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1 UNITED STATES  
2 ENVIRONMENTAL PROTECTION AGENCY  
3 REGION 9

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U.S. EPA REGION 9  
REGIONAL HEARING CLERK

3 In the matter of: ) Docket No. EPCRA-09-2007-0030  
4 Impressions, Polishing and ) Consent Agreement and Final  
5 Plating, Inc., ) Order Pursuant to 40 C.F.R.  
6 1223 N. Batavia Street ) §§ 22.13 and 22.18  
7 Orange, CA 92867, )  
Respondent. )

8 I. CONSENT AGREEMENT

- 9 1. The Director of the Communities and Ecosystems Division  
10 ("Complainant"), United States Environmental Protection  
11 Agency ("EPA") Region 9, and Impressions, Polishing and  
12 Plating, Inc. ("Respondent") agree to settle this matter and  
13 consent to the filing of this Consent Agreement and Final  
14 Order Pursuant to 40 C.F.R. §§ 22.13 and 22.18 ("CAFO"),  
15 which simultaneously commences and concludes this matter in  
16 accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).
- 17 2. This is a civil administrative proceeding initiated pursuant  
18 to Section 325(c) of Title III of the Superfund Amendments  
19 and Reauthorization Act, 42 U.S.C. § 11001 et seq., also  
20 known as the Emergency Planning and Community Right-to-Know  
21 Act of 1986 ("EPCRA"), for violation of Section 313 of EPCRA,  
22 42 U.S.C. § 11023, and the regulations promulgated to  
23 implement Section 313 at 40 C.F.R. Part 372.
- 24 3. Complainant has been duly delegated the authority to file  
25 this action and sign a consent agreement settling this  
26 action. Respondent is a California corporation located at  
27 1223 N. Batavia Street, Orange, California.
- 28 4. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023

1 and 11048, EPA promulgated the Toxic Chemical Release  
2 Reporting: Community Right-to-Know Rule at 40 C.F.R. Part  
3 372.

4 5. Section 313(a) of EPCRA, as implemented by 40 C.F.R. §  
5 372.30, provides that an owner or operator of a facility that  
6 meets the criteria set forth in EPCRA Section 313(b) and 40  
7 C.F.R. § 372.22, is required to submit annually to the  
8 Administrator of EPA and to the State in which the facility  
9 is located, no later than July 1st of each year, a toxic  
10 chemical release inventory reporting form (hereinafter "Form  
11 R") for each toxic chemical listed under 40 C.F.R. § 372.65  
12 that was manufactured, processed or otherwise used at the  
13 facility during the preceding calendar year in quantities  
14 exceeding the thresholds established under EPCRA Section  
15 313(f) and 40 C.F.R. §§ 372.25, 372.27 and 372.28.

16 6. Section 313(b) of EPCRA and 40 C.F.R. § 372.22 provide that  
17 the requirements of Section 313(a) and 40 C.F.R. § 372.30  
18 apply to an owner and operator of a facility that has 10 or  
19 more full-time employees; that is in a Standard Industrial  
20 Classification major group codes 10 (except 1011, 1081, and  
21 1094), 12 (except 1241), 20 through 39; industry codes 4911,  
22 4931, or 4939 (limited to facilities that combust coal and/or  
23 oil for the purpose of generating power for distribution in  
24 commerce), or 4953 (limited to facilities regulated under the  
25 Resource Conservation and Recovery Act, subtitle C, 42 U.S.C.  
26 §6921 et seq.), or 5169, 5171, or 7389 (limited to facilities  
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1 primarily engaged in solvent recovery services on a contract  
2 or fee basis); and that manufactures, processes, or otherwise  
3 uses one or more toxic chemicals listed under Section 313(c)  
4 of EPCRA and 40 C.F.R. § 372.65 in quantities in excess of  
5 the applicable thresholds established under EPCRA Section  
6 313(f) and 40 C.F.R. § 372.25, 372.27 and 372.28.

7 7. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) and 40 C.F.R.  
8 Part 19 authorize EPA to assess a penalty of up to \$27,500  
9 for each violation of Section 313 of EPCRA that occurred on  
10 or after January 31, 1997 but before March 15, 2004 and up to  
11 \$32,500 for each violation of Section 313 of EPCRA that  
12 occurred on or after March 15, 2004.

