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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

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U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

| | | |
|---------------------------|---|---------------------|
| In the matter of: |) | U.S. EPA Docket No. |
| |) | RCRA-9-2011-0017 |
| |) | |
| Silgan Containers |) | COMPLAINT, |
| Manufacturing Corporation |) | CONSENT AGREEMENT |
| EPA ID No.: |) | AND |
| CAD 066 106 097 |) | FINAL ORDER |
| |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

COMPLAINT AND 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 C.F.R. Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is Silgan Containers Manufacturing Corporation ("Silgan" or "Respondent").
2. Silgan is a manufacturer of metal food containers. Silgan's facility is located at 3200-3250 Patterson Road, Riverbank, CA 95367 (the "Facility"). In the course of operations at the Facility, Silgan generates and stores hazardous wastes in connection with its container manufacturing operations. The Facility's EPA ID number is CAD 066 106 097.
3. This Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. §22.13(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Silgan failed to comply with the following requirements of Title 22 of the California Code of Regulations ("22 CCR"): (1) §§ 66270.1¹ and 66262.34 (*see also* 40 C.F.R. §§ 270.1 and 262.34(a)(2) and (3)) (storage of hazardous waste without a permit and failure to mark and label containers of hazardous waste); (2) § 66265.35 (*see also* 40 C.F.R. § 265.35) (failure to maintain adequate aisle space between

¹ Revisions made to the authorized version of 22 CCR §66270.1 do not affect the alleged violations set forth herein.

containers of hazardous waste); (3) § 66265.173 (*see also* 40 C.F.R. § 265.173) (failure to keep containers of hazardous waste closed); (4) § 66265.1050(c) (*see also* 40 C.F.R. § 265.1050(c)) (failure to properly mark equipment subject to air emissions monitoring); and (5) § 66265.193(e)(1)(C) (*see also* 40 C.F.R. § 265.193(e)(1)(iii)) (failure to provide adequate secondary containment for hazardous waste tanks). These allegations, if true, each constitute a violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. §6921 *et seq.* and state regulations adopted pursuant to the approved California hazardous waste management program.

B. JURISDICTION

4. 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 Section 3006 of RCRA, 42 U.S.C. §6926; and 40 C.F.R. Part 271. This authorization was updated on September 26, 2001 (*see* 66 FR 49118, September 26, 2001). The authorized program is established pursuant the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code (“H&SC”), and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 CCR §§66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CAFO.
5. Respondent is a “person” as defined in 22 CCR §66260.10² (*see also* 40 C.F.R. §260.10).
6. Respondent is the “operator” of a facility as defined in 22 CCR §66260.10 (*see also* 40 C.F.R. §260.10).
7. Respondent is the “owner” of a facility as defined in 22 CCR §66260.10 (*see also* 40 C.F.R. §260.10).
8. Respondent is a “generator” of hazardous waste as defined in 22 CCR §66260.10 (*see also* 40 C.F.R. §260.10).
9. Respondent generates and stores materials that are “wastes” as defined in 22 CCR §§66260.10 and 66261.2³ (*see also* 40 C.F.R. §§260.10 and 261.2).
10. Respondent generates and stores at least 1000 kilograms of hazardous waste per calendar month at the Facility.

2 Revisions made to the authorized version of 22 CCR §66260.10 do not affect the alleged violations set forth herein.

3 Revisions made to the authorized version of 22 CCR §66261.2 do not affect the alleged violations set forth herein.

11. At the Facility, Respondent generates hazardous waste as defined by California H&SC Section 25117, 22 CCR §§66260.10 and 66261.3⁴ (*see also* Section 1004(5) of RCRA, 42 U.S.C. §6903(5); 40 C.F.R. §§260.10 and 261.3).⁵ This hazardous waste includes, but may not be limited to, ignitable waste (D001), methyl-ethyl-ketone-contaminated waste (D035), and spent, non-halogenated solvents (F003 and F005).
12. On December 1, 2009 and again on September 7, 2010, EPA conducted a RCRA compliance evaluation inspection (“CEI”) at the Facility. Based upon the findings made during the CEIs, and additional information obtained thereafter, EPA determined that Respondent has violated California H&SC §§25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
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 any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
14. A violation of California’s authorized hazardous waste program, found at H&SC §§25100 *et seq.*, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California’s authorized hazardous waste program 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 has delegated the authority under Section 3008 of RCRA, 42 U.S.C. §6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

4 Revisions made to the authorized versions of H&SC §25117 and 22 CCR §66261.3 do not affect the alleged violations set forth herein.

5 The definition of “hazardous waste” contained in the California statute and regulations is broader in scope than the definition contained in RCRA and the federal regulations. Those hazardous wastes regulated under California law, but not regulated under federal law are known as “California wastes” and the portions of the California statute and regulations governing California wastes were not included in the provisions authorized under RCRA. Thus, EPA enforces California’s authorized program but does not enforce those aspects of the California program relating solely to California wastes.

C. ALLEGED VIOLATIONS

COUNT 1

Storage of Hazardous Waste Without a Permit or Interim Status and Failure to Properly Mark and Label Containers of Hazardous Waste

17. Paragraphs 1 through 16 above are incorporated herein by this reference as if they were set forth here in their entirety.
18. 22 CCR § 66262.34⁶ (*see also* 40 C.F.R. § 262.34) allows generators of hazardous waste to store hazardous waste on-site for certain specified time periods without a permit or interim status as long as they comply with specified waste management practices, including the labeling of hazardous waste containers. Generators who do not comply with the waste management requirements must either be eligible for interim status or obtain a permit in order to store hazardous waste at the facility pursuant to 22 CCR § 66270.1 (*see also* 40 C.F.R. § 270.1).
19. In order to be eligible to store hazardous waste without a permit or interim status for less than 90 days, generators of hazardous waste must, among other things, ensure that for each container of hazardous waste, the date hazardous waste accumulation began and the words "Hazardous Waste" (and other, specified information) must be clearly marked and visible.
20. At the time of the December 1, 2009 CEI, the inspectors observed that approximately half of the containers in the 90-day hazardous waste storage area were staged so that the hazardous waste labels were not visible for inspection. In addition, the label on one 55-gallon container of hazardous waste was so faded that the accumulation start date was illegible. The inspectors also observed that one 55-gallon container and one 5-gallon container were not labeled with the words "Hazardous Waste" and two hazardous waste storage tanks did not have accumulation start dates marked on them at all.
21. At the time of the September 7, 2010 CEI, the inspectors observed two 55-gallon containers in which the accumulation start dates had been smudged and were illegible. The inspectors also observed that one 55-gallon container had been stored onsite for greater than 90 days without the facility having a permit or interim status.
22. At the time of both the December 1, 2009 CEI and the September 7, 2010 CEI, Respondent was not eligible for interim status under RCRA nor was Respondent in possession of a permit to store hazardous waste.
23. Therefore, EPA alleges that Silgan has violated 22 CCR §§ 66262.34 and 66270.1, (*see also* 40 C.F.R. §§ 262.34 and 270.1), and RCRA.

⁶ Revisions made to the authorized version of 22 CCR §66262.34 do not affect the alleged violations set forth herein.

COUNT 2

Failure to Maintain Adequate Aisle Space Between Containers of Hazardous Waste

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. Pursuant to 22 CCR § 66265.35, hazardous waste facility owners and operators must maintain aisle space adequate to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operations in an emergency.
26. At the time of the December 1, 2009 CEI, the inspectors noted that many of the containers in the 90-day storage area were not staged such that there was sufficient aisle space between containers to allow for the unobstructed movement of emergency personnel and equipment.
27. Therefore, EPA alleges that Silgan has violated 22 CCR § 66265.35, (*see also* 40 C.F.R. § 265.35), and RCRA.

COUNT 3

Failure to Keep Containers of Hazardous Waste Closed

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. Pursuant to 22 CCR § 66265.173 (*see also* 40 C.F.R. § 265.173), a container holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste.
30. At the time of the December 1, 2009 CEI, the inspectors observed that one, unlabelled 5-gallon container of solvent waste in the production area was open.
31. Therefore, EPA alleges that Silgan violated 22 CCR § 66265.173, (*see also* 40 C.F.R. § 265.173), and RCRA.

COUNT 4

Failure to Comply with Air Emission Standards for Equipment Leaks

32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. 22 CCR § 66265.1050(c), (*see also* 40 C.F.R. § 265.1050(c)), requires each piece of equipment subject to the RCRA air emission standards be marked such that it can be readily distinguishable from other pieces of equipment.

34. At the time of the December 1, 2009 CEI, the inspectors observed that there were no tags or markings on the pipes or pumps leading to the tanks to indicate the solvent waste line or the wastewater line.
35. At the time of the September 7, 2010 CEI, the inspectors observed that tags and markings on pipes and pumps leading to the tanks to indicate the solvent waste line and the wastewater line had been painted over.
36. Therefore, EPA alleges that Silgan has violated 22 CCR § 66265.1050(c), (*see also* 40 C.F.R. § 265.1050(c)), and RCRA.

COUNT 5

Failure to Provide Adequate Secondary Containment for Hazardous Waste Tanks

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. 22 CCR § 66265.193(e)(1)(C), (*see also* 40 C.F.R. § 265.193(e)(1)(iii)), requires that external liner systems for tanks be free of cracks or gaps.
39. At the time of the September 7, 2010 CEI, the inspectors observed a crack in the floor of the secondary containment area of the tank farm.
40. Therefore, EPA alleges that Silgan has violated 22 CCR § 66265.193(e)(1)(C), (*see also* 40 C.F.R. § 265.193(e)(1)(iii)), and RCRA.

D. TERMS OF SETTLEMENT

41. Silgan consents to the assessment of a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000.00) in full satisfaction of all claims for civil penalties for the violations alleged in Section C of this CAFO. Such civil penalty amount shall become due and payable within thirty (30) days of the effective date of this CAFO.
42. The aforesaid settlement amount was based upon EPA's consideration of the statutory factors of the seriousness of Silgan's violations and any good faith efforts by Silgan to comply with all applicable requirements as provided in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), and in accordance with the applicable provisions of the "June 2003 RCRA Civil Penalty Policy." 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), 69 Fed. Reg. 7121 (Feb. 13, 2004) and 73 Fed. Reg. 75340 (Dec. 11, 2008), 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.

E. ADMISSIONS AND WAIVERS OF RIGHTS

43. Respondent admits and agrees, solely for purposes of this proceeding, that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action commenced in this CAFO and over Silgan pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.4 and 22.37. Further, for the purposes of this proceeding, Silgan admits to the jurisdictional allegations of facts and law set forth in Section B of this CAFO. Silgan consents to and agrees not to contest EPA's jurisdiction and authority to enter into and to issue this CAFO and to enforce its terms. Further, Silgan will not contest EPA's jurisdiction and authority to compel compliance with this CAFO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CAFO.
44. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CAFO. Silgan hereby waives any rights it may have in this proceeding to contest the allegations set forth in this CAFO, waives any rights it may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CAFO, 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 CAFO without adjudication. In addition, Respondent hereby waives any rights it may have to appeal the Final Order attached to this Consent Agreement and made part of this CAFO.

F. PARTIES BOUND

45. This CAFO shall apply to and be binding upon Silgan and its agents, successors and assigns and upon all persons acting under or for Silgan, until such time as the civil penalty required under Section G has been paid. At such time as those matters are concluded, this CAFO shall terminate and constitute full settlement of the violations alleged herein.
46. No change in ownership or any other legal status relating to the Facility will in any way alter Silgan's obligations and responsibilities under this CAFO.
47. Respondent shall give prior notice of this CAFO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer until the termination of this CAFO.
48. The undersigned representative of Silgan hereby certifies he or she is fully authorized to enter into this CAFO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

49. Respondent consents to the assessment of and agrees to pay a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000.00) in full settlement of the federal civil penalty claims set forth in this CAFO.

50. Respondent shall submit payment of the THIRTY THOUSAND DOLLAR (\$30,000.00) civil penalty within thirty (30) days of the effective date of this CAFO. Payment shall be made by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

U.S. 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 17th 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

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.

51. A copy of the check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both the following Region IX addresses:

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

and

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

52. The 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.

53. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), if payment is not received within thirty (30) days of the date of this CAFO, interest will accrue on the principal amount due at the current rate published by the United States Treasury as described at 40 CFR §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 thirty (30) day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the date the penalty is due. Respondent will also be liable for stipulated penalties as set forth below if any payment is not received by this deadline.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

54. In the event Respondent fails to submit a payment to EPA by the time required in this CAFO, Respondent shall pay stipulated penalties up to FIVE HUNDRED DOLLARS (\$500.00) per day for the first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000.00) per day for the sixteenth to thirtieth day of delay, and up to FIFTEEN HUNDRED DOLLARS (\$1,500.00) per day for each day of delay thereafter.
55. 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 or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
56. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a written demand by EPA for such penalties. Such demand 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 (30) day period. Unless EPA directs payments pursuant to this CAFO to a different address, any stipulated penalty payment shall be made in accordance with one of the options set forth above under paragraph 50.
57. At the time payment in accordance with the foregoing paragraph is made, a copy of the check or other form of payment or evidence thereof shall be sent to each of the following Region IX addresses:

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

and

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

58. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Silgan's name and address, and the EPA docket number of this action.
59. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

60. 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 CAFO.

I. RESERVATION OF RIGHTS

61. 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 CAFO. 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 CAFO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. §6928(c). This CAFO 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.

62. Compliance by Respondent with the terms of this CAFO shall not relieve Silgan of its obligations to comply with RCRA or any other applicable local, California, or federal laws and regulations.

63. The entry of this CAFO and Respondent's consent to comply with this CAFO shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted, subject to Paragraph 41 of this CAFO

64. This CAFO is not intended to be nor shall it be construed as a permit. This CAFO does not relieve Respondent of any obligation to obtain and comply with any local, California, or federal permits.

J. OTHER CLAIMS

65. Nothing in this CAFO 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


66. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.




67. Each Party shall bear its own attorneys' fees, costs and disbursements incurred in this proceeding.
68. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.
69. The Effective Date of this CAFO is the date the CAFO, once signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

9/6/11
Date


Michael C. Mayes
Vice President-Operations
Silgan Containers Manufacturing Corporation

9/22/11
Date


Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region IX




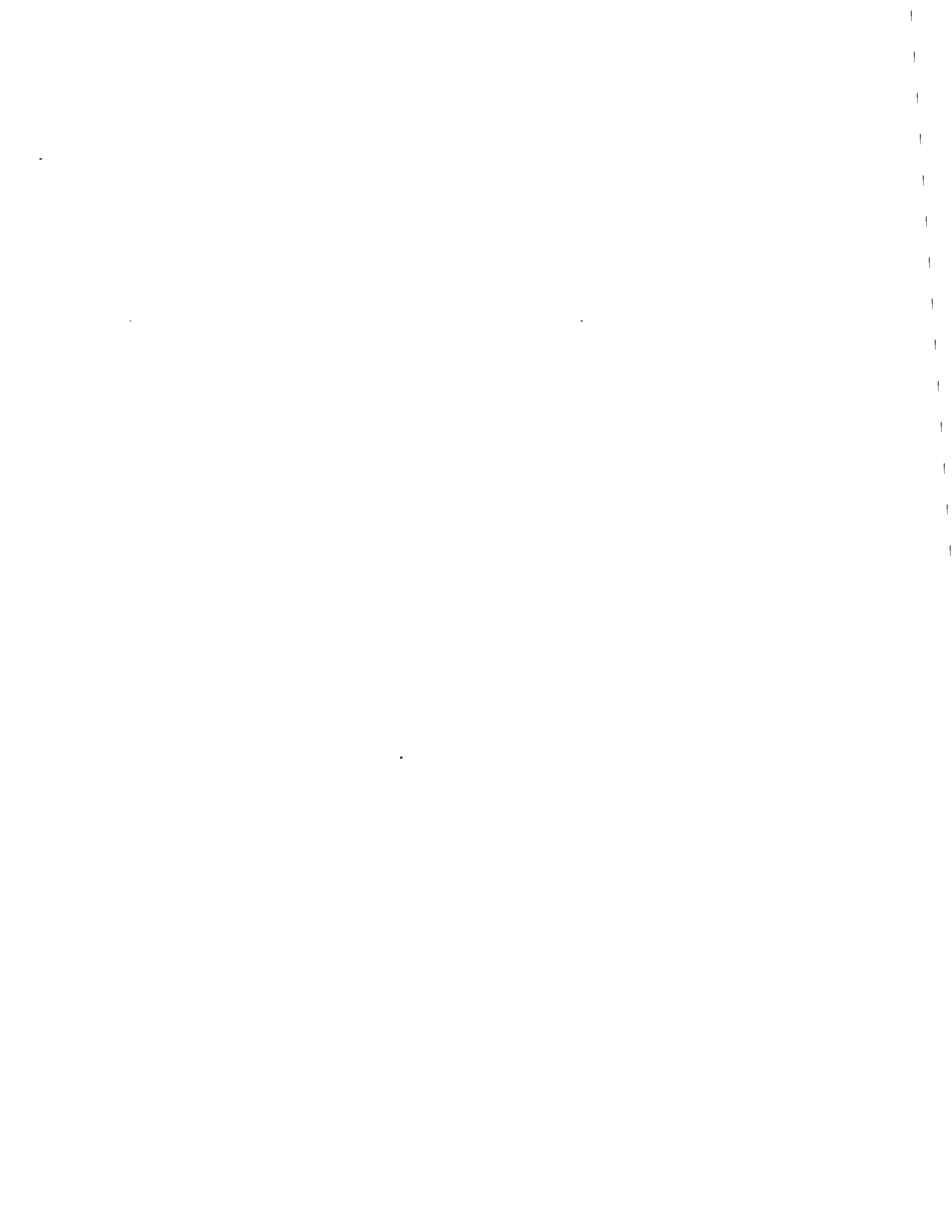
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA-9-2011-0017) be entered and that SILGAN CONTAINERS MANUFACTURING CORPORATION, ("Respondent"), pay a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000.00) by check payable to "Treasurer of the United States," or another method specified in paragraph 50 of this Consent Agreement and Final Order within the time frame set forth in Section D of this Consent Agreement and Final Order. A notice of the payment and a copy of the check or other form of payment or evidence thereof shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within the time frame set forth in Section D.

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

09/23/11
Date


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



CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order against **Silgan Containers Manufacturing Corp. (Docket #: RCRA-09-2011-0017)** 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:

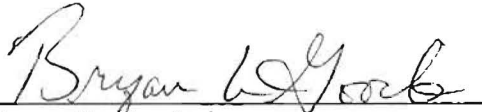
A copy was mailed via CERTIFIED MAIL to:

Michael C. Mayes
Vice President of Operations
Silgan Containers Manufacturing Corp
21800 Oxnard Street, Ste. 600
Woodland Hills, CA 91367

CERTIFIED MAIL NUMBER: 7010-2780-0000-8388-7382

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

Mimi Newton, Esq.
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

Date 9/26/11



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. 7010 2780 0000 8388 7382
RETURN RECEIPT REQUESTED

SEP 20 2011

Michael C. Mayes
Vice President of Operations
Silgan Containers Manufacturing Corporation
21800 Oxnard St., Ste. 600
Woodland Hills, CA 91367

Re: **In the matter of Silgan Container Manufacturing Corporation**
U.S. EPA Docket No. RCRA-09-2011-0017

Dear Mr. Mayes:

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 Mimi Newton at (415) 972-3941.

Sincerely,

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

Jeff Scott, Director
Waste Management Division

Enclosure
cc: Donald J. Patterson, Jr., Esq.

