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

Certified Mail No. 7017 0660 0000 0681 8505
Return Receipt Requested

Fred Ledesma, Sr., President
Goodwest Linings & Coatings, Inc.
8814 Industrial Lane
Rancho Cucamonga, CA 91730

SEP 2 6 2019

RE: Consent Agreement and Final Order
In the Matter of Goodwest Rubber Linings, Inc.,
dba Goodwest Linings & Coatings, Inc.

Dear Ledesma:

Please find enclosed a copy of the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA) and the Goodwest Rubber Linings, Inc. dba Goodwest Linings & Coatings, Inc. (Goodwest) This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act violations discovered during a routine compliance evaluation inspection at your facility in Rancho Cucamonga, California. Goodwest's full compliance with the terms of this CA/FO will close this case. If you have any questions regarding the regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please have your counsel contact Diane Prend, in the Office of Regional Counsel, at (415) 972-3825.

Sincerely

Amy C. Miller, Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Diana Peebler, California Department of Toxic Substances Control
Kristen Ward, San Bernardino County Fire Department

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

** FILED **
26SEP2019 - 03:30PM
U.S.EPA - Region 09

In the matter of:	)	U.S. EPA Docket No.
	)	
	)	RCRA(3008)-09-2019-0076
Goodwest Rubber Linings, Inc., dba	)	
Goodwest Linings & Coatings, Inc.	)	
8814 Industrial Lane	)	CONSENT AGREEMENT AND
Rancho Cucamonga, CA 91730	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. SECTIONS 22.13 AND
Respondent.	)	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, as codified at 40 Code of Federal Regulations (C.F.R.) Part 22 ("Consolidated Rules").

2. Complainant is the United States Environmental Protection Agency, Region IX ("EPA").

3. Respondent is Goodwest Rubber Linings, Inc., a California corporation doing business as Goodwest Linings & Coatings, Inc. ("Respondent" or "Goodwest").

4. This Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. §§ 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent violated Section 3008 of RCRA, 42 U.S.C. § 6928, and its implementing regulations.

5. The Parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interest and in the public interest.

B. STATUTORY AND REGULATORY FRAMEWORK

6. Subtitle C of RCRA requires the EPA Administrator to promulgate regulations

establishing a hazardous waste management program. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste management programs are carried out under Subtitle C of RCRA.

7. The State of California ("State") 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 C.F.R. Part 271, on August 1, 1992. The authorized hazardous waste 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 has been authorized for all the hazardous waste management regulations referenced in this CA/FO.

8. A violation of California's authorized hazardous waste program, found at 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.

C. EPA's GENERAL ALLEGATIONS

9. Respondent owns and operates a facility located at 8814 Industrial Lane in Rancho Cucamonga, California (the "Facility"). At the Facility, Respondent manufactures and supplies rubber linings and protective coating products for mining, water, power and chemical industries. Respondent is a large quantity generator of "hazardous wastes" as defined in California Health & Safety Code § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3.

10. On June 14, 2018, EPA performed a compliance evaluation inspection ("CEI") of the Facility pursuant to Subtitle C of RCRA. Based upon the information gathered during this inspection and subsequent investigation, EPA determined that Respondent violated California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.

11. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty and/or 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.*

12. The Administrator has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrators. The Regional Administrator, EPA Region IX, in turn, redelegated that authority to the Director of the Enforcement and Compliance Assurance Division, Region IX.

13. Respondent is a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].[1]

14. Respondent is the "owner" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

15. Respondent is the "operator" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

16. Respondent is a "generator" of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

17. Respondent is or has been engaged in "treatment," "storage," or "disposal" of "hazardous waste" as defined in 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* 40 C.F.R. §§ 260.10 and 261.3].

18. 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 66261.2 [*see also* RCRA § 1004(5), and 40 C.F.R. §§ 260.10 and 261.2]. These hazardous wastes include but are not limited to hazardous waste code D001.

D. EPA's ALLEGED VIOLATIONS

COUNT I
Failure to Make a Hazardous Waste Determination

19. Paragraphs 1 through 18 above are incorporated herein by this reference as if they were set forth here in their entirety.

20. Pursuant to 22 C.C.R. § 66262.11, a person who generates a waste, as defined by 22 C.C.R. § 66261.2, must make an accurate determination as to whether that waste is a hazardous waste [*see also* 40 C.F.R. § 262.11].

21. During the CEI, EPA Inspectors observed dozens of containers of abandoned, expired and/or discarded product coating materials behind a storage shed for which Respondent failed to determine whether the materials were hazardous. After the inspection,

[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 as approved and authorized by the United States. As a convenience, corresponding Federal citations are provided in brackets.

Respondent performed a waste determination and found the waste was D001 hazardous waste.

22. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11].

COUNT II
Failure to Label Hazardous Waste Containers

23. Paragraphs 1 through 22 above are incorporated herein by this reference as if they were set forth here in their entirety.

24. 22 C.C.R. § 66262.34 allows a generator to accumulate hazardous waste on-site for up to 90 days without a permit or interim status provided the generator complies with specified waste management practices [*see also* 40 C.F.R. § 262.17]. 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].

25. In order to be eligible to accumulate hazardous waste for up to 90 days without a permit or interim status, generators must label containers of hazardous waste with the date they start accumulating hazardous waste in each container and label each container clearly with the words "Hazardous Waste" pursuant to 22 C.C.R. § 66262.34(f) [*see also* 40 C.F.R. § 262.17(a)(5)].

26. At the time of the CEI, Respondent did not have a permit or grant of interim status to store hazardous waste under 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].

27. During the CEI, EPA Inspectors observed several containers accumulating hazardous waste that were not properly labeled.

28. Therefore, EPA alleges that Respondent violated 22 C.C.R. §§ 66262.34(f) and § 66270.1 [*see also* 40 C.F.R. §§ 262.17(a)(5) and 270.1].

COUNT III
Failure to Close Hazardous Waste Storage Containers

29. Paragraphs 1 through 28 above are incorporated herein by this reference as if they were set forth here in their entirety.

30. 22 C.C.R. § 66265.173(a) requires hazardous waste containers remain closed, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 262.17(a)(1)(iv)(B)].

31. During the CEI, EPA Inspectors observed several containers of hazardous waste, including D001 hazardous waste and used oil, that were not properly closed. At the time of the inspection, Respondent's personnel were not adding or removing waste from the open hazardous waste accumulation containers.

32. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.173 [*see also* 40 C.F.R. § 262.17(a)(1)(iv)(A)].

COUNT IV
Failure to Provide Adequate Aisle Space

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.

34. Pursuant to 22 C.C.R. § 66265.35, a facility operator must maintain aisle space in waste accumulation areas to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency [*see also* 40 C.F.R. § 262.255].

35. During the CEI, the EPA Inspectors observed hazardous waste accumulation areas without adequate aisle space.

36. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.35 [*see also* 40 C.F.R. § 262.255].

COUNT V
Failure to Comply with Hazardous Waste Training Requirements

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.

38. Pursuant to 22 C.C.R. § 66265.16, a facility operator must properly train employees who handle hazardous waste, provide annual hazardous waste refresher trainings, and maintain records relating to each worker receiving training [*see also* 40 C.F.R. § 262.17(a)(7)].

39. At the time of the CEI, Respondent's training program failed to meet several of the requirements, including the requirement that personnel take part in an annual review of the initial training and the requirement to maintain training records for its employees.

40. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.16 [*see also* 40 C.F.R. § 262.17(a)(7)]

COUNT VI
Failure to Obtain an EPA Identification Number

41. Paragraphs 1 through 40 above are incorporated herein by this reference as if they were set forth here in their entirety.

42. Pursuant to 22 C.C.R. § 66262.12(a), a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number [*see also* 40 C.F.R. § 262.18(a)].

43. At the time of the CEI, Respondent had obtained an identification number used for tracking waste that is considered hazardous by the State of California, but not considered hazardous under the federal RCRA program. Respondent was generating D001 RCRA waste, but did not have a federal EPA identification number.

44. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.18(a)].

COUNT VII
Failure to Conduct Weekly Hazardous Waste Storage Area Inspections

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

46. Pursuant to 22 C.C.R. § 66265.174, a facility operator must inspect hazardous waste central accumulation areas, at least weekly, for leaking or deteriorating containers [*see also* 40 C.F.R. § 262.17(a)(1)(v)].

47. Based on information gathered as part of the CEI, EPA determined that Respondent was not conducting weekly inspections of the hazardous waste accumulation areas.

48. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.174 [*see also* 40 C.F.R. § 262.17(a)(1)(v)].

COUNT VIII
Failure to Retain Copies of Signed Manifests

49. Paragraphs 1 through 48 above are incorporated herein by this reference as if they were set forth here in their entirety.

50. Pursuant to 22 C.C.R. § 66262.40(a), a generator must keep copies each hazardous waste manifest, signed by the designated facility that received the waste, for at least three years from the date the waste was accepted by the initial transporter [*see also* 40 C.F.R. § 262.40(a)].

