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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

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U.S. EPA, REGION IX
REGIONAL HEARING CLERK

In the matter of)	U.S. EPA Docket No.
)	RCRA 09-2010- 0014
)	
Crown Chrome Plating Corp.)	
)	DETERMINATION OF VIOLATION,
)	COMPLIANCE ORDER
EPA ID No. CAD 072924103)	AND
)	NOTICE OF RIGHT TO
<u>Respondent.</u>)	REQUEST A HEARING

DETERMINATION OF VIOLATION

A. INTRODUCTION

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 C.F.R. Part 22. Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is Crown Chrome Plating Corp. ("Respondent").
2. Respondent generates or has generated hazardous waste at its facility located at 14660 Arminta Street, Van Nuys, California 91405 (the "Facility").
3. Respondent generates or has generated the following hazardous wastes at the Facility: filter cake (F006); liquid paint wastes (D001, D007, F003), corrosives (D002), waste blasting media (D006), solid paint wastes (D007), chromium wastes (D007), lead wastes (D008), used oil and non-RCRA hazardous waste (i.e., wastes regulated by the State of California but not by the U.S.).
4. This Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") serves as notice that EPA, on the basis of information available to it, has determined and therefore alleges that the Respondent: (1) failed to maintain required equipment in violation of Title 22 of the California Code of Regulations¹ ("22 CCR") § 66265.32 (*see also* 40 CFR §265.32); (2) failed to maintain adequate aisle space in violation of 22 CCR § 66265.35 (*see also* 40 CFR § 265.35); (3) failed to conduct required inspections in violation of 22 CCR § 66265.174 (*see also* 40 CFR § 265.174); (4) failed to ensure that personnel take part in annual training reviews and failed to maintain required personnel training records in violation of 22 CCR § 66265.16 (*see also*

¹ All references to California requirements, unless otherwise noted, are to the federally authorized version of the State's RCRA hazardous waste management program. Where the federally authorized version of the State requirement differs in any respect from the current version of the requirement, that distinction is noted as well.

40 CFR § 265.16); (5) failed to properly maintain a contingency plan for the facility in violation of 22 CCR § 66265.52 (*see also* 40 CFR § 265.52); (6) failed to make hazardous waste determinations in violation of 22 CCR § 66262.11² (*see also* 40 CFR § 262.11); and (7) stored hazardous waste without a permit in violation of 22 CCR § 66262.34(a)³ (*see also* 40 CFR § 262.34(a)(2) & (3)) and 22 CCR § 66270.1(c)⁴ (*see also* 40 CFR § 270.1(c)). Each of these constitutes a violation of Section 3001 *et seq.*, of RCRA, 42 U.S.C. § 6921 *et seq.*, and State regulations adopted pursuant to the approved California hazardous waste management program.

5. This Complaint seeks to establish the amount of civil penalty that Respondent must pay for violations alleged herein, and compel compliance with the compliance tasks described herein.

B. JURISDICTION

6. 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 Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 CFR Part 271. This authorization was updated on September 26, 2001 (*see* 66 FR 49118, September 26, 2001). The authorized program is established pursuant the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code (“H&SC”), and the regulations promulgated therein 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 Complaint.
7. Respondent Crown Chrome Plating, is a “person” as defined in H&SC § 25118⁵ (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)), and 22 CCR § 66260.10 (*see also* 40 CFR §§ 260.10 and 270.2).
8. Respondent was the “owner” and/or “operator” of the Facility as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
9. The Facility at 14660 Arminta Street, Van Nuys, California, was a “hazardous waste facility” as defined in 22 CCR § 66260.10⁶ (*see also* the definition of “facility” at 40

² The 1991 version of 22 CCR § 66262.11 was federally authorized in 1992. The provision has been amended since that time, but those amendments do not affect the allegation.

³ Since the initial federal authorization of 22 CCR § 66262.34, which occurred in 1992, the State’s requirement has been amended. The version of 22 CCR § 66262.34 that was in effect as of June 11, 1999, was federally authorized in 2001. Additional changes have been made to that authorized provision since June 11, 1999, but those changes do not affect the allegation.

⁴ The 1989 version of 22 CCR § 66270.1(c) was federally authorized in 1992. The provision has been amended since that time, but those amendments do not affect the allegation.

⁵ The 1991 version of H&SC Section 25118, which was federally authorized in 1992, was amended in 1994. That amendment does not affect this allegation.

CFR § 260.10 and the definition of “facility or activity” at 40 CFR § 270.2) at the time of the violations alleged in this Complaint.

10. Respondent was a “generator” of hazardous waste as defined in 22 CCR 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
11. Respondent was engaged in the “storage” of hazardous waste as defined in 22 CCR 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
12. Respondent generated and/or stored “hazardous waste” as defined in H&SC Section 25117,⁷ (*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5)) and 22 CCR 66260.10⁸ (*see also* 40 CFR § 260.10) and 22 CCR § 66261.3⁹ (*see also* 40 CFR § 261.3), at the time of the violations alleged in this Complaint.
13. Federal regulations governing the hazardous waste permit program, 40 CFR Part 270, became effective April 1, 1983. The 1991 version of the California regulations governing the hazardous waste permit program were federally authorized in 1992 and certain later amendments were federally authorized in 2001.¹⁰
14. EPA determined that Respondent has violated California H&SC § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
15. 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.
16. 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.

⁶ Since the initial federal authorization of 22 CCR § 66260.10, which occurred in 1992, the State’s regulatory definition of “hazardous waste facility” has changed. The version of the definition in effect as of November 12, 1998 was federally authorized. Additional changes have been made to that authorized provision since November 12, 1998, but those changes do not affect this allegation.

⁷ The 1989 version of H&SC Section 25117 was federally authorized in 1992. The provision was amended in 1995 and again in 1996. Those amendments do not affect this allegation.

⁸ Since the initial federal authorization of 22 CCR § 66260.10 in 1992, the State’s regulatory definition of “hazardous waste” has changed. However, the changes do not affect this allegation.

⁹ Since the initial federal authorization of 22 CCR § 66261.3 in 1992, the State’s regulatory definition of “hazardous waste” has changed. The version of the definition in effect as of November 12, 1998 was federally authorized in 2001. At least one additional change has been made to that provision since November 12, 1998, but that change does not affect this allegation.

¹⁰ For a list of the amendments to 22 CCR § 66270.1 *et seq.* that were authorized in 2001, *see* 66 FR 33037 *et seq.* (June 20, 2001) and 66 FR 49118 *et seq.* (Sept. 26, 2001).

17. 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.*
18. On April 28, 2009, EPA conducted an inspection at the Facility to determine compliance with RCRA. Based on the April 28, 2009 inspection and information collected by EPA thereafter, EPA determined that Respondent has violated the following regulations: 22 CCR § 66265.32 (*see also* 40 CFR §265.32); 22 CCR § 66265.35 (*see also* 40 CFR §265.35); 22 CCR § 66265.174 (*see also* 40 CFR § 265.174); 22 CCR § 66265.16 (*see also* 40 CFR § 265.16); 22 CCR § 66265.52 (*see also* 40 CFR § 265.52); 22 CCR § 66262.11 (*see also* 40 CFR § 262.11); and 22 CCR § 66262.34(a) (*see also* 40 CFR §262.34(a)(2) & (3)) and 22 CCR § 66270.1(c) (*see also* 40 CFR § 270.1(c)).
19. Respondent, in violating the requirements cited above, violated Section 3001 *et seq.*, of RCRA, 42 U.S.C. § 6921 *et seq.*, and therefore is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
20. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. VIOLATIONS

Count I

(Failure to Maintain Required Equipment)

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. Pursuant to 22 CCR Section 66265.32 (*see also* 40 CFR § 265.32), facilities that treat, store or dispose of hazardous waste, or generators who store hazardous waste on-site for less than 90 days (through the conditions imposed under 22 CCR Section 66262.34(a)(4)¹¹ [*see also* 40 CFR § 262.34(a)(4)]), must all be equipped with specified equipment, namely: internal communications or alarm systems capable of providing immediate emergency instruction to facility personnel; a device capable of summoning emergency assistance from local police, fire, or other State or local emergency response teams; portable fire extinguishers and fire control, spill control and decontamination equipment; and water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

¹¹ What is now 22 CCR § 66262.34(a)(4) was initially federally authorized in 1992 under the section number 22 CCR § 66262.34(a)(3). Certain amendments to 22 CCR § 66262.34 were also federally authorized in 2001 while amendments made to the provision since June 11, 1999 have not been federally authorized as of the date of filing of this Complaint. However, other than the renumbering of 22 CCR § 66262.34(a)(3) as § 66262.34(a)(4), the language of the subsection has not been altered since its initial federal authorization in 1992.

23. On April 28, 2009, the EPA inspectors observed that the hazardous waste storage areas at the Facility were not equipped with the required equipment, including but not limited to fire extinguishers or communications devices for emergencies.
24. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.32 (*see also* 40 CFR § 265.32).

Count II

(Failure to Maintain Adequate Aisle Space)

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 § 66265.35, (*see also* 40 CFR § 265.35) requires owners and operators to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Department that aisle space is not needed for any of these purposes.
27. On April 28, 2009, the inspectors observed several areas in the main hazardous waste storage area of the Facility that did not have adequate aisle space. Such areas included, without limitation, containers of chromium waste that were so close to each other as to make it difficult for emergency responders to access the waste and made review by the inspectors of the containers' labels difficult to impossible. In another area of this hazardous waste storage area, 55-gallon containers were packed so tightly together so as to not permit emergency responders to access or inspectors to inspect the containers in the middle.
28. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.35, (*see also* 40 CFR § 265.35).

Count III

(Failure to Conduct Required Inspections)

29. Paragraphs 1 through 28 above are incorporated herein by this reference as if they were set forth here in their entirety.
30. 22 CCR § 66265.174 (*see also* 40 CFR § 265.174) requires that owners and operators inspect areas that are used for container storage or transfer at least weekly, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.
31. On April 28, 2009, the inspectors inquired if the inspections of the hazardous waste storage area or other areas that were storing greater than 55 gallons of hazardous waste

were being conducted. The inspectors were informed by Mr. Akram Al-Awar, the Facility's chemist who accompanied them during the compliance evaluation inspection, that these hazardous waste storage area inspections were not being conducted.

32. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.174 (*see also* 40 CFR § 265.174).

Count IV

(Failure to Train Personnel or Maintain Training Records)

33. Paragraphs 1 through 32 above are incorporated herein by this reference as if they were set forth here in their entirety.
34. 22 CCR § 66265.16(c) (*see also* 40 CFR § 265.16(c)) requires that facility personnel take part in an annual review of the initial training required in 22 CCR § 66265.16(a). 22 CCR §§ 66265.16(d) and (e) (*see also* 40 CFR §§ 265.16(d) and (e)) require that facility owners and operators maintain specified training documents and records at the facility until closure of the facility, or, for former employees, for three years from the day they last worked at the facility.
35. On April 28, 2009, the inspectors requested the training documentation required by 22 CCR § 66265.16(d) and (e) (*see also* 40 CFR §§ 265.16(d) and (e)) for personnel whose responsibilities include hazardous waste management duties. EPA was informed that Mr. Akram Al-Awar and Mr. Ader Tony Miranda were responsible for hazardous waste management activities. The facility representatives were not able to locate these records for review by the inspectors during the inspection. These unavailable records included, without limitation: (1) the job title for each position related to hazardous waste management, and the name of the employee filling each job; (2) a written job description for each position; (3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and (4) records that document that the training or job experience required has been given to, and completed by, facility personnel.
36. Subsequent to the inspection, EPA was provided documentation which showed that prior to EPA's April 2009 inspection, Mr. Al-Awar last received training in October 1994. No similar training documentation was provided which showed that training was taken by Mr. Miranda prior to EPA's April 2009 inspection. Additionally, EPA was provided documentation which showed that Mr. Al-Awar and Mr. Miranda received training in July 2009, subsequent to the April 2009 EPA inspection. To date, EPA has not received the majority of the training information requested during inspection. Specifically, Respondent has still not yet provided EPA documentation which identifies the job titles, and the initial and annual training refresher requirements for Mr. Al-Awar and Mr. Miranda.

