



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

CERTIFIED MAIL P 350 642 312
RETURN RECEIPT REQUESTED

SEP 04 1996

Paul E. Barrick
Chief Executive Officer
World Resources Company
1600 Anderson Road
McLean, Virginia 22102

RECEIVED

SEP 10 1996

Re: World Resources Company
Docket No. RCRA 09-96-0003

REQ WASTE COMPLIANC

Dear Mr. Barrick:

Enclosed are the following: (1) a copy of the fully executed Consent Agreement and Consent Order (the "CA/CO"); and (2) a copy of the Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing (the "Complaint"), which was filed with the CA/CO.

The CA/CO contains the terms of the settlement entered into by the U.S. Environmental Protection Agency, the Arizona Department of Environmental Quality, and World Resources Company ("WRC"). The CA/CO resolves the violations set forth in the Complaint.

WRC's completion of all actions enumerated in the CA/CO will close this case. If you have any questions regarding the enclosed documents, please call Ron Brown at (415) 744-2142. Any legal questions should be directed to Lewis Maldonado at (415) 744-1342.

Sincerely,

Julie Anderson
Director
Waste Management Division

Enclosures

cc: William Gotschall
Laura Malone
Steven Keller

FILED

SEP 03 1996

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

ENVIRONMENTAL PROTECTION AGENCY
REGION IX
HEARING CLERK

In the matter of.	)	U.S. EPA Docket No.
	)	RCRA 09-96-0003
World Resources Company)	
EPA I.D. No. AZD980735500	)	CONSENT AGREEMENT
	)	AND
	)	CONSENT ORDER
Respondent.)	
)	

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This civil administrative enforcement action was instituted pursuant to Section 3008(a)(1) of the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. §6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. The United States Environmental Protection Agency, Region IX ("EPA") instituted this action by the filing on September 3, 1996 of a Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing ("Complaint") regarding World Resources Company ("Respondent"). The Complaint charged Respondent with violations at the facility operated by Respondent at 8113 West Sherman Street, Phoenix, Arizona, EPA Identification No. AZD980735500 ("the Facility"), of the State hazardous waste program that has been adopted in the State of Arizona, that has been authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and that is enforceable in this action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

2. As used herein, the term "Effective Date" means the effective date of this Consent Agreement and Consent Order ("CA/CO"), which is the date the Consent Order is signed by EPA (after the Consent Agreement has been signed by Respondent, the Arizona Department of Environmental Quality, and EPA.)

B. JURISDICTION AND PROCEDURE

3. Respondent neither admits nor denies any allegations of fact or law set forth in the Complaint. Respondent hereby agrees to

waive any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in the Complaint, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. §6928(b). Respondent hereby consents to the issuance of this CA/CO without adjudication.

4. Respondent admits and agrees that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action set forth in the Complaint and over Respondent pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, and 40 C.F.R. §§22.04(a) and 22.37. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/CO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/CO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/CO. Respondent also does not contest the authority of the Arizona Department of Environmental Quality ("ADEQ") to enter into this CA/CO and to enforce the terms of this CA/CO, pursuant to authority granted by Section 3006(b) of RCRA, 42 U.S.C. §6926(b), and Arizona Revised Statutes ("A.R.S.") §49-923.A.

C. PARTIES BOUND

5. This CA/CO shall apply to and be binding upon Respondent and its successors and assigns until such time as ADEQ issues a treatment and storage permit for the Facility pursuant to Arizona Administrative Code ("A.A.C.") R18-8-270 (which incorporates and modifies 40 C.F.R. Part 270), and until any disputes over delays in performance and/or stipulated penalties under Sections D and E hereof have been resolved. At such time this CA/CO shall terminate and constitute full settlement of the violations alleged in the Complaint; provided, however, that the termination of this CA/CO shall not relieve Respondent from complying with the provisions of paragraph 11 below, except as otherwise specifically provided in paragraph 11(a).

6. No change in ownership or corporate, partnership, or other legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/CO.

7. Respondent shall ensure that all persons, firms, entities and corporations engaged in implementation of this CA/CO act in accordance with its terms. Respondent shall provide a copy of this CA/CO to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this CA/CO within one (1) week of the Effective Date or date of retention and shall condition all such contracts on compliance with the terms of the CA/CO. A failure to perform or a delay in performance on the part of any of

Respondent's contractors, subcontractors, laboratories, consultants, or agents shall not excuse performance by Respondent under this CA/CO.

8. Respondent shall give notice of this CA/CO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer.

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

D. WORK TO BE PERFORMED

10. Respondent agrees and is ordered to perform the work below within the time schedules specified. All days specified below are consecutive calendar days from the Effective Date. Due dates falling on a Saturday, Sunday, or federal or Arizona state holiday will be automatically extended to the next business day.

