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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX
US EPA - REGION IX HEARING CLERK

IN THE MATTER OF)
)
EIKI WORLD INC.)
)
)
)
)
)
RESPONDENT)
_____)

U.S. EPA Docket No.
RCRA-9-2013-0001
CONSENT AGREEMENT
AND FINAL ORDER

CONSENT AGREEMENT

A. INTRODUCTION

1. This administrative enforcement action was initiated 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 IX ("EPA").
2. Respondent is Eiki World, Inc. ("Eiki World" or "Respondent").
3. Respondent is a California corporation which holds itself out as engaging in the import and export of used electronic equipment and parts.
4. This action commenced with the issuance of a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") on November 6, 2012 under the above-reference docket number RCRA 09-2013-0001.
5. This Consent Agreement and Final Order pursuant to 40 C.F.R. Section 22.18 ("CA/FO"), concludes this proceeding, wherein EPA alleges that Respondent failed to provide notification of its intent to export hazardous waste as required by 40 C.F.R. § 262.53. This is in violation of Section 3001 et seq. of RCRA, 42 U.S.C. § 6921 et seq.

B. ADMISSIONS AND WAIVERS OF RIGHTS

6. Complainant, the United States Environmental Protection Agency, Region IX, and Respondent Eiki World, Inc., the parties herein, having agreed that settlement of this matter is in the public interest and that entry of this CA/FO without further litigation is the most appropriate means of resolving this matter.
7. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in the Complaint. 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.
8. Respondent neither admits nor denies any allegations of fact or law set forth in the Complaint. 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.

C. CIVIL PENALTY

9. Complainant and Respondent hereby consent to the assessment of a civil penalty in the amount of THREE THOUSAND DOLLARS (\$3,000) in settlement of the civil penalty claims set forth in the Complaint. Satisfaction of the terms of this Consent Agreement and Final Order constitutes a settlement of all civil penalty claims for the violations alleged in the Complaint.
10. The effect of the settlement described above is based on the accuracy of Respondent's representations to EPA concerning her financial resources as memorialized in Respondent's electronic correspondence dated May 1, 2013 and May 3, 2013.

D. PARTIES BOUND

11. 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 C and E has been paid in accordance with Section E, 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.

12. 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.
13. 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.

E. PAYMENT OF CIVIL PENALTY

14. Respondent consents to the assessment of and agrees to pay a civil penalty of THREE THOUSAND DOLLARS (\$3,000.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
15. Respondent shall submit payment of the 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. All payments shall indicate the name 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 “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.

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

Bryan Goodwin
Regional Hearing Clerk (RC-1)
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

and

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

16. 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.

F. DELAY IN PERFORMANCE/STIPULATED PENALTIES

17. 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.

18. 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.
19. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 15.
20. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
21. 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.

G. RESERVATION OF RIGHTS

22. 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.

23. 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.
24. 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.
25. 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.

H. OTHER CLAIMS

26. 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.

I. MISCELLANEOUS

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

29. 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.

07-03-'13

Date

Shibue Nakayama C.F.O

Name, Title: SHIBUE NAKAYAMA
Eiki World

7/12/13

Date

Kathleen H. Johnson

Kathleen Johnson
Director
Enforcement Division
United States Environmental Protection Agency.
Region IX

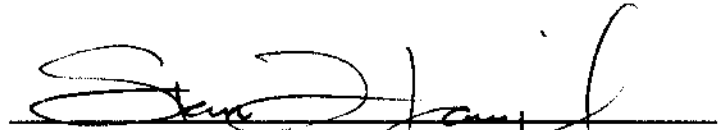
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Section 22.18 (U.S. EPA Docket No. RCRA-9-2013-0001) be entered and that Eiki World Inc. pay a civil penalty of THREE THOUSAND DOLLARS (\$3,000.00) 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.

07/25/13

Date

A handwritten signature in black ink, appearing to read "Steven Jawgiel", is written over a horizontal line.

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 **Eiki World , Inc. (Docket #: RCRA-09-2013-0001)** 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:

Shizue Nakayama
Eiki World, Inc.
123 Onizuka Street, Suite 310
Los Angeles, CA 90012

CERTIFIED MAIL NUMBER: 7010 2780 0000 8388 8310

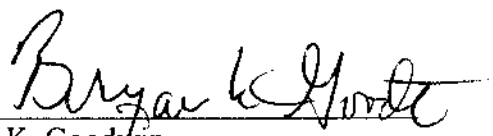
And to:

Kenneth I. Gross, Esq.
Kenneth I. Gross & Associates
849 S. Broadway, Suite 504
Los Angeles, CA 90014

CERTIFIED MAIL NUMBER: 7012 1640 0001 2190 6680

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

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



Bryan K. Goodywin
Regional Hearing Clerk
U.S. EPA, Region IX

7/26/13

Date



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

CERTIFIED MAIL NO: 7010 2780 0000 8388 8310
RETURN RECEIPT REQUESTED

SEP 26 2009

In Reply: ENF-2-2

Shizue Nakayama, CFO
Eiki World, Inc.
123 Onizuka Street, Suite 310
Los Angeles, CA 90012

Re: Consent Agreement/Final Order in the Matter of Eiki World, Inc.

Dear Ms. Nakayama:

The enclosed copy of the fully executed Consent Agreement and Final Order ("CA/FO") contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the CA/FO will close this case. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed CA/FO, please contact Jim Polek at 415-972-3185.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Johnson".

Kathleen Johnson, Director
Enforcement Division

Enclosures

cc: Paul Kewin, Enforcement and Emergency Response, DTSC