality, 49 A.R.S.
8 §§ 49-921, et seq., and A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [*see* 40 CFR
9 §§ 262.11 and 262.20(a) and (b)], as alleged in Section C above.

10 56. Respondent shall submit payment of the civil penalty of **SIX THOUSAND AND FIVE**
11 **HUNDRED DOLLARS (\$6,500)** within thirty (30) calendar days of the Effective Date
12 of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order
13 contained in this CA/FO, having been approved and issued by either the Regional Judicial
14 Officer or Regional Administrator, is filed.

15 57. Respondent shall submit the payment due under this CA/FO in accordance with one of
16 the options set forth below, and shall reference the Respondent's name and the docket
17 number of this matter:

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

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

25 b. Wire transfers should be directed to the Federal Reserve Bank of New York as
26 follows:

27 Federal Reserve Bank of New York

1 ABA: 021030004
2 Account Number: 68010727
3 SWIFT address: FRNYUS33
4 33 Liberty Street
5 New York NY 10045
6 Field Tag 4200 of the Fedwire message should read:
7 "D 68010727 Environmental Protection Agency".

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

10 U.S. Bank
11 1005 Convention Plaza
12 Mail Station SL-MO-C2GL
13 St. Louis, MO 63101
14 Contact: Natalic Pearson, 314-418-4087

- 15 d. An On Line Payment Option for payments directly from your bank account or by
16 credit/debit card is available through the U.S. Department of Treasury. To use
17 this payment option, access **www.pay.gov**, enter "sfo 1.1" in the Public Forms
18 search field, open the form, and complete the required fields.

19 See also, http://www.epa.gov/ocfo/finservices/payment_instructions.htm.

- 20 58. At the time payment is so made, a copy of the transmittal form shall be sent to:

21 Regional Hearing Clerk (RC-1)
22 U.S. Environmental Protection Agency - Region IX
23 75 Hawthorne Street
24 San Francisco, CA 94105

25 and

26 Kandice Bellamy (WST-3)
27 Waste Management Division
28 U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

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

1 current rate published by the United States Treasury as described at 40 CFR §13.11(a).
2 Additionally, administrative costs for collecting the overdue debt will be assessed
3 monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any
4 principal amount not paid within ninety (90) calendar days of the due date. See 40 CFR
5 §13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set
6 forth below for any payment not received by its due date.

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

10
11 H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES

12 61. In addition to the interest and per annum penalties described above, in the event that
13 Respondent fails to pay the full amount of the penalty within the time specified in
14 Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of
15 up to TEN THOUSAND DOLLARS (\$10,000.00) for each day the default continues.

16 62. All penalties shall begin to accrue on the date that performance is due or a violation
17 occurs, and shall continue to accrue through the final day of correction of the
18 noncompliance. Nothing herein shall prevent the simultaneous accrual of separate
19 penalties for separate violations.

20 63. All penalties owed to EPA under this Section shall be due within thirty (30) days of
21 receipt of a notification of noncompliance. Such notification shall describe the
22 noncompliance and shall indicate the amount of penalties due. Interest at the current rate
23 published by the United States Treasury, as described at 40 CFR § 13.11, shall begin to
24 accrue on the unpaid balance at the end of the thirty-day period.

25 64. All penalties under this Section shall be made payable by certified or cashier's check to
26 "Treasurer of the United States" and shall be remitted to:

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

- 6 65. All payments shall indicate the name of the Facility, any EPA identification number of
7 the Facility, Respondent's name and address, and the EPA docket number of this action.
8 At the time payment is made, Respondent shall send a copy of the payment transmittal to:

9 Kandice Bellamy (WST-3)
10 Waste Management Division
11 U.S. Environmental Protection Agency - Region IX
12 75 Hawthorne Street
13 San Francisco, CA 94105

- 14 66. The payment of stipulated penalties shall not alter in any way Respondent's obligation to
15 complete the performance required hereunder.
16 67. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any
17 other remedies or sanctions which may be available to EPA by reason of Respondent's
18 failure to comply with any of the requirements of this CA/FO.

19 1. CERTIFICATION OF COMPLIANCE

- 20 68. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the
21 Respondent has fully complied with the requirements of the federally authorized
22 hazardous waste management program, including (i) A.A.C. R18-8-262.A and A.A.C.
23 R18-8-262.D [see 40 CFR § 262.11], (ii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)],
24 and (iii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], that formed the basis for the
25 violations alleged in this CA/FO.
26 69. This certification of compliance is based upon true, accurate and complete information,
27 which the signatory can verify personally or regarding which the signatory has inquired of
28 the person or persons directly responsible for gathering the information.

1 J. RESERVATION OF RIGHTS

2 70. EPA expressly reserves all rights and defenses that it may have.

3 71. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and
4 remedies, both legal and equitable, including the right to require that Respondent perform
5 tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory
6 and regulatory powers, authorities, rights and remedies, both legal and equitable, which
7 may pertain to Respondent's failure to comply with any of the requirements of this
8 CA/FO, including without limitation, the assessment of penalties under Section 3008(c)
9 of RCRA, 42 U.S.C. § 6928(c).

10 72. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation
11 of any rights, remedies, powers or authorities, civil or criminal, which EPA has under
12 RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of
13 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law
14 enforcement authority of the United States, except as otherwise stated above.

15 73. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of
16 its obligations to comply with any applicable local, state, or federal laws and regulations.

17 74. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise
18 preclude EPA from taking additional enforcement actions should EPA determine that
19 such actions are warranted except as they relate to Respondent's liability for federal civil
20 penalties for the specific alleged violation and facts as set forth in Section C of this
21 CA/FO.

22 75. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does
23 not relieve Respondent of any obligation to obtain and comply with any local, state, or
24 federal permits. Compliance by Respondent with the terms of this CA/FO shall not
25 relieve Respondent of any obligations to comply with RCRA or any other applicable
26 local, state, or federal laws and regulations.

1 76. EPA reserves its right to seek reimbursement from Respondent for any additional costs
2 incurred by the United States which may result or arise from the alleged counts set forth
3 in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is
4 not released from liability, if any, for the costs of any response actions taken by EPA.
5

6 K. OTHER CLAIMS

7 77. Nothing in this CA/FO shall constitute or be construed as a release from any other claim,
8 cause of action or demand in law or equity by or against any person, firm, partnership,
9 entity or corporation for any liability it may have arising out of or relating in any way to
10 the generation, storage, treatment, handling, transportation, release, or disposal of any
11 hazardous constituents, hazardous substances, hazardous wastes, pollutants, or
12 contaminants found at, taken to, or taken from the Facility.
13

14 L. MISCELLANEOUS

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

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

19 80. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
20 proceeding.
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22 M. EFFECTIVE DATE

23 81. In accordance with 40 CFR §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on
24 the date that the Final Order contained in this CA/FO, having been approved and issued
25 by either the Regional Judicial Officer or Regional Administrator, is filed.
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1 **IT IS SO AGREED,**

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For Respondent **SOUTHWEST PETROLEUM WASTE MANAGEMENT, LLC**

8/23/12

Date



Gregory J. Marsh
Manager
Southwest Petroleum Waste Management, LLC

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

9/13/12

Date



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

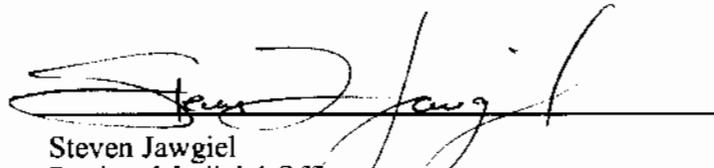
1
2 **FINAL ORDER**
3

4 **IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ((U.S. EPA Docket
5 No. RCRA-09-2012-0018) be entered and that Respondent pay a civil penalty in the amount
6 of **SIX THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** within thirty (30) days after
7 the Effective Date of this Consent Agreement and Final Order, in accordance with the term of
8 this Consent Agreement and Final Order. A copy of the payment transmittal shall be sent to EPA
9 Region IX as specified in Section G of this Consent Agreement and Final Order within such 30-
10 day period.

11
12 **This Final Order shall be effective upon filing.**

13
14 09/25/12

15 Date

16 
17 Steven Jawgiel
18 Regional Judicial Officer
19 United States Environmental Protection Agency,
20 Region IX
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CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order in the matter of Southwest Petroleum Waste Management, LLC was filed with:

Regional Hearing Clerk
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

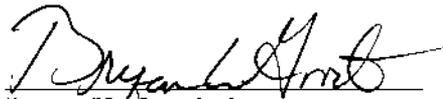
A true and correct copy of the same was sent to the following parties via CERTIFIED MAIL to:

Timothy D. Ronan
Ronan & Tagart, PLC
8980 East Raintree Drive, Suite 120
Scottsdale, Arizona 85260

CERTIFIED MAIL NUMBER: 7005 2570 0001 6436 5368

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

Letitia Moore
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/26/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Phone: (415) 972-3000

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

CERTIFIED MAIL NO. 7005 2570 0001 6436 5368
RETURN RECEIPT REQUESTED

SEP 26 2012

Timothy D. Ronan
Ronan & Tagart, PLC
8980 East Raintree Drive, Suite 120
Scottsdale, Arizona 85260

**Re: In the matter of Southwest Petroleum Waste Management, LLC- U.S. EPA Docket
No. RCRA-09-2012-0018**

Dear Mr. Ronan,

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

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Letitia Moore at (415) 972-3928 or moore.letitia@epa.gov.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosures

cc: Randall Matas, ADEQ