

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

FILED

2011 SEP 28 AM 11:25

U.S. EPA REGION IX  
REGIONAL HEARING CLERK

In the Matter of

Valley Plating Works, Inc.  
EPA ID No. CAD008371676 and  
CAR000058479

Respondent.

U.S. EPA Docket No.

RCRA-9-2011-009

CONSENT AGREEMENT AND FINAL  
ORDER PURSUANT TO 40 C.F.R.  
SECTIONS 22.13 AND 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 and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") 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 Valley Plating Works, Inc. ("Respondent").
2. Respondent owns and operates facilities located at 2640 and 2701/2707 San Fernando Road, in Los Angeles, California, 90065 (the "LA Facilities") and at 5900 Sheila Street in Commerce, California 90040 (the "Commerce Facility") (collectively, the "Facilities"). The Facilities' EPA Identification Numbers are CAD008371676 and CAR000058479, respectively. Respondent operates metal plating facilities, which include chrome, nickel, and zinc plating on automotive, motorcycle, medical, and furniture parts.
3. This Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) obtain a permit for the storage and transfer of hazardous waste, a violation of California Health and Safety Code ("H&SC") § 25200 and 22 California Code of Regulations<sup>1</sup> ("C.C.R.") § 66262.34(c) [*see also* 40 C.F.R. § 262.34(b)]; (2) obtain a permit for the treatment of hazardous waste, a violation 22 C.C.R. § 66262.34(a)(1), and 22 C.C.R. §§ 66265 Article 9 and Article 10, [*see also* 40 C.F.R. § 262.34(a)(1) and 40 C.F.R. §§ 265 Subpart I and Subpart J]; (3) maintain a contingency plan, a violation of 22 C.C.R. §§ 66262.34(a)(4) and 66265.52 [*see also* 40 C.F.R. §§ 262.34(a)(4) and 265.52]; (4) close containers of hazardous waste, in violation of 22 C.C.R. §§ 66262.34(a)(1)(A) and

<sup>1</sup> All citations to the "C.C.R." 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) and September 26, 2001 (66 FR 49118, September 26, 2001). Corresponding Federal citations are provided in brackets.

66265.173(a) [*see also* 40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a)]; (5) make a hazardous waste determination, a violation of 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11]; and (6) notify the EPA of hazardous waste activity, a violation of 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12(a)]. These are all in violation of Section 3001 et seq. of RCRA, 42 U.S.C. § 6921 et seq., and state regulations adopted pursuant thereto.

## 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 C.F.R. 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 C.C.R. §§ 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 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
6. Respondent is the “operator” of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
7. Respondent’s hazardous waste manifests indicate that it generates 1000 kilograms (“kg”) or greater of hazardous waste in a month and is a large quantity “generator” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
8. Respondent is or has been engaged in “storage” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
9. Respondent generates and accumulates, or has generated and accumulated, materials that are “wastes” as defined in 22 C.C.R. §§ 66260.10 and 66261.2, and materials that are “solid wastes” as defined in 40 C.F.R. §§ 260.10 and 261.2.
10. At the Facilities, Respondent generates and accumulates, or has generated and accumulated, “hazardous waste” as defined in H&SC § 25117, and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA § 1004(5) and 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include, but are not limited to, hydroxide filter cake (F006), solvents (D001 and F005), spent nickel stripper solution (D002), and other corrosive wastes.
11. On April 21, 2009, EPA conducted a RCRA Compliance Evaluation Inspection (“CEI”) at the LA Facilities. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated H&SC § 25100 et seq. and the regulations adopted pursuant thereto, as approved and authorized by the United States.
12. On October 29, 2009, EPA conducted a RCRA CEI at the Commerce Facility. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated H&SC § 25100 et seq. and the regulations adopted pursuant thereto, as approved and authorized by the United States.

13. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, inter alia, that authorized state hazardous waste programs are carried out under Subchapter III of RCRA. EPA has authority, under powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928, to take action with respect to violations of California's authorized hazardous waste program, found at H&SC § 25100 et seq.
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 Subchapter III 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      Storage and Transfer of Hazardous Waste Without a Permit**

16. Paragraphs 1 through 15 are incorporated herein by this reference as if they were set forth here in their entirety.
17. With limited exceptions, 22 C.C.R. § 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 and transfer hazardous waste under 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)].
18. 22 C.C.R. § 66262.34(a) provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status so long as certain conditions applicable to the accumulation of that waste are met pursuant to 22 C.C.R. § 66262.34(a) [*see also* 40 C.F.R. § 262.34(a)]. Failure to meet the conditions of the exemption subjects the generator to the permit requirements of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].
19. Large quantity generators who accumulate waste longer than 90 days, or fail to label containers of hazardous waste appropriately, fail to meet the requirements of 22 C.C.R. § 66262.34, and are subject to the permitting requirements of 22 C.C.R. § 66270.1 [*see also* 40 C.F.R. § 270.1].
20. Based upon manifest data from the LA Facilities and other information submitted by the Respondent regarding its operations, Respondent stored wastewater treatment sludge (F006) hazardous waste for 86 days beyond the 90-day period allowed for generators to store hazardous waste without a permit or interim status. Waste started accumulating on September 29, 2008 and was manifested for disposal on March 25, 2009, 176 days after the accumulation start date.

22. Respondent's failure to meet the requirements set forth or referenced by 22 C.C.R. § 66262.34 subjects it to the permit requirements of 22 C.C.R. § 66270.1 [see also 40 C.F.R. §§ 262.34 and 270.1]. Therefore, EPA alleges that Respondent stored and transferred hazardous waste without a permit, a violation of 22 C.C.R. § 66270.1(c) [see also 40 C.F.R. § 270.1(c)].

### **Count II Treatment of Hazardous Waste Without a Permit**

23. Paragraphs 1 through 22 are incorporated herein by this reference as if they were set forth here in their entirety.

24. With limited exceptions, 22 C.C.R. § 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 treat hazardous waste under 22 C.C.R. § 66270.1(c) [see also 40 C.F.R. § 270.1(c)].

25. 22 C.C.R. § 66262.34(a) provides that a large quantity generator may treat hazardous waste without a permit or grant of interim status so long as certain conditions applicable to the treatment of that waste are met pursuant to 22 C.C.R. § 66262.34(a)(1) [see also 40 C.F.R. § 262.34(a)(1)]. Failure to meet the conditions of the exemption subjects the generator to the permit requirements of 22 C.C.R. § 66270.1 [see also 40 C.F.R. § 270.1].

26. Large quantity generators who accumulate waste longer than 90 days, or fail to comply with 22 C.C.R. § 66265, Article 9 [see also 40 C.F.R. §265 Subpart I] for containers or 22 C.C.R. § 66265, Article 10 [see also 40 C.F.R. §265 Subpart J] for tank systems, fail to meet the requirements of 22 C.C.R. § 66262.34, and are subject to the permitting requirements of 22 C.C.R. § 66270.1 [see also 40 C.F.R. § 270.1]. Pursuant to 22 C.C.R. § 66265.191(b) [see also 40 C.F.R. §265.191(b)], facilities are required to assess tanks to ensure that they are adequately designed and have sufficient structural strength and compatibility with the wastes to be stored or treated to ensure they will not collapse, rupture, or fail.

27. During the CEI at the Commerce Facility, the EPA Inspector observed that Respondent applied spent nickel solution (D002) to wastewater treatment sludge (F006) prior to drying the sludge in a thermal treatment unit. The treatment unit is not designed to dry corrosive, liquid wastes. Because the unit has limited protective controls, employees may have been exposed to corrosive waste that vaporized during the drying process.

28. Respondent's failure to meet the requirements set forth or referenced by 22 C.C.R. § 66262.34 subjects it to the permit requirements of 22 C.C.R. § 66270.1 [see also 40 C.F.R. §§ 262.34 and 270.1]. Therefore, EPA alleges that Respondent treated hazardous waste without a permit, a violation of 22 C.C.R. § 66270.1(c) [see also 40 C.F.R. § 270.1(c)].

### **Count III Failure to Maintain a Contingency Plan**

29. Paragraphs 1 through 28 above are incorporated herein by this reference as if they were set forth here in their entirety.

30. 22 C.C.R. § 66265.52 [*see also* 40 C.F.R. § 265.52] requires that owners and operators maintain a contingency plan that: (a) describes the actions facility personnel shall take to respond to fires, explosions or unplanned releases of hazardous waste or hazardous waste constituents; (b) incorporates hazardous waste management provisions, if the facility already has a Spill Prevention Control and Countermeasures Plan in place; (c) describes arrangements with local police and fire departments, hospitals, contracts and State and local emergency response teams with respect to emergency coordination; (d) lists up to date information as to the names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator; (e) lists emergency equipment at the facility including the location and physical description of each item and an outline of its capabilities; (f) contains an evacuation plan; and (g) contains the current telephone number of the State Office of Emergency Services.
31. On April 21, 2009, Respondent's LA Facilities could not locate and produce their contingency plan at the time of the inspection. On May 4, 2010, Respondent provided EPA with a contingency plan which was deficient in that it lacked location and capabilities information regarding the emergency equipment and it lacked an address for the emergency coordinators listed.
32. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.52 [*see also* 40 C.F.R. § 265.52].

#### **Count IV      Open Containers of Hazardous Waste**

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 265.173(a)] requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
35. On April 21, 2009, EPA inspectors at the LA Facilities observed an open container of wastewater treatment filter cake (F006) in the satellite accumulation area and an open 100-gallon container of spent alkaline cleaner (D002) at the 2640 San Fernando Road location. Respondent was not adding or removing waste at the time.
36. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.173(a) [*see also* 40 C.F.R. § 265.173(a)].

#### **Count V      Failure to Make a Hazardous Waste Determination**

37. Paragraphs 1 through 36 above are incorporated herein by this reference as if they were set forth here in their entirety.
38. 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11] requires that a person who generates a waste determine if the waste is a hazardous waste.

39. On April 21, 2009, the EPA inspector observed two pallets of small containers containing discarded waste materials and an open and unlabeled 100-gallon container of spent alkaline cleaner at the LA Facilities.
40. Subsequent to the inspection, Respondent submitted information to EPA which showed that it transported the small containers of waste off-site for disposal as a manifested hazardous waste. Respondent treated the contents of the 100-gallon tank in its wastewater treatment system.
41. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11].

#### **Count VI      Failure to Notify EPA of Hazardous Waste Activity**

42. Paragraphs 1 through 41 above are incorporated herein by this reference as if they were set forth here in their entirety.
43. 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12(a)] provides that generators must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without first receiving an EPA identification number for the facility. 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] defines a facility as all contiguous land, and structures, other appurtenances, and improvements on the land, used for treatment, storing, or disposing of hazardous waste.
44. On April 21, 2009, the EPA inspector observed that the land and structures located at 2701/2707 San Fernando Road, Los Angeles, CA, for which Respondent has an EPA identification number, are not contiguous with the land and structures located at 2640 San Fernando Road. The 2640 San Fernando Road property is located south of the 2701/2707 San Fernando Road property and across a four-lane main thoroughfare and access road. The Respondent cannot directly cross the road by vehicle to reach the 2640 San Fernando property but must drive down the access road to a crossing point at which the vehicle would make a U-turn onto San Fernando Road. At the 2640 San Fernando property, Respondent stored hazardous waste, a 100-gallon container of spent alkaline cleaner and two pallets with small containers of hazardous waste. Because the two locations are not contiguous and each stored and/or treated hazardous waste, the two locations are separate facilities. Thus, the 2640 San Fernando facility requires a separate EPA identification number. At the time of the inspection, Respondent did not have a separate EPA identification number for this facility.
45. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.12(a) [*see also* 40 C.F.R. § 262.12(a)].

#### **D. CIVIL PENALTY**

46. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of up to \$25,000 per day per violation for violations of any requirement of Subchapter III of RCRA, 42 U.S.C. § 6921 et seq. The amount of the maximum civil penalty is adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701. EPA regulations promulgated

pursuant to these statutes authorize a civil penalty of up to \$32,500 per day per violation for violations occurring after March 15, 2004 through January 12, 2009, and a civil penalty of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 40 C.F.R. § 19.4. 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 FORTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$48,500.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty 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, case-specific circumstances, and the economic benefit gained from non-compliance, where appropriate.

#### E. ADMISSIONS AND WAIVERS OF RIGHTS

47. 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.
48. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. For purposes of entry and enforcement of this CA/FO only, and not for purposes of any other matter or proceeding, 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, for purposes of entry and enforcement of this CA/FO only, and not for purposes of any other matter or proceeding, 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.

#### F. PARTIES BOUND

49. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's employees, agents, successors and assigns. When the civil penalty required under Sections D and G has been paid in accordance with Section G, the compliance tasks under Section H have been performed, and any delays in performance and/or stipulated penalties have been resolved, this CA/FO shall constitute full settlement of the violations alleged herein.
50. No change in ownership or corporate, partnership or legal status relating to the Facilities will in any way alter Respondent's obligations and responsibilities under this CA/FO.

51. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into and execute this CA/FO, and to legally bind Respondent to it.

**G. PAYMENT OF CIVIL PENALTY**

52. Respondent consents to the assessment of and agrees to pay a civil penalty of FORTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$48,500.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.

53. Respondent shall submit payment of FORTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$48,500.00) in accordance with the payment plan specified in Paragraph 55 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.

54. 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](http://www.pay.gov)  
Enter “sfo1.1” 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:

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

and

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

55. The first payment of \$16,167 is due within 30 days of the effective date of this CA/FO. Subsequent payments are due annually on the anniversary of the effective date of the CA/FO as detailed in the following table:

Payment	Principal	Interest	Total Due	Principal Balance
2	\$16,167	\$323	\$16,490	\$16,166
3	\$16,166	\$162	\$16,328	\$0

56. 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 C.F.R. § 13.11. A late penalty charge of \$15.00 will be imposed if payment is not received by the due date, with an additional \$15.00 charge for each subsequent 30-day period the payment is not received. 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.

#### H. COMPLIANCE TASKS

57. Respondent shall provide to EPA copies of the as-built drawing(s) of the underground pipeline connecting the facility located at 2640 San Fernando Road and the facility located at 2701/2707 San Fernando Road within 20 days of entry of this CA/FO.
58. Respondent shall provide to EPA copies of the last three years of inspections of the pipeline leak detection system performed by third party inspectors within 30 days after entry of this CAFO. If no third party inspection exists, Respondent shall perform an assessment of the system using a third party within 30 days after entry of this CA/FO. Respondent shall provide to EPA a copy of the assessment report within 30 days after completion. If repairs are recommended by the third party, Respondent shall implement repairs within 30 days of completion of the assessment. Within 30 days after the repairs have been made, Respondent shall provide to EPA documentation (for example, a statement of work performed, pictures, a copy of the bill, etc.) verifying such repairs occurred.
59. After receipt of the information required to be submitted in Paragraph 58 of this CA/FO, EPA will notify Respondent by certified mail whether additional site assessment work described in Paragraph 60 must be performed. Information/documentation that will require Respondent to perform the additional assessment activities described in the attached Scope of Work includes, but is not limited to: a) failure to inspect and maintain the pipeline leak detection system; and b) a negative third party assessment report.
60. As directed by EPA, Respondent shall perform assessment work of the pipeline as described in the attached Scope of Work. Respondent shall submit to EPA for approval a Workplan which outlines the tasks required to perform the assessment work and a schedule within 30 days after receiving written notice in accordance with Paragraph 59 of this CA/FO.
61. After review of the Workplan required to be submitted pursuant to this CA/FO, EPA may: a) approve the submission; b) approve the submission upon specified conditions; or c) disapprove the submission.
62. If the submission is approved, Respondent shall take all actions required by the Workplan in accordance with the schedules and requirements of the Workplan as approved.
63. If the submission is disapproved in whole or in part Respondent shall, within 15 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the Workplan for approval in accordance with this CA/FO.

## I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

64. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as set forth below:

For failure to submit a payment or deliverable to EPA by the time required in this CA/FO: ONE HUNDRED DOLLARS (\$100) per day for first to fifteenth day of delay, FIVE HUNDRED DOLLARS (\$500) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND DOLLARS (\$1,000) per day for each day of delay thereafter.

65. 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 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
66. All penalty payments shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 53.
67. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
68. 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

69. Except for Respondent's liability for civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO, which are fully and finally resolved by this CA/FO, 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). Except for Respondent's liability for civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO, which are fully and finally resolved by this CA/FO, 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.
70. 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.

71. 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.
72. 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**

73. Except for Respondent's liability for civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO, which are fully and finally resolved by this CA/FO, 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 Facilities.

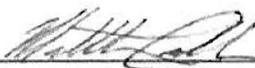
**L. MISCELLANEOUS**

74. This CA/FO may be amended or modified only by written agreement executed by both EPA and the Respondent.
75. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
76. 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: 8-30-11

Valley Plating Works, Inc.

  
Name: MATTHEW CULLEN  
Title: DIRECTOR OF OPERATIONS

Date: 92311



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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 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-09-2011-2019) be entered and that Valley Plating Works, Inc. pay a civil penalty of FORTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$48,500.00) due in accordance with the payment plan specified in Paragraph 55 of this Consent Agreement and perform injunctive relief outlined in Section H of this Consent Agreement and the attached Scope of Work. Payment must be made pursuant to Section G of the Consent Agreement.

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

Date: 09/27/11

  
Steven Jawgiel  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 9

## Attachment A

Valley Plating Works, Inc. Scope of Work  
2640 San Fernando Road and  
2701/2707 San Fernando Road, Los Angeles, CA

1. Develop a Workplan to perform pipeline assessment activities associated with plating operations at the locations listed above and submit the Workplan to EPA in accordance with Section H, Paragraph 58 of the Consent Agreement and Final Order U.S. EPA Docket No. RCRA-9-2011-\_\_\_\_ (“CA/FO”). This Workplan will be subject to EPA approval as outlined in Section H of the CA/FO.
2. The area of the facilities to be assessed is the underground pipeline from 2640 San Fernando Road to the wastewater treatment operations at 2701/2707 San Fernando Road, Los Angeles, California.
3. The Workplan will include the following information, tasks, and an applicable schedule for performance:
  - a. Perform a pressure test of the line within 30 days after EPA approves the Workplan.
  - b. If the line fails the pressure test, VPW shall perform a non-destructive inspection of the pipeline (e.g., camera the line).
  - c. If the pipeline inspection identifies any deformities, cracks, joint failures, etc., VPW shall advance a soil boring adjacent to the identified area(s) of the pipeline. Soil samples will be obtained within 0 and 6 inches below the bottom of the pipeline. VPW shall also obtain samples of any liquid or groundwater which may accumulate in the soil bore holes. VPW shall analyze soil and any liquid/groundwater samples obtained for total and toxic characteristic (TCLP) metals cadmium, chromium and lead, using the following methods:
    - 1) total metals- Method 6010B
    - 2) TCLP metals – Method 1311/6010B
    - 3) Field pH for any liquid/groundwater samples using calibrated pH meter using Method 9040C
    - 4) pH of soil using Method 9045C
4. Prepare and submit a “final report.” The final report will summarize the analytical data developed as a result of the site assessment activities described in the Workplan. Additionally, the final report will include the following:
  - a. site assessment photographs that document the work performed.
  - b. a description of each of the soil samples obtained.
  - c. a copy of the DVD or tape of the non-destructive inspection of the entire pipeline and summary report.
5. All work shall be performed by a 3<sup>rd</sup> party(ies) managed by either by a qualified California Registered Geologist or Professional Engineer. Persons/companies developing and implementing the Workplan will be listed in the Workplan submitted for approval to EPA.

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order with **Valley Plating Works, Inc.**(Docket #: **RCRA-09-2011-0019**) 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:

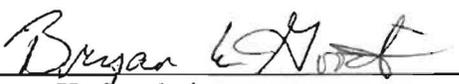
A copy was mailed via CERTIFIED MAIL to:

Mr. Matthew Cullen  
Director of Operations  
Valley Plating Works, Inc.  
P.O. Box 911458  
Los Angeles, CA 90091

**CERTIFIED MAIL NUMBER:** 7010-2780-0000-5246-7393

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

Thanne Cox, 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

9/28/11  
Date



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

CERTIFIED MAIL NO. 7010 2780 0000 5246 7393  
RETURN RECEIPT REQUESTED

SEP 28 2011

Mr. Matthew Cullen  
Director of Operations  
Valley Plating Works, Inc.  
P. O. Box 911458  
Los Angeles, CA 90091

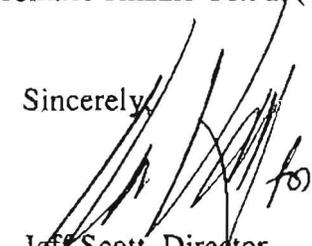
Re: In the matter of Valley Plating Works, Inc.  
U.S. EPA Docket No. RCRA-09-2011-0019

Dear Mr. Cullen:

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, 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 Thanne Cox at (415) 972-3908.

Sincerely,

  
Jeff Scott, Director  
Waste Management Division

Enclosure