37. In summary, EPA alleges that facility personnel responsible for hazardous waste management activities did not receive the required training in 2005, 2006, 2007, and 2008, that Mr. Miranda has not received the required initial training, and that the training documentation does not identify the job titles, and the initial and annual training refresher requirements for Mr. Al-Awar and Mr. Miranda. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.16 (*see also* 40 CFR §265.16).

Count V

(Failure to Properly Maintain a Contingency Plan)

38. Paragraphs 1 through 37 above are incorporated herein by this reference as if they were set forth here in their entirety.
39. 22 CCR § 66265.52 (*see also* 40 CFR § 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) a list of emergency equipment at the facility including the location and physical description of each item and an outline of its capabilities; (f) an evacuation plan; and (g) the current telephone number of the State Office of Emergency Services.
40. On April 28, 2009, the inspectors requested, but were not provided with a copy of the facility's contingency plan required by 22 CCR § 66265.52 (*see also* 40 CFR § 265.52) for review since the facility representatives were not able to located the document. However, the facility representatives were able to provide the EPA inspectors with a document which contained emergency coordinator information and a copy of the evacuation plan.
41. Subsequent to the inspection, Respondent located and provided EPA with a copy of the facility's contingency plan. Upon review, EPA determined and conveyed to Respondent that the plan did not contain documentation which outlined the capabilities of the emergency equipment. To date, Respondent has not provided EPA with this information.
42. Therefore, EPA alleges that Respondent violated 22 CCR § 66265.52 (*see also* 40 CFR § 265.52).

Count VI

(Failure to Make a Hazardous Waste Determination)

43. Paragraphs 1 through 42 above are incorporated herein by this reference as if they were set forth here in their entirety.

44. 22 CCR § 66262.11 (*see also* 40 CFR § 262.11) requires that a person who generates a waste determine if the waste is a hazardous waste.
45. On April 28, 2009, the inspectors observed fourteen various containers in the hazardous waste storage area at the facility with unknown contents. Four of these containers did not have lids and the containers were open.
46. Additionally, during the April 28, 2009 inspection, the inspectors noted several 55-gallon containers of unused materials in the hazardous waste storage area that were either unlabeled or the writing on the label had faded to the point where it was not legible. Based on the conditions of the containers and the manner of storage, it appeared to the inspectors that the items were not being managed as usable commodities.
47. Subsequent to the inspection, Respondent provided EPA copies of hazardous waste manifests which showed that the majority of the wastes were shipped off-site as hazardous waste.
48. Therefore, EPA alleges that Respondent violated 22 CCR § 66262.11 (*see also* 40 CFR § 262.11).

Count VII

(Storage of Hazardous Waste without a Permit)

49. Paragraphs 1 through 48 above are incorporated herein by this reference as if they were set forth here in their entirety.
50. Pursuant to 22 CCR § 66270.1(c) (*see also* 40 CFR § 270.1(c)), a permit is required for, among other things, the storage of hazardous waste. However, pursuant to 22 CCR § 66262.34(a) (*see also* 40 CFR §§ 262.34(a)(2) and (3)), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or interim status so long as certain conditions applicable to the accumulation of that waste are met pursuant to 22 CCR § 66262.34(a)(4) (*see also* 40 CFR § 262.34(a)(4)). The conditions that such generators must meet consist of Articles 3 and 4 of Chapter 15 of Division 4.5 of Title 22 of the CCR (22 CCR §§ 66265.30 – 66265.37 and 66265.50 – 66265.56, respectively) and 22 CCR §§ 66265.16 and 66268.7(a)(5).
51. On April 28, 2009, the EPA inspectors observed two containers of hazardous waste which had been stored at the Facility for longer than 90 days. One container was labelled with an accumulation start date of January 9, 2009 and the other was labelled with an accumulation start date of October 23, 2008. The containers had been stored at the Facility for 20 days and 98 days, respectively, beyond the 90-day period allowed for generators to store hazardous waste without a permit or interim status.

52. In addition to storing hazardous waste beyond the 90-day period allowed for generators without a permit, Respondent failed to comply with the conditions imposed under 22 CCR Section 66262.34(a)(4) (*see also* 40 CFR § 262.34(a)(4)) by: (1) failing to maintain required equipment in violation of 22 CCR Section 66265.32 (*see also* 40 CFR § 265.32) (*see* Count I, above); (2) failing to maintain adequate aisle space in violation of 22 CCR § 66265.35 (*see also* 40 CFR § 265.35) (*see* Count II, above); (3) failing to ensure that personnel take part in annual training reviews and failing to maintain required personnel training records in violation of 22 CCR § 66265.16 (*see also* 40 CFR § 265.16) (*see* Count IV, above); and (4) failing to properly maintain a contingency plan for the facility in violation of 22 CCR § 66265.52 (*see also* 40 CFR § 265.52) (*see* Count V, above).
53. The Facility had neither a RCRA permit nor was it eligible for interim status at the time of the April 28, 2009 inspection.
54. Therefore, EPA alleges that Respondent stored hazardous waste without a permit in violation of 22 CCR Section 66262.34(a) (*see also* 40 CFR §262.34(a)(2) and (3)) and 22 CCR Section 66270.1(c) (*see also* 40 CFR §270.1(c)).

E. CIVIL PENALTY

55. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, *see* 69 Fed. Reg. 7121 (Feb. 13, 2004) and 74 Fed. Reg. 75340 (Dec. 11, 2008), authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Therefore, Complainant requests that the Administrator assess a civil penalty against Respondent of up to \$37,500 per day, as appropriate, for each day during which a violation cited in the above listed Counts occurred and/or continued.

Count I – Failure to Maintain Required Equipment

This violation presents a moderate potential for harm to the environment and the regulatory program and is a major deviation from the regulatory requirement. The violation addressed in Count I poses a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents. In addition, this type of violation has a significant adverse effect on the statutory or regulatory purposes or procedures for implementing the RCRA program. This violation began on or about April 28, 2009 and continued until on or about November 24, 2009. In assessing the severity of this Count, EPA has determined that this violation from the requirement demonstrates substantial noncompliance with the applicable requirements and resulted in substantial risk to human health or the environment.

Count II - Failure to Maintain Adequate Aisle Space

This violation presents a moderate potential for harm to the environment and the regulatory program and is a moderate deviation from the regulatory requirement. This violation began on

or about April 28, 2009 and was corrected shortly thereafter. A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A moderate deviation from the regulatory requirement means that the violator significantly deviates from requirements of the regulation or statute but some of the requirements are implemented as intended.

Count III - Failure to Conduct Required Inspections

This violation presents a moderate potential for harm to the environment and the regulatory program and is a major deviation from the regulatory requirement. This violation began on or about April 28, 2009 and was corrected shortly thereafter. A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count IV – Failure to Train Personnel or Maintain Training Records

This violation presents a major potential for harm to the environment and the regulatory program, and is a major deviation from the regulatory requirement. This violation began on or about April 28, 2009 and is continuing. A major potential for harm to the environment and the regulatory program means that the violation poses or may pose a substantial risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a substantial adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count V – Failure to Properly Maintain a Contingency Plan

This violation presents a minor potential for harm to the environment and the regulatory program, and is a minor deviation from the regulatory requirement. This violation began on or about April 28, 2009 and was corrected shortly thereafter. A minor potential for harm to the environment and the regulatory program means that the violation poses a relatively low risk of exposure of humans or other environmental receptