

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

FILED

2007 MAR 14 AM 7:31

U.S. EPA, REGION IX
REGIONAL HEARING CLERK

In the matter of) U.S. EPA Docket No.
) RCRA 09-2007- 0009
)
George Auclair, Jr.)
) DETERMINATION OF VIOLATION
) COMPLIANCE ORDER
) AND
) NOTICE OF RIGHT TO
Respondent.) REQUEST A HEARING

I. DETERMINATION OF VIOLATION

A. INTRODUCTION

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. Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is George Auclair, Jr. ("Respondent").
2. Respondent operates or has operated a solid and/or hazardous waste disposal site (hereinafter the "Facility") on land located on Allotment 12A and adjacent areas within the exterior boundaries of the Torres-Martinez Indian Reservation, near Thermal, California, in Riverside County. The Facility is comprised of approximately twenty-five (25) acres of undeveloped land.
3. Household garbage, hazardous household wastes, hazardous waste and green waste are disposed of at the Facility. Wastes include lead-acid batteries, tires, used oil, cleaning fluids, containers of unknown wastes, chromated copper arsenate ("CCA") treated wood, arsenic contaminated ash, chromium contaminated ash, concrete, plastic, electronic equipment, insulation, metal, furniture and palm fronds.
4. This Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") serves as notice that EPA, on the basis of information available to it, has determined that Respondent violated Sections 1008, 3004, 3005, 3010 and 4005(a) of RCRA, 42 U.S.C. §§ 6907, 6924, 6925, 6930 and 6945(a), and regulations adopted pursuant thereto. This Complaint seeks to establish the amount of civil penalty that Respondent must pay for violations alleged herein, and compel compliance with the compliance tasks described herein.

B. JURISDICTION

5. Respondent George Auclair, Jr., is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. §§ 260.10 and 270.2.
6. Respondent was the "owner" or "operator" of the Facility as defined in 40 C.F.R. § 260.10 at the time of the violations alleged.
7. The Facility at Allotment 12A within the exterior boundaries of the Torres-Martinez Indian Reservation, near Thermal, California, in Riverside County was a "facility" as defined in 40 C.F.R. §§ 257.2 and 260.10 at the time of the violations alleged.
8. Respondent was the "owner or operator" of a "facility or activity," as defined in 40 C.F.R. § 270.2 at the time of the violations alleged.
9. Respondent was engaged in the "storage" of solid or hazardous waste as defined in Section 1004(3) of RCRA, 42 U.S.C. § 6903(33) and 40 C.F.R. § 260.10 at the time of the violations alleged in this Complaint.
10. Respondent was engaged in the "disposal" of solid or hazardous waste as defined in Section 1004(3) of RCRA, 42 U.S.C. § 6903(3) and 40 C.F.R. § 260.10 at the time of the violations alleged in this Complaint.
11. Respondent stored or disposed of "solid waste," as defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(33), and 40 C.F.R. §§ 260.10 and 261.2, at the time of the violations alleged in this Complaint.
12. Respondent stored or disposed, of "hazardous waste" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and 40 C.F.R. §§ 260.10 and 261.3, at the time of the violations alleged in this Complaint.
13. Respondent stored "used oil" as defined in Section 1004(36) of RCRA, 42 U.S.C. § 6903(36) and 40 C.F.R. §§ 260.10 and 279.1.
14. Federal regulations governing the hazardous waste permit program, 40 C.F.R. Part 270, became effective April 1, 1983.
15. Federal regulations establishing standards for management of used oil, 40 C.F.R. Part 279, became effective March 8, 1993.
16. Respondent was engaged in the "disposal" of "solid waste" as defined in Section 1004 of RCRA, 42 U.S.C. § 6903 and 40 C.F.R. §§ 257.2, at the time of the violations alleged.
17. Section 4005(a) of RCRA, 42 U.S.C. § 6945(a), prohibits the open dumping of solid

waste or hazardous waste, effective upon the promulgation of standards for the management of solid waste.

18. Federal regulations establishing standards for solid waste disposal facilities and practices, 40 C.F.R. Part 257, were promulgated on September 13, 1979.
19. 40 C.F.R. § 257.1(a)(1) and (2) provide that facilities and practices failing to satisfy either the criteria in 40 C.F.R. §§ 257.1 through 257.4 or §§ 257.4 through 257.30 constitute open dumping and are prohibited under Section 4005(a) of RCRA, 42 U.S.C. § 6945(a).
20. Respondent is, therefore, subject to the federal regulations adopted pursuant to Sections 1008, 3004, 3005, 3010 and 4005(a) of RCRA, 42 U.S.C. §§ 6907, 6924, 6925, 6930 and 6945(a).
21. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to enforce the hazardous waste management program at the Torres Martinez Indian Reservation in California. Pursuant to section 4005(c)(2) of RCRA, 42 U.S.C. § 6945(c)(2), the Administrator may use the authorities of Sections 3007 and 3008 of RCRA, 42 U.S.C. §§ 6927 and 6928, to enforce the prohibition on open dumping of solid waste or hazardous waste contained in Section 4005(a) of RCRA, 42 U.S.C. § 6945(a) at the Torres Martinez Indian Reservation in California.
22. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty, 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.*, and as provided pursuant to Section 4005(c)(2) of RCRA, 42 U.S.C. § 6945(c)(2), for violations of minimum criteria that define the solid waste management practices which constitute open dumping of solid waste or hazardous waste.
23. Based on the June 28-29, and September 26, 2006 inspections and information collected by EPA thereafter, EPA determined that Respondent has violated Sections 1008, 3004, 3005, 3010 and 4005(a) of RCRA, 42 U.S.C. §§ 6907, 6924, 6925, 6930 and 6945(a), and the following regulations: 40 C.F.R. §§ 257.3-7(a); 257.3-8(b); 257.3-8(d); 265.11; 270.1(c); and 279.22(c)(1).
24. Respondent, in violating the requirements cited above, violated RCRA, and therefore is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
25. 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 redelegate this authority to the Director of the Waste Management Division.

C. GENERAL ALLEGATIONS

26. Respondent generates, or has generated, ash that exhibits the characteristic of toxicity for arsenic, and which is "hazardous waste" with the waste code D004, as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and 40 C.F.R. §§ 260.10, 261.3 and 261.24.
27. Respondent generates, or has generated, ash that exhibits the characteristic of toxicity for chromium, and which is "hazardous waste" with the waste code D007, as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and 40 C.F.R. §§ 260.10, 261.3 and 261.24.
28. Respondent disposes, or has disposed, of spent lead-acid batteries, which are "hazardous waste" with the waste code D008, as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5) and 40 C.F.R. §§ 260.10, 261.3 and 261.24.
29. Respondent has not generated, collected, or stored spent lead-acid batteries for reclamation.
30. On June 28-29, 2006 EPA conducted an inspection at the Facility to determine compliance with RCRA and on September 26, 2006, EPA conducted sampling at the Facility.
31. On October 18, 2006 EPA Region IX issued Respondent an order pursuant to CERCLA § 106, 42 U.S.C. § 9606, requiring Respondent to submit and implement a plan to remove hazardous substances from the Facility. Respondent received the order on October 20, 2006.

D. VIOLATIONS

COUNT I

(Open Dumping of Solid Waste)

32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. On June 28-29, 2006, the EPA Inspector observed large quantities of solid waste on the ground at the Facility, covering an area of approximately 25 acres. The solid waste included household garbage, hazardous household wastes, hazardous waste and green waste. Specific wastes included lead-acid batteries, tires, used oil, cleaning fluids, containers of unknown wastes, chromated copper arsenate ("CCA") treated wood, burn ash, partially burnt waste, concrete, plastic, electronic equipment, insulation, metal, furniture and palm fronds.

34. 40 C.F.R. § 257.3-8(b) provides that a facility or practice shall not pose a hazard to the safety of persons or property from fires. This may be accomplished through complying with the prohibition against open burning and through the periodic application of cover material or other techniques as appropriate. "Periodic application of cover material" means the application and compaction of soil or other suitable material over disposed solid waste at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and to impede disease vectors' access to the waste. 40 C.F.R. § 257.3-8(e)(6).
35. On June 28, 2006, the EPA inspector observed areas of past open burning, including burn pits, and also observed that the facility did not provide for daily cover.
36. Accordingly, Respondent failed to operate the facility to prevent a hazard to the safety of persons or property from fires as required by 40 C.F.R. § 257.3-8(b).
37. 40 C.F.R. § 257.3-8(d) provides that a facility or practice shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site.
38. On June 28 and 29, 2006, the EPA inspector observed that the facility did not control public access as required by 40 C.F.R. § 257.3-8(d).
39. Accordingly, Respondent failed to comply with 40 C.F.R. § 257.3-8(d).
40. 40 C.F.R. § 257.1(a)(1) and (2) provide that facilities and practices failing to satisfy either the criteria in 40 C.F.R. §§ 257.1 through 257.4 or §§ 257.4 through 257.30 constitute open dumping and are prohibited under Section 4005(a) of RCRA, 42 U.S.C. § 6945(a).
41. Therefore, EPA alleges that Respondent violated Section 4005(a) of RCRA, 42 U.S.C. § 6945(a).

Count II
(Open Burning of Solid Waste)

42. Paragraphs 1 through 41 above are incorporated herein by this reference as if they were set forth here in their entirety.
43. 40 C.F.R. § 257.3-7(a) provides that the facility or practice shall not engage in open burning of residential, commercial, institutional or industrial solid waste.
44. For purposes of 40 C.F.R. § 257.3-7, "open burning" means the combustion of solid waste without (1) control of combustion air to maintain adequate temperature for efficient combustion, (2) containment of the combustion reaction in an enclosed device to provide

sufficient residence time and mixing for complete combustion, and (3) control of the emission of the combustion products.

45. On June 28, 2006, the EPA inspector observed a pit that Respondent's representative Eric Talamantes reported was used for burning green waste. Mr. Talamantes reported to the EPA inspector that burning was a regular part of waste management at the facility and that there would be more pits and more burning in the future.
46. Information collected by EPA revealed that on July 6-7, and 9, 2006, a fire at the Facility consumed approximately 90% of the solid and hazardous waste at the site.
47. Therefore, EPA alleges that Respondent violated 40 C.F.R. § 257.3-7(a).

Count III

(Failure to Notify EPA of Waste Activity)

48. Paragraphs 1 through 47 above are incorporated herein by this reference as if they were set forth here in their entirety.
49. Section 3010 of RCRA, 42 U.S.C. § 6930, requires that any person generating hazardous waste or owning or operating a facility for treatment, storage, or disposal of hazardous waste file a notification with EPA.
50. 40 C.F.R. § 265.11 requires that every owner or operator of a hazardous waste facility apply to EPA for an EPA identification number.
51. Respondent is or has engaged in the treatment, storage or disposal of hazardous waste, including lead-acid batteries, used oil, arsenic contaminated ash, and chromium contaminated ash at the Facility.
52. On June 28-29, 2006, an EPA inspector observed lead-acid batteries, used oil, used paint and cathode ray tubes ("CRTs") disposed of at the Facility.
53. On September 26, 2006, an EPA inspector took samples of ash at the Facility that exhibits the characteristic of toxicity for chromium and ash that exhibits the characteristic of toxicity for chromium. Sample results using the Toxicity Characteristic Leaching Procedure ("TCLP") showed that the ash at the Facility exceeded the levels for the characteristic of toxicity for arsenic and chromium as provided in 40 C.F.R. § 261.24. The regulatory level for arsenic is 5.0 mg/l, whereas samples included TCLP levels of 11, 66, 69 and 111 mg/l arsenic. The regulatory level for chromium is 5.0 mg/l, whereas samples included TCLP levels of 5.9, 5.2 and 11 mg/l chromium.
54. As of the date of this Complaint, Respondent had never submitted a Notification of Hazardous Waste Activity to EPA or applied for an EPA identification number as

required by Section 3010 of RCRA, 42 U.S.C. § 6930.

55. Respondent's failure to notify EPA and to apply for an EPA identification number violated Section 3010 of RCRA, 42 U.S.C. § 6930, and 40 C.F.R. § 265.11.

Count IV

(Storage and Disposal of Hazardous Waste Without a Permit)

56. Paragraphs 1 through 55 above are incorporated herein by this reference as if they were set forth here in their entirety.
57. On June 28-29 and September 26, 2006, the EPA inspector observed that Respondent was engaged in the disposal of hazardous waste. EPA's inspector observed that Respondent was disposing of damaged lead-acid batteries, broken CRTs, ash that exhibits the characteristic of toxicity for chromium, and ash that exhibits the characteristic of toxicity for chromium. Respondent is therefore subject to the permitting requirements of 40 C.F.R. § 270.1.
58. 40 C.F.R. § 270.1(c) requires each person owning or operating a RCRA hazardous waste storage and disposal facility to have a permit.
59. Respondent does not have a permit or grant of interim status to store and dispose of hazardous waste under 40 C.F.R. § 270.1.
60. Respondent's failure to have a permit or grant of interim status for storage or disposal of hazardous waste violated 40 C.F.R. § 270.1.

Count V

(Failure To Label Used Oil Containers)

61. Paragraphs 1 through 60 above are incorporated herein by this reference as if they were set forth here in their entirety.
62. 40 C.F.R. § 279.30(b) requires that owners or operators of do-it-yourselfer ("DIY") used oil collection centers must comply with the standards for used oil generators.
63. 40 C.F.R. § 279.31(b) requires that owners or operators of used oil collection centers must comply with the standards for used oil generators.
64. Respondent operated a used oil collection center at the Facility.
65. 40 C.F.R. § 279.22(c)(1) requires that containers used to store used oil must be labelled or marked clearly with the words "Used Oil."

66. On June 28, 2006, the EPA inspector observed various sizes of containers of used oil at the Facility. None of the containers of used oil were marked with the words "Used Oil."
67. Therefore, EPA alleges that Respondent violated 40 C.F.R. § 279.22(c)(1).

E. CIVIL PENALTY

68. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, authorizes a civil penalty of up to THIRTY-TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$32,500) per day for each violation of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.* Therefore, Complainant requests that the Administrator assess a civil penalty against Respondent of up to \$32,500 per day, as appropriate, for each day during which a violation cited in the above outlined Counts continued.

Count I - Open Dumping of Solid Waste

This violation continued for at least 114 days, from June 28, 2006 to October 20, 2006. This violation presents a major potential for harm to the environment and is a major deviation from the regulatory requirement.

Count II - Open Burning of Solid Waste

This violation continued for at least 3 days, including July 6, 7 and 9, 2006. This violation presents a major potential for harm to the environment and is a major deviation from the regulatory requirement.

Count III - Failure to Notify EPA of Waste Activity

This violation continued for at least 114 days, from June 28, 2006 to October 20, 2006. This violation presents a major potential for harm to the regulatory program and is a major deviation from the regulatory requirement.

Count IV - Storage and Disposal of Hazardous Waste Without a Permit

This violation continued for at least 114 days, from June 28, 2006 to October 20, 2006. This violation presents a major potential for harm to the environment and the regulatory program, and is a major deviation from the regulatory requirement.

Count V - Failure To Label Used Oil Containers

The Facility was in violation for at least 114 days, from June 28, 2006 to October 20, 2006. This violation presents a minor potential for harm to the environment and the regulatory program, and is a major deviation from the regulatory requirement.

II. COMPLIANCE ORDER

69. **Stop All Non-Compliant Waste Management Activities.** Respondent shall immediately stop all generation, receipt, storage, disposal, treatment, accumulation or transport of solid and hazardous wastes at the Facility, except as provided by and in compliance with Sections 3002, 3004, 3005, 3007, 3010 and 4005 of RCRA, 42 U.S.C. §§ 6922, 6924, 6925, 6927, 6930, and 6945; and 40 C.F.R. Parts 257, 258, 262, 264, 265, 270 and 279.

70. Respondent shall send any submittals regarding compliance with this Order by email, fax, hand delivery, overnight express or certified mail to:

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

71. To the extent the Facility or other property subject to or affected by this Order is owned or leased in whole or in part by parties other than those bound by this Order, Respondent will use his best efforts to obtain site access agreements from the present owner(s) and/or lessees as necessary. Such efforts must be made within thirty (30) days of the Effective Date of this Order, if the need for site access is known as of the Effective Date of the Order, or, if not known as of the Effective Date of this Order, within thirty (30) days of EPA approval of any work plan, report or document pursuant to this Order which requires work on such property. "Best efforts" as used in this paragraph shall include, at a minimum, but shall not be limited to: (a) a certified letter from Respondent to the present owner(s) and/or lessee(s) of the property requesting access agreements to permit Respondent, EPA and their authorized representatives access to such property, and (b) the payment of reasonable compensation in consideration for such access.

