



REGION 9

SAN FRANCISCO, CA 94105



IN THE MATTER OF:

South Yuma County Landfill Inc.
19536 S. Avenue 1E
Yuma, Arizona 85365
EPA ID No. AZR000506980

Respondent

Docket No.
RCRA-09-2024-0051

EXPEDITED SETTLEMENT
AGREEMENT AND 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 Sections 3008 and 4005(d) 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 the State of Arizona and the State of California with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2) and the authorized California hazardous waste management program.
3. South Yuma County Landfill Inc. ("Respondent") is the owner or operator of the facility located at 19536 S. Avenue 1E in Yuma, AZ 85365, EPA Identification Number AZR000506980 (the "Facility"). EPA alleges that the Respondent violated the following RCRA requirements:
a. 40 CFR § 260.5(b) requires that "in any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall . . . comply with the provisions of §§ 264.71 (use of the manifest)" including paying the appropriate per manifest fee to EPA for each manifest submitted to EPA's e-Manifest system. California is a state that requires a RCRA manifest in such cases. 22 CCR § 66262.20.
b. 40 CFR 264.71(a)(2)(v)(B) requires that any facility receiving a hazardous waste shipment accompanied by a manifest must submit the manifest to EPA's e-Manifest system and sets forth the methods for doing so. The Facility is such a facility.

- c. Respondent has failed to submit the following 9 manifests received at the Facility to the e-Manifest system within 30 days of the date of delivery to the Facility as required by 40 CFR 264.71(a)(2)(v)(B):
- Manifest Tracking #s:
- 016409544FLE
  - 016409614FLE
  - 016416768FLE
  - 016416845FLE
  - 016418174FLE
  - 016418182FLE
  - 017231475FLE
  - 017231755FLE
  - 017231756FLE
4. EPA and Respondent agree that settlement of this matter for civil penalties of Eleven Thousand Two Hundred Fifty Dollars (\$11,250) 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 issues 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 Agreement files.
6. 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 violations have been corrected and Respondent has submitted true and accurate documentation of such correction.
7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it.
8. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$11,250 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.
9. 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](mailto:R9HearingClerk@epa.gov)

Jennifer MacArthur  
Life Scientist  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
[macarthur.jennifer@epa.gov](mailto:macarthur.jennifer@epa.gov)

10. 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.
11. Each party shall bear its own costs and fees, if any.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement and Final Order shall be claimed by Respondent as a deduction for federal, states or local income tax purposes.
13. Entry of the Final Order and Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing by the Regional Judicial Officer.

#### **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:

15. This Expedited Settlement Agreement be entered, and that Respondent pay a civil administrative penalty in the amount of \$11,250.00 and comply with the terms and conditions set forth in this Agreement. This Expedited Settlement Agreement and Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

JOHN MCNAMARA

Name (print):

VICE PRESIDENT/ OLR

Title (print):

ME

Signature

Date:

9/11/24

APPROVED BY EPA:

**AMY MILLER-  
BOWEN**

Digitally signed by AMY  
MILLER-BOWEN  
Date: 2024.09.18  
08:28:19 -07'00'

Date:

9/18/2024

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

IT IS SO ORDERED:

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

Date: \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of South Yuma County Landfill, Inc. (Docket No. RCRA-09-2024-0051) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

**RESPONDENT:** William Hunter  
Region Landfill Manager  
South Yuma County Landfill, Inc.  
19536 S. Avenue 1E  
Yuma, AZ 85365  
[Williamh@crrmail.com](mailto:Williamh@crrmail.com)

**COMPLAINANT:** Andrew Helmlinger  
Assistant Regional Counsel  
U.S. EPA – Region IX  
Hazardous Waste Section I (ORC-3-1)  
75 Hawthorne Street  
San Francisco, CA 94105  
Helmlinger.Andrew@epa.gov

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Regional Hearing Clerk  
U.S. EPA – Region IX  
75 Hawthorne Street, 12th Fl. (ORC)  
San Francisco, CA 94105