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UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 REGION IX

TO: EPA - REGION IX
 FROM: [unclear] CLERK

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2014- 000
)	
Meclec Metal Finishing, Inc.)	EXPEDITED SETTLEMENT
EPA ID. No. CAR000160960)	AGREEMENT AND
Respondent)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

The U.S. Environmental Protection Agency (“EPA”) alleges that Meclec Metal Finishing, Inc. (“Meclec” or “Respondent”), owner or operator of the facility at 5945 East Harvard Avenue, Fresno, CA 93727 (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 (“CCR”), Division 4.5 of Title 22)¹:

1. Failure to provide internal communications or alarm system at or near the hazardous waste accumulation area capable of providing immediate emergency instructions to facility personnel. 22 CCR §§ 66262.34(a)(4); 66265.32 [40 Code of Federal Regulations (“CFR”) §§ 262.34(a)(4); 265.32]
2. Failure to prepare and submit a Biennial Report for 2011 by March 1, 2012. 22 CCR § 66262.41(b) [40 CFR § 262.41(a)]

Alleged Violations:

1. Under 22 CCR §§ 22 CCR §§ 66262.34(a)(4); 66265.32 [40 Code of Federal Regulations (“CFR”) §§ 262.34(a)(4); 265.32], the Respondent was required to provide internal communication or alarm system at or near the hazardous waste accumulation area capable of providing emergency response instructions to facility personnel.
 - a. During a compliance inspection of the Facility conducted by EPA inspectors on September 18, 2012, the inspectors observed that the Respondent did not have any form of internal communications or alarm

¹ All citations to the “CCR” refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (see 57 FR 32726, July 23, 1992), September 26, 2001 (66 FR 49118, September 26, 2001), and October 11, 2011 (76 FR 62303, October 11, 2011). Corresponding Federal citations are provided in brackets.

system at or near the less than 90-day hazardous waste accumulation area capable of providing emergency instructions to facility personnel.

2. Under 22 CCR § 66262.41(b) [40 CFR § 262.41(a)], a generator (Large Quantity Generator) who ships hazardous waste off-site to a treatment, storage or disposal facility within the United States is required to prepare and submit a single copy of the Biennial Report to the Department of Toxic Substances Control by March 1 of even numbered years.
 - a. During a compliance inspection of the Facility conducted by EPA inspectors on September 18, 2012, the inspectors reviewed hazardous waste manifests verifying that, during the calendar year 2011, the Respondent was a Large Quantity Generator of RCRA regulated wastes (D001, D002, D007 and/or F002).
 - b. During a compliance inspection of the Facility conducted by EPA inspectors on September 18, 2012, the inspectors requested to review a copy of the 2011 Biennial Report that was required to be submitted to the California Department of Toxic Substances Control by March 1, 2012. The inspectors found that the Respondent had not prepared and submitted the required Biennial Report.

EPA and Respondent agree that settlement of this matter for a penalty of two thousand eight hundred fifty dollars (\$2,850) is in the public interest. The attached Proposed Penalty Worksheet is hereby incorporated by reference.

EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 CFR § 22.13(b).

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.

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.

The civil penalty of \$2,850 should be paid in accordance with the following payment instructions:

Payment shall be made by remitting a certified or cashier’s check, including the name and docket number of this case, for the amount, payable to “Treasurer, United States of America,” (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
ABA = 051036706
Transaction Code 22 – checking
Environmental Protection Agency
Account 31006
CTX Format

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter "sf01.1" in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

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.

Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.

Each party shall bear its own costs and fees, if any.

This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 22.31(b), is effective upon filing.

IT IS SO AGREED,

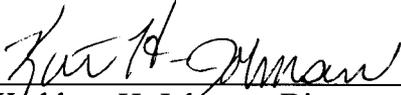
Name (print): RODNEY BARDY

Title (print): OWNER

Signature:  _____

Date 12/5/13

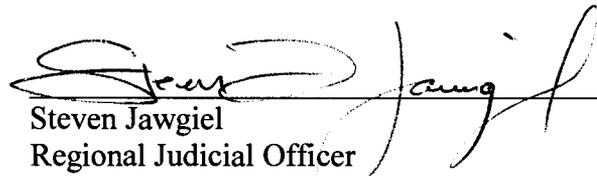
APPROVED BY EPA:



Kathleen H. Johnson, Director
Enforcement Division
U.S. Environmental Protection Agency, Region IX

Date 12/19/13

IT IS SO ORDERED:



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

Date 12/24/13

Penalties

2,850.00

11/18/13

9091

U.S. ENVIRONMENTAL

\$2,850.00

Memo:

9091

Nov 18, 2013

*****\$2,850.00

Two Thousand Eight Hundred Fifty and 00/100 Dollars

U.S. ENVIRONMENTAL
CINCINNATI FINANCE CENTER
PO BOX 979077
ST LOUIS, MO 63197-9000

RCRA EXPEDITED SETTLEMENT AGREEMENT

Proposed Penalty Worksheet

Meclec Metal Finishing, Inc.

CAR000160960

Small Business Facility Violations	Penalty	Multiplier (number of individual violations, i.e., # of drums)	Total
Labeling violations	\$350		
Dating violations	\$350		
Open containers	\$350		
Storage of hazardous waste for no more than 30 days OVER the allowed time (i.e., 121 days for LQGs = not eligible)	\$350		
Minor deficiencies in contingency plan (for LQGs) or emergency postings (SQGs)	\$350		
Used oil violations, not including releases	\$350		
Universal waste violations	\$350		
Training record violations	\$350		
Other eligible violation(s) – internal communication or alarm violation	\$350	1	\$350
Other eligible violation(s) – Biennial Report submission violation	\$2,500	1 (2011 BRS)	\$2,500
TOTAL			\$2,850

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Expedited Settlement Agreement in the matter of Meclec Metal Finishing, Inc., has been filed with the Regional Hearing Clerk, Region IX, and that copies have been sent by Certified Mail, Return Receipt Requested, to:

Mr. Rodney Bandy
Meclec Metal Finishing, Inc.
5945 East Harvard Avenue
Fresno, CA 93727

Certified Mail No. 7012 1640 0001 2190 7618

1/6/2014

Date



F&R:

Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX