

FILED

2022 AUG 16 AM 9:41

U.S. EPA REGION IX
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2012- 0013
Morrell's Electro Plating, Inc., a California Corporation)	CONSENT AGREEMENT AND
)	
EPA ID No. CAR000219964)	FINAL ORDER PURSUANT TO
)	40 CFR SECTIONS 22.13 AND
<u>Respondent.</u>)	22.18

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

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), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 Code of Federal Regulations ("CFR") Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Morrell's Electro Plating, Inc., a California corporation ("Respondent").
2. Respondent operates a facility located at 432 East Euclid Avenue in Compton, California, 90222 (the "Facility"). The Facility's EPA Identification Number is CAR000219964. Respondent performs anodizing, chemical conversion coatings, painting/organic coatings, chemical cleaning, blasting, and non-destructive inspection.
3. This Consent Agreement and Final Order pursuant to 40 CFR §§ 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) make a hazardous waste determination, a violation of 22 CCR § 66262.11 [see also 40 CFR § 262.11]; (2) label containers of hazardous waste, a violation of 22 CCR § 66262.34 [see also 40 CFR § 262.34]; (3) obtain a permit for treatment of hazardous waste, a violation of 22 CCR § 66270.1 [see also 40 CFR § 270.1]; (4) close containers of hazardous waste, a violation of 22 CCR § 66265.173 [see

03 117

also 40 CFR § 265.173]; (5) maintain adequate personnel training, a violation of 22 CCR § 66262.34(a)(4) and 22 CCR § 66265.16 [see also 40 CFR § 262.34(a)(4) and 40 CFR § 265.16]; and (6) apply for an EPA Identification Number, a violation of 22 CCR § 66261.12 [see also 40 CFR § 261.12]. These are all alleged to be in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations adopted pursuant thereto.¹

B. JURISDICTION

4. On August 1, 1992, the State of California received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to § 3006 of RCRA, 42 U.S.C. § 6926, and 40 CFR Part 271. The authorized program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations, 22 CCR §§ 66001 *et seq.* The State of California has been authorized for all the regulations referenced in this CA/FO.
5. Respondent is a “person” as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10].
6. Respondent is the “operator” of a facility as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10].
7. Respondent’s hazardous waste manifests indicate it is a “generator” of hazardous waste as defined in 22 CCR § 66260.10 [40 CFR § 260.10].
8. Respondent is or has been engaged in “storage” of hazardous waste as defined in 22 CCR § 66260.10 [see also 40 CFR § 260.10].
9. Respondent generates and accumulates, or has generated and accumulated, materials that are “wastes” as defined in 22 CCR §§ 66260.10 and 66261.2 [see also 40 CFR §§ 260.10 and 261.2].

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 7, 2011 (*see* 76 Fed.Reg. 62303, October 7, 2011). Corresponding Federal citations are provided in brackets.

10. At the Facility, Respondent generates and accumulates, or has generated and accumulated, "hazardous waste" as defined in California Health & Safety Code § 25117, and 22 CCR §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5), and 40 CFR §§ 260.10 and 261.3]. These hazardous wastes have included, but are not limited to, wastewater sludge/filter cake contaminated with chrome, waste paint, paint booth filters, and universal waste lamps.
11. On October 27, 2010, EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
12. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
13. A violation of California's authorized hazardous waste program, found at H&SC § 25100 *et seq.*, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California's authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
14. 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.*
15. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

Failure to Make a Hazardous Waste Determination

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
17. 22 CCR § 66262.11 states that a person who generates a solid waste, as defined in 22 CCR § 66261.2 [*see also* 40 CFR § 261.2] must determine if that waste is a hazardous waste [*see also* 40 CFR § 262.11].

18. At the time of the inspection, EPA alleges that Respondent was shipping dried wastewater treatment sludge and paint waste to a disposal facility as non-RCRA hazardous waste.
19. After the inspection, Respondent sampled the wastewater treatment sludge and determined the waste was D007 (chrome) RCRA hazardous waste.
20. Therefore EPA alleges that Respondent has violated 22 CCR § 66262.11 [*see also* 40 CFR § 262.11].

COUNT II

Failure to Label Containers of Hazardous Waste

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. 22 CCR § 66262.34(f) requires that generators who accumulate hazardous waste on-site without a permit or grant of interim status must label containers with the words "hazardous waste," the date accumulation of the waste begins, and additional information including the composition and physical state of the waste and the name and address of the person producing the waste [*see also* 40 CFR § 262.34].
23. EPA alleges that during the CEI, the EPA Inspector observed that the following containers of hazardous waste were not properly labeled: 7 large bins of dried chrome-contaminated filter cake; 1 divided bin with dried chrome-contaminated filter cake patties; 1 divided bin with chrome contaminated sludge, paint chips and water/liquid; 2 55-gallon containers of chrome contaminated liquid/sludge; 1 Super Sack container of dried chrome-contaminated filter cake; and 1 roll-off container, approximately 20 -30 cubic yards, of dried chrome contaminated filter cake.
24. Therefore EPA alleges Respondent failed to meet the requirements of 22 CCR § 66262.34(f) [*see also* 40 CFR § 262.34].

COUNT III

Treatment of Hazardous Waste Without a Permit

25. Paragraphs 1 through 24 above are incorporated herein by this reference as if they were set forth here in their entirety.
26. 22 CCR § 66270.1(c) requires that each person owning or operating a facility where hazardous waste is transferred, treated, stored, or disposed must have a permit. At the time of the inspection, Respondent did not have a permit or grant of interim status to store hazardous waste under 22 CCR § 66270.1(c) [*see also* 40 CFR § 270.1(c)].

27. 22 CCR § 66262.34(a) provides that a generator may treat waste without a permit or grant of interim status provided the generator does not accumulate the waste longer than 90 days, meets labelling requirements, meets the container management and tank requirements of 40 CFR Part 265, and does not thermally treat the waste.
28. Generators who treat hazardous waste without a permit and without meeting the relevant requirements of 22 CCR § 66262.34 and 40 CFR Part 265 fail to meet the requirements of 22 CCR § 66262.34, and are subject to the permitting requirements of 22 CCR § 66270.1 [*see also* 40 CFR § 270.1].
29. EPA alleges that during the CEI, the EPA Inspectors observed that Respondent was placing its wastewater treatment sludge/filter cake and paint wastes in the unclosed bins noted in Paragraph 33, allowing water to evaporate, before placing it in the roll-off bin. EPA alleges that all of the containers noted above in Paragraph 23 were open allowing water to evaporate.
30. Respondent's failure to meet the requirements set forth or referenced by 22 CCR § 66262.34 subject it to the permit requirements of 22 CCR § 66270.1 [*see also* 40 CFR §§ 262.34 and 270.1]. Therefore, EPA alleges that Respondent treated hazardous waste without a permit, a violation of 22 CCR § 66270.1(c) [*see also* 40 CFR § 270.1(c)].

COUNT IV

Failure to Close Containers of Hazardous Waste

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. 22 CCR § 66265.173(a) states that a container holding hazardous waste must always be kept closed during storage, except when it is necessary to add or remove the waste [*see also* 40 CFR 265.173(a)].
33. EPA alleges that during the CEI EPA inspectors observed several containers of hazardous waste that were open when waste was not being added or removed, including: 7 large bins of dried chrome-contaminated filter cake; 1 divided bin with dried chrome-contaminated filter cake patties; 1 divided bin with chrome contaminated sludge, paint chips and water/liquid; 2 55-gallon containers of chrome contaminated liquid/sludge; and 1 supersack container of dried chrome-contaminated filter cake.
34. Therefore, EPA alleges that Respondent has violated 22 CCR § 66265.173(a) [*see also* 40 CFR 265.173(a)].

COUNT V

Failure to Develop and Implement a Personnel Training Program

35. Paragraphs 1 through 34 above are incorporated herein by this reference as if they were set forth here in their entirety.
36. 22 CCR § 66262.34 provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain requirements, including several requirements at 40 CFR Part 265. One of those requirements, 40 CFR § 265.16(a), requires that facility personnel 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 the general facility standards set forth in the regulations [*see also* 40 CFR §§ 262.34(a)]. 40 CFR § 265.16(c) requires that facility personnel must take part in an annual review of initial training required by 40 CFR § 265.16(a). 40 CFR § 265.16(d) requires owners or operators to maintain records that document that the training or job experience required have been given to and completed by facility personnel.
37. EPA alleges that at the time of the inspection, Respondent did not have a training plan as required, and did not provide evidence showing that employees had taken hazardous waste training.
38. Therefore, EPA alleges that Respondent has violated 22 CCR § 66262.34(a) [*see also* 40 CFR § 262.34(a) and 40 CFR § 265.16].

Count VI

Failure to Apply for an EPA Identification Number

39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were set forth here in their entirety.
40. 22 CCR § 66262.12 [*see also* 40 CFR § 262.12] states that a generator must not treat, store, dispose of, transport, or offer for transportation RCRA hazardous waste without having received an EPA ID number.
41. EPA alleges that at the time of the inspection, Respondent did not have an appropriate EPA ID number, for generating RCRA hazardous waste. Respondent was using a California ID number, applicable for generators of non-RCRA/California-only hazardous waste.
42. Therefore, EPA alleges that Respondent has violated 22 CCR § 66262.12 [*see also* 40 CFR § 262.12].

D. CIVIL PENALTY

43. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 (61 Fed. Reg. 69360 (Dec. 31, 1996)) authorizes a civil penalty of up to \$27,500 per day per violation for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring between January 31, 1997 and March 15, 2004. The Civil Monetary Penalty Inflation Adjustment Rule (69 Fed. Reg. 7121 (Feb. 13, 2004)) authorizes a civil penalty of up to \$32,500 per day per violation for violations occurring after March 15, 2004 and a civil penalty of up to \$37,500 per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Based upon the facts alleged herein and upon those factors which EPA 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 Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) as the civil penalty to resolve the violations alleged herein. The proposed penalty was calculated in accordance with the June 2003 RCRA Civil Penalty Policy ("Penalty Policy") and the EPA Supplemental Environmental Project Policy ("SEP Policy"). Under the penalty policy, EPA uses a penalty assessment matrix to determine a gravity-based penalty. That penalty amount is then adjusted to take into account multi-day violations, for case-specific circumstances, and for the economic benefit gained from non-compliance, where appropriate.

E. SUPPLEMENTAL ENVIRONMENTAL PROJECT

44. As part of the settlement of this enforcement action, Respondent shall perform a Supplemental Environmental Project (SEP). Performance of the tasks set forth in this Section shall constitute satisfactory performance of the SEP.
45. Respondent shall implement a pollution prevention SEP. The SEP entails purchasing a sludge dryer to reduce the amount of wastewater treatment sludge managed at the Facility.
46. Respondent estimates that the sludge dryer will reduce the amount of sludge managed by approximately 336 pounds per day.
47. Respondent shall expend at least One Hundred Thousand dollars (\$100,000.00) on the SEP.
48. Respondent shall operate the sludge dryer for at least five (5) years following the effective date of this CA/FO.
49. Within twelve (12) months after the Effective Date of this CA/FO, Respondent shall

certify to EPA in writing that it has purchased the sludge drier referred to in Paragraphs 45 through 47. At the same time, Respondent shall provide EPA an accounting showing the amount Respondent expended for the implementation of the SEP, and submit to EPA substantiating documentation, including but not limited to invoices, purchase orders, checks or receipts. The signatory for Respondent shall certify under penalty of law that this certification is based upon true, accurate and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

50. In the event that Respondent publicizes the SEP, Respondent shall state in a prominent manner that the project is part of a settlement of an enforcement action by EPA.
51. In signing this CA/FO, Respondent hereby certifies that it is not required by any federal, state or local law or regulation to perform or develop the SEP described above; nor is Respondent required by agreement, grant or as injunctive relief in this or any other case (other than in this CA/FO) to perform or develop this SEP. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for this SEP; nor will Respondent realize any net profits within five years (meaning the cost savings realized through operation of the SEP will be less than the total of the cost of purchasing the SEP and operating it during the five year period), attributable to or associated with this SEP.
52. In signing this CA/FO, Respondent hereby certifies that it is performing this pollution prevention SEP in settlement of this enforcement action, and that the purchase of the sludge dryer was not planned for this Facility prior to the date Morrell's received EPA's Notice of Violation dated April 20, 2011.
53. In signing this CA/FO, Respondent hereby certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent further certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

F. ADMISSIONS AND WAIVERS OF RIGHTS

54. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
55. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

G. PARTIES BOUND

56. This CA/FO shall apply to and be binding upon Respondent and its successors and assigns, until such time as the civil penalty required under Sections D has been paid in accordance with Section H, and the SEP described in Section E is complete, and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
57. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
58. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

H. PAYMENT OF CIVIL PENALTY

59. Respondent consents to the assessment of and agrees to pay a civil penalty of NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00), and to complete the SEP described in Section E, in full settlement of the federal civil penalty claims set forth in this CA/FO.
60. Respondent shall submit payment of the NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Final Order, signed by the

Regional Judicial Officer, is filed with the Regional Hearing Clerk. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action. The civil penalty shall be paid 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
Contact: Natalie Pearson (314-418-4087)

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact – Jesse White (301-887-6548)
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

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both:

Regional Hearing Clerk (RC-1)
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105

and

Jennifer Downey (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street
San Francisco, CA 94105.

61. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 CFR § 13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

- I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

62. In addition to the interest and per annum penalties described above, in the event that Respondent fails to pay the full amount of the penalty within the time specified in Section H, Respondent agrees to pay Complainant a stipulated penalty in the amount of up to

ONE HUNDRED DOLLARS (\$100.00) for each day the default continues.

63. In the event that Respondent fails to complete the SEP as required by this CA/FO, including all attachments, Respondent shall pay a stipulated penalty, upon written demand from EPA, in the following amounts for each day the SEP remains incomplete:

Period of Noncompliance	Penalty Per Violation Per Day
1st through 7th day	\$ 100.00
8th through 21st day	\$ 250.00
22nd through 30th day	\$ 500.00
Greater than 30 days	\$1,000.00

64. If defendant has not satisfactorily completed the SEP by 60 days after the deadline set forth in this Consent Agreement, the United States may elect to terminate the SEP if it determines that Respondent is not making a good faith effort to satisfactorily complete the SEP. In addition, if at any time the United States determines that Respondent has abandoned the SEP, it may terminate the SEP. The United States shall provide written notice of SEP termination to Respondent. If the United States terminates the SEP, Respondent shall be liable for a lump sum stipulated penalty of \$40,000, less any amount that Defendant has paid under Paragraph 63. If Defendant pays a termination penalty under this Paragraph, it shall not be liable for stipulated penalties under Paragraph 63. Any sums already paid under Paragraph 63 shall be credited against the lump sum stipulated penalty due under this paragraph.
65. The determination of whether Respondent has satisfactorily purchased the equipment described in paragraphs 45 – 47 above and the determination of whether Respondent has made a good faith, timely effort to implement the SEP for purposes of this Section, are within the sole discretion of the Director, Waste Management Division, EPA Region IX, subject to the terms of this CA/FO. The decision of the Division Director, Waste Management Division, EPA Region IX is not reviewable in any forum.
66. All stipulated penalties shall begin to accrue on the date that performance is due or a violation occurs. Stipulated penalties under the paragraphs above 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.
67. 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 CFR §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.

68. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 60.
69. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
70. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

J. RESERVATION OF RIGHTS

71. EPA hereby reserves all of its 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/FO. EPA further reserves all of its 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/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO 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 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.
72. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
73. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO.
74. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

K. OTHER CLAIMS

75. Nothing in this CA/FO 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 for any liability it may have 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.

L. MISCELLANEOUS

76. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

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

78. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

Date

Name: Cyrus Gipoor
Title: President
Morrell's Electroplating, Inc. a California
corporation

Date

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

K. OTHER CLAIMS

75. Nothing in this CA/FO 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 for any liability it may have 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.

L. MISCELLANEOUS

76. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
77. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
78. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

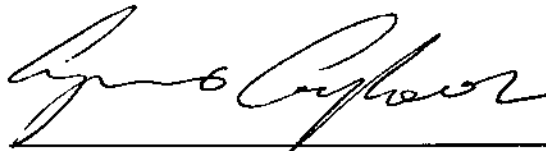
IT IS SO AGREED.

7/9/12

Date

8/8/12

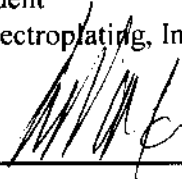
Date



Name: Cyrus Gipoor

Title: President

Morrell's Electroplating, Inc. a California corporation



Jeff Scott, Director

Waste Management Division

U.S. Environmental Protection Agency, Region 9

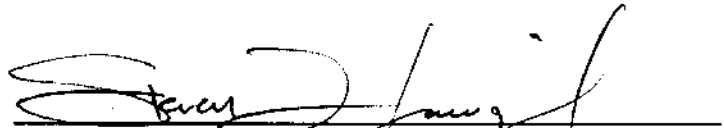
FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 CFR Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9-2012- 0013) be entered and that Morrell's Electroplating pay a civil penalty of NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order, and complete the Supplemental Environmental Project as described in Section E of the Consent Agreement. Payment must be made pursuant to Section H of the Consent Agreement.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

08/15/12

Date

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

Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region 9

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of MORRELL'S ELECTRO PLATING. (Docket #: RCRA-09-2012-0013) 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:

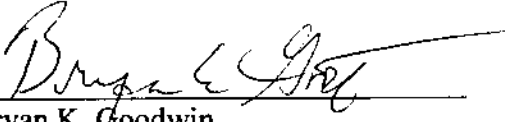
A copy was mailed via CERTIFIED MAIL to:

Mr. Lin Riddle
Quality Control Manager
Morrell's Electro Plating
432 Euclid Avenue
Compton, CA 90222

CERTIFIED MAIL NUMBER: 7010 2780 0000 8388 7436

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

Rebecca Sugerman, Esq.
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

8/17/12
Date



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

CERTIFIED MAIL NO. 7010 2780 0000 8388 7436
RETURN RECEIPT REQUESTED

AUG 17 2012
Mr. Lin Riddle
Quality Control Manager
Morrell's Electro Plating
432 Euclid Ave.
Compton, CA 90222

Re: In the matter of Morrell's Electro Plating
U.S. EPA Docket No. RCRA-09-2012- 0013

Dear Mr. Riddle:

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency (EPA).

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order, and Morrell's completes the Supplemental Environmental Project described therein, this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Rebecca Sugerman in our Office of Regional Counsel at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosure