



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of:)	
)	U.S. EPA Docket No.
)	
)	RCRA-09-2022-0082
AGITEC INTERNATIONAL LIMITED DBA)	
CLEANTECH ENVIRONMENTAL)	
SERVICES, INC.)	
RESPONDENT)	
)	
Proceeding under Section)	
3008(a) of the Resource Conservation and)	
Recover Act)	
)	

I. INTRODUCTION

1. This Order is entered into upon mutual agreement by the parties, United States Environmental Protection Agency, Region IX (“EPA”) and Agritec International Limited dba Cleantech Environmental Services, Inc. (“Agritec” or “Respondent”). Accordingly, although Respondent neither admits nor denies EPA’s specific factual allegations herein, Respondent admits to and agrees not to contest EPA’s jurisdiction to issue this Order or enforce its terms. Further, Respondent will not contest EPA’s jurisdiction to: compel compliance with this Order in any subsequent enforcement proceedings, either administrative or judicial; require Respondent’s full compliance with the terms of this Order; or impose sanctions for violations of this Order.
2. EPA makes the following Findings and hereby issues this Order for violations of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 (hereinafter, RCRA), Sections 3002 and 3004, 42 U.S.C. §§ 6922 and 6924, and the implementing regulations found at 40 Code of Federal Regulations (“C.F.R.”) Part 264, pursuant to Section 3008(a) of RCRA, 42 U.S.C § 6928(a); 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 C.F.R. Part 22 (Part 22).
3. This Order shall apply to and be binding upon Respondent, its agents, successors and assigns and upon all persons, contractors, and consultants acting under or for Respondent. No change in ownership or corporate or partnership status of Agritec will in any way alter the status of the Respondent or its responsibilities under this Order.

II. STATUTORY AND REGULATORY AUTHORITY

4. In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. RCRA Subtitle C, 42 U.S.C. § 6921 et seq., empowers EPA to identify and list hazardous wastes. It also authorizes EPA to regulate hazardous waste generators, transporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-279.
5. In 2012, Congress enacted the Hazardous Waste Electronic Manifest Establishment Act (“e-Manifest Act”). The e-Manifest Act, which amended the Solid Waste Disposal Act, required EPA to establish a national electronic manifest (“e-manifest”) system, the development of which would be initially funded by annual appropriations, and ultimately funded by user fees, which would both offset the system’s development costs, as well as the costs of operating, maintaining, and upgrading the system.
6. Section 2(a)(5)(A) of the e-Manifest Act defines “User” of the e-Manifest System as “a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling.”
7. Fees determined by 40 C.F.R. Part 264 Subpart FF apply to owners or operators of facilities whose activities include receiving, rejecting or managing federal or state regulated hazardous wastes. Fees are assessed on a per manifest basis and are paid by the owners or operators of the receiving facility. 40 C.F.R. §§ 264.1311(a); 264.1314(a).
8. The State of California (“State”) received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271 on or about August 1, 1992. This authorization was updated on September 26, 2001 (*see* 66 FR 49118, September 26, 2001), on October 7, 2011 (*see* 76 FR 62303, October 7, 2011) and again on January 14, 2020 (*see* 85 FR 2038, as corrected (*see* 86 FR 29207, June 1, 2021)).
9. The authorized hazardous waste program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code (“H&SC”), and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations (“C.C.R.”), 22 C.C.R. §§ 66001 et seq.¹ While the State has not been authorized for all of the e-manifest regulations referenced in this AOC, the

¹ Any State citations to the “C.C.R.” refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing relevant California hazardous waste management program requirements as approved and authorized by the United States. As a convenience, corresponding Federal citations are provided in brackets.

e-manifest system and fees became effective in every state on June 30, 2018, per Section 3024(g)(1)(C)(2) of the e-Manifest Act, with EPA implementing the regulations.

10. Section 3008(a) of RCRA provides that whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.
11. The Administrator has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrators. The Regional Administrator of EPA Region IX redelegated that authority to the Director of the Enforcement and Compliance Assurance Division, Region IX.

III. GENERAL ALLEGATIONS AND FINDING OF VIOLATIONS

12. Respondent operates and owns a commercial facility permitted to treat, store, and dispose of solid and California-only hazardous waste located at 5820 Martin Road in Irwindale, California (“Facility”). The Facility's California Identification number is CAL000330453. Pursuant to a California-only hazardous waste permit issued by the California Department of Toxic Substances Control (DTSC), the Respondent is permitted to receive used oil, a California designated hazardous waste. The used oil is tested, stored and treated to meet the recycled oil standards in California law. The Respondent is also permitted to receive and store at the Facility other California-only hazardous wastes, including waste antifreeze, oil contaminated solid waste, and wastewater.
13. Under California regulations California-only hazardous waste shipments must be accompanied by a Federal Uniform Hazardous Waste Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 per 22 C.C.R. §§ 66262.20; 66264.70 [40 C.F.R. §§ 262.20; 264.70].
14. Under Section 2(a)(5)(A) of the e-Manifest Act, the definition of “User” of the e-Manifest System includes “... or any other person that is required to use a manifest to comply with any Federal or State requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling.”
15. Pursuant to 40 C.F.R. § 264.1311, EPA charges user fees to receiving facilities for each manifest they submit.
16. As a receiving facility, Respondent submitted manifests for the California-only hazardous waste it received.
17. As required by 40 C.F.R. § 264.1314, EPA invoiced Respondent monthly for manifest-related services provided and the fees owed for the enumerated services. That section also requires the Respondent to pay fees within 30 days of the date of the invoice or bill.

18. Beginning October 2019 through March 2022, Respondent failed to pay or make timely payments of e-manifest fees that EPA had invoiced, a violation of 40 C.F.R. § 264.1314.
19. Respondent has entered into a payment plan with EPA's Cincinnati Financial Center (CFC) for the following outstanding invoices: 429783535, 421065749, 411838764, 402162430 and 438732892 (EPA Payment Plan).² The total outstanding balance on the EPA Payment Plan with interest and penalty is \$49,366.81. Pursuant to the Payment Plan and this consent agreement, payment of \$2,903.33 is due the first of the month until all payments are received. If all payments are made on time, the last payment will be due on September 1, 2023.

IV. COMPLIANCE ORDER

20. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), it is hereby ordered that upon the Effective Date Respondent, who has consented to the terms of this Order, shall meet the terms of the Payment Plan and timely pay the outstanding invoices addressed by the EPA Payment Plan by the dates as agreed to by EPA's CFC and Respondent. Additionally, Respondent shall pay each future invoiced e-manifest fee(s) by the due date listed on the invoice.
21. Respondent shall provide EPA Region IX with proof of payment within 5 days after the payment due date for the CFC Payment Plan and for future e-manifest invoices. Respondent may cease providing EPA Region IX with copies of proof of payment after timely paying 12 consecutive months of invoices.

² Respondent also has outstanding e-manifest fees that EPA referred to the U.S. Department of Treasury for collections: EPA-EMAN-2020-194384612, dated 6/24/2020, EPA-EMAN-2020-209890958: dated 7/30/2020, EPA-EMAN-2020-224591401: dated 8/20/2020, EPA-EMAN-2020-237441236: dated 9/24/2022, EPA-EMAN-2021-264071932: dated 1/6/2021, EPA-EMAN-2021-292012350: dated 3/31/2021, EPA-EMAN-2021-302571392: dated 4/30/2021, EPA-EMAN-2021-255747774: dated 5/12/2021, EPA-EMAN-2021-314082514: dated 6/1/2021, EPA-EMAN-2021-325875627: dated 6/30/2021, EPA-EMAN-2021-336164113: dated 8/4/2021, EPA-EMAN-2021-347835857: dated 8/30/2021, EPA-EMAN-2021-356801478A: dated 9/27/2021, EPA-EMAN-2022-369701099: dated 11/12/2021, and EPA-EMAN-2022-378915892: dated 11/29/2021.

IV. NOTIFICATIONS

22. Submissions required by this Order under Paragraph 21 shall be in writing and shall be sent to the e-mail addresses below:

John Schofield
schofield.john@epa.gov

23. EPA will send all written communications to the following representatives for Respondent:
Charles Nail, Controller
controller@cleantechenv.com

and,

Robert E. Brown III, Chief Executive Officer
rbrown@cleantechenv.com

24. All documents submitted to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 C.F.R. Part 2, Subpart B and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

V. GENERAL PROVISIONS

25. Nothing contained in this Order shall affect the responsibility of Respondent to comply with all applicable federal, state, or local laws or regulations.
26. Any and all information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501 et seq., because it seeks to collect information from specific individuals or entities to assure compliance with this administrative action.
27. This Order is not intended to be nor shall it be construed to be a permit. Further, the parties acknowledge and agree that EPA's approval of this Order does not constitute a warranty or representation that requirements provided hereunder will meet the requirements of RCRA. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligations to comply with RCRA or other applicable local, state, or federal laws and regulations.
28. EPA 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 Order.

29. This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, which EPA has under any statutory, regulatory, or common law authority of the United States.
30. This Order does not resolve any civil or criminal claims of the United States for the violations alleged in this Order; nor does it limit the rights of the United States to obtain penalties or injunctive relief under the RCRA or other applicable federal law or regulation.
31. Respondent waives its right to contest and consent to the terms of this Order. Respondent has entered into this Order in good faith without trial or adjudication of any issue of fact or law.
32. Respondent waives any right to judicial review of this Order and waive any right to a RCRA hearing under Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.37(b).
33. The parties shall bear their own costs and fees in this action, including attorney's fees.
34. Failure to comply with this Order may result in an enforcement action for appropriate injunctive relief and civil penalties pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), or, in appropriate cases, criminal penalties.

VII. ENFORCEMENT

35. This Order does not in any way impair EPA's rights to enforce any authorized statute or regulation.
36. Be advised that issuance of this Order does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law.

VIII. STIPULATED PENALTIES

37. Respondent shall be liable to EPA for stipulated penalties up to the amounts set forth in Paragraph 38 for failure to comply with the requirements of Paragraphs 20 and 21.
38. Stipulated Penalty Amounts - The following stipulated penalties shall accrue per violation per day for any noncompliance with the requirements in Paragraphs 20 and 21:

Period of Noncompliance	Penalty Per Violation Per Day
1 st through 30 th day	Up to \$250
31 st through 60 th day	Up to \$500
61 st day and beyond	Up to \$1,000

39. All stipulated penalties owed to EPA under this Section shall be due within thirty (30) days of receipt by Respondent 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 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period. Penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity.
40. Pursuant to 31 U.S.C. § 3717, an additional penalty of 6% per annum on any unpaid principal shall be assessed for any stipulated penalty payment which is overdue for 90 or more days. In addition, a handling fee of \$15 per month shall be assessed beginning on the thirty-first day after Respondent's receipt of EPA's demand.
41. All payments to EPA under this Section shall indicate that the payment is for stipulated penalties and shall be paid to "Treasurer, United States" either by certified or cashier's check and sent as follows:
U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
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"
ACH (also known as REX or remittance express):
ACH for receiving US currency
PNC Bank
808 171b Street, NW
Washington, DC 20074
ABA: 051036706

Transaction Code 22 – checking
Environmental Protection Agency
Account 310006

Online Payment:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.

This payment option can be accessed from the information below:

www.pay.gov

Enter “sfo1.1” 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.

Payments shall include a reference to the name of the Facility, Respondent’s name and address, and the EPA docket number of this action.

42. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this AOC.

X. EFFECTIVE DATE

43. This AOC shall become effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b).

IT IS SO AGREED.

FOR RESPONDENT AGRITEC INTERNATIONAL DBA CLEANTECH ENVIRONMENTAL SERVICES, INC.:



Date: 9-14-22

Robert E. Brown III
Chief Executive Officer

FOR COMPLAINANT U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

**AMY MILLER-
BOWEN**

Digitally signed by AMY MILLER-
BOWEN
Date: 2022.09.22 10:48:49 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

FINAL ORDER

IT IS HEREBY ORDERED that this Administrative Order on Consent pursuant to 40 CFR Part 22 be entered, U.S. EPA Docket No. RCRA-09-2022-0082. The Respondent is ordered to comply with the Compliance Order, Section IV as set forth in this Order.

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

Steven Jawgiel Date
Regional Judicial Officer
U.S. EPA - Region IX

CERTIFICATE OF SERVICE

This is to certify that the foregoing ADMINSTRATIVE ORDER ON CONSENT AND FINAL ORDER in the matter of Agritec International Limited dba CleanTech Environmental Services, Inc. (RCRA-09-2022-0082) has been 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 electronic mail:

RESPONDENT: Robert Brown III
Chief Executive Officer
Agritec International Limited dba
CleanTech Environmental Services, Inc.
5820 Martin Road
Irwindale, CA 91706
RBrown@cleantechenv.com
(626)812-7287

COMPLAINANT: Rebecca Sugerman
Assistant Regional Counsel
U. S. EPA – Region IX
Surgerman.Rebecca@epa.gov

Ponly J. Tu Date
Regional Hearing Clerk
U.S. EPA - Region IX