11. (a) As used in this CA/CO, the term "incoming materials" refers to F006, F008, F019, D004, D005, D006, D007, D008, D009, D010, and D011 hazardous wastes that Respondent receives at the facility from domestic and foreign hazardous waste generators. As used in this CA/CO, the term "concentrates" refers to the materials, consisting of incoming materials that have been subsequently dewatered and blended, that Respondent ships from the Facility to domestic and foreign smelters and other metal extractors for metals recovery. On November 13, 1995, Respondent applied to EPA Headquarters for a variance, pursuant to 40 C.F.R. §260.30(c) and §260.31(c), with respect to the concentrates on the grounds that the concentrates are "materials that have been reclaimed but must be reclaimed further before the materials are completely recovered." Respondent shall send a copy to ADEQ and EPA Region IX of all correspondence with EPA Headquarters concerning the Application for a Variance. In the event the variance is granted, the terms and conditions of the variance shall govern and the provisions of subparagraphs 11(d), 11(e), 11(f) and 11(g) below shall no longer be in effect. The variance, if granted, shall affect only subparagraphs 11(d), 11(e), 11(f), and 11(g) and shall not have an effect on any other paragraph of this CA/CO, except as may be expressly provided in the written document issued by EPA in connection with such granting of the variance. ADEQ shall honor and give legal effect to the variance determination within the State of Arizona.

(b) Respondent shall continue to comply with the manifesting requirements of A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. Part 262) with respect to the shipment of incoming materials from foreign and domestic hazardous waste generators to the Facility.

(c) Respondent shall continue to comply with all requirements of A.A.C. R18-8-265 (which incorporates 40 C.F.R. §265.12) and 40 C.F.R. Part 262, Subpart F for the import of incoming materials into the United States.

(d) Respondent shall continue to comply with the manifesting requirements of A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. Part 262) with respect to the shipment of concentrates from the Facility to any location off-site, including but not limited to the shipment of the concentrates to domestic and foreign smelters and other metal extractors for metals recovery.

(e) Respondent shall comply with 40 C.F.R. Part 262, Subpart E, for all shipments of concentrates exported for any purpose and comply with all treaties or compacts governing the international shipment of such material.

(f) Respondent shall continue to register the Facility annually as a large quantity waste generator under A.R.S. § 49-929 and pay the annual registration fee established for such generators under that section.

(g) Respondent shall continue to pay the fee imposed by A.R.S. § 49-931 for each ton of hazardous waste that is generated at the Facility and shipped off-site from the Facility, as measured by the number of tons of concentrates that are shipped off-site from the Facility.

(h) No fee under A.R.S. § 49-931 shall be imposed upon Respondent for receiving incoming materials at the Facility from off-site, regardless where the materials are generated. No fee shall be imposed under A.R.S. § 49-931 upon any entity that generates incoming materials, unless the incoming materials are actually generated within the State of Arizona.

(i) Respondent shall continue to register the Facility annually as a resource recovery facility under A.R.S. § 49-930 and pay the annual registration fee established thereunder. Respondent shall not be required to register the Facility as a hazardous waste treatment, storage and disposal facility under A.R.S. § 49-929 or pay the annual registration fee for such a facility. However, other than relieving Respondent from paying the annual registration fee under A.R.S. § 49-929, nothing in this subparagraph shall be construed as relieving Respondent from any of the requirements set forth in this CA/CO or in any treatment and storage permit that ADEQ may issue to Respondent.

12. Respondent shall continue to comply with the current ADEQ Groundwater Quality Protection Permit (No. G-0128-07) until otherwise notified in writing by ADEQ. The Facility is authorized to accept only hazardous wastes with the following

RCRA waste codes, as specified in the Groundwater Quality Protection Permit, as modified: F006, F008, F019, D004, D005, D006, D007, D008, D009, D010, and D011. If ADEQ issues a RCRA treatment and storage permit to Respondent and if ADEQ determines that the RCRA permit supersedes the Groundwater Quality Protection Permit, then Respondent shall be relieved from further compliance with the Groundwater Quality Protection Permit.

13. Respondent shall be allowed to operate the facility in accordance with this CA/CO and A.A.C. R18-8-265 (which incorporates and modifies 40 C.F.R. part 265) until such time as the permit required by A.A.C. R18-8-270 (which incorporates and modifies 40 C.F.R. Part 270) is granted or finally denied. This CA/CO does not authorize Respondent or any entity to operate the facility as a treatment and storage facility following denial of any applicable permit application. Respondent's obligation to comply with the provisions of A.A.C. R18-8-265 shall take effect immediately on the Effective Date, except as follows:

(a) Respondent shall submit to ADEQ documentation that demonstrates compliance with all contingency plan and closure plan requirements in A.A.C. R18-8-265 within ninety (90) days of the Effective Date.

(b) Respondent shall submit to ADEQ documentation that demonstrates compliance with all financial responsibility requirements in A.A.C. R18-8-265 within one hundred and twenty (120) days of the Effective Date.

14. Within thirty (30) days of the Effective Date, Respondent shall submit to ADEQ Part A of a treatment and storage permit application, pursuant to A.A.C. R18-8-270 (which incorporates and modifies 40 C.F.R. Part 270) for its Arizona facility.

15. Within ninety (90) days of the Effective Date, Respondent at the Facility shall comply with those provisions of A.A.C. R18-8-264 that incorporate and modify the requirements of 40 C.F.R. Part 264, Subpart F (Releases from Solid Waste Management Units).

16. Within one hundred and fifty (150) days of the Effective Date, Respondent shall submit to ADEQ Part B of a treatment and storage permit application for the Facility, in compliance with A.A.C. R18-8-270, including such application fees and character background reference forms required thereby. The issuance of three (3) formal Notices of Deficiency from ADEQ with respect to such application shall constitute a violation of this CA/CO. Respondent shall be provided at least sixty (60) days in which to respond to each Notice of Deficiency, and no additional Notice of Deficiency shall be issued until such time allowed for Respondent to respond has elapsed, or until Respondent has responded to the outstanding Notice of Deficiency, whichever comes first. Each Notice of Deficiency shall address all outstanding deficiencies

in Respondent's application that are known to ADEQ at the time the notice is issued.

