

FILED

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY 2009 MAY 26 PM 4:04  
REGION IX

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING CLERK

<b>IN THE MATTER OF:</b>	)	Docket No.
	)	RCRA-9-2009-0007
	)	
Bioneer Inc.	)	<b>EXPEDITED SETTLEMENT</b>
EPA ID. No. CAD982519407	)	<b>AGREEMENT AND</b>
Respondent.	)	<b>FINAL ORDER</b>
	)	
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

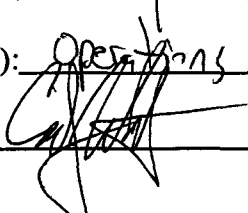
1. The U.S. Environmental Protection Agency ("EPA") alleges that Bioneer Inc. ("Respondent"), owner or operator of the facility at 1000 Atlantic Ave. Suite 102 in Alameda, California (the "Facility"), failed to timely submit a Biennial Report for reporting year 2007 as required by the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program. [22 C.C.R. §66262.41].
2. Under 22 C.C.R. §66262.41, Respondent was required to submit its 2007 Biennial Report on or before March 1, 2008.
3. EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)** is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement") under the authority vested in the EPA Administrator by Section 3008 of RCRA and by 40 C.F.R. §22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 22 C.C.R. §66262.41; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. The civil penalty of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)** should be paid in accordance with EPA Region 9 Penalty Collection Procedures provided to the Respondent.

8. Respondent shall provide a completed 2007 Biennial Report to Robin Holloway, (WST-3), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
10. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Cody Walton

Title (print): Operations Manager

Signature: 

Date 5/11/09

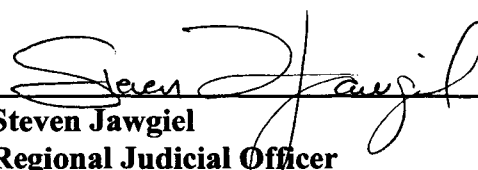
APPROVED BY EPA:



Date 5/21/09

Jeff Scott  
Director  
Waste Management Division

IT IS SO ORDERED:

  
Steven Jawgiel  
Regional Judicial Officer

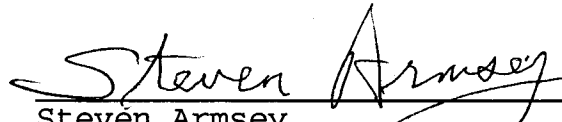
Date 05/22/09

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, was filed with the Regional Hearing Clerk, Region 9, and that a copy was sent by certified mail, return receipt requested, to:

Mr. Cody Walton  
Operations Manager  
Bioneer, Inc.  
1000 Atlantic Ave., Ste 102  
Alameda, California 94501

May 27, 2009  
Date

  
\_\_\_\_\_  
Steven Armsey  
Regional Hearing Clerk  
Office of Regional Counsel, Region 9