

FILED

2011 MAY 24 PM 3:35

U.S. EPA REGION IX
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2011-0010
)	
Stork Materials Testing & Inspection)	EXPEDITED SETTLEMENT
EPA ID. No. CAR 000 089 714)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

A. The U.S. Environmental Protection Agency ("EPA") alleges that Stork Materials Testing & Inspection ("SMTI" or "Respondent"), owner or operator of the facility at 18100 S. Wilmington Ave., Rancho Dominguez, CA, 90220 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program (California Code of Regulations, Division 4.5 of Title 22):

1. Failure to label hazardous waste containers properly. 22 CCR § 66262.34(f) [40 CFR § 262.34];
2. Failure to properly close hazardous waste containers. 22 CCR § 66262.34; 66265.173(a) [40 CFR § 262.34; 265.173(a)];
3. Failure to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment. 22 CCR § 66273.34(b); 66273.34(c) [40 CFR § 273.13(d); 273.14(e)];
4. Inadequate emergency equipment in the 90-Day Hazardous Waste Storage Area. 22 CCR § 66262.34(a); 66265.32 [40 CFR § 262.34(a); 265.32];
5. Failure to have a contingency plan. 22 CCR § 66262.34(a)(4); 66265.51 [40 CFR § 262.34(a)(4); 265.51];
6. Failure to develop and implement a hazardous waste management personnel training plan. 22 CCR § 66262.34(a)(4); 66265.16 [40 CFR § 262.34(a)(4); 265.16].
7. Failure to meet manifesting requirements. 22 CCR § 66262.40 [40 CFR § 262.40].

B. Alleged Violations

1. Under 22 CCR § 66262.34(f) [40 CFR § 262.34], Respondent was required to have the following information clearly marked and visible for inspection on all hazardous waste containers: 1.) date accumulation begins, 2.) the words "Hazardous Waste", 3.) the composition and physical state of the waste, 4.) hazardous properties of the waste, and 5.) facility name and address.

- a. During the compliance evaluation inspection (CEI) the inspectors found an SAA container of used acetone near the M.T. Department that was not marked with the required information including accumulation start date and was not marked with the words "Hazardous Waste".
- b. In the etching department the inspectors found a large container partially filled with wastewater potentially contaminated with mixed acids and metals. The container wasn't labeled or dated as required.

2. Under 22 CCR § 66262.34; 66265.173(a) [40 CFR § 262.34; 265.173(a)], a container holding hazardous waste must always be kept closed during storage, except when it is necessary to add or remove the waste.

- a. During the CEI the inspectors observed an SAA container of used acetone near the M.T. Department which had a funnel inserted in the top of the drum. The funnel did not have a lid or a locking mechanism and therefore was not fully closed.
- b. In the etching department the inspectors noted an approximately 300-gallon container partially filled with wastewater potentially contaminated with mixed acids and metals. The lid on the container was ajar even though waste was not actively being added or removed at that time.

3. Under 22 CCR § 66273.34(b); 66273.34(c) [40 CFR § 273.13(d); 273.14(e)], universal waste handlers must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

- a. During the CEI the inspectors observed two 8-foot used fluorescent lamps propped up against the wall which were not properly boxed/contained and were not marked with the words "Universal Waste - Lamps". Used fluorescent lamps should be stored in closed containers to prevent breakage and the potential release of hazardous materials before being sent off-site for recycling.

4. Under 22 CCR § 66262.34(a); 22 CCR § 66265.32 [40 CFR § 262.34(a); 40 CFR § 265.32], facilities must be equipped with the proper emergency equipment.

- a. The inspectors noted that SMTI did not have a fire extinguisher, a telephone or hand-held radio, and an internal communications system in the immediate vicinity of their 90-day hazardous waste storage area.

5. Under 22 CCR § 66262.34(a)(4); 22 CCR § 66265.51 [40 CFR § 262.34(a)(4); 40 CFR § 265.51], each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil, or surface water and include the required contents detailed in 40 CFR Part 265 Subpart D.

a. At the time of the inspection SMTI did not have a contingency plan.

6. Under 22 CCR § 66262.34(a)(4); 66265.16 [40 CFR § 262.34(a)(4); 265.16], facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulations.

a. At the time of the inspection SMTI did not have a personnel training plan and was not able to provide a written job title, job description, or name of the employee filling each position at the facility related to hazardous waste management.

b. At the time of the inspection, two employees with hazardous waste duties had not completed the required hazardous waste training.

7. Under 22 CCR § 66262.40 [40 CFR § 262.40], a generator must keep a copy of each manifest in accordance with 22 CCR § 66262.23(a) [40 CFR § 262.23(a)] for three years or until he receives a signed copy from the designation facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

a. SMTI was unable to provide a copy of 4 hazardous waste manifests (number 007334207, 001198564, 001198590 and 001198597) with the Treatment, Storage and Disposal Facility's (TSDF) signature during the record review.

b. SMTI was unable to provide a copy of manifests for the silver recovery cartridges which are changed out every few weeks by an outside company and sent offsite for recovery/recycling.

C. EPA and Respondent agree that settlement of this matter for a penalty of six thousand seven hundred and fifty dollars (\$6750) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.

D. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).

E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of 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; and (5) waives any right to

contest the allegations contained herein.

- F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- G. The civil penalty of \$6750 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.
- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): MICHAEL GEE

Title (print): QUALITY/ENVIRONMENTAL MGR.

Signature: 

Date 04/25/2011

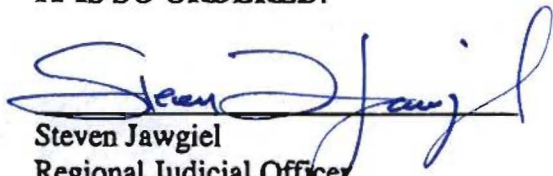
APPROVED BY EPA:



Date 5/19/11

Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

IT IS SO ORDERED:

A handwritten signature in blue ink, appearing to read "Steven Jawgiel", written over a horizontal line.

Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 9

Date 05/24/11

CERTIFICATE OF SERVICE


I certify that the original of the fully executed Expedited Settlement Agreement and Final Order (**Docket No. RCRA-09-2011-0010**) against Stork Materials Testing & Inspection, 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 via Certified Mail:

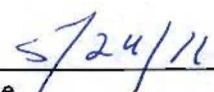
CERTIFIED MAIL NUMBER: 7007-2560-0001-7660-8256

Mr. Michael Gee
Quality Manager
Stork Materials Testing & Inspection
18100 S. Wilmington Avenue
Rancho Dominguez, CA 90220

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

Mr. Michael Hingerty
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX


Date