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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

U.S. EPA REGION IX
REGIONAL HEARING CLERK

In the matter of)
)
Everbright Company, Ltd.)
)
EPA ID No. TTR 000 128 819)
)
)
)
Respondent)

U.S. EPA Docket No.
RCRA-9-2007-0005

CONSENT AGREEMENT AND
FINAL ORDER PURSUANT TO
40 C.F.R. SECTIONS 22.13 AND
22.18

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, as revised by 64 Fed. Reg. 141 (July 23, 1999).
2. The United States Environmental Protection Agency, Region 9 ("EPA") and Everbright Company, Ltd. ("Everbright" or "Respondent"), agree to settle this matter and consent to the entry of this Consent Agreement and Final Order ("CA/FO"). This CA/FO, which contains the elements of a complaint required by 40 C.F.R. §§ 22.14(a)(1)-(3) and (8), simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.
3. The parties agree that settlement of the relevant matters without litigation will save time and resources, it is in the public interest, it is consistent with the provisions and objectives of RCRA and applicable regulations, and entry of this CA/FO is the most appropriate means of resolving such matters.
4. This action is based on EPA's allegations that Respondent's RCRA violations included:
1) failure to make a hazardous waste determination in violation of 40 C.F.R. § 262.11; 2) failure to file notification with EPA of the generation of hazardous waste and/or

ownership or operation of a treatment storage and disposal facility of hazardous waste in violation of 42 U.S.C. § 6930; 3) failure to minimize releases of hazardous waste in violation of 40 C.F.R. § 265.31; 4) failure to keep hazardous waste in containers that are in good condition or otherwise manage the waste in compliance with Subpart I in violation of 40 C.F.R. § 265.171; 5) failure to conduct weekly inspections of the hazardous waste storage area in violation of 40 C.F.R. § 265.174; 6) storage of hazardous waste without a permit in violation of 40 C.F.R. § 270.1(c); 7) treatment of hazardous waste without a permit in violation of 40 C.F.R. § 270.1(c); and 8) disposal of hazardous waste without a permit in violation of 40 C.F.R. § 270.1(c). These are all in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*

5. Complainant is the EPA.
6. Respondent is Everbright Company, Ltd.
7. Respondent is a full-service screen-printing company that since October 2002 has operated the Everbright Facility (the "Facility") located on Tun Joaquin Doi Road in Fina Sisu on the Island of Saipan in the Commonwealth of the Northern Mariana Islands ("CNMI"). The Facility is comprised of a two-story building where the silk-screening operations take place; an indoor chemical storage area for inks, solvents, fixers, and other silk screen related materials; two mixing areas for printing inks; a stormwater ponding basin; an outdoor hazardous waste storage area enclosed with corrugated tin walls; two "screen making rooms"; and a waste storage area designed to facilitate the air-drying of open containers of ink. The Facility's EPA ID number is TTR000128819.

B. JURISDICTION

8. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
9. Since at least October 2002, Respondent is the "operator" of a facility as defined in 40 C.F.R. § 260.10.
10. The silk-screening waste and the wash-water waste generated at the Facility each contain a "hazardous waste" as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 C.F.R §§ 260.10 and 261.3.
11. The Everbright Company Ltd. Facility located on Tun Joaquin Doi Road in Fina Sisu is a "facility" as defined by 40 C.F.R. § 260.10.

12. On March 4, 2004 EPA conducted a RCRA Compliance Evaluation Inspection and on October 28, 2005, the CNMI Division of Environmental Quality ("DEQ"), at the request of EPA, conducted an unannounced inspection of the Facility. Based upon the findings from these inspections, earlier DEQ Facility visits, and other information EPA gathered, EPA determined that Respondent had violated RCRA Section 3014, 42 U.S.C. § 6935, and the regulations adopted pursuant thereto.
13. 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.*
14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

Count I

(Failure to Make a Hazardous Waste Determination)

15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
16. 40 C.F.R. § 262.11 provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste using the described method.
17. At the time of the March 4, 2004 inspection, the EPA Inspector learned that Respondent had not made any hazardous waste determinations on any of the waste containers at the Everbright Facility that, as was established by the manifests for the subsequent offsite disposal of the waste, did in fact contain hazardous waste.
18. Therefore EPA alleges that Respondent violated 40 C.F.R. § 262.11.

Count II

(Failure to File Notification with EPA of Generation/Ownership/Operation of Hazardous Waste)

19. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

20. 42 U.S.C. § 6930 provides that any person generating hazardous waste, or owning or operating a facility for treatment, storage, or disposal of hazardous waste, shall file with the Administrator a notification stating the location and general description of the activity and identify the hazardous wastes handled.
21. As of the March 4, 2004 inspection, the EPA Inspector noted that Everbright had failed to obtain an EPA identification number or otherwise notify EPA of its hazardous waste activities.
22. Therefore EPA alleges that Respondent violated 42 U.S.C. § 6930.

Count III

(Failure to Minimize Releases of Hazardous Waste)

23. Paragraphs 1 through 22 above are incorporated herein by this reference as if they were set forth here in their entirety.
24. 40 C.F.R. § 265.31 provides that facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
25. During the inspection on March 4, 2004, the EPA Inspector noted that Everbright mixed its solvents and solvent based inks at an area with drains that lead to the Facility's septic tank, which overflowed causing an additional release to the surrounding soil.
26. During the DEQ October 28, 2005 inspection, it was noted that Everbright discharged some screen-printing wastes directly into an uncapped and unsealed septic tank that discharged wastes into the soil in the septic leaching field. Everbright also washed ink containers outside and discharged the wash-water into a storm-water ponding basin where it would slowly percolate through the underlying soil and limestone to groundwater. Everbright also used an unauthorized wash-water discharge at the Facility, which drained wastes from the wash basin in the screen-making rooms, via a valved PVC pipe, to the outdoors and discharged wastes to the ground surface. Additionally, Everbright's waste storage room containment berm had a hole. The floor and the hole in the waste storage room were heavily stained with ink, indicating that waste had spilled and flowed out of the storage area and onto the ground.
27. Therefore EPA alleges that Respondent violated 40 C.F.R. § 265.31.

Count IV

(Failure to Keep Hazardous Waste in Containers that are in Good Condition or Otherwise Manage Hazardous Waste in Compliance with Subpart I)

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. 40 C.F.R. § 265.171 provides that if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from that container to a container in good condition or manage the waste in some other way that complies with the regulation's requirements.
30. During the inspection on March 4, 2004, the EPA Inspector noted that Everbright removed the hazardous waste rags from their containers (plastic bags) and allowed the solvents to evaporate in the air.
31. According to photographs and information gathered by a DEQ October 2004 Facility visit, containers of hazardous waste had been releasing their contents which were leaking through the secondary containment wall. Respondent failed to transfer the hazardous waste to containers that were in good condition.
32. Therefore EPA alleges that Respondent violated 40 C.F.R. § 265.171.

Count V

(Failure to Conduct Weekly Inspections of Hazardous Waste Storage Area)

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. 40 C.F.R. § 265.174 provides that an owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
35. During the inspection on March 4, 2004, the EPA Inspector noted that no inspections of the hazardous waste storage area, or records thereof, are conducted or kept by the Facility.
36. Therefore EPA alleges that Respondent violated 40 C.F.R. § 265.174.

Count VI

(Storage of Hazardous Waste without a Permit)

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. 40 C.F.R. § 270.1(c) requires a permit for the "treatment," "storage," and "disposal" of any "hazardous waste" as identified or listed in 40 C.F.R. § 261.10 or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).

39. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to store hazardous waste under 40 C.F.R. § 270.1(c) or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).
40. 40 C.F.R. § 262.34 provides that generators of hazardous waste may accumulate hazardous waste onsite for a limited period of time, without a permit or grant of interim status, provided the generator complies with the requirements which are set forth or referenced by 40 C.F.R. § 262.34. Failure to comply with the time limits or any of the requirements set forth in or referenced by 40 C.F.R. § 262.34 subjects the generator to the permitting requirements of 40 C.F.R. § 270.1.
41. EPA alleges that Respondent failed to satisfy the following requirements set forth or referenced in 40 C.F.R. 262.34 for small quantity generators: 270 day storage limit (because Respondent must transport waste over a distance of 200 miles), keeping hazardous waste in appropriate containers, weekly inspections of hazardous waste storage area, container marking and labelling requirements, and posting of emergency information requirements.
42. **Storage over 270 days.** Since at least October 2002 and continuing to the present, Respondent is a small quantity generator of hazardous waste. On the March 4, 2004 inspection, the EPA inspector observed six 55-gallon and three 85-gallon containers of hazardous waste being stored onsite. According to the President of Everbright, Respondent had not sent off any hazardous waste since operations began at the Facility in October 2002. According to a March 8, 2005 manifest, Everbright shipped its hazardous waste, including of twenty-one 55-gallon drums of flammable liquids containing acetone and toluene (D001, F003, & F005), offsite to the Burlington Environmental, Inc. facility located in Kent, Washington. Respondent did not ship off any hazardous waste from the Facility from October 2002 until approximately March 8, 2005.
43. By storing hazardous waste in excess of the 270 day time limit, EPA alleges that Respondent failed to satisfy a requirement of 40 C.F.R. 262.34.
44. **Failure to Keep Hazardous Waste in Appropriate Containers.** Based on the facts alleged in paragraphs 28 through 32, Respondent failed to keep its hazardous waste in any containers or containers that are in good condition and therefore EPA alleges that Respondent failed to satisfy a requirement of 40 C.F.R. 262.34.
45. **Failure to Conduct Weekly Inspections of Hazardous Waste Storage Area.** Based on the facts alleged in paragraphs 33 to 36, Respondent failed to conduct weekly inspections of the hazardous waste storage area and therefore EPA alleges that Respondent failed to satisfy a requirement of 40 C.F.R. 262.34.

46. **Failure to Mark and Label Hazardous Waste Containers.** 40 C.F.R. 262.34(d) requires that generators who accumulate hazardous waste onsite without a permit or grant of interim status shall clearly mark on each container of hazardous waste the date upon which the period of accumulation begins, and while being accumulated onsite, each container and tank shall be labelled or marked with the words "Hazardous Waste." Generators who fail to mark and label containers of hazardous waste with the accumulation start date and the words "Hazardous Waste" fail to meet the requirements of 40 C.F.R. § 262.34(d).
47. During the March 4, 2004 EPA inspection, none of the hazardous waste containers were marked or labelled with the accumulation start date or the words "Hazardous Waste."
48. By failing to mark or label the containers of hazardous waste, EPA alleges that Respondent failed to satisfy a requirement of 40 C.F.R. 262.34.
49. **Failure to Post Required Emergency Information.** 40 C.F.R. 262.34(d)(2) requires generators to post the following next to the telephone: (A) the name and telephone number of the emergency coordinator; (B) the location of fire extinguishers and spill control material, and if present, fire alarm; and (C) the telephone number of the fire department, unless the facility has a direct alarm.
50. At the time of the March 4, 2004 inspection, none of the required information was posted at the Facility in any location.
51. By failing to post the required emergency information next to the telephone, EPA alleges that Respondent failed to satisfy a requirement of 40 C.F.R. § 262.34(d)(5)(ii).
52. Because Respondent did not comply with the requirements for onsite accumulation of hazardous waste without a permit or interim status set forth in 40 C.F.R. §§ 262.34 and 270.1(c), EPA alleges that Respondent engaged in storage of hazardous waste without a permit in violation of 40 C.F.R. §§ 262.34 and 270.1(c).

Count VII

(Treatment of Hazardous Waste without a Permit)

53. Paragraphs 1 through 52 above are incorporated herein by this reference as if they were set forth here in their entirety.
54. 40 C.F.R. § 270.1(c) requires a permit for the "treatment," "storage," and "disposal" of any "hazardous waste" as identified or listed in 40 C.F.R. § 261.10 or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).

55. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to treat hazardous waste under 40 C.F.R. § 270.1(c) or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).
56. During both the March 4, 2004 and October 28, 2005 inspections, the EPA and DEQ Inspectors observed Respondent's practice of leaving its hazardous waste rags out in the sun in order to facilitate the evaporation of the hazardous waste, which constitutes the treatment of a hazardous waste.
57. Because Respondent does not have a permit to treat hazardous waste, EPA alleges that Respondent violated 40 C.F.R. § 270.1(c).

Count VIII
(Disposal of Hazardous Waste without a Permit)

58. Paragraphs 1 through 57 above are incorporated herein by this reference as if they were set forth here in their entirety.
59. 40 C.F.R. § 270.1(c) requires a permit for the "treatment," "storage," and "disposal" of any "hazardous waste" as identified or listed in 40 C.F.R. § 261.10 or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).
60. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to treat hazardous waste under 40 C.F.R. § 270.1(c) or interim status as identified in RCRA Section 3005(e), 42 U.S.C. § 6925(e).
61. During the DEQ October 28, 2005 inspection, numerous disposals of hazardous waste were observed including the disposal of ink waste through air-drying and evaporation; discharges of screen-printing wastes directly into an uncapped and unsealed septic tank, which in turn discharged wastes into the soil in the septic leaching field; disposals of wash-water into a storm-water ponding basin where it would slowly percolate through the underlying soil and limestone to groundwater; disposals via an unauthorized wash-water discharge that drained wastes from the wash basin in the screen-making rooms, via a valved PVC pipe, to the ground surface outside.
62. Because Respondent did not have a permit to dispose of hazardous waste, EPA alleges that Respondent violated 40 C.F.R. § 270.1(c).

D. CIVIL PENALTY

63. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, *see* 61 Fed. Reg. 69360 (Dec. 31, 1996) authorizes a civil penalty of up to TWENTY SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring prior to March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule issued in February 2004, 69 Fed. Reg. 7121 (Feb 13, 2004), authorizes a civil penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after March 15, 2004. 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 June 2003 RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed a total of FIVE THOUSAND DOLLARS (\$5,000) as the civil penalty for the seven violations alleged herein. Under the penalty policy, EPA uses a penalty assessment matrix to determine a gravity-based penalty. That penalty amount is then adjusted to take into account multi-day violations, the economic benefit gained from non-compliance, where appropriate, and case-specific circumstances.

E. ADMISSIONS AND WAIVERS OF RIGHTS

64. 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.
65. 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

66. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns and upon all persons acting under or for Respondent, 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. Conclusion of those matters shall constitute full settlement of the violations alleged herein.

67. 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.
68. Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of operation of the Facility and shall notify EPA within seven (7) days prior to such transfer until the termination of this CA/FO.
69. 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

70. Respondent consents to the assessment of and agrees to pay a civil penalty of FIVE THOUSAND DOLLARS (\$5,000) in full settlement of the federal civil penalty claims set forth in this CA/FO.
71. Respondent shall submit payment of the FIVE THOUSAND DOLLARS (\$5,000) civil penalty within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk. Payments shall be made by certified or cashier's check payable to "Treasurer of the United States" and sent to:

Mellon Bank
U.S. Environmental Protection Agency - Region 9
P.O. Box 371099M
Pittsburgh, PA 15251.

At the time each payment is so made, a copy of the check shall be sent to:

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

and

Matthew Reed (WST-3)
Waste Management Division

U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105.

All payments shall indicate the name of the Facility, the EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.

72. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the Effective Date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. §13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

73. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: 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, up to ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and up to FIFTEEN HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.
74. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
75. 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.
76. All penalties shall be made payable by certified or cashier's check to the U.S. Environmental Protection Agency and shall be remitted to:

Mellon Bank
U.S. Environmental Protection Agency - Region 9
P.O. Box 371099M
Pittsburgh, PA 15251.

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

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

and

Matthew Reed (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105.

78. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
79. 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. RESERVATION OF RIGHTS

80. 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. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, or any other statutory, regulatory or common law enforcement authority of the United States.
81. 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.
82. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that

such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO.

83. 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.

J. OTHER CLAIMS

84. Nothing in this CA/FO shall constitute or be construed as a release from 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.

K. MISCELLANEOUS

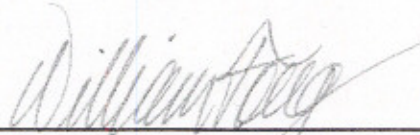
85. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
86. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
87. By signing this CA/FO, Respondent, without admitting or denying them, certifies that all of the alleged violations set forth in Section C of this CA/FO, which are or were capable of correction, have been corrected.
88. Notwithstanding any other provision of this CAFO, no action or decision by EPA pursuant to this CAFO shall constitute final agency action giving rise to any right to judicial review prior to EPA's initiation of judicial action to compel compliance with this CAFO.

89. 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.

IT IS SO AGREED.

11/1/06

Date



William Fong, President
Everbright Company, Ltd.

12/21/06

Date



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

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 ("CA/FO") (U.S. EPA Docket No. RCRA-9-2007-0005) be entered and that Everbright Company, Ltd. pay a civil penalty of FIVE THOUSAND DOLLARS (\$5,000) by certified or cashier's check made out to U.S. Environmental Protection Agency, and sent to Mellon Bank, P.O. Box 371099M, Pittsburgh, PA, 15251, within thirty (30) days after the Effective Date of this CA/FO. A copy of the check shall be sent to the EPA Region 9 addresses specified in Section G of this Consent Agreement and Final Order within such 30-day period.

This Final Order, once signed, shall be effective immediately upon it being filed with the Regional Hearing Clerk.

01/05/07

Date



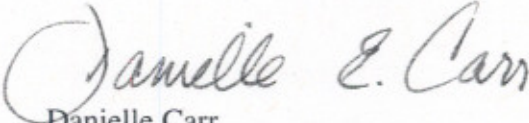
Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region IX

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 IX, and that copies were sent by certified mail, return receipt requested, to:

ERIC S. SMITH
Attorney At Law
SMITH & WILLIAMS
P.O. Box 5133 CHRB
Saipan MP 96950
Tel. No. (670) 233-3334
Fax No. (670) 233-3336

Jan. 5, 2007
Date


Danielle Carr
Regional Hearing Clerk
Office of Regional Counsel, Region IX