72. All site access agreements entered into pursuant to paragraph 71 of this Section shall provide access for EPA, its contractors and oversight officials, and Respondent and Respondent's authorized representatives and contractors. Such agreements shall specify that Respondent is not EPA's representative with respect to liability associated with Site activities. Respondent shall save and hold harmless the United States and its officials, agents, employees, contractors, subcontractors, or representatives for or from any and all claims or causes of action or other costs incurred by the United States including but not limited to attorneys fees and other expenses of litigation and settlement arising from or on account of acts or omissions of Respondent, his officers, directors, employees, agents,

contractors, subcontractors, and any persons acting on their behalf or under Respondent's control, in carrying out activities pursuant to this Order. Copies of such agreements shall be provided to EPA prior to Respondent's initiation of field activities.

73. If access agreements are not obtained within the time set forth above, Respondent shall immediately notify EPA, in writing, of the failure to obtain access, specifying the efforts undertaken to obtain access. Subject to the United States' non-reviewable discretion, EPA may use its legal authorities to obtain access as necessary for implementation of response actions taken pursuant to this Order. EPA may also perform those response actions with EPA contractors at the property in question, or may terminate the Order if Respondent cannot obtain access agreements. If EPA performs those tasks or activities with contractors and does not terminate the Order, Respondent shall perform all other activities not requiring access to that property, and shall reimburse EPA to the full extent allowed by law for all response costs incurred in performing such activities. Respondent shall integrate the results of any such tasks undertaken by EPA into its reports and deliverables.
74. In the event Respondent is unable to complete a specific compliance action identified in this Order prior to the deadline provided in the Order, Respondent may request a one-time extension, not to exceed thirty (30) days, for that activity. At the time of the request, Respondent shall submit a description of the work that requires the extension, provide a detailed justification for the extension, including an explanation why Respondent is or was unable to complete the action in a timely manner, and a schedule for completion of the action. Any request for extension shall be filed as early as practicable, but in no event later than fifteen (15) days prior to the deadline provided in the Order. Whether or not to grant the extension shall be within Complainant's discretion.

III. NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING

75. In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), the Compliance Order set forth herein shall become final unless Respondents file an Answer and a request for public hearing in writing no later than thirty (30) days after the Effective Date of this Complaint with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, California 94105. A copy of the Answer and request for hearing and copies of all other documents relating to these proceedings filed with the Regional Hearing Clerk should be sent to Letitia Moore (ORC-3), Assistant Regional Counsel at the same address
76. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. A failure to admit, deny or explain any material fact or allegation contained in this Complaint will constitute an admission of the allegation. Where Respondent has

no knowledge of a particular factual allegation and so state, the allegation is deemed denied. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which Respondent intends to place at issue, (3) the basis for opposing any proposed relief, and (4) whether a hearing is requested.

77. If Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
78. If Respondent requests a public hearing, it will be held in a location determined in accordance with 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 C.F.R. Part 22, a copy of which accompanies the Complaint. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 552 *et seq.*, and 40 C.F.R. Part 22. Respondent may request a hearing on any material fact alleged in the Complaint, or on the appropriateness of any proposed penalty, compliance or corrective action order.
79. Pursuant to 40 C.F.R. § 22.7(c) of the Consolidated Rules of Practice, where a pleading or document is served by first class mail or commercial delivery service, but not by overnight or same-day service, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

B. INFORMAL SETTLEMENT


80. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.
81. In addition to the compliance schedule set forth in the Order above, any settlement reached as a result of an informal conference will be embodied in a written Consent Agreement and Final Order. The issuance of the Consent Agreement and Final Order will constitute waiver of Respondent's right to a hearing on any matter to which Respondent stipulated.
82. If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty (30) days of the Effective Date of this Complaint will preserve Respondent's right to a hearing.
83. EPA encourages all parties against whom a penalty is proposed to explore the possibility

of settlement. To request an informal conference, Respondent should contact Letitia Moore, ORC-3, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 972-3928.

EFFECTIVE DATE

This Proceeding is initiated by the filing of this Complaint with the Regional Hearing Clerk. For calculation of time frames provided herein, the "Effective Date" of this Complaint is the date of Service. Service is complete when the return mail receipt is signed by the Respondent or a duly authorized representative of the Respondent, in accordance with the provisions of 40 C.F.R. §§ 22.5(b) and 22.7(c).

March 12, 2007
Date



Jeff Scott
Director
Waste Management Division

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Mr. George Auclair, Jr.
11765 Ramon Road
Banning, CA 92220

3/14/07

Date



Hazardous Waste Management Division