

2013 SEP 11 PH 12: 41

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX HEARING CLERK

IN THE MATTER OF:) Docket No.) RCRA-09-2013-0005) EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

- 1. The U.S. Environmental Protection Agency (EPA) alleges that New Age Metal Finishing, LLC (NAMF or Respondent), owner or operator of the facility at 2169 N. Pleasant Avenue, Fresno, CA 93705 (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(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.
3. Under 22 C.C.R. § 66265.16(c) [40 C.F.R. § 265.16(c)], Respondent's personnel was required to take part in annual reviews which teaches hazardous waste management procedures.
4. Under 22 C.C.R. § 66265.52(d) [40 C.F.R. § 265.52(d)], Respondent was required to keep their emergency coordinators list (i.e., names, addresses and phones numbers) up to date.
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 Four Thousand Nine Hundred Dollars (\$4,900) 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

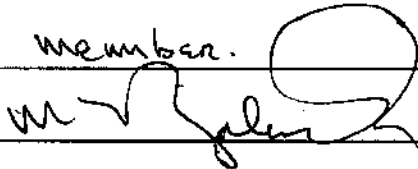
California Code of Regulations, Division 4.5 of Title 22; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to 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 Four Thousand Nine Hundred Dollars (\$4,900) 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): Michael ZALENSKI

Title (print): member.

Signature: 

Date 8-15-13

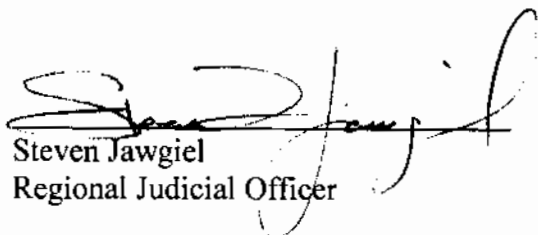
APPROVED BY EPA:



Kathleen H. Johnson, Director
Enforcement Division

Date 9-5-13

IT IS SO ORDERED:


Steven Jawgiel
Regional Judicial Officer

Date 09/10/13

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:

Michael J. Zalenski
Owner
New Age Metal Finishing, LLC
2169 N. Pleasant Ave
Fresno, CA 93705
EPA ID: CAR 000 112 813
Certified Mail No. 7000 0520 0021 6109 1598

9/11/13
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
Phone: (415) 972-3000
<http://www.epa.gov/region9>

CERTIFIED MAIL NO. 7000 0520 0021 6109 1567
RETURN RECEIPT REQUESTED

Michael J. Zalenski
Owner
New Age Metal Finishing, LLC
2169 N. Pleasant Ave
Fresno, CA 93705

Re: In the Matter of New Age Metal Finishing, LLC
U.S. EPA Docket No. RCRA-09-2013-

Dear Mr. Zalenski:

Enclosed is a copy of the fully executed Expedited Settlement Agreement which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Expedited Settlement Agreement and your certification that you have returned to compliance have closed this case. If you have any questions regarding the rules, regulations and statutes associated with this Expedited Settlement Agreement, please contact Christopher Rollins at (415) 947-4166 or rollins.christopher@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen H. Johnson".

Kathleen H. Johnson, Director
Enforcement Division

Enclosure