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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX U.S. EPA REGION IX REGIONAL HEARING CLERK

In the matter of) U.S. EPA Docket No.)
L&M Optical Disc West, LLC) RCRA- 9-2011- 0003)
EPA ID No. CAR000095547) DETERMINATION OF VIOLATION)
Respondent.) COMPLIANCE ORDER AND)
) NOTICE OF RIGHT TO)
) 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")...
2. Respondent is a California limited liability company. Respondent manufactures DVDs.
3. 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 has violated the following requirements of RCRA: 1) failure to conduct weekly inspections of areas used for hazardous waste storage, in violation of Title 22 of the Code of California Regulations ("22 C.C.R.") §§ 66262.34(a)(1)(A) and 66265.174 [40 CFR §§ 262.34(a)(i) and 265.174]; 2) training violations, specifically no initial or annual refresher training, in violation of 22 C.C.R. §§ 66262.34(a)(4) and 66265.16(c) [see also 40 C.F.R. §§ 262.34(a)(4) and 265.16(c)]; and incomplete training records, in violation of 22 C.C.R. §§ 66262.34(a)(4) and 66265.16(d)(1)-(4) [see also 40 C.F.R. §§ 262.34(a)(4) and 265.16(d)(1)-(4)]; 3)

1 All references to California requirements, unless otherwise noted, are to the federally authorized version of the State's RCRA hazardous waste management program. Where the federally authorized version of the State requirement differs in any respect from the current version of the requirement, that distinction is noted as well.

incomplete contingency plan, in violation of 22 C.C.R. §§ 66262.34(a)(4) and 66265.51(a) [see also 40 C.F.R. §§ 262.34(a)(4) and 265.51(a)]; 4) failure to file the 2007 biennial report, in violation of 22 C.C.R. §§ 66262.41(b) [see also 40 C.F.R. §§ 262.41(a)]; and 5) failure to mark or label containers of hazardous waste in violation of 22 C.C.R. § 66262.34(a)(3), (e)(1)(E) and (f) [40 C.F.R. § 262.34(a)(2) and (3) and (c)(1)(ii)]. These are all in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations adopted pursuant thereto. This Complaint seeks to assess a civil penalty that Respondent must pay for violations alleged herein, and compliance with the compliance tasks described herein.

B. JURISDICTION

4. 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 Complaint.
5. Respondent is a "person" as defined in H&SC § 25118² (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)), and 22 CCR § 66260.10 (*see also* 40 CFR §§ 260.10 and 270.2).
6. Respondent is the "operator" of a facility as defined in 22 CCR § 66260.10³ [*see also* 40 C.F.R. § 260.10].
7. Respondent owns and operates a facility located at 24865 Avenue Rockefeller, Valencia, California 91355 (the "Facility"). The Facility's EPA Identification Number is CAR000095547.
8. Respondent's hazardous waste manifests indicate it is a large quantity "generator" of hazardous waste as defined in 22 C.C.R. § 66260.10 [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].
10. Respondent generated and/or stored "hazardous waste" as defined in H&SC Section

² The 1991 version of H&SC Section 25118, which was federally authorized in 1992, was amended in 1994. That amendment does not affect this allegation.

³ Since the initial federal authorization of 22 CCR § 66260.10, which occurred in 1992, the State's regulatory definition of "hazardous waste facility" has changed. The version of the definition in effect as of November 12, 1998 was federally authorized. Additional changes have been made to that authorized provision since November 12, 1998, but those changes do not affect this allegation.

25117,⁴ (*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5)) and 22 CCR 66260.10⁵ (*see also* 40 CFR § 260.10) and 22 CCR § 66261.3⁶ (*see also* 40 CFR § 261.3), at the time of the violations alleged in this Complaint. These hazardous wastes include, but are not limited to, D001 (ignitable), D002 (corrosive), (D011)(silver) and F003 (non-halogenated solvents).

11. Federal regulations governing the hazardous waste permit program, 40 CFR Part 270, became effective April 1, 1983. The 1991 version of the California regulations governing the hazardous waste permit program were federally authorized in 1992 and certain later amendments were federally authorized in 2001.⁷
12. EPA determined that Respondent has violated California H&SC § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
13. 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.
14. A violation of California's authorized hazardous waste program, found at H&SC § 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.
15. 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.*
16. On January 12, 2010, an unannounced RCRA Compliance Evaluation Inspection ("CEI") was conducted by an inspector from the United States EPA. The purpose of the inspection was to determine compliance of Respondent with hazardous waste regulations in 40 CFR Subtitle C, Parts 261-265, 268, 273 and 279, and the regulations adopted by the California authorized program under RCRA Subtitle C in the California Code of Regulations, 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

⁴ The 1989 version of H&SC Section 25117 was federally authorized in 1992. The provision was amended in 1995 and again in 1996. Those amendments do not affect this allegation.

⁵ Since the initial federal authorization of 22 CCR § 66260.10 in 1992, the State's regulatory definition of "hazardous waste" has changed. However, the changes do not affect this allegation.

⁶ Since the initial federal authorization of 22 CCR § 66261.3 in 1992, the State's regulatory definition of "hazardous waste" has changed. The version of the definition in effect as of November 12, 1998 was federally authorized in 2001. At least one additional change has been made to that provision since November 12, 1998, but that change does not affect this allegation.

⁷ For a list of the amendments to 22 CCR § 66270.1 *et seq.* that were authorized in 2001, *see* 66 FR 33037 *et seq.* (June 20, 2001) and 66 FR 49118 *et seq.* (Sept. 26, 2001).

California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.

17. 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.
18. A violation of California's authorized hazardous waste program, found at H&SC § 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.
19. 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.*
20. 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 Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Failure to Conduct Weekly Inspections

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. 22 C.C.R. § 66265.174 requires that the facility conduct weekly inspections of its hazardous waste storage areas [*see also* 40 C.F.R. § 265.174].
23. At the time of the January 12, 2010 CEI, facility representative, George Lin, informed the inspectors that the facility does not have system set up to inspect weekly storage area on a weekly basis and the facility had not been conducting weekly inspections of its hazardous waste storage areas.
24. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 265.174)].

COUNT II

Failure to Comply with Training Requirements

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

26. 22 C.C.R. § 66265.16(c) requires that facility personnel must successfully complete training, including annual refresher training, to perform their duties in a way that ensures the facility's compliance with the requirements of applicable hazardous waste law.
27. At the time of the January 12, 2010 CEI, the facility had an employee, Travis Medrano, who is responsible for managing the hazardous waste on the premises. According to the facility representative, Mr. Medrano had not received any initial or refresher training on proper management procedures for hazardous waste.
28. 22 C.C.R. § 66265.16(d)(1-4) requires that the owner or operator of a facility maintain training records at the facility [*see also* 40 C.F.R. § 265.16(c) and 40 C.F.R. § 265.16(d)(1-4)]. The records are required to include the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job. 22 C.C.R. § 66265.16(d)(1) [*see also* 40 C.F.R. § 265.16(d)(1)].
29. At the time of the January 12, 2010 CEI, the training records did not include the job title and position description for Mr. Medrano's position.
30. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.16(c) and 22 C.C.R. § 66265.16(d)(1) [*see also* 40 C.F.R. § 265.16(c) and 40 C.F.R. § 265.16(d)(1)].

COUNT III

Failure to Have a Complete Contingency Plan

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. 22 C.C.R. § 66265.51(a) requires that each owner or operator must have a contingency plan for his or her facility, which includes the description and location of emergency equipment and location and local emergency telephone numbers [*see also* 40 C.F.R. § 265.51(a)].
33. At the time of the January 12, 2010 CEI, Respondent did not have a complete contingency plan. While the facility contingency plan included important emergency information, including names of emergency coordinators and evacuation routes, it lacked required information, including the description and location of emergency equipment and local emergency telephone numbers.
34. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §§ 66265.51(a) [*see also* 40 C.F.R. § 265.51(a)].

COUNT IV

Failure to File Biennial Report

35. Paragraphs 1 through 34 above are incorporated herein by this reference as if they were

set forth here in their entirety.

36. 22 C.C.R. § 66262.41(a) requires that each owner or operator file a biennial report for the hazardous waste generated the prior year [*see also* 40 C.F.R. § 26.2.41(a)].
37. At the time of the January 12, 2010 CEI, Respondent had not filed a biennial report for 2007.
38. Therefore, EPA alleges that Respondent has failed to comply with the requirements of 22 C.C.R. §§ 66262.41(a) [*see also* 40 C.F.R. § 262.41(a)].

COUNT V

Failure to Mark or Label Containers of Hazardous Waste

39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were set forth here in their entirety. 42. 22 C.C.R. § 66270.1(c) requires that each person owning or operating a facility where hazardous waste is transferred, treated, stored, or disposed must have a permit. At the time of the inspection, Respondent did not have a permit or grant of interim status to store hazardous waste under 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)].
40. 22 C.C.R. § 66262.34(a) provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including compliance with 22 C.C.R. § 66262.34(f), which requires that generators label containers with the words "hazardous waste" and with the date accumulation of the waste begins, and the label must be visible for inspection [*see also* 40 C.F.R. § 262.34(a)]. Under California's authorized program, generators are also required to label their waste with the composition and a statement that calls attention to the physical properties of the waste. 22 C.C.R. § 66262.34(f)(3) [*see also* 40 C.F.R. § 262.34(a)]. Generators who fail to comply with any of these conditions, including storage of hazardous waste over 90 days are subject to the permitting requirements of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].
41. On January 12, 2010, the EPA Inspector observed: (1) one 55 gallon drum of silver, sodium sulphite (D011) did not have the accumulation start date, list the physical state of the waste or the hazardous properties of the waste; (2) one 55 gallon drum of D001 and F003 did not have an accumulation start date; and (3) one 55 gallon drum of D001 hazardous waste did not have an accumulation start date.
42. Respondent's failure to meet the requirements set forth or referenced by 22 C.C.R. § 66262.34 subject it to the permit requirements of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. §§ 262.34 and 270.1].
43. Therefore EPA alleges that Respondent failed to properly mark or label hazardous waste as provided in 22 C.C.R. § 66262.34(a), a violation of 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)].

D. CIVIL PENALTY

Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, *see* 61 Fed. Reg. 69360 (Dec. 31, 1996), and the Civil Monetary Penalty Inflation Adjustment Rule, *see* 69 Fed. Reg. 7121 (Feb. 13, 2004), authorizes a civil penalty of up to TWENTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring between January 31, 1997 and March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule issued in February 2004 authorizes a civil penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) for violations that occur after March 15, 2004. 69 Fed. Reg. 7121 (Feb. 13, 2004), and authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) for violations that occur after Jan. 11, 2009. 73 Fed. Reg. 75340 (Dec. 11, 2008). 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 up to (and including) January 11, 2009, and up to \$37,500 for each day during which a violation continued after January 11, 2009.

Count I – Failure to Conduct Weekly Inspections

This violation continued for at least one day, January 12, 2010. This violation presents a minor potential for harm to the environment and is a major deviation from the regulatory requirement.

A minor potential for harm to the environment and the regulatory program means that the violation poses or may pose a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count II – Failure to Comply with Training Requirements

This violation continued for at least one day, January 12, 2010. This violation presents a moderate potential for harm to the environment and is a moderate deviation from the regulatory requirement.

A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

A moderate deviation from the regulatory requirement means that the violator significantly deviates from requirements of the regulation or statute but some of the requirements are

implemented as intended.

Count III – Failure to Have a Complete Contingency Plan

This violation continued for at least one day, January 12, 2010. This violation presents a minor potential for harm to the environment and is a moderate deviation from the regulatory requirement.

A minor potential for harm to the environment and the regulatory program means that the violation poses or may pose a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

A moderate deviation from the regulatory requirement means that the violator significantly deviates from requirements of the regulation or statute but some of the requirements are implemented as intended.

Count IV - Failure to File Biennial Report

This violation continued for at least one day, March 1, 2008. This violation presents a moderate potential for harm to the environment and is a major deviation from the regulatory requirement.

A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count V - Failure to Mark or Label Containers of Hazardous Waste

This violation continued for at least one day, January 12, 2010. This violation presents a minor potential for harm to the environment and is a minor deviation from the regulatory requirement.

A minor potential for harm to the environment and the regulatory program means that the violation poses or may pose a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

A minor deviation from the regulatory requirement means that the violator deviates somewhat from the regulatory or statutory requirements but most (or all important aspects) of the requirements are met.

II. NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING

44. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b), 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.
45. The Answer and request for public hearing must be submitted 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 Michael Hingerty (ORC-3), Deputy Branch Chief, Office of Regional Counsel at the same address.
46. 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 the Respondent has no knowledge of a particular factual allegation and so states, 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.
47. 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.
48. 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.
49. 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

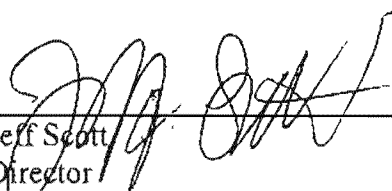
50. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.
51. 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 has stipulated.
52. 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.
53. EPA encourages all parties against whom a penalty is proposed to explore the possibility of settlement. To request an informal conference, Respondent should contact Michael Hingerty, ORC-3, Deputy Branch Chief, Office of Regional Counsel, at the above address, telephone number (415) 972-3927.

III. EFFECTIVE DATE

54. 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).

1/21/11

Date



Jeff Scott
Director
Waste Management Division
United States Environmental Protection Agency,
Region IX

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, was filed with the Regional Hearing Clerk, Region IX, and that copies were sent by certified mail, return receipt requested, to:

George Lin
Vice President
L&M Optical Disc West
24865 Ave. Rockefeller
Valencia, CA 91355

Certified Return Receipt No. 70070710 0003 6240 4135

Jan 25, 2011

Date



Clinton Seiter
RCRA Enforcement Officer
U.S. Environmental Protection Agency
Waste Management Division, Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7007 0710 0003 6240 4135
RETURN RECEIPT REQUESTED

JAN 25 2011

In reply, refer to:
L&M Optical Disc West

George Lin
L&M Optical Disc West
24865 Ave. Rockefeller
Valencia, CA 91355
EPA Identification Number: CAR000095547

Re: Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing, U.S. EPA Docket No. RCRA-09-2011- 0003 .

Dear Mr. Lin:

Enclosed is a Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing (hereinafter Complaint) concerning a violation of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6991e(a)(1) by L&M Optical Disc West ("Respondent").

The Complaint and the Rules of Practice, 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalties, and opportunity for a hearing. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written answer within thirty (30) days of receipt of the Complaint. Please address the submittal to:

Regional Hearing Clerk
Mail Code: ORC-1
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St.
San Francisco, CA 94105

Michael Hingerty
Mail Code: ORC-3
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105.

The EPA is interested in resolving the violations listed in the Complaint. Whether or not you choose to request a hearing, you or if you are represented, your counsel, may explore the possibility of settlement by contacting Michael Hingerty (ORC-3, Regional Counsel) at (415) 972-3927.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal flourish extending to the right.

Jeff Scott, Director
Waste Management Division

Enclosure