13 8. Respondent is a "person," as that term is defined by Section  
14 329(7) of EPCRA.

15 9. At all times relevant to this CAFO, Respondent was the owner  
16 and operator of a "facility," as that term is defined by  
17 Section 329(4) of EPCRA and 40 C.F.R. § 372.3, located at  
18 1223 N. Batavia Street Orange, California 92867 ("Facility");  
19 the Facility had 10 or more "full-time employees," as that  
20 term is defined at 40 C.F.R. § 372.3; and the Facility was  
21 classified in Standard Industrial Classification Code 3471 -  
22 electroplating, plating, polishing, anodizing, and coloring.

23 10. During calendar years 2004 and 2005, Respondent otherwise  
24 used approximately the following amounts (in pounds) of  
25 nitric acid and processed approximately the following amounts  
26 (in pounds) of lead compounds, chemicals listed under 40  
27

1 C.F.R § 372.65:

2 <u>Year</u>	<u>Nitric acid</u>	<u>Lead compounds</u>
3 2004	10,178	600
2005	16,739	400

4 11. The quantity of nitric acid that Respondent otherwise used  
5 and the quantity of lead compounds processed at the Facility  
6 during calendar years 2004 and 2005 exceed the established  
7 threshold of 10,000 pounds set forth at 40 C.F.R. § 372.25(b)  
8 for nitric acid and the established threshold of 100 pounds  
9 set forth at 40 C.F.R. § 372.28 for lead.

10 12. Respondent failed to submit Form Rs for nitric acid otherwise  
11 used and lead compounds processed at the Facility to the EPA  
12 Administrator and to the State of California on or before  
13 July 1, 2005 for calendar year 2004 and on or before July 1,  
14 2006 for calendar year 2005.

15 13. Respondent's failure to submit Form Rs on or before July 1 of  
16 2005 and 2006 for nitric acid otherwise used and for lead  
17 compounds processed at the Facility during calendar years  
18 2004 and 2005 constitutes four (4) violations of Section 313  
19 of EPCRA and 40 C.F.R. § 372.30.

20 14. The EPA Enforcement Response Policy for EPCRA Section 313  
21 dated August 10, 1992 provides for a penalty of seventeen  
22 thousand, five hundred dollars (\$17,500) for these  
23 violations.

24 15. In executing this CAFO, Respondent certifies that (1) it has  
25 now fully completed and submitted to EPA all of the required  
26 Form Rs in compliance with Section 313 of EPCRA and the  
27

1 regulations promulgated to implement Section 313; and (2) it  
2 has complied with all other EPCRA requirements at all  
3 facilities under its control.

4 16. In accordance with 40 C.F.R. § 22.18(b)(2) and for the  
5 purpose of this proceeding, Respondent (i) admits that EPA  
6 has jurisdiction over the subject matter of this CAFO and  
7 over Respondent; (ii) admits the violations and facts alleged  
8 in this CAFO; (iii) consents to the terms of this CAFO; (iv)  
9 waives any right to contest the allegations in this CAFO; and  
10 (v) waives the right to appeal the proposed final order  
11 contained in this CAFO.

12 17. The terms of this CAFO constitute a full settlement of the  
13 civil administrative matter filed under the docket number  
14 above.

15 18. EPA's Small Business Compliance Policy, 65 Fed. Reg. 19630  
16 (effective May 11, 2000) ("Small Business Policy"), is  
17 intended to promote environmental compliance among small  
18 businesses (defined as 100 or fewer employees) by providing  
19 incentives for voluntary discovery, prompt disclosure and  
20 expeditious correction of violations. When a small business  
21 satisfies the criteria of the Small Business Policy, EPA will  
22 exercise its enforcement discretion to eliminate gravity-  
23 based penalties. The criteria that must be satisfied under  
24 the Small Business Policy are voluntary discovery, prompt  
25 disclosure, independent discovery and disclosure, expeditious  
26 correction and remediation, prevention of recurrence, no  
27

1 repeat violations, other violations excluded, and  
2 cooperation.

3 19. Complainant has determined that Respondent has satisfied all  
4 of the criteria under the Small Business Policy and thus  
5 qualifies for the elimination of civil penalties in this  
6 matter. Accordingly, the civil penalty assessed in this  
7 matter is zero (\$0) dollars.

8 20. Complainant's finding that Respondent has satisfied the  
9 criteria of the Small Business Policy is based upon  
10 documentation that Respondent has provided to establish that  
11 it satisfies these criteria. Complainant and Respondent  
12 agree that, should any material fact upon which Complainant  
13 relied in making its finding subsequently prove to be other  
14 than as represented by Respondent, this CAFO may be voided in  
15 whole or in part.

16 21. Nothing in this CAFO modifies, affects, exempts or relieves  
17 Respondent's duty to comply with all applicable provisions of  
18 EPCRA and other federal, state or local laws and permits. In  
19 accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves  
20 Respondent's liability for federal civil penalties for the  
21 violations and facts specifically alleged in this CAFO.  
22 Nothing in this CAFO is intended to or shall be construed to  
23 resolve (i) any civil liability for violations of any  
24 provision of any federal, state, or local law, statute,  
25 regulation, rule, ordinance, or permit not specifically  
26 alleged in this CAFO; or (ii) any criminal liability. EPA  
27

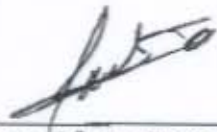
1 specifically reserves any and all authorities, rights, and  
2 remedies available to it (including, but not limited to,  
3 injunctive or other equitable relief or criminal sanctions)  
4 to address any violation of this CAFO or any violation not  
5 specifically alleged in this CAFO.

6 22. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b),  
7 this CAFO shall be effective on the date that the final order  
8 contained in this CAFO, having been approved and issued by  
9 either the Regional Judicial Officer or Regional  
10 Administrator, is filed.

11 23. The provisions of this CAFO shall be binding upon Respondent,  
12 its agents, successors or assigns. Respondent's obligations  
13 under this Consent Agreement, if any, shall end when  
14 Respondent has performed all of the terms of the Consent  
15 Agreement in accordance with the Final Order. Complainant  
16 and Respondent consent to the entry of the CAFO without  
17 further notice.

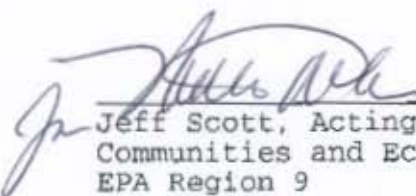
18 FOR RESPONDENT:

19  
20 9/21/07  
Date

  
\_\_\_\_\_  
Carlos Alex Grenaro, Vice President  
Operations  
Impressions, Polishing and Plating, Inc.

23 FOR COMPLAINANT:

24  
25 9/28/07  
Date

  
\_\_\_\_\_  
Jeff Scott, Acting Director  
Communities and Ecosystems Division  
EPA Region 9

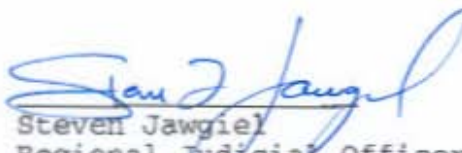
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**II. FINAL ORDER**

Complainant EPA Region IX and Respondent Impressions,  
Polishing and Plating, Inc., having entered into the foregoing  
Consent Agreement,

IT IS HEREBY ORDERED that this Consent Agreement and Final  
Order Pursuant to 40 C.F.R. §§ 22.13 and 22.18 (Docket No. EPCRA-  
09-2007-0030) be entered.

09/28/07  
Date

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



1  
2 CERTIFICATE OF SERVICE

3 I certify that the original of the foregoing Consent Agreement  
4 and Final Order Pursuant to 40 C.F.R. §§ 22.13 and 22.18, Docket  
5 No. EPCRA-09-2007-0030, was hand delivered to the Regional  
6 Hearing Clerk, United States Environmental Protection Agency,  
7 Region 9, 75 Hawthorne Street, San Francisco, California 94105,  
8 and that a true and correct copy thereof was placed in the United  
9 States Mail, certified mail, return receipt requested, addressed  
10 to the following address:

11 Carlos Alex Grenaro  
12 Vice President, Operations  
13 Impressions, Polishing and Plating, Inc.  
956 West 9<sup>th</sup> Street  
Upland, CA 91786

14 Certified Return Receipt No. 7000 1670 0009 3120 6112

15  
16 Date: 09/28/2007

By: Danielle E Carr

DANIELLE CARR  
Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region IX  
75 Hawthorne Avenue  
San Francisco, California 94105-3143

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