



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:) Docket No.
Desert Water Agency) RCRA-09-2026-0026
1200 Gene Autry Trail South)
Palm Springs, CA 92264)
EPA ID. No. CAL000120218)
) EXPEDITED SETTLEMENT
) AGREEMENT AND
)
Respondent.) FINAL ORDER
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Desert Water Agency ("Respondent") is the owner or operator of the facility at 1200 Gene Autry Trail South, Palm Springs, CA ("Facility"). Based on available information, including an inspection dated May 12, 2025, EPA alleges that the Respondent violated the following requirements of the RCRA hazardous waste management program:
 - a) Failure to make a waste determination [40 CFR § 262.11].
 - b) Failure to meet the conditions for exemption for satellite accumulation; specifically, failure to accumulate hazardous waste in containers at or near the point of generation where wastes initially accumulate under the control of the operator of the process generating the waste [40 CFR § 262.15(a)].
 - c) Failure to meet the conditions for exemption for satellite accumulation; specifically, failure to mark or label a SAA hazardous waste container with the words "Hazardous Waste" and indicate the hazards of the waste (e.g., using a NFPA flammable label to indicate waste is ignitable) [40 CFR § 262.15(a)(5)].
 - d) Failure to meet the conditions for exemption for a small quantity generator that

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accumulates hazardous waste; specifically, failure to accumulate hazardous waste on site for no more than 180 days (b), failure to mark and label containers with "Hazardous Waste", an indication of the hazards, and the date upon which each period of accumulation begins ((b)(6)(i), failure to keep a container closed except when adding or removing waste ((b)(2)(iii)(A)), and failure to ensure all employees are thoroughly familiar with proper waste handling procedures relevant to their responsibilities ((b)(9)(iii)) [40 CFR § 262.16].

- e) Failure to minimize a release of hazardous waste constituents [40 CFR § 262.251].
- f) Failure of a small quantity handler of universal waste to label or mark the universal waste to identify the type of universal waste [40 CFR 40 CFR § 273.14].
- g) Failure to meet universal waste accumulation time limits; specifically, failure of a small quantity handler of universal waste to accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, and failure to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received [40 CFR § 273.15].
- h) Failure of a small or large quantity generator to not treat, store, dispose of, transport, or offer for transportation, RCRA hazardous waste without having received an EPA identification number [40 CFR § 262.18].

4. EPA and Respondent agree that settlement of this matter for civil penalties of eleven thousand two hundred and fifty Dollars (\$11,250) is in the public interest.

5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issues of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the files ESA. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: the alleged violations have been corrected; Respondent has submitted true and accurate documentation of such correction; and, Respondent has submitted proof of payment of the civil penalty.

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7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
8. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
12. Entry of the Final Order shall constitute full settlement of the civil claims alleged herein.

IT IS SO AGREED,

DAVID TATE

Name (print):

ASST. GENERAL MGR,

Title (print):



Signature

Date: 12/3/2025

APPROVED BY EPA:

AMY MILLER-BOWEN  Digitally signed by AMY MILLER-BOWEN
Date: 2025.12.08 09:20:04 -08'00'

Amy C. Miller-Bowen, Division Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

Date: 12/8/25

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FINAL ORDER

Respondent has paid the penalty set forth herein. This Expedited Settlement Agreement and Final Order shall be entered.

IT IS SO ORDERED:

Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX

Date: _____

CERTIFICATE OF SERVICE

I hereby certify the foregoing Expedited Settlement Agreement and Final Order in the matter of Dessert Water Agency (Docket No. RCRA-09-2026-0026) was filed by 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 served on the parties, via electronic mail, as indicated below:

RESPONDENT(S): Dylan Schneider
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Dschneider@dwa.org

COMPLAINANT: Andrew Helmlinger
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Hazardous Waste Section I (ORC-3-1)
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Regional Hearing Clerk
U.S. EPA – Region IX