17. Within one hundred and twenty (120) days of the Effective Date, Respondent shall submit to ADEQ a report on the feasibility of a leachate/moisture monitoring system at the Facility, as indicated on page 3-26 of Respondent's June 1995 Environmental Audit.

18. (a) Respondent shall send the submittals to ADEQ required by paragraphs 13 through 17 above, within the time periods specified, by hand delivery, overnight express or certified mail to:

Manager
Hazardous Waste Compliance Unit
Arizona Department of Environmental Quality
3033 N. Central Ave.
Phoenix, AZ 85012

(b) Respondent shall send certification that the work required by paragraphs 13 through 17 above was completed within the time periods specified, by hand delivery, overnight express, or certified mail to:

Section Chief, H-4-1
Hazardous Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

19. EPA and ADEQ may at any time, upon presentation of credentials to authorized personnel on duty, enter upon the premises of the Facility for the purpose of observing and monitoring compliance with the provisions of this CA/CO. This right of entry shall be in addition to, and not in limitation of or substitution for, EPA's and ADEQ's rights under applicable law.

E. DELAY IN PERFORMANCE/STIPULATED PENALTIES

20. In the event Respondent fails to meet any requirement set forth in this CA/CO, Respondent shall pay stipulated penalties to EPA as follows: TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) per day for the first to fifteenth day of such noncompliance; FIVE THOUSAND DOLLARS (\$5,000) per day for the sixteenth to thirtieth day of such noncompliance; and TEN THOUSAND DOLLARS (\$10,000) per day for each day of such noncompliance thereafter.

21. 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.

22. 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 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.

23. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted to:

U.S. Department of the Treasury
Attn: EPA Region IX Hearing Clerk
P.O. Box 360863M
Pittsburgh, PA 15251

24. All payments shall indicate the name of the Facility, its EPA identification number, the Respondent's name and address, and the EPA docket number of this action. At the time payment is made, Respondent shall send a copy of the payment transmittal to EPA at the address noted in paragraph 18(b) above.

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

26. The stipulated penalties set forth in this Section do not preclude EPA or ADEQ from pursuing any other remedies or sanctions which may be available to EPA or ADEQ by reason of Respondent's failure to comply with any of the requirements of this CA/CO; except that the assessment and payment of a stipulated penalty for a violation under this section shall bar EPA and ADEQ from seeking an additional monetary civil penalty under RCRA Section 3008, 42 U.S.C. § 6928, or A.R.S. § 49-923 for the same violation.

F. RESERVATION OF RIGHTS

27. EPA and ADEQ expressly reserve all rights and defenses that they may have, including the right to disapprove of work performed by Respondent pursuant to this CA/CO. Respondent expressly reserves all rights and defenses that it may have, except those rights and defenses that are expressly given up or waived in this CA/CO.

28. EPA and ADEQ hereby reserve all of their 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/CO. EPA and ADEQ further reserve all of their 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/CO, including without limitation the assessment of penalties by EPA under Section 3008(c) of RCRA, 42 U.S.C. §6928(c), or any relief authorized under A.R.S. §§ 49-923, 49-924 and 49-925; except as specifically provided otherwise in paragraph 26 above. This CA/CO 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 or ADEQ 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 or the State of Arizona.

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

30. The entry of this CA/CO and Respondent's consent to comply shall not limit or otherwise preclude EPA or ADEQ from taking additional enforcement actions as to matters not resolved by this CA/CO should EPA or ADEQ determine that such actions are warranted.

31. This CA/CO is not intended to be nor shall it be construed as a permit. This CA/CO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

32. EPA and ADEQ reserve the right to perform any portion of the work consented to herein that is not performed by Respondent as required herein, or any additional site characterization, feasibility study, and/or response (including remedial or removal) or corrective actions pursuant to RCRA, CERCLA or other legal authority, that is or are required by Respondent's failure to perform such work. EPA and ADEQ reserve their right to seek reimbursement from Respondent for such additional costs incurred by the United States or the State of Arizona. Notwithstanding compliance with the terms of this CA/CO, Respondent is not released from liability, if any, for the costs of any response actions taken by EPA or ADEQ.

G. OTHER CLAIMS

33. Nothing in this CA/CO 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 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.

H. INDEMNIFICATION OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

34. Respondent agrees to indemnify and save and hold harmless the United States Environmental Protection Agency and the Arizona Department of Environmental Quality, and their departments, divisions, agents, and employees, from any and all claims or causes of action arising from or on account of acts or omissions of Respondent or its owners, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this CA/CO. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of Respondent, the United States, or the State of Arizona under their various contracts.

I. MISCELLANEOUS

35. This CA/CO may be amended or modified only by written agreement executed by EPA, ADEQ and Respondent.

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

37. This CA/CO shall become effective upon the date in paragraph 2 above.

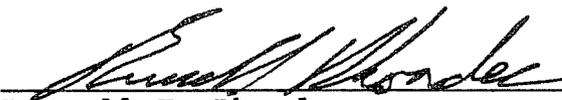
IT IS SO AGREED.

World Resources Company

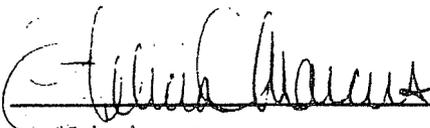
8/22/96
Date

By: 
Paul E. Barrick
Chief Executive Officer

8/26/96
Date


Russell F. Rhoades
Director
Arizona Department of
Environmental Quality

8/21/96
Date


Felicia Marcus
Regional Administrator
United States Environmental
Protection Agency, Region IX

CONSENT ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Consent Order (U.S. EPA Docket No. RCRA 09-96-0003) be entered and that Respondent perform all tasks required by the Consent Agreement.

This Consent Order shall be effective immediately.

9-3-96

Date

Steven W. Anderson

Steven W. Anderson
Regional Judicial Officer
United States Environmental
Protection Agency, Region IX

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Consent Agreement and Consent Order was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified mail, return receipt requested, to:

Paul E. Barrick
World Resources Company
1600 Anderson Road
McLean, Virginia 22102

September 4, 1996
Date

Louder M. Zully
Waste Management Division

FILED

SEP 03 1996

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

ENVIRONMENTAL PROTECTION AGENCY
REGION IX
HEARING CLERK

In the matter of	)	U.S. EPA Docket No.
	)	RCRA 09-96-0003
)	
World Resources Company	)	DETERMINATION OF VIOLATION,
EPA I.D. No. AZD980735500	)	COMPLIANCE ORDER,
	)	AND
	)	NOTICE OF RIGHT TO
Respondent.	)	REQUEST A HEARING

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), as amended, 42 U.S.C. §6928 (a) (1), the Consolidated Rules of Practice governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, and the Arizona Laws Relating to Environmental Quality, Title 49 (The Environment). Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is the World Resources Company, a Virginia corporation ("Respondent").

2. Respondent owns and operates a facility that engages in the dewatering and blending of metal bearing hazardous wastes which Respondent subsequently ships to domestic and foreign smelters and other metal extractors for metals recovery. The facility is located at 8113 West Sherman Street, Tolleson, Arizona (mailing address 8113 West Sherman Street, Phoenix, Arizona 85043-3000) (the "Facility"). The Facility's EPA Identification Number is AZD980735500.

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 violated the Arizona Administrative Code, Title 18 (Environmental Quality), Chapter 8 (Department of Environmental Quality Waste Management Rules), Article 2 (Hazardous Wastes).

B. JURISDICTION

4. On November 20, 1985, the State of Arizona 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. The authorized

program is established pursuant to the Arizona Laws Relating to Environmental Quality, Title 49 (The Environment), and the regulations promulgated thereunder in the Arizona Administrative Code, Title 18 (Environmental Quality), Chapter 8 (Department of Environmental Quality Waste Management Rules), Article 2 (Hazardous Wastes). The State of Arizona has been authorized for all the regulations referenced in this Complaint.

5. Respondent is a "person" as defined in the Arizona Administrative Code (A.A.C.) R18-8-260(F)(5).

6. Respondent is the "owner and operator" of a facility as defined in A.A.C. R18-8-260(C) (which incorporates and modifies 40 C.F.R. §260.10).

7. Respondent is a "generator" of hazardous waste as defined in A.A.C. R18-8-260(C) (which incorporates and modifies 40 C.F.R. §260.10).

8. On or about June 8, 1982, pursuant to Section 3010 of RCRA, 42 U.S.C. §6903(5) and 40 C.F.R. §§ 260.10 and 261.3, Respondent submitted a Notification of Hazardous Waste Activity to EPA, stating that it was a RCRA exempt recycler handling F006, F007, F008 and F009 hazardous wastes. On or about October 2, 1989, Respondent sent a notice to EPA, stating that it was a large quantity generator and RCRA exempt recycler handling F006, F007, F008, D007, D008 and D011. On or about March 21, 1991, Respondent sent a notice to EPA, stating that it was a large quantity generator and RCRA exempt recycler handling D004, D005, D006, D007, D008, D009, D010, D011, F006, F008 and F019.

9. On or about September 25, 1989, the Arizona Department of Environmental Quality (ADEQ) issued a Groundwater Quality Protection Permit which restricted the Respondent to processing only wastewater treatment sludges and residues from the bottoms of plating baths from electroplating operations defined as F006 and F008 hazardous wastes by A.A.C. R18-8-261.A and characteristic hazardous wastes D007, D008 and D011 as defined by R18-8-261.A. On or about March 14, 1991, ADEQ notified the Respondent that F019, D004, D005, D006 and D010 hazardous waste codes would not significantly alter the characteristics of the pollutants discharged and would be incorporated into an individual Aquifer Protection Permit in the future. On or about December 7, 1995, minor permit modifications were made to Respondent's Groundwater Quality Protection Permit for processing hazardous waste F006, F008, D007, D008 and D011 as defined by A.A.C. R18-8-261.A, including non-RCRA wastes listed in the submittals, dated January 11 and March 9, 1995.

10. Respondent is engaged in "storage" of hazardous waste as defined in A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.2). Respondent stores, or has stored, hazardous waste

received from off-site generators of hazardous waste before and during its dewatering, blending, and pre-shipment handling of these hazardous wastes.

11. Respondent is engaged in "treatment" of hazardous waste as defined in A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.2). Respondent treats, or has treated, hazardous wastes in its blending or mechanical drying of hazardous wastes.

12. Federal regulations establishing interim status standards, 40 CFR Part 265, and permit application requirements, 40 CFR Part 270, for owners and operators of hazardous waste treatment, storage and disposal facilities became effective on November, 1980. Respondent's operations began in 1981.

13. Respondent is, therefore, subject to the Arizona rules adopted pursuant to the Arizona Administrative Code, Title 18 (Environmental Quality), Chapter 8 (Department of Environmental Quality Waste Management Rules), Article 2 (Hazardous Wastes).

14. On or about August 20, 1993, EPA conducted an inspection at the Facility. EPA evaluated conditions observed at the Facility during the inspection and evaluated various documents supplied by Respondent during the inspection, including the following: contingency plan, training plan, hazardous waste manifests with land disposal restriction forms, and waste analysis plan.

15. On or about January 31, 1994, EPA issued a "Request for Information" under Section 3007(a) of RCRA, 42 U.S.C. §6927(a). On or about March 31, 1994, Respondent replied to EPA's "Request for Information".

16. On the basis of the inspection and the subsequent investigation and evaluation, EPA has determined that Respondent has violated A.A.C. R18-8-262, R18-8-265, and R18-8-270.

17. Respondent, in violating A.A.C. R18-8-262, R18-8-265, and R18-8-270, violated Subtitle C of RCRA, and therefore is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. §6928.

18. 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.

19. 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

sent notice to the Arizona Department of Environmental Quality on March 19, 1996, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. §6928(a)(2).

20. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX.

C. VIOLATIONS

COUNT I

(Operating a Hazardous Waste Storage Facility Without a Permit)

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.

22. A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)) requires each person owning or operating a RCRA hazardous waste storage facility to have a permit.

23. On or about August 20, 1993, EPA inspectors observed that Respondent stores RCRA hazardous wastes at the Facility in the process of dewatering, blending and handling the hazardous wastes prior to shipment to smelters and other metal recovery facilities.

24. On or about March 31, 1994, Respondent responded to EPA's "Request for Information". The information contained in the response indicates that Respondent receives hazardous waste from off-site and stores hazardous wastes in the process of dewatering, blending, and handling hazardous wastes prior to shipment to smelters and other metal recovery facilities.

25. Respondent's storage of hazardous wastes described above constitutes "storage" within the definition contained in A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.2).

26. Respondent has not filed a Part A or Part B of the RCRA Permit Application and does not have a permit to store hazardous waste under A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)).

27. Therefore, Respondent has violated A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)).

Count II

(Operating a Hazardous Waste Treatment Facility Without a Permit)

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.

29. A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)) requires each person owning or operating a RCRA hazardous waste treatment facility to have a permit.

30. On or about August 20, 1993, EPA inspectors observed the Respondent treating hazardous wastes by blending or mechanically drying hazardous wastes at the Facility.

31. On or about March 31, 1994, Respondent responded to EPA's "Request for Information". The information contained in the response indicates that Respondent blends hazardous wastes at the Facility. The blending or mechanical drying of hazardous wastes that Respondent performs at the Facility constitutes "treatment" within the definition contained in A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.2).

32. Respondent has not filed a Part A or Part B of the RCRA Permit Application and does not have a permit to treat hazardous waste under A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)).

33. Therefore, Respondent has violated A.A.C. R18-8-270.A (which incorporates 40 C.F.R. §270.1(c)).

Count III

(Failure To Manifest Hazardous Waste Shipments)

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

35. A.A.C. R18-8-265.A (which incorporates 40 C.F.R. §265.71(c)) requires each person owning or operating a RCRA facility to comply with the manifest requirements of A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. §§262.20-.23 and 40 C.F.R. §262.54) whenever a shipment of hazardous waste is initiated from the facility.

36. On or about September 19, 1991, Respondent through counsel submitted to ADEQ a letter and accompanying memorandum explaining Respondent's view that the Facility's recycling activity was exempt from RCRA regulation under 40 C.F.R. § 261.2(e)(1)(i). The memorandum asserted that, accordingly, the concentrates that the Facility produced, from F006 and other hazardous wastes

received under hazardous waste manifest, should not themselves be required to be shipped under hazardous waste manifest. On or about January 30, 1992, the ADEQ Director issued to Respondent's counsel a "Conditional No Action Letter" stating as follows:

On the basis of the representations contained in your September 19, 1991 letter and the attached memorandum, as well as information available in the department's files, and in view of the current regulatory ambiguities concerning the definition of solid waste and recycling and the reclamation of metals from hazardous wastes which are burned in smelters [footnote omitted], I will not take enforcement action under Arizona's Hazardous Waste Management Act, A.R.S. §§ 49-921 to 49-932, with respect to concentrates produced by the above-described operations without first providing [Respondent] 60 days prior notice...

On or about January 22, 1993, the ADEQ Director issued to Respondent another letter stating that the Conditional No Action Letter just referred to remained in force.

37. On or about August 22, 1994, EPA issued to Respondent a letter stating as follows:

U.S. EPA, in consultation with ADEQ, views the material received, processed, and shipped by [Respondent] as a hazardous waste under [RCRA]. As such, off-site shipments from [Respondent] must be accompanied by a hazardous waste manifest.

38. On or about August 20, 1993, EPA inspectors observed the Respondent had initiated shipments of hazardous wastes from the Facility.

39. On or about March 31, 1994, Respondent responded to EPA's "Request for Information". The information contained in the response indicates that Respondent initiates shipments of hazardous wastes from the Facility.

