

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

In the matter of	)	U.S. EPA Docket No.
	)	RCRA- 9-2015- <b>0009</b>
Threshold Enterprises, LTD.	)	
	)	
	)	CONSENT AGREEMENT AND
EPA ID No. CAR000250050	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. SECTIONS 22.13 AND
Respondent	)	22.18

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CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22. Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Threshold Enterprises, LTD. ("Respondent" or "Threshold").
2. Respondent operates a facility at 23 Janis Way, in Scotts Valley, California, 95066 (the "Facility"). The Facility's EPA Identification Number is CAR000250050. At the Facility, Respondent blends, formulates, manufactures and distributes vitamins and nutraceutical products for numerous companies. Industrial processes include material mixing, blending, drying, bonding, lab analysis and capsulizing.
3. On April 1, 2014, inspectors from the EPA conducted an unannounced RCRA Compliance Evaluation Inspection ("CEI") at the Facility. The purpose of the inspection was to determine the Facility's compliance with applicable federal environmental statutes and regulations, and in particular RCRA, as amended, and the regulations in 40 C.F.R. Parts 261-265, 268, 273 and 279, and the regulations adopted by the California authorized program under RCRA in the California Code of Regulations ("C.C.R."), Title 22, Division 4.5 and the California Health and Safety Code, Division 20.<sup>1</sup> Based upon the findings EPA made during the inspection, and additional information obtained

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<sup>1</sup> All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States. Corresponding Federal citations are provided in brackets.

subsequent to the inspection, EPA alleged that Respondent had violated California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.

4. This Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (“CA/FO”), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) make a hazardous waste determination, a violation of 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11]; (2) prepare a manifest for shipment of hazardous waste, a violation of 22 C.C.R. § 66262.20 [*see also* 40 C.F.R. § 262.20]; (3) obtain a federal EPA Identification number prior to transporting hazardous waste, a violation of 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12(a)]; (4) close containers of hazardous waste, a violation of 22 C.C.R. § 66265.173 [*see also* 40 C.F.R. § 265.173]; (5) conduct weekly inspections of hazardous waste storage areas, a violation of 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 265.174]; and (6) obtain a permit for storage of hazardous waste (failure to properly mark and label hazardous waste accumulation containers), a violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1]. These are all in violation of Section 3001 et seq. of RCRA, 42 U.S.C. § 6921 et seq., and state regulations adopted pursuant thereto.
5. This CA/FO resolves the civil claims of the EPA against Respondent, including corporate officers, directors, and employees, for the violations and facts alleged herein through the Effective Date of the CA/FO. This CA/FO shall apply to and be binding upon Respondent and its successors and assigns.

B. JURISDICTION

6. On August 1, 1992, the State of California received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to § 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. The authorized program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CA/FO.
7. Respondent is a “person” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
8. Respondent is the “operator” of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
9. Respondent is a “generator” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
10. Respondent is or has been engaged in “storage” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

11. Respondent generates and accumulates, or has generated and accumulated, materials that are “wastes” as defined in 22 C.C.R. §§ 66260.10 and 66261.2 [*see also* 40 C.F.R. § 261.2].
12. At the Facility, Respondent generates and accumulates, or has generated and accumulated, “hazardous waste” as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include, but are not limited to, ignitable waste (D001), corrosive waste (D002), chromium waste (D007), selenium waste (D010) and halogenated solvents (F005).
13. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of an authorized section of a state’s hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
14. A violation of an authorized section of California’s hazardous waste law, found at H&SC § 25100 *et seq.*, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates any such section is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
15. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
16. The Administrator delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who redelegated this authority to the EPA signatory below.

C. ALLEGED VIOLATIONS

COUNT I

Failure to make a hazardous waste determination

17. Paragraphs 1 through 16 above are incorporated herein by this reference as if they were set forth here in their entirety.
18. 22 C.C.R. § 66262.11 states that a facility which generates waste, as defined by 22 C.C.R. § 66261.2, must determine if the waste is a hazardous waste [*see also* 40 C.F.R. § 262.11].
19. At the time of the EPA inspection, Threshold was generating solid waste in the form of discarded off-specification production materials which contain levels of selenium and/or chromium. Threshold had not determined if these wastes were hazardous.
20. Threshold was not managing these wastes as hazardous waste.

21. After the inspection, at EPA's request, Threshold sampled five new production lots of products and determined that three of them exceeded the RCRA threshold for chromium and/or selenium.
22. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11].

### COUNT II

#### Failure to obtain an EPA identification number

23. Paragraphs 1 through 22 above are incorporated herein by this reference as if they were set forth here in their entirety.
24. 22 C.C.R. § 66262.12(a) provides that a generator shall not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an identification number [*see also* 40 C.F.R. § 262.12(a)].
25. At the time of the inspection the facility had obtained an identification number from the California Department of Toxic Substances Control (DTSC) for non-RCRA, California-only hazardous waste, but had failed to obtain the necessary EPA Identification Number for RCRA regulated hazardous waste.
26. Respondent stored and offered for transportation RCRA hazardous waste, without having received a federal EPA Identification Number.
27. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12].

### COUNT III

#### Failure to prepare a manifest for transport of hazardous waste

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. 22 C.C.R. § 66262.20(a) states that a generator who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest, DTSC Form 8022 A (4/97), and if necessary, the EPA continuation Form 8700-22A [*see also* 40 C.F.R. § 262.20(a)(1)].
30. At the time of the inspection, the EPA Inspectors observed that off-specification products believed to contain chromium and/or selenium were being disposed of in the general trash.
31. After the inspection, Threshold determined that some of the off-specification waste had concentrations of chromium and/or selenium above the toxicity levels set out in 40 C.F.R. § 261.24, and were therefore hazardous waste.

32. Upon information and belief, Threshold typically shipped these wastes for disposal without a hazardous waste manifest.
33. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.20(a) [*see also* 40 C.F.R. § 262.20(a)(1)].

#### COUNT IV

##### Failure to close containers of hazardous waste

34. Paragraphs 1 through 33 above are incorporated herein by this reference as if they were set forth here in their entirety.
35. 22 C.C.R. § 66262.34(a) states that generators may accumulate hazardous waste on-site for 90 days or less without a permit or interim status if the generator meets certain conditions, including the requirements of 22 C.C.R. § 66265.173 [*see also* 40 C.F.R. § 262.34 and 40 C.F.R. § 265.173].
36. 22 C.C.R. § 66265.173 provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
37. During the CEI, the EPA Inspectors observed several containers of hazardous waste that were open at times when waste was not being added or removed.
38. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.173 [*see also* 40 C.F.R. § 265.173].

#### COUNT V

##### Failure to perform weekly inspections of the hazardous waste storage area

39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were set forth here in their entirety.
40. 22 C.C.R. § 66262.34(a) states that generators may accumulate hazardous waste on-site for 90 days or less without a permit or interim status if the generator meets certain conditions, including the requirements of 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 262.34 and 40 C.F.R. § 265.174].
41. 22 C.C.R. § 66265.174 requires that owners or operators must inspect areas where containers of hazardous waste are stored at least weekly looking for leaks and for deterioration caused by corrosion or other factors.
42. At the time of the CEI, Facility personnel indicated to the EPA Inspectors that inspections of the hazardous waste storage area were not always conducted on a weekly basis.
43. In addition, Threshold's inspection log showed several missing inspections over the three months preceding the EPA CEI.

44. Therefore EPA alleges that Respondent violated 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 265.174].

#### COUNT VI

##### Failure to obtain a permit for storage of hazardous waste

45. Paragraphs 1 through 44 above are incorporated herein by this reference as if they were set forth here in their entirety.
46. 22 C.C.R. § 66262.34(a) states that generators may accumulate hazardous waste on-site for 90 days or less without a permit or interim status if the generator meets certain conditions, including the requirements set out above in Counts IV and V.
47. In addition, 22 C.C.R. § 66262.34(f) states that generators who accumulate hazardous waste on-site without a permit or grant of interim status must label each hazardous waste tank or container with the following: the words “hazardous waste;” the date accumulation of the waste begins; the composition and physical state of the wastes; a statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.); and the name and address of the person producing the waste. The label must be visible for inspection [*see also* 40 C.F.R. § 262.34(a)].
48. At the time of the CEI, the EPA Inspectors observed one container of RCRA hazardous waste that did not have the correct accumulation start date.
49. 22 C.C.R. § 66262.34(e) provides that up to 55 gallons of a hazardous waste stream may be accumulated at the point of generation (commonly known as a satellite accumulation area) without meeting the requirements above, so long as the generator does not hold the waste onsite for more than one year from the initial date of accumulation, and the container is labelled with the words hazardous waste and the initial date of waste accumulation [*see also* 40 C.F.R. § 262.34(c)].
50. At the time of the CEI, the EPA Inspectors observed several satellite accumulation area containers that were not labelled as required.
51. Therefore EPA alleges that Respondent failed to meet several of the conditions to operate without a permit, and operated a hazardous waste facility without a permit in violation of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

#### D. CIVIL PENALTY

52. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes a civil penalty of up to thirty-seven thousand, five hundred dollars (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the 2003 RCRA Civil Penalty Policy (“Penalty Policy”), including the

seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements and cooperate, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed SEVENTY-ONE THOUSAND DOLLARS (\$71,000.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the Penalty Policy.

E. ADMISSIONS AND WAIVERS OF RIGHTS

53. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
54. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

F. PARTIES BOUND

55. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until such time as the civil penalty required under Sections D and G has been paid in accordance with Section G, and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
56. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
57. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

58. Respondent consents to the assessment of and agrees to pay a civil penalty of SEVENTY-ONE THOUSAND DOLLARS (\$71,000.00).
59. The parties agree that Respondent's payment of the civil penalty shall fully and finally resolve the federal civil penalty liability for violations alleged herein.

60. Respondent shall submit payment of the SEVENTY-ONE THOUSAND DOLLARS (\$71,000.00) within thirty (30) calendar days of the Effective Date of this CA/FO in accordance with one of the options set forth below. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk. Payment shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.

Regular Mail:

Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and sent as follows:

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

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

ACH (also known as REX or remittance express):  
Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
ABA: 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 31006  
CTX Format

On Line Payment:

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter “sfo1.1” in the search field

Open form and complete required fields

**If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.**

61. At the time payment is made, a copy of the payment transmittal shall be sent to:

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

and

Rick Sakow (ENF 2-2)  
Enforcement Division  
Waste and Chemical Section  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105.

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

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

63. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as set forth below:

For failure to submit a payment to EPA by the time required in this CA/FO, up to: FIVE HUNDRED DOLLARS (\$500) per day for first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and TWO THOUSAND DOLLARS (\$2,000) per day for each day of delay thereafter.

64. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
65. All penalties owed to EPA under this Section shall be remitted in accordance with the procedure described in Paragraphs 60-61.
66. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
67. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
68. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. CERTIFICATION OF COMPLIANCE

69. By signing this Consent Agreement, Respondent certifies under penalty of law to EPA that as of the Effective Date the Respondent has fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized California hazardous waste management program including 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11]; 22 C.C.R. § 66262.12 [*see also* 40 C.F.R. § 262.12]; 22 C.C.R. § 66262.20 [*see also* 40 C.F.R. § 262.20]; 22 C.C.R. §§ 66262.34(a) and (e) [*see also* 40 C.F.R. §§ 262.34(a) and (c)]; 22 C.C.R. § 66265.173 [*see also* 40 C.F.R. § 265.173]; 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 265.174]; and 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1] that formed the basis for the violations alleged in this CA/FO. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. RESERVATION OF RIGHTS

70. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO, except as to those civil penalties for the violations and facts alleged herein. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO,

including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). Payment of the civil penalty set out herein resolves Respondent's civil penalty liability for the violations and facts alleged in this CA/FO. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA; the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"); or any other statutory, regulatory or common law enforcement authority of the United States.

71. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
72. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

K. OTHER CLAIMS

73. Nothing in this CA/FO shall constitute or be construed as a release from nor an admission by Respondents of any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes; pollutants, or contaminants found at, taken to, or taken from the Facility.

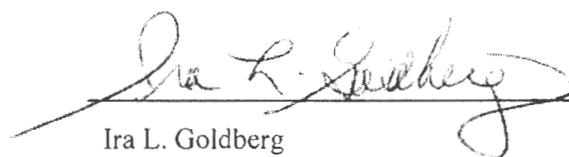
L. MISCELLANEOUS

74. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
75. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

76. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

08/13/2015  
Date

  
Ira L. Goldberg  
President

Threshold Enterprises, LTD.

8/31/15  
Date

  
Douglas K. McDaniel  
Enforcement Division  
U.S. Environmental Protection Agency, Region 9

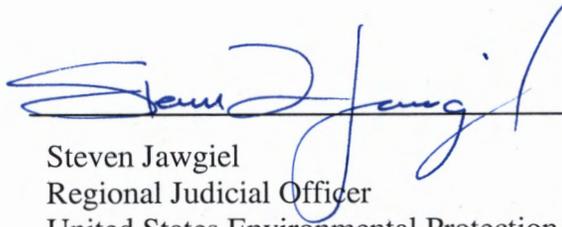
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9 -2015- 0009 ) be entered and that Threshold Enterprises LTD pay a civil penalty of SEVENTY-ONE THOUSAND DOLLARS (\$71,000.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. Payment must be made pursuant to Section G of the Consent Agreement.

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

09/04/15

Date



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

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of **Threshold Enterprises LTD. (Docket #: RCRA-09-2015-00 09)** was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Ira Goldberg, CEO  
Threshold Enterprises, LTD  
23 Janis Way  
Scotts Valley, CA 95066

**CERTIFIED MAIL NUMBER:** 7012 1640 0001 2190 5423

And to:

Peggy Otum, Esq.  
Arnold & Porter LLP  
Three Embarcadero Center, 10<sup>th</sup> Floor  
San Francisco, CA 94111-4024

**CERTIFIED MAIL NUMBER:** 7007 2680 0000 3974 1703

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

Rebecca Sugerman, Esq.  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
\_\_\_\_\_  
FOR: Steven Armsey  
Acting Regional Hearing Clerk  
U.S. EPA, Region IX

9/8/15  
\_\_\_\_\_  
Date