

2014 OCT 27 PM 3: 55

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

In the matter of)	U.S. EPA Docket No.
)	RCRA- 09-2015- <u>0001</u>
Kern Steel Fabrication, Inc.)	
)	CONSENT AGREEMENT AND
EPA ID No. CAR000233247)	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 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 9 ("EPA"). Respondent is Kern Steel Fabrication, Inc. ("Respondent").
2. Respondent owns and operates a facility located at 627 Williams Street, Bakersfield, California (the "Facility"). The Facility's EPA Identification Number is CAR000233247. Respondent operates a facility that manufactures steel parts for the military.
3. On November 13, 2012, inspectors from EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility. The purpose of the inspection was to determine the Facility's compliance with applicable federal environmental statutes and regulations, and in particular RCRA, as amended, and the regulations in 40 C.F.R. Parts 261-265, 268, 273 and 279, and the regulations adopted by the California authorized program under RCRA in the California Code of Regulations ("C.C.R."), Title 22, Division 4.5 and the California Health and Safety Code, Division 20. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
4. This Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) make a hazardous waste determination, in violation of 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11]; (2) obtain a permit because it

failed to label hazardous waste, universal waste and used oil containers, in violation of 22 C.C.R. § 66270.1 and 22 C.C.R. § 66262.34 [*see also* 40 C.F.R. § 270.1(c) and 40 C.F.R. § 262.34]; (3) close hazardous waste and universal waste containers, in violation of 22 C.C.R. § 66262.34(a)(1)(i) and 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 262.34 and 40 C.F.R. § 265.173(a)]; (4) minimize possibility of a release, in violation of 22 C.C.R. § 66265.31 [*see also* 40 C.F.R. § 265.31]; (5) submit 2011 and 2013 Biennial Reports, in violation of 22 C.C.R. § 66262.41 [*see also* 40 C.F.R. § 262.41]; and (6) have an adequate contingency plan, in violation of 22 C.C.R. § 66265.51(a) and 22 C.C.R. § 66265.52 [*see also* 40 C.F.R. § 265.51(a) and 40 C.F.R. § 265.52]. These are all in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and regulations adopted pursuant thereto.¹

B. JURISDICTION

5. 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 § 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. The authorized program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CA/FO.
6. Respondent is a “person” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
7. Respondent is the “operator” of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
8. Respondent is a “generator” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
9. Respondent is or has been engaged in “storage” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

¹ All citations to the “C.C.R.” refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements where approved and authorized by the United States. Corresponding Federal citations are provided in brackets.

10. Respondent generates and accumulates, or has generated and accumulated, materials that are "wastes" as defined in 22 C.C.R. §§ 66260.10 and 66261.2 [*see also* 40 C.F.R. § 261.2].
11. At the Facility, Respondent generates and accumulates, or has generated and accumulated, "hazardous waste" as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include, but are not limited to, paint waste (D001, D035, and F003), sand blasting material (D005, D006, and D007), used oil and Universal Waste (fluorescent light tubs, monitors and batteries).
12. 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.
13. A violation of California's authorized hazardous waste program, found at California Health & Safety Code § 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.
14. 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.*
15. 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 Enforcement Division.

C. ALLEGED VIOLATIONS

COUNT I

(Failure to make a hazardous waste determination)

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
17. 22 C.C.R. § 66262.11 provides that a person who generates a solid waste must determine if that waste is a hazardous waste [*see also* 40 C.F.R. § 262.11].

18. Based on information gathered during the CEI, EPA determined that five, 55-gallon containers and six, 5-gallon containers at the Facility that contained solid waste were not characterized as hazardous or non-hazardous.
19. Therefore EPA alleges that Respondent violated 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11].

COUNT II

(Storage of hazardous waste without a permit
for failure to adequately label hazardous waste and universal waste)

20. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
21. 22 C.C.R. § 66270.1 requires a permit for the “treatment,” “storage,” and “disposal” of any “hazardous waste” [*see also* 40 C.F.R. § 270.1(c)].
22. 22 C.C.R. § 66270.1(c)(2) provides an exclusion for generators who accumulate hazardous waste onsite for less than the time periods provided in 22 C.C.R. § 66262.34 [*see also* 40 C.F.R. § 270.1(c)(2)].
23. 22 C.C.R. § 66262.34 allows generators to accumulate hazardous waste on-site for ninety (90) days or less without a permit or without having interim status, provided that, among other things: the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and each container and tank is labeled or marked clearly with the words “Hazardous Waste” [*see also* 40 C.F.R. § 262.34(a)(2)].
24. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to store hazardous waste under 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1(c) and 42 U.S.C. § 3005(e)].
25. Based on information gathered during the CEI, EPA determined that the following containers were not labeled or were not labeled correctly: (1) three, 5-gallon containers (D001); (2) one, 30-gallon container (F001/F002); (3) one 55-gallon container (F001/F002); (4) four, 55-gallon containers (waste paint); (5) two, 55 gallon containers (waste paint/still bottoms); (6) two 40-gallon trash containers (paint/solvent debris); (7) two, cubic yard dumpsters (waste paint); (8) fifteen, 55-gallon containers (waste paint); and (9) three, 1-gallon containers (waste paint).
26. As a result of the CEI, EPA concluded that the following waste were not properly labeled (1) used batteries stored onsite;(2) fluorescent light lamps, stored in a 55-gallon

container; and (3) three, 5-gallon containers holding used oil were not labeled with the words "Used Oil."

27. Therefore EPA alleges that because Respondent did not comply with the requirements of 22 C.C.R. § 66262.34(a)(2) [*see also* 40 CFR § 262.34], Respondent has violated 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

COUNT III

(Failure to close containers of hazardous waste and universal waste)

28. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. 22 C.C.R. § 66262.34(a)(1)(i) and 22 C.C.R. § 66265.173(a) provide that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.173(a)].

During the CEI, EPA Inspectors observed that the following containers holding hazardous waste were not properly closed: (1) three, 5-gallon containers holding solvent; (2) one, 30-gallon container holding F001/F002 still bottles; (3) one, 55-gallon container holding waste paint; (4) two, 55-gallons holding still bottoms; (5) two, 40-gallon trash containers holding paint/solvent debris; (6) two, cubic yard dumpsters holding waste paint containers.

30. During the CEI, EPA inspectors observed that (1) used batteries stored onsite were leaking acid; and (2) fluorescent light lamps, stored in a 55-gallon container were not properly contained.
31. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66262.34(a)(1)(A), and 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 262.34(c)(1)(i) and 40 C.F.R. § 265.173(a)].

COUNT IV

(Failure to maintain and operate the facility to minimize the possibility of an unplanned release)

32. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. 22 C.C.R. § 66262.34(a)(4) and 22 C.C.R. § 66265.31 provide that facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste

constituents to air, soil, or surface water which could threaten human health or the environment [*see also* 40 C.F.R. § 262.34(a) and 40 C.F.R. § 265.31].

34. During the CEI, EPA Inspectors observed that the following hazardous wastes or hazardous waste constituents were not handled in a manner to minimize releases: (1) baghouse dust; (2) battery acid; and (3) open paint containers.
35. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66262.34(a)(4) and 22 C.C.R. § 66265.31 [*see also* 40 C.F.R. § 262.34(a) and 40 C.F.R. § 265.31].

COUNT V

(Failure to submit a Biennial Report for reporting years 2011 and 2013)

36. Paragraph 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
37. 22 C.C.R. § 66262.41 provides that generators who ship any hazardous waste offsite to a transfer treatment, storage or disposal facility within the United States shall prepare and submit a single copy of a Biennial Report to the Department by March 1 of each even numbered year [*see also* 40 C.F.R. § 262.41].
38. As a result of the CEI and subsequent investigation, EPA determined that Respondent failed to submit the Biennial Reports for 2011 and 2013.
39. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66262.41 [*see also* 40 C.F.R. § 262.41].

COUNT VI

(Failure to maintain an adequate contingency plan)

40. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
41. 22 C.C.R. § 66262.52 requires that each owner or operator shall have a contingency plan for the facility designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water [*see also* 40 C.F.R. § 265.52].
42. As a result of the CEI and EPA's subsequent investigation, EPA concluded that the Facility's contingency plan did not include emergency response procedures.

43. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.51(a) and 22 C.C.R. § 66265.52 [40 C.F.R. § 265.51(a) and 40 C.F.R. § 265.52].

D. CIVIL PENALTY

44. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, 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. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the 2003 RCRA Civil Penalty Policy ("Penalty Policy") as amended by the 2010 Revision to Adjusted Penalty Policy Matrices Package issued on November 16, 2009, 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, EPA proposes that Respondent be assessed FIFTY-SEVEN THOUSAND ONE HUNDRED DOLLARS (\$57,100.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the Penalty Policy, as amended.

E. ADMISSIONS AND WAIVERS OF RIGHTS

45. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO 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.
46. 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

47. 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 D and G 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.

48. 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.
49. 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

50. Respondent consents to the assessment of and agrees to pay a civil penalty of FIFTY SEVEN THOUSAND ONE HUNDRED DOLLARS (\$57,100.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
51. Respondent shall submit payment of FIFTY SEVEN THOUSAND ONE HUNDRED DOLLARS (\$57,100.00) within thirty (30) calendar days of the Effective Date of this CA/FO, in accordance with one of the options set forth below. 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, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.

Regular Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and sent as follows:

US 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

In the matter of Kern Steel Fabrication, Inc.
EPA ID No. CAR000233247
Consent Agreement And Final Order

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.

52. At the time payment is made, a copy of the payment transmittal shall be sent to:

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

and

Daniel Fernandez (ENF 2-2)

Enforcement Division
Waste and Chemical Section
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105.

53. 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. 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

54. In the event Respondent fails to submit a payment to EPA by the time required in this CA/FO, Respondent shall pay stipulated penalties as follows: TWO HUNDRED FIFTY DOLLARS (\$250) per day for first to fifteenth day of delay, SEVEN HUNDRED FIFTY DOLLARS (\$750) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.
55. 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.
56. 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 Paragraphs 51 and 52.
57. The payment of stipulated penalties shall not alter in any way Respondent's obligations to complete performance required hereunder.
58. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
59. 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. CERTIFICATION OF COMPLIANCE

60. By signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized California hazardous waste program including 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11], 22 C.C.R. § 66270.1 and 22 C.C.R. § 66262.34 [*see also* 40 C.F.R. § 270.1(c) and 40 C.F.R. § 262.34], 22 C.C.R. § 66262.34(a)(1)(i) and 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 262.34 and 40 C.F.R. § 265.173(a)], 22 C.C.R. § 66265.31 [*see also* 40 C.F.R. § 265.31], 22 C.C.R. § 66262.41 [*see also* 40 C.F.R. § 262.41], 22 C.C.R. § 66265.51(a) and 22 C.C.R. § 66265.52 [*see also* 40 C.F.R. § 265.51(a) and 40 C.F.R. § 265.52], that formed the basis for the violations alleged in this CA/FO. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. 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 CA/FO, except as to those civil penalties for the violations and facts alleged herein. 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 (except as to those civil penalties for the violations and facts alleged herein); 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 CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
63. 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.

64. This CA/FO is not intended to be nor shall it be construed as a permit.

K. OTHER CLAIMS

65. Nothing in this CA/FO shall constitute or be construed as a release from nor an admission by Respondent of 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.

L. MISCELLANEOUS

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

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

68. 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.

In the matter of Kern Steel Fabrication, Inc.
EPA ID No. CAR000233247
Consent Agreement And Final Order

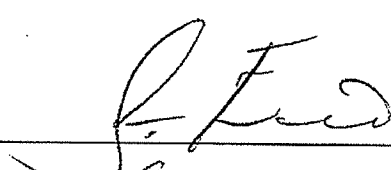
IT IS SO AGREED.


10-1-2014

Date

10/22/14

Date


Name: SCOTT ELLIS
Title: PLANT MANAGER / EMR
Kern Steel Fabrication, Inc.


Douglas K. McDaniel, Chief
Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency, Region 9

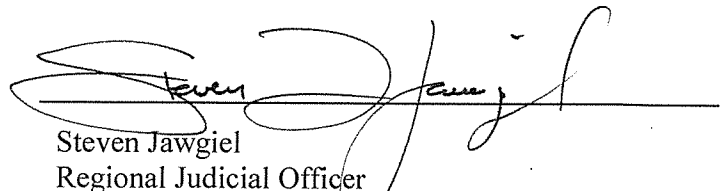
In the matter of Kern Steel Fabrication, Inc.
EPA ID No. CAR000233247
Consent Agreement And Final Order

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-09 -2015-**0001**) be entered and that Kern Steel Fabrication, Inc. pay a civil penalty of FIFTY SEVEN THOUSAND ONE HUNDRED (\$57,100.00) 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.

10/24/14
Date


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

CERTIFICATE OF SERVICE

Docket No. RCRA-09-2015-0001

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, with the Docket numbers referenced above, was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified Mail, Return Receipt Requested to:

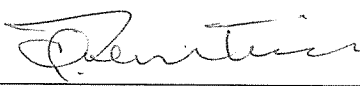
Scott Ellis, Plant Manager
Kern Steel Fabrication Inc.
627 Williams Street
Bakersfield, CA 93305

CERTIFIED MAIL NUMBER: 7013 1090 0000 1618 4841

I hereby certify that an additional copy was hand-delivered to the following U.S EPA case attorney:

Rebekah Reynolds Wiley
Office of Regional Counsel
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

10/27/14
Date



FOR: Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX