

FILED

2014 MAY 30 AM 8:43

U.S. EPA - REGION IX  
HEARING CLERK

SYLVIA QUAST  
Regional Counsel

MARGARET ALKON  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
(415)972-3890

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

IN THE MATTER OF:	)	Docket No.
	)	RCRA-09-2014-00 <u>04</u>
	)	
B C LABORATORIES, INC.	)	CONSENT AGREEMENT
	)	AND
EPA Identification No.	)	FINAL ORDER
CAD982437899	)	
	)	
Respondent.	)	PURSUANT TO 40 CFR
	)	SECTIONS 22.13 and 22.18

**CONSENT AGREEMENT**

Complainant, the United States Environmental Protection Agency, Region IX ("Complainant" or "EPA"), and Respondent, B C Laboratories, Inc. ("Respondent"), the parties herein, having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order, pursuant to 40 CFR Sections 22.13 and 22.18, ("CA/FO"), without further litigation is the most appropriate means of resolving this matter;

Complainant and Respondent hereby agree as follows:

**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 ("Consolidated

Rules"), 40 CFR Part 22. Complainant is the United States Environmental Protection Agency, Region IX. Respondent is a corporation organized under the laws of the State of California.

2. At the time of the violations alleged, Respondent was managing hazardous waste at a facility located at 4100 Atlas Court, Bakersfield, California 93308, EPA Identification Number CAD982437899 (hereinafter referred to as the "Facility").

3. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to the federally authorized California hazardous waste management program.

4. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States.

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 Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 CFR Part 271. This authorization was updated on September 26, 2001 (see 66 Fed. Reg. 49118, September 26, 2001) and October 7, 2011 (see 76 Fed. Reg. 62303, October 7, 2011). 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 ("H&SC"), and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 CCR §§ 66001 et seq. The State of California has been authorized for all the regulations referenced in this CA/FO. Citations in this CA/FO are to California hazardous waste management program requirements, followed by the corresponding federal citations provided in brackets.

## **B. GENERAL ALLEGATIONS**

6. Respondent is, and at all times referred to herein was, a "person" as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10].

7. Respondent was the "owner" or "operator" of a "facility" as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10] at the time of the violations alleged.

8. Respondent was a "generator" of "hazardous waste" as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10] at the time of the violations alleged.

9. Respondent was engaged in the "storage" of "hazardous waste" at the Facility as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10] at the time of the violations alleged.

10. At the Facility, Respondent generated and accumulated, materials that are "wastes" as defined in 22 CCR §§ 66260.10 and 66261.2 [see also 40 CFR §§ 260.10 and 261.2].

11. At the Facility, Respondent generated and accumulated, "hazardous waste" as defined in H&SC § 25117 and 22 CCR §§ 66260.10 and 66261.3 [see also RCRA Section 1004(5), 42 U.S.C. 6903(5), and 40 CFR §§ 260.10 and 261.3].

12. Respondent generates and stores waste solvents (D001) caustics & acids (D002, D009, D022, F002), PCBs, discarded samples (D002, D009, D022, F002, U161 & U188), oily solids, and universal waste (fluorescent light tubs, and batteries) at the Facility.

13. Respondent is a large quantity generator ("LQG") of hazardous waste.

14. 22 CCR § 66270.1(c) requires that owners and operators of a RCRA hazardous waste treatment, storage or disposal facility must have a permit [see also 40 CFR § 270.1(c)].

15. Respondent does not have a permit or grant of interim status to treat, store or dispose of hazardous waste under 22 CCR § 66270.1(c) [see also 40 CFR § 270.1].

16. 22 CCR § 66262.34 [see also 40 CFR § 262.34] provides that generators of hazardous waste may accumulate hazardous waste onsite for a limited period of time, without a permit or grant of interim status, provided the generator complies with the requirements which are set forth or referenced by 22 CCR § 66262.34 [see also 40 CFR § 262.34].

17. 22 CCR § 66262.34 [see also 40 CFR § 262.34] requires that generators who accumulate hazardous waste onsite without a permit or grant of interim status comply with the preparedness and prevention requirements of 22 CCR §§ 66265.30 - 66265.37 [see also 40 CFR §§ 265.30 - 265.37].

18. On or about November 15, 2012, EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility. Based upon the findings EPA made during the inspection and additional information obtained subsequent to the inspection, EPA determined that Respondent violated RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921 - 6939e, and the implementing regulations, and the federally authorized California hazardous waste management program, 22 CCR Division 4.5, and the implementing regulations at the Facility.

19. EPA alleges that Respondent (1) stored hazardous waste without a permit, in violation of 22 CCR §§ 66270.1 and 22 CCR § 66262.34(f)(3) [see also 40 CFR §§ 270.1 and 262.34]; (2) failed to close hazardous waste containers in violation of 22 CCR § 66265.173 [see also 40 CFR § 265.173]; (3) failed to maintain the Facility to minimize possibility of a release, in violation of 22 CCR § 66265.31 [see also 40 CFR § 265.31]; (4) failed to submit its biennial report, in violation of 22 CCR § 66262.41(b) [see also 40 CFR § 262.41(a)(1)]; and (5) failed to maintain adequate aisle space in violation of 22 CCR § 66265.35 [see also 40 CFR § 265.35].

20. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of California's authorized RCRA Hazardous Waste Management Program are federally enforceable. Respondent is therefore subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.

21. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

22. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of California as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

23. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Assistant Director of the Air, Waste & Toxics Branch, Enforcement Division.

### **C. ALLEGED VIOLATIONS**

#### **COUNT I**

#### **(Storage of Hazardous Waste without a Permit or Interim Status)**

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.

25. 22 C.C.R. § 66262.34 (*see also* 40 C.F.R. § 262.34) allows generators of hazardous waste to accumulate hazardous waste on-site for certain specified time periods without a permit or interim status as long as they comply with specified waste management practices, including the labeling of hazardous waste containers. Generators who do not comply with the waste management requirements must either be eligible for interim status or obtain a permit in order to store hazardous waste at the facility pursuant to 22 C.C.R. § 66270.1 (*see also* 40 C.F.R. § 270.1).

26. In order to be eligible to accumulate hazardous waste without a permit or interim status for less than 90 days, generators of hazardous waste must, among other requirements:

a. mark containers of hazardous waste with the date they start accumulating hazardous waste in each container, pursuant to 22 C.C.R. § 66262.34(f)(1) (*see also* 40 C.F.R. § 262.34(a)(2)), and

b. mark each container of hazardous waste clearly with the words "Hazardous Waste," with information about the composition and physical state of the wastes, with statements that call attention to the particular hazardous properties of the wastes, and with the name and address of the person producing the wastes, pursuant to 22 C.C.R. § 66262.34(f)(3) (*see also* 40 C.F.R. § 262.34).

27. At the time of the CEI, Respondent accumulated numerous containers of hazardous waste without marking the start date of accumulation of the hazardous waste, the

words "Hazardous Waste," information about the composition and physical state of the wastes, statements about the particular hazardous properties of the wastes, or the name and address of the person producing the wastes. Respondent thus failed to comply with at least two of the conditions for being able to accumulate hazardous waste for less than 90 days without a permit or interim status.

28. At the time of the CEI, Respondent was not eligible for interim status under RCRA, nor was Respondent in possession of a permit to store and dispose of hazardous waste.

29. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66270.1 (*see also* 40 C.F.R. § 270.1), and RCRA.

**COUNT II**  
**(Failure to Close Containers of Hazardous Waste)**

30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were set forth here in their entirety.

31. 22 CCR §66265.173(a) [see also 40 CFR §265.173(a)] requires generators of hazardous waste who store such waste on-site to ensure that the waste is placed in closed containers, except when adding or removing waste.

32. At the time of the CEI, sixteen containers of hazardous waste stored at the Facility were not closed. Respondent was not adding or removing wastes from the containers at the time.

33. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.173 (a) [see also 40 CFR § 265.173(a)] and RCRA.

**COUNT III**  
**(Failure to Maintain the Facility in Such a Manner As to Minimize Possibility of Release)**

34. Paragraphs 1 through 33 above are incorporated herein by this reference as if they were set forth here in their entirety.

35. 22 CCR §66265.31 [see also 40 CFR § 265.31] requires that facilities shall 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.

36. From on or about October 25, 2012 to November 29, 2012, the Facility's hazardous waste housekeeping practices were extremely poor, making proper management extremely difficult and presenting a greater risk of releases of hazardous waste.

37. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.31 [see also 40 CFR § 265.31].

**COUNT IV**  
**(Failure to Submit Biennial Report for 2012)**

38. Paragraphs 1 through 37 above are incorporated herein by this reference as if they were set forth here in their entirety.

39. 22 CCR § 66262.41(b) [see also 40 CFR § 262.41(a)(1)] requires that a generator who ships 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, EPA Form 8700-13A/B, 5-80, (Revised 11-89) by March 1 of each even-numbered year.

40. Respondent is a generator who ships hazardous waste offsite to a transfer, treatment, storage or disposal facility within the United States.

41. Respondent was required to prepare and submit a Biennial Report, EPA Form 8700-13A/B, 5-80, (Revised 11-89) by March 1 of 2012.

42. Respondent did not submit a Biennial Report by March 1 of 2012.

43. Therefore, EPA alleges that Respondent violated 22 CCR § 66262.41(b) [see also 40 CFR § 262.41(a)(1)] and RCRA.

**COUNT V**  
**(Failure to Maintain Adequate Aisle Space)**

44. Paragraphs 1 through 43 above are incorporated herein by this reference as if they were set forth here in their entirety.

45. 22 CCR § 66265.35 [see also 40 CFR §265.35] requires that the owner or operator maintain adequate aisle space for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

46. At the time of the CEI, aisle space in the 90-day hazardous waste storage area at the Facility was inadequate to provide Respondent with access to certain containers as required by 22 CCR § 66265.35 [see also 40 CFR §265.35].

47. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.35 [see also 40 CFR §265.35] and RCRA.

#### D. CIVIL PENALTY

48. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.

49. 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 RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondents to comply with applicable requirements, and any economic benefit accruing to Respondents, as well as such other matters as justice may require, EPA proposes that Respondents be assessed **FORTY THOUSAND AND SIX HUNDRED DOLLARS (\$40,600)** as the civil penalty for the violations alleged herein. The proposed penalty is consistent with the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the Debt Collection Improvement Act.

#### E. ADMISSIONS AND WAIVERS

50. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Sections A and 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.

51. Respondent neither admits nor denies any allegations of fact 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

52. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns and upon all persons acting under or for Respondent, until such time as the civil penalty required under Section D has been paid in accordance with Section G, all compliance tasks have been completed, 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 civil violations alleged herein.

53. 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.

54. The undersigned representative of Respondent hereby certifies that he is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.

#### G. PAYMENT OF CIVIL PENALTY

55. Respondent hereby consents to the assessment of a civil penalty in the amount of **FORTY THOUSAND AND SIX HUNDRED DOLLARS (\$40,600)** in full satisfaction of all claims for civil penalties claims of the United States for the violations alleged in Section C of this CA/FO.

56. Respondent shall submit payment of the civil penalty of **FORTY THOUSAND AND SIX HUNDRED DOLLARS (\$40,600)** within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order contained in this CA/FO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

57. Respondent shall submit the payment due under this CA/FO in accordance with one of the options set forth below, and shall reference the Respondent's name and the docket number of this matter:

a. A check sent by regular U.S. Postal Service mail should be made payable to the "Treasurer, United States of America" and addressed to:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

b. Wire transfers should be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 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".



c. A check sent by overnight mail should be payable to the "Treasurer, United States of America" and addressed to:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

d. An On Line Payment Option for payments directly from your bank account or by credit/debit card is available through the U.S. Department of Treasury. To use this payment option, access [www.pay.gov](http://www.pay.gov), enter "sfo 1.1" in the Public Forms search field, open the form, and complete the required fields.

See also, <http://www2.epa.gov/financial/makepayment>.

58. At the time payment is so made, a copy of the check or other form of payment or evidence thereof shall be sent to each of the following Region IX addresses:

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

and

Daniel Fernandez  
Mailcode: (ENF 2-2)  
Enforcement Division  
U.S. Environmental Protection Agency - Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

59. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the effective date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, 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 CFR §13.11(a). Additionally, administrative costs for collecting the overdue debt will be assessed monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any principal amount not paid within ninety (90) calendar days of the due date. See 40 CFR §13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set forth below for any payment not received by its due date.

60. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

#### **H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES**

61. In the event that Respondent fails to pay the full amount of the penalty within the time specified in Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of up to **FIVE HUNDRED DOLLARS (\$500.00)** per day for the first to fifteenth day, and up to **ONE THOUSAND DOLLARS (\$1,000.00)** per day for each day of delay thereafter.

62. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.

63. 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 CFR § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period. Unless EPA directs payments pursuant to this CAFO to a different address, any stipulated penalty payment shall be made in accordance with one of the options set forth in Section G above.

64. At the time any penalties owed to EPA under this Section are made, a copy of the check or other form of payment or evidence thereof shall be sent to Region IX in accordance with Paragraph 58 above.

65. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Respondent's name and address, and the EPA docket number of this action.

66. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

67. 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 CAFO.

68. 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

69. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with the requirements of the federally authorized California hazardous waste management program, including 22 CCR §§ 66270.1 and 22 CCR § 66262.34(f)(3) [see also 40 CFR §§ 270.1 and 262.34], 22 CCR § 66265.173 [see also 40 CFR § 265.173], 22 CCR § 66265.31 [see also 40 CFR § 265.31], 22 CCR § 66262.41(b) [see also 40 CFR § 262.41(a)(1)] and 22 CCR § 66265.35 [see also 40 CFR § 265.35], that formed the basis for the violations alleged in this CA/FO.

70. 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

71. EPA expressly reserves all rights and defenses that it may have.

72. 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).

73. 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.

74. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with any applicable local, state, or federal laws and regulations.

75. 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 violation and facts as set forth in Section C of this CA/FO.

76. 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. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of any obligations to comply with RCRA or any other applicable local, state, or federal laws and regulations.

77. EPA reserves its right to seek reimbursement from Respondent for any additional costs incurred by the United States which may result or arise from the alleged counts set forth in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is not released from liability, if any, for the costs of any response actions taken by EPA.

**K. OTHER CLAIMS**

78. 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.

**L. MISCELLANEOUS**

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

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

81. Except as specified in Paragraph 59, each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

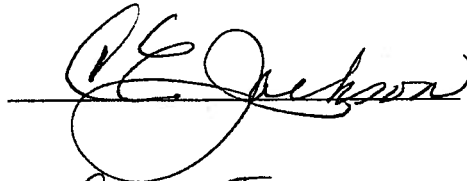
**M. EFFECTIVE DATE**

82. In accordance with 40 CFR §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the Final Order contained in this CA/FO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

IT IS SO AGREED,

For Respondent, **BC LABORATORIES, INC.:**

4/24/14  
DATE

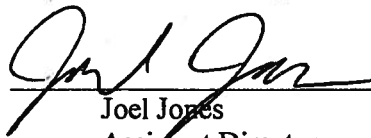


Name: C.E. JACKSON

Title: President  
**BC LABORATORIES, INC.**

For Complainant, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

5/22/14  
DATE

  
\_\_\_\_\_

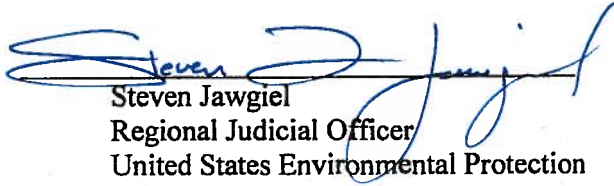
Joel Jones  
Assistant Director  
Air, Waste & Toxics Branch, Enforcement Division  
U.S. ENVIRONMENTAL PROTECTION AGENCY,  
REGION IX

**FINAL ORDER**

IT IS HEREBY ORDERED that this Consent Agreement and Final Order ((U.S. EPA Docket No. RCRA-09-2014-00<sup>07</sup>) be entered and that Respondent pay a civil penalty in the amount of **FORTY THOUSAND AND SIX HUNDRED DOLLARS (\$40,600)** within thirty (30) days after the Effective Date of this Consent Agreement and Final Order. A copy of the payment transmittal form shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within such 30-day period.

This Final Order shall be effective upon filing.

05/28/14  
Date

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

## CERTIFICATE OF SERVICE

I hereby certify that the original and a copy of the foregoing Consent Agreement and Final Order in the matter of BC LABORATORIES, INC. with Docket # RCRA-09-2014-0004 has been filed with the Regional Hearing Clerk, Region IX and copies were sent:

By Certified Mail, Return Receipt Requested to Respondent:


Carolyn Jackson  
President  
BC Laboratories, Inc.  
4100 Atlas Court  
Bakersfield, CA 93308

Certified Mail Receipt # 7013 1090 0000 1618 4780

Hand Delivered to:

Margaret Alkon  
Office of Regional Counsel  
U.S. EPA, Region 9, ORC-2  
75 Hawthorne Street  
San Francisco, CA 94105

5/30/14  
Date

  
\_\_\_\_\_  
FOR: Steven Armsey  
Acting Regional Hearing Clerk