51. Pursuant to 22 C.C.R. § 66262.42(a), a generator who does not receive a copy of the signed manifest from the designated facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the designated facility to determine the status of the hazardous waste [*see also* 40 C.F.R. § 262.42(a)(1)].

52. A generator who does not receive a copy of the signed manifest within 45 days of the date the waste was accepted by the initial transporter must submit an Exception Report to EPA in accordance with 22 C.C.R. § 66262.42(b) [*see also* 40 C.F.R. § 262.42(a)(2)].

53. Based on information gathered as part of CEI, EPA determined that Respondent had not retained signed copies of at least seven hazardous waste manifests from 2016 and 2017. EPA also determined that the Respondent had not followed up with the designated receiving facility to determine the status of the hazardous waste, nor had they filed an Exception Report with EPA within the requisite time frames.

54. Therefore, EPA alleges that Respondent violated 22 C.C.R. §§ 66262.40(a), 66262.42(a) and (b) [*see also* 40 C.F.R. §§ 262.40(a), 262.42(a)(1) and (2)].

E. CIVIL PENALTY

55. The Complainant proposes that Respondent be assessed, and Respondent agrees to pay FIFTY-FIVE THOUSAND DOLLARS ($55,000) PLUS INTEREST, subject to the payment schedule below, as the civil penalty for the violations alleged herein. 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. Respondent must pay the civil penalty in accordance with the following schedule:

Deadline to Submit Payment	*Amount of Payment*
No later than THREE MONTHS after the effective date of this CA/FO	$13,837.35
No later than SIX MONTHS after the effective date of this CA/FO	$13,837.35
No later than NINE MONTHS after the effective date of this CA/FO	$13,837.35
No later than TWELVE MONTHS after the effective date of this CA/FO	$13,837.10

56. The proposed penalty was calculated in accordance with the "June 2003 RCRA Civil

Penalty Policy," and was adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

F. ADMISSIONS AND WAIVERS OF RIGHTS

57. For the purposes of this proceeding, Respondent admits and agrees that EPA has jurisdiction and authority over the subject matter of the action commenced in this CA/FO and over Respondent. 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.

58. Respondent neither admits nor denies any allegations of fact or law set forth in Section D of this CA/FO and does not admit any liability arising out of the occurrences alleged in this CA/FO. Respondent hereby waives any rights Respondent may have to contest the allegations and to appeal the proposed Final Order accompanying this Consent Agreement and made part of this CA/FO.

G. PARTIES BOUND

59. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Sections E and I has been paid in accordance with Section I, the compliance tasks required under Section H have been completed in accordance with Section H, and any delays in performance and/or stipulated penalties have been resolved. When those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.

60. 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.

61. 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.

H. COMPLIANCE TASKS

62. All submissions to EPA in this section shall be to John Schofield at schofield.john@epa.gov.

63. Within sixty (60) days of the Effective Date of the CA/FO, Respondent shall fully develop and implement a written personnel training program specific to Respondent's operations which meets the requirements of 22 C.C.R. § 66265.16 [*see also* 40 C.F.R. § 262.17(a)(7)]. The training program shall be directed by a person(s) qualified to develop and implement the required training program. Within thirty (30) days of the Effective Date of the CA/FO, Respondent will provide the resume of the person(s) developing the required training program which demonstrates the person(s) is qualified to perform this task.

64. Respondent shall submit written weekly inspection logs on a quarterly basis for a one-year period. The first set of written weekly inspections logs will be submitted for the fourth quarter 2019 by January 15, 2020. The remaining written weekly inspection logs will be submitted within fifteen (15) days of the end of the quarter. The last set of written inspections logs will be submitted by October 15, 2020.

65. Respondent will develop a hazardous waste determination Standard Operating Procedure (SOP) within sixty (60) days of the Effective Date of the CA/FO. The SOP must include the following: 1. person(s) and/or position(s) responsible for making hazardous wastes determinations; 2. process for determining the hazardous waste characteristics and/or listing of discarded, expired shelf-life or excess coatings, wastes generated from the clean-up or maintenance equipment used to apply coatings or liners, and other wastes generated by the Respondent; 3. listing of Respondent's processes that generate potentially regulated hazardous wastes; 4. list and classification of hazardous wastes currently generated by the Respondent; and 5. procedures Respondent has implemented to reduce the amounts of hazardous wastes generated.

I. PAYMENT OF CIVIL PENALTY

66. Respondent consents to the assessment of and agrees to pay a civil penalty of FIFTY-FIVE THOUSAND DOLLARS ($55,000) PLUS INTEREST in full settlement of the federal civil penalty claims set forth in this CA/FO.

67. Respondent shall submit payment of the FIFTY-FIVE THOUSAND DOLLARS ($55,000) PLUS INTEREST civil penalty in accordance with the schedule set forth in Section E. Unless EPA directs payments pursuant to this CA/FO to a different address, each payment shall be made in accordance with one of the options set forth below. All payments shall indicate the name 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, United States of America," and sent as follows:
U.S. Environmental Protection Agency

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

Overnight Mail:
Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:
U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Craig Steffen (513) 487-2091

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
33 Liberty Street
New York, NY 10045
Beneficiary: US Environmental Protection Agency
*Note: Foreign banks **must** use a United States Bank to send a wire transfer to the US EPA.

ACH (also known as REX or remittance express):
US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
Remittance Express (REX): 1-866-234-5681

On Line Payment:
Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.

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.

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

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

With an electronic copy to:

John Schofield
Enforcement and Compliance Assurance Division
Hazardous Waste and Chemical Section
U.S. Environmental Protection Agency - Region 9
schofield.john@epa.gov

And

Diane Prend
Office of Regional Counsel
U.S. Environmental Protection Agency – Region 9
prend.diane@epa.gov

69. 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. In addition, a 6% per annum penalty assessed monthly will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

70. 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.

J. DELAY IN PERFORMANCE/STIPULATED PENALTIES

71. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: up to FIVE HUNDRED DOLLARS ($500) per day for first to fifteenth day of delay, up to ONE THOUSAND DOLLARS ($1,000) per day for sixteenth to thirtieth day of delay, and up to THREE THOUSAND DOLLARS ($3,000) per day for each day of delay thereafter. Compliance by Respondent shall include completion of any activity under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

72. All penalties and interest 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.

73. All penalties shall be remitted in the same manner described in Section I.

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

75. 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.

76. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions that may be available to EPA because of Respondent's failure to comply with any of the requirements of this CA/FO.

77. The payment of stipulated penalties specified in the Section shall not be deducted by Respondent or any other person or entity for federal, state or local taxation purposes.

K. CERTIFICATION OF COMPLIANCE

78. In executing this CA/FO, subject to the provisions of Section H, above, Respondent certifies under penalty of law to EPA that it has fully complied with Section 3008 of RCRA, 42 U.S.C. § 6928, and its implementing regulations that formed the basis for the violations alleged in Section D, above.

79. 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.

L. RESERVATION OF RIGHTS

80. Except as addressed in this CA/FO, 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 of RCRA, 42 U.S.C. § 6928. 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, or any other statutory, regulatory or common law enforcement authority of the United States.

81. 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.

82. 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 alleged violations and facts as set forth in Section D of this CA/FO.

83. 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.

M. OTHER CLAIMS

84. 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.

N. MISCELLANEOUS

85. The civil penalty assessed above is conditional upon the accuracy of Respondent's representations to EPA concerning its financial resources.

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

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

88. Each party to this action shall bear its own costs and attorneys' fees.

89. EPA and Respondent consent to entry of this CA/FO without further notice.

O. EFFECTIVE DATE

90. In accordance with 40 C.F.R. §§ 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 the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

FOR RESPONDENT GOODWEST RUBBER LININGS, INC.:

9/9/19
Date

Fred Ledesma, President

FOR COMPLAINANT U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9:

9/16/19
Date

Amy C. Miller, Director
Enforcement and Compliance Assurance Division

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(3008)-09-2019-0076) be entered and that Respondent pay a civil penalty of FIFTY FIVE THOUSAND DOLLARS ($55,000) PLUS INTEREST within the time frames and in the amounts set forth in the schedule in Section E and implement the compliance tasks described in Section H of this Consent Agreement and Final Order. Payments must be made pursuant to Section I of this Consent Agreement and Final Order.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

Sept 26 2019
Date

Beatrice Wong
Regional Judicial Officer
United States Environmental Protection Agency,
Region 9

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of **Goodwest Rubber Linings, Inc. dba Goodwest Linings and Coatings, Inc. (Docket #: RCRA-09-2019-00**76**)** was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Fred Ledesma, Sr., President
Goodwest Linings & Coatings, Inc.
8814 Industrial Lane
Rancho Cucamonga, CA 91730

CERTIFIED MAIL NUMBER: 7017 0660 0000 0681 8505

And additional copy was hand-delivered to the following U.S. EPA case attorney:

Diane Prend, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Steven Armsey
Regional Hearing Clerk
U.S. EPA, Region IX

Sept. 26, 2019
Date