40. In correspondence with EPA and ADEQ, Respondent has indicated that it did not manifest shipments of hazardous waste initiated from the Facility between January 30, 1992, and August 22, 1994.

41. Because Respondent did not manifest shipments of hazardous waste initiated from the Facility, Respondent has violated A.A.C. R18-8-265.A (which incorporates 40 C.F.R. §265.71(c)) and A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. §§262.20-.23 and 40 C.F.R. §262.54).

Count IV

(Failure to Submit Notifications of Intent to Export Hazardous Wastes to Foreign Countries)

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

43. A.A.C. R18-8-265.A (which incorporates 40 C.F.R. §265.71(c)) requires each person owning or operating a RCRA facility to comply with the export notification requirements of A.A.C. R18-8-262 (which incorporates 40 C.F.R. §262.53) whenever a shipment of hazardous waste is to be sent to a foreign country. Pursuant to those requirements, a person shipping hazardous waste to a foreign country must first submit to EPA a notification of intent to export hazardous waste.

44. On or about August 20, 1993, EPA inspectors observed that Respondent had shipped hazardous wastes from the facility to foreign countries. Through further investigation EPA has determined that Respondent has shipped hazardous wastes to foreign countries without first submitting to EPA or ADEQ a notification of intent to export hazardous wastes.

45. On or about March 31, 1994, Respondent responded to EPA's "Request for Information". The information contained in the response indicates that Respondent ships hazardous wastes to foreign countries.

46. Because Respondent shipped hazardous wastes to a foreign country without first submitting a notification of intent to export hazardous waste, Respondent has violated A.A.C. R18-8-265.A (which incorporates 40 C.F.R. §265.71(c)) and A.A.C. R18-8-262 (which incorporates 40 C.F.R. §262.53).

D. CIVIL PENALTY

47. Section 3008(g) of RCRA, 42 U.S.C. §6928(g), authorizes a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per day for each violation of Subtitle C of RCRA, 42 U.S.C. §6921 et seq. Based upon the facts alleged in this Complaint and upon those factors which the Complainant 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 the Respondent to comply with applicable requirements, and any economic benefit accruing to the Respondent, as well as such other matters as justice may require, the Complainant has determined that it will not seek to assess a civil penalty for the violations alleged in this Complaint.

COMPLIANCE ORDER

1. Respondent is ordered to come into compliance with the requirements of A.A.C. R18-8-262, R18-8-265, and R18-8-270, to undertake the following activities, and to make submittals and certifications to Complainant and the Arizona Department of

Environmental Quality (ADEQ) within the times specified below. All days are consecutive calendar days from the effective date of this Complaint ("hereinafter referred to as "the Effective Date"). Due dates falling on a Saturday, Sunday, or federal or Arizona holiday will be automatically extended to the next business day. In accordance with the findings presented in this Complaint, Respondent is hereby ordered to take the following actions:

2. (a) As used in this Compliance Order ("Order"), the term "incoming materials" refers to F006, F008, F019, D004, D005, D006, D007, D008, D009, D010, and D011 hazardous wastes that Respondent receives at the Facility from domestic and foreign hazardous waste generators. As used in this Order, the term "concentrates" refers to the materials, consisting of incoming materials that have subsequently been dewatered and blended, that Respondent ships from the Facility to domestic and foreign smelters and other metal extractors for metals recovery. On November 13, 1995, Respondent applied to EPA Headquarters for a variance, pursuant to 40 C.F.R. §260.30(c) and §260.31(c), with respect to the concentrates on the grounds that the concentrates are "materials that have been reclaimed but must be reclaimed further before the materials are completely recovered." Respondent shall send a copy to ADEQ and EPA Region IX of all correspondence with EPA Headquarters concerning the Application for a Variance. In the event the variance is granted, the terms and conditions of the variance shall govern and the provisions of subparagraphs 2(d), 2(e), 2(f) and 2(g) below shall no longer be in effect. The variance, if granted, shall affect only subparagraphs 2(d), 2(e), 2(f), and 2(g) and shall not have an effect on any other paragraph of this Order, except as may be expressly provided in the written document issued by EPA in connection with such granting of the variance. ADEQ shall honor and give legal effect to the variance determination within the State of Arizona.

(b) Respondent shall continue to comply with the manifesting requirements of A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. Part 262) with respect to the shipment of incoming materials from foreign and domestic hazardous waste generators to the Facility.

(c) Respondent shall continue to comply with all requirements of A.A.C. R18-8-265 (which incorporates 40 C.F.R. §265.12) and 40 C.F.R. Part 262, Subpart F for the import of incoming materials into the United States.

(d) Respondent shall continue to comply with the manifesting requirements of A.A.C. R18-8-265.A (which incorporates 40 C.F.R. §265.71(c)) and A.A.C. R18-8-262 (which incorporates and modifies 40 C.F.R. Part 262) with respect to the shipment of concentrates from the Facility to any location off-site,

including but not limited to the shipment of the concentrates to domestic and foreign smelters and other metal extractors for metals recovery.

(e) Respondent shall comply with 40 C.F.R. Part 262, Subpart E, for all shipments of concentrates exported for any purpose and comply with all treaties or compacts governing the international shipment of such material.

(f) Respondent shall continue to register the Facility annually as a large quantity waste generator under the Arizona Revised Statutes (A.R.S.) § 49-929 and pay the annual registration fee established for such generators under that section.

(g) Respondent shall continue to pay the fee imposed by A.R.S. § 49-931 for each ton of hazardous waste that is generated at the Facility and shipped off-site from the Facility, as measured by the number of tons of concentrates that are shipped off-site from the Facility.

(h) No fee under A.R.S. § 49-931 shall be imposed upon Respondent for receiving incoming materials at the Facility from off-site, regardless where the materials are generated. No fee shall be imposed under A.R.S. § 49-931 upon any entity that generates incoming materials, unless the incoming materials are actually generated within the State of Arizona.

(i) Respondent shall continue to register the Facility annually as a resource recovery facility under A.R.S. § 49-930 and pay the annual registration fee established thereunder. Respondent shall not be required to register the Facility as a hazardous waste treatment, storage and disposal facility under A.R.S. § 49-929 or pay the annual registration fee for such a facility. However, other than relieving Respondent from paying the annual registration fee under A.R.S. § 49-929, nothing in this subparagraph shall be construed as relieving Respondent from any of the requirements set forth in this Order or in any treatment and storage permit that ADEQ may issue to Respondent.

3. Respondent shall continue to comply with the current ADEQ Groundwater Quality Protection Permit (No. G-0128-07) until otherwise notified in writing by ADEQ. If ADEQ issues a RCRA treatment and storage permit to Respondent and if ADEQ determines that the RCRA permit supersedes the Groundwater Quality Protection Permit, then Respondent shall be relieved from further compliance with the Groundwater Quality Protection Permit.

4. The Facility is authorized to accept only hazardous wastes with the following RCRA waste codes: F006, F008, F019, D004, D005, D006, D007, D008, D009, D010, and D011.

5. Respondent shall be allowed to operate the facility in accordance with this Order and A.A.C. R18-8-265 (which incorporates and modifies 40 C.F.R. part 265) until such time as the permit required by A.A.C. R18-8-270 (which incorporates and modifies 40 C.F.R. Part 270) is granted or finally denied. This Order does not authorize Respondent or any entity to operate the facility as a treatment and storage facility following denial of any applicable permit application. Respondent's obligation to comply with the provisions of A.A.C. R18-8-265 shall take effect immediately on the Effective Date, except as follows:

(a) Respondent shall submit to ADEQ documentation that demonstrates compliance with all contingency plan and closure plan requirements in A.A.C. R18-8-265 within ninety (90) days of the Effective Date.

(b) Respondent shall submit to ADEQ documentation that demonstrates compliance with all financial responsibility requirements in A.A.C. R18-8-265 within one hundred and twenty (120) days of the Effective Date.

6. Within thirty (30) days of the Effective Date, Respondent shall submit to ADEQ Part A of a treatment and storage permit application, pursuant to A.A.C. R18-8-270 (which incorporates and modifies 40 C.F.R. Part 270) for its Arizona facility.

7. Within ninety (90) days of the Effective Date, Respondent at the Facility shall comply with those provisions of A.A.C. R18-8-264 that incorporate and modify the requirements of 40 C.F.R. Part 264, Subpart F (Releases from Solid Waste Management Units).

8. Within one hundred and fifty (150) days of the Effective Date, Respondent shall submit to ADEQ Part B of a treatment and storage permit application for the Facility, in compliance with A.A.C. R18-8-270, including such application fees and character background reference forms required thereby. The issuance of three (3) formal Notices of Deficiency from ADEQ with respect to such application shall constitute a violation of this Order. Respondent shall be provided at least sixty (60) days in which to respond to each Notice of Deficiency, and no additional Notice of Deficiency shall be issued until such time allowed for Respondent to respond has elapsed, or until Respondent has responded to the outstanding Notice of Deficiency, whichever comes first. Each Notice of Deficiency shall address all outstanding deficiencies in Respondent's application that are known to ADEQ at the time the notice is issued.

9. Within one hundred and twenty (120) days of the Effective Date, Respondent shall submit to ADEQ a report on the feasibility of a leachate/moisture monitoring system at the Facility, as indicated on page 3-26 of Respondent's June 1995 Environmental Audit.

10. (a) Respondent shall send the submittals to ADEQ required by paragraphs 5 through 9 above, within the time periods specified, by hand delivery, overnight express or certified mail to:

Manager
Hazardous Waste Compliance Unit
Arizona Department of Environmental Quality
3033 N. Central Ave.
Phoenix, AZ 85012

(b) Respondent shall send certifications that the work required by paragraphs 5 through 9 above was completed within the time periods specified, by hand delivery, overnight express, or certified mail to:

Section Chief, H-4-1
Hazardous Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

11. EPA and ADEQ may at any time, upon presentation of credentials to authorized personnel on duty, enter upon the premises of the Facility for the purpose of observing and monitoring compliance with the provisions of this Order. This right of entry shall be in addition to, and not in limitation of or substitution for, EPA's and ADEQ's rights under applicable law.

NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING

1. In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b), the Compliance Order set forth herein shall become final unless: (1) Respondent files an Answer and a request for public hearing 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; or (2) a Consent Agreement and Consent Order ("CA/CO") is signed by the parties and the EPA Regional Judicial Officer during said thirty (30) day period. 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 Lewis Maldonado (RC-3-1), Assistant Regional Counsel at the same address.

2. 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. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense and (2) the facts which Respondent intends to place at issue.

3. 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 unless a CA/CO is signed by the parties and the EPA Regional Judicial Officer during said thirty (30) day period. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing. A default order may thereafter be issued by the Regional Administrator of EPA.

4. 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 and the Revocation 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.

5. Pursuant to 40 C.F.R. §22.07(c) where a pleading or document is served by mail, 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

6. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts and violations. 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, unless a CA/CO is signed. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

7. Any settlement reached as a result of an informal conference will be embodied in a written CA/CO. The issuance of the CA/CO will constitute waiver of Respondent's right to a hearing on any matter to which Respondent has stipulated.

8. 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.

9. EPA encourages all parties against whom an enforcement action is brought to explore the possibility of settlement. To request an informal conference, Respondent should contact Lewis Maldonado, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 744-1342.

EFFECTIVE DATE

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. §§ 22.05(b) and 22.07(c).

8/2/96

Date

Felicia Marcus

Felicia Marcus
Regional Administrator
United States Environmental
Protection Agency, Region IX

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified mail, return receipt requested, to:

Paul E. Barrick
World Resources Company
1600 Anderson Road
McLean, Virginia 22102

September 14, 1996

Date

Brandon M. Tully

Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

RECEIVED

FEB 10 1997

ADEQ WASTE COMPLIANCE

CERTIFIED MAIL P 350 643 191

February 4, 1997

Paul E. Barrick
World Resources Company
1600 Anderson Road
McLean, Virginia 22102

Re: World Resources Company
Amendment to Consent Agreement and Consent Order

Dear Mr. Barrick:

Enclosed is a copy of the First Agreement Amending Consent Agreement and Consent Order, which has been signed by all parties and filed with the Regional Hearing Clerk.

If you have any questions, please have Mr. Gotschall call me at (415) 744-1342.

Sincerely,

Lewis C. Maldonado
Assistant Regional Counsel

Enclosure

cc: William Gotschall (with enclosure) *certif. mail # 350 643 191*
Lupe Buys (with enclosure) *certif. mail # 350 643 190*
Ron Brown (with enclosure)

FILED

FEB 04 1997

**ENVIRONMENTAL PROTECTION AGENCY
REGION IX
HEARING CLERK**

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of) U.S. EPA Docket No.
World Resources Company) RCRA 09-96-0003
EPA I.D. No. AZD980735500)
Respondent.)

FIRST AGREEMENT AMENDING CONSENT AGREEMENT AND
CONSENT ORDER

WHEREAS, World Resources Company ("Respondent"), the Arizona Department of Environmental Quality ("ADEQ"), and the United States Environmental Protection Agency, Region IX ("EPA") have entered into a Consent Agreement and Consent Order ("CA/CO"), which was filed on September 3, 1996, in the above matter; and

WHEREAS, the CA/CO requires the Respondent to perform certain work within certain time frames, as set forth in Part D of the CA/CO; and

WHEREAS, paragraph 35 of the CA/CO provides that the CA/CO may be amended by written agreement executed by EPA, ADEQ, and Respondent; and

WHEREAS, pursuant to paragraph 35 of the CA/CO, the amendment of the CA/CO may be accomplished by the written agreement of the parties and does not require the issuance of an amended Order;

NOW, THEREFORE, EPA, ADEQ, and Respondent hereby agree to amend paragraph 16 of the CA/CO. Paragraph 16, as amended, shall read as follows:

"16. On or before May 1, 1997, Respondent shall submit to ADEQ Part B of a treatment and storage permit application for the Facility, in compliance with A.A.C R18-8-270, including such application fees and character background reference forms

required thereby. As an attachment to the Part B application, Respondent shall submit information on the thermal dryers in compliance with the following requirements incorporated by reference into ADEQ rules pursuant to A.A.C. R18-8-270: the information required under 40 C.F.R. § 270.23(a); the information required under 40 C.F.R. § 270.23(b) that relates to environmental performance standards for air quality; and the information required under 40 C.F.R. § 270.23(c). The issuance of three (3) formal Notices of Deficiency from ADEQ with respect to such application shall constitute a violation of this CA/CO. Respondent shall be provided at least sixty (60) days in which to respond to each Notice of Deficiency, and no additional Notice of Deficiency shall be issued until such time allowed for Respondent to respond has elapsed, or until Respondent has responded to the outstanding Notice of Deficiency, whichever comes first. Each Notice of Deficiency shall address all outstanding deficiencies in Respondent's application that are known to ADEQ at the time the notice is issued."

All other terms and conditions of the CA/CO remain in effect and are not altered by this amendment to the CA/CO.

This agreement amending the CA/CO shall become effective on the date the agreement is signed by EPA, after having been signed by Respondent and ADEQ.

IT IS SO AGREED.

World Resources Company

January 20, 1997

Date

By: Paul E. Barrick

Paul E. Barrick
Chief Executive Officer

1/23/97

Date

Russell F. Rhoades

Russell F. Rhoades
Director
Arizona Department of
Environmental Quality

1/28/97

Date

Julie Anderson

Julie Anderson
Director, Waste Management Division
United States Environmental
Protection Agency, Region IX

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing First Agreement Amending Consent Agreement and Consent Order was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified mail, return receipt requested, to:

Paul E. Barrick
World Resources Company
1600 Anderson Road
McLean, Virginia 22102

and

Lupe Buys, Manager
Hazardous Waste Compliance Unit
Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, AZ 85012

2/4/97
Date

Louder M. Jolly
Waste Management Division