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

IN THE MATTER OF:

E.M.E., Inc.
EPA ID. No. CAD045521184
Respondent.

) Docket No.
) RCRA-09-2013- 0204
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (EPA) alleges that E.M.E., Inc. (EME or Respondent), owner or operator of the facility at 500 E. Pine Street, Compton, CA 90222 (the Facility), failed to comply with 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):
2. Under 22 C.C.R. § 66262.34(a)(1)(A) [40 C.F.R. § 262.34(a)(1)(i)], Respondent was required to store hazardous waste in containers on-site.
3. Under 22 C.C.R. §§ 66262.34(f)(1) - (f)(3) [40 C.F.R. §§ 262.34(a)(2) and (a)(3)], Respondent was required to properly label or mark hazardous waste containers on-site.
4. Under 22 C.C.R. § 66262.34(e)(1) [40 C.F.R. § 262.34(c)(1)], Respondent was required to accumulate less than 55-gallons of hazardous waste at or near the point of generation without a permit or interim status.
5. Under 22 C.C.R. § 66265.173(a) [40 C.F.R. § 265.173(a)], Respondent was required to close containers holding hazardous waste during storage, except when adding or removing waste.
6. EPA and Respondent agree that settlement of this matter for a penalty of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750) is in the public interest.
7. 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).
8. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of Regulations, Division 4.5 of Title 22; (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.

9. 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, (2) Respondent is submitting proof of payment of the civil penalty with this Agreement, and (3) Respondent is a small business, in accordance with the SBA size standards (13 C.F.R. Part 121).
10. The civil penalty of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750) should be paid in accordance with EPA's Instructions for Making a Payment provided to the Respondent.
11. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
12. 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.
13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
14. Each party shall bear its own costs and fees, if any.
15. 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): WESLEY TURNBOW

Title (print): C.E.O.

Signature: 

Date 6/20/2013

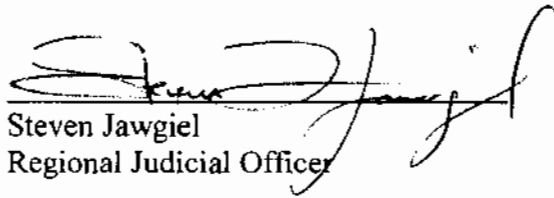
APPROVED BY EPA:



Kathleen Johnson, Director
Enforcement Division

Date 7/12/13

IT IS SO ORDERED:


Steven Jawgiel
Regional Judicial Officer

Date 07/15/13

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, was filed with the Regional Hearing Clerk, Region 9, and that a copy was sent by certified mail, return receipt requested, to:

Wesley Turnbow
Chief Executive Officer
E.M.E., Inc.
500 E. Pine Street
Compton, CA 90222
EPA ID: CAD 045 521 184
Certified Mail No. 7000 0520 0021 6109 1550

7/26/13
Date

Bryan K Goodwin
Bryan K Goodwin
Regional Hearing Clerk
Office of Regional Counsel, Region 9



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

JUL 26 2013

Certified Mail No. 7000 0520 0021 6109 1550
Return Receipt Requested

Wesley Turnbow
Chief Executive Officer
E.M.E., Inc.
500 E. Pine Street
Compton, CA 90221

Re: Consent Agreement and Final Order
In the Matter of E.M.E., Inc. (EME)

Dear Mr. Turnbow:

Please find enclosed the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA), and E.M.E., Inc. (EME).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action against EME for alleged violations of hazardous waste management requirements at the EME facility located in Compton, California.

EME's full compliance with the payment terms of this CA/FO and completion of all tasks in accordance with the terms of this CA/FO will close this case. If you have any questions regarding the RCRA requirements and regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please contact Christopher Rollins of my staff at (415) 947-4166, or Letitia Moore, in the Office of Regional Counsel, at (415) 972-3928.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Johnson".

Kathleen Johnson, Director
Enforcement Division

Enclosure