

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**



IN THE MATTER OF:)	Docket No.
)	RCRA-09-2024-0014
)	
Cytokinetics Inc (Biotech Research Company))	
280 E. Grand Ave)	
South San Francisco, CA, 94080)	EXPEDITED SETTLEMENT
EPA ID. No. CAR000099937)	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 California with notice of the referenced violation of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Cytokinetics Inc (Biotech Research Company) (“Respondent”) is the owner or operator of the facility at 280 E. Grand Ave, South San Francisco, California, 94080 (“Facility”). EPA alleges that Respondent violated the following requirements of the RCRA and EPA approved and authorized California hazardous waste management programs.
 - a. 22 CCR §66262.41 [40 Code of Federal Regulations (“CFR”) §262.41] requires, the respondent to submit a 2021 Biennial Report on March 1, 2022. Cytokinetics Inc (Biotech Research Company) failed in violation of 22 CCR §66262.41 [40 Code of Federal Regulations (“CFR”) §262.41].
4. EPA and Respondent agree that settlement of this matter for a civil penalty of Two Thousand Five Hundred dollars \$2,500 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 issue 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 filed ESA.

6. [If the Respondent is a Federal agency, the Respondent waives its rights to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.]
7. 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 violation has been corrected and Respondent has submitted true and accurate documentation of such correction.
8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
9. 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.
10. Each party shall bear its own costs and fees, if any.
11. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

12. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$2,500 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
13. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California, 94105
R9HearingClerk@epa.gov

Sergio Mora
Biological Student Trainee

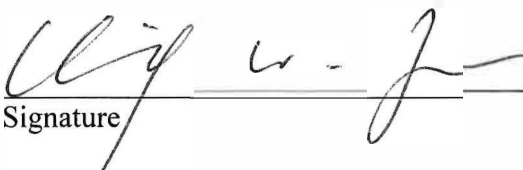
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California, 94105
mora.sergio@epa.gov

14. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this ESA shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

IT IS SO AGREED,

Ching Jaw
Name (print)

CFO
Title (print)


Signature

Date: NOV. 14, 2023

APPROVED BY EPA:

AMY MILLER-BOWEN Digitally signed by AMY MILLER-BOWEN
Date: 2023.12.04 08:45:28 -08'00'

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

IT IS SO ORDERED:

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

