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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

2011 SEP 29 AM 8:5

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING OFFICE

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2011- 0020
Xeridien Medical Devices, Inc.)	
aka/MRI Manufacturing and Research, Inc.,)	
and MRI Medical, Inc.)	CONSENT AGREEMENT AND
EPA ID No. AZR000042523)	FINAL ORDER PURSUANT TO
)	40 C.F.R. SECTIONS 22.13 AND
<u>Respondent.</u>)	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, Issuance of Compliance or Corrective Action Orders, 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). Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Xeridien Medical Devices, Inc., ("Xeridien" or "Respondent").
2. Respondent manufactures and develops silicon-based medical devices at its facility located at 4700 S. Overland Dr., Tucson, AZ 85714-3430 (the "Facility"). The Facility's EPA Identification Number is AZR000042523. At the time of the inspection on February 23, 2010, the Facility was known as MRI Manufacturing and Research, Inc. and MRI Medical, Inc.
3. This Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. Sections 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that: (1) Respondent was found to be in violation of A.A.C. R18-8-270.1 [40 C.F.R. § 270.1]¹, due to failure to label or mark clearly each container used to store hazardous waste with an accumulation start date and the words "Hazardous Waste," as provided in A.A.C. R18-8-262.A [40 C.F.R. §§ 262.34(a)(2), 262.34(c)(1)]; (2) Respondent failed to close hazardous waste storage containers in violation of A.A.C. R18-8-262.A and R18-8-265A [40 C.F.R. §§ 262.34(c)(1)(i) and 265.173(a)]; (3) Respondent failed to make a hazardous waste determination in violation of A.A.C. R18-

¹ All citations to the "A.A.C." refer to the Arizona Administrative Code, contained in Title 18, Chapter 8, Department of Environmental Quality Waste Management, Article 2, Hazardous Waste. Citations to "A.R.S." refer to Arizona Revised Statutes. EPA is enforcing Arizona hazardous waste management program requirements as approved and authorized by the United States on October 7, 1991, which adopt 40 C.F.R. §§ 124, 260 through 266, 268, 270 and 273, or parts thereof, by reference.

8-262D [40 C.F.R. § 262.11]; and (4) Respondent failed to label used oil containers appropriately as required by Arizona Revised Statute § 49-802 [40 C.F.R. §279.22(c)(1)].

B. JURISDICTION

4. On November 20, 1985, the State of Arizona 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. § 271, effective December 4, 1985. The authorized program is established pursuant to the Arizona Laws Relating to Environmental Quality, Title 49, Arizona Revised Statutes (“A.R.S.”) §§ 49-921, *et seq.*, and the regulations promulgated thereunder in the Arizona Administrative Code (“A.A.C.”) Title 18, Chapter 8, Article 2. Effective October 7, 1991, the State of Arizona received authorization for revisions to A.R.S. §§ 49-921, *et seq.* The State of Arizona has been authorized for all the regulations referenced in this CA/FO.
5. Respondent is a “person” as defined in A.R.S. § 49-921 and A.A.C. R18-8-260.F.5 [*see also* 40 C.F.R. § 260.10].
6. Respondent is the “operator” of a “facility” as defined in A.A.C. R18-8-260.C and 270.A [*see also* 40 C.F.R. § 260.10].
7. Respondent’s hazardous waste manifests indicate that it is a small quantity “generator” of hazardous waste as defined in A.A.C. R18-8-260.C [40 C.F.R. § 260.10].
8. Respondent generates or has generated waste including but not limited to: isopropyl alcohol (D001), which is a “hazardous waste” as defined in A.R.S. § 49-921(5), A.A.C. R18-8-260.C and 261.A [*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. §§ 260.10 and 261.3].
9. On February 23, 2010, EPA conducted a RCRA Compliance Evaluation Inspection (“CEI”) at the Facility, along with representatives of the Arizona Department of Environmental Quality (“ADEQ”). Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated A.R.S. § 49-922, and regulations adopted pursuant thereto [*see also* Sections 3001, 3004 and 3005 of RCRA, 42 U.S.C. §§ 6921, 6924 and 6925].
10. 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.
11. A violation of Arizona’s authorized hazardous waste program, found at §§ 49-921, *et seq.*, and the regulations promulgated thereunder in the A.A.C., Title 18, Chapter 8, Article 2, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates Arizona’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.

12. 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.*
13. 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
Open Containers

14. Paragraphs 1 through 13 above are incorporated herein by this reference as if they were set forth here in their entirety.
15. Arizona regulation A.A.C. R18-8-265A, which incorporates 40 C.F.R. § 265.173(a), requires that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. During the CEI, the EPA inspector observed one open 55-gallon hazardous waste container in the hazardous waste storage area, and five open 3-gallon hazardous waste containers and one open 5-gallon hazardous waste container in the satellite accumulation area, at a time when waste was not being added or removed.
16. During the CEI, the EPA inspector found several loose 8-foot fluorescent light tubes in the maintenance room.²
17. Therefore, EPA alleges that Respondent violated Arizona regulation A.A.C. R18-8-265A [*see also* 40 C.F.R. § 265.173(a)].

COUNT II
Failure to Label Hazardous Wastes

18. Paragraphs 1 through 17 above are incorporated herein by this reference as if they were set forth here in their entirety.
19. A.A.C. R18-8-270A [*see also* 40 C.F.R. 270.1(c)] and A.R.S. 49-922 [*see also* RCRA 3005(a), 42 U.S.C. 6925(a)] require that each person owning or operating a facility where hazardous waste is transferred, treated, stored or disposed must have a permit or interim status. At the time of the inspection, Respondent did not have a permit to store hazardous waste and had not complied with the requirements for operating under interim status.

² Arizona regulation A.A.C. R18-8-273. F [40 C.F.R. Part 273] establishes requirements for managing lamps containing hazardous waste, such as fluorescent lamps, in lieu of the hazardous waste permitting requirements under AZ R18-8-260-272 [40 CFR Parts 260-272], provided that certain conditions are met. Arizona regulation A.A.C. R18-8-273.A, which incorporates 40 C.F.R. § 273.13(d)(1), as amended by A.A.C. R-18-8-273F, states that a handler of universal waste must contain any lamp in containers or packages that are structurally sound and adequate to prevent breakage. Such containers must remain closed.

20. A.A.C. R18-8-262.A, which incorporates 40 C.F.R. § 262.34(d) by reference, provides that a facility that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month (a “small quantity generator”) may accumulate hazardous waste on-site for 180 days or less without a permit or grant of interim status provided that the generator meets certain conditions. Facilities that fail to comply with these conditions are subject to the requirements of A.A.C. R18-8-270.A [see also 40 C.F.R. § 270.1] The conditions include labeling containers with the words “hazardous waste” and with the date accumulation of the waste begins.
21. At the time of the CEI, the EPA inspector observed four 55-gallon containers, two 5-gallon containers, and 4 1-liter containers containing hazardous waste that did not have labels indicating that they contained hazardous waste, or the accumulation start date, in the hazardous waste storage area, and five 3-gallon containers and one 5-gallon container of hazardous waste that did not have labels indicating that they contained hazardous waste in the satellite accumulation area.
22. During the CEI, the EPA inspector observed several loose 8-foot fluorescent light tubes that were not labeled as “waste” or as “used.”³
23. Respondent’s failure to meet the requirements set forth in A.A.C. R18-8-262.A subject it to the requirements of A.A.C. R18-8-270.A [see also 40 C.F.R. §§ 262.34 and 270.1].
24. For the reasons stated herein, EPA alleges that Respondent failed to meet the conditions of A.A.C. R18-8-262.A [see also 40 C.F.R. § 262.34(d)] and therefore violated A.A.C. R18-8-270.A [see also 40 C.F.R. § 270.1].

COUNT III

Failure to Make a Hazardous Waste Determination

25. Paragraphs 1 through 24 above are incorporated herein by this reference as if they were set forth here in their entirety.
26. A.A.C. R18-8-262.A incorporates 40 C.F.R. § 262.11, which provides that a person who generates a solid waste as defined in A.A.C. R18-8-262A (see also 40 C.F.R. § 261.2) must determine if that waste is a hazardous waste and, if the waste is determined to be hazardous, must comply with applicable requirements for managing hazardous waste.
27. During the CEI, the EPA Inspector observed small containers of unlabeled waste in the hazardous waste storage area. Respondent’s employees who were at the Facility at the time of the inspection were unable to identify the contents of the containers.

³ Arizona regulation A.A.C. R18-8-273. F [40 C.F.R. Part 273] establishes requirements for managing lamps containing hazardous waste, such as fluorescent lamps, in lieu of the hazardous waste permitting requirements under AZ R18-8-260-272[40 CFR Parts 260-272], provided that certain conditions are met. Arizona regulation A.A.C. R18-8-273F, which incorporates 40 C.F.R. § 273.14, requires that a lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

28. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-262 [see also 40 C.F.R. § 261.2].

COUNT IV

Failure to Properly Label Used Oil

29. Paragraphs 1- 28 above are incorporated herein by reference as if they were set forth here in their entirety.
30. Arizona Revised Statute § 49-802, which incorporates 40 C.F.R. § 279.22(c)(1), states that the containers used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
31. During the CEI, the EPA inspector observed one 55-gallon container holding used oil labeled “Waste Oil.”
32. Therefore EPA alleges Respondent has violated A.R.S. § 49-802 [see also 40 C.F.R. § 279.22(c)(1)].

D. CIVIL PENALTY

33. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 (61 Fed. Reg. 69360 (Dec. 31, 1996)) authorizes a civil penalty of up to \$27,500 per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring between January 31, 1997 and March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule (69 Fed. Reg. 7121 (Feb. 13, 2004) as amended by 73 Fed. Reg. 75340 (Dec. 11, 2008)) authorizes a civil penalty of up to \$32,500 per day per violation for violations occurring after March 15, 2004 and a civil penalty of up to \$37,500 per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), EPA must consider the seriousness of the violation and any good faith efforts to comply with the applicable requirements in assessing a penalty. EPA’s RCRA Civil Penalty Policy provides that EPA will consider factors 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. Based upon the facts alleged herein, and upon the factors which EPA must consider pursuant to RCRA and its Civil Penalty Policy, EPA proposes that Respondent be assessed THIRTY ONE THOUSAND, NINE HUNDRED DOLLARS (\$31,900.00) as the civil penalty for the violations alleged herein.

E. ADMISSIONS AND WAIVERS OF RIGHTS

34. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO. Respondent consents to 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.

35. 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

36. 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 Section D 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.
37. 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.
38. 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

39. Respondent consents to the assessment of and agrees to pay a civil penalty of THIRTY ONE THOUSAND, NINE HUNDRED DOLLARS (\$31,900.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
40. Respondent shall submit payment of the full amount of THIRTY ONE THOUSAND, NINE HUNDRED DOLLARS (\$31,900.00) 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. 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. The civil penalty shall be paid 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 "sfol.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.

41. At the time payment is made, a copy of the check or evidence of wire transfer payment shall be sent to:

Regional Hearing Clerk
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

and

Cameron McDonald (WST-3) Waste Management Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

42. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each 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. 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 its 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

43. 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: ONE HUNDRED DOLLARS (\$100) per day for first to fifteenth day of delay, FIVE HUNDRED DOLLARS (\$500) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND DOLLARS (\$1,000) per day for each day of delay thereafter.

44. 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.
45. All penalties shall be made payable by certified or cashier's check or wire transfer to "Treasurer of the United States" and shall be remitted as described in Paragraph 40.
46. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

47. 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

48. 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 ("CERCLA"), or any other statutory, regulatory or common law enforcement authority of the United States.
49. 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.
50. 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.
51. 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

52. 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

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

54. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
55. 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.

September 15, 2011
Date

Joseph Lee
Signature

Name, Title: President
Xeridien Medical Devices, Inc., Tucson, Arizona

9/26/11
Date

Jeff Scott
Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

FINAL ORDER

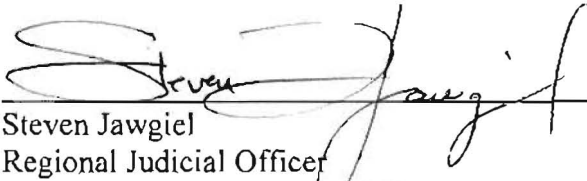
IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R.

Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9-2011-0020) be entered and that Xeridim Medical Devices, Inc., of Tucson, Arizona pay a civil penalty of THIRTY ONE THOUSAND, NINE HUNDRED DOLLARS (\$31,900.00) 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.

09/28/11

Date



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

SLK_TOL: #1869528v1

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order against **Xeridem Medical Devices (Docket #: RCRA-09-2011-0020)** 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:

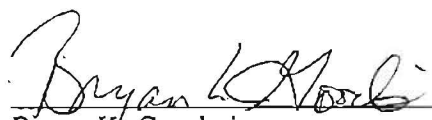
A copy was mailed via CERTIFIED MAIL to:

Joseph Lee
Xeridem Medical Devices
4700 South Overland Drive
Tucson, AZ 85714

CERTIFIED MAIL NUMBER: 7003-3110-0006-1998-1847

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

Karen Goldberg, 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

9/29/11

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7003 3110 0006 1998 1847
RETURN RECEIPT REQUESTED

SFP 09 2011

Joseph Lee
Xeridem Medical Devices
4700 South Overland Drive
Tucson, AZ 85714


RE: In the matter of Xeridem Medical Devices aka MRI Medical
U.S. EPA Docket No. RCRA-09-2011-0020

Dear Name of Company Officer:

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 any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Karen Goldberg at (415) 947-3571.

Sincerely,


Jeff Scott, Director
Waste Management Division

Enclosure
Cc: Michael J. O'Callaghan
Attorney at Law
Shumaker, Loop & Kendrick, LLP
Huntington Center
41 South High Street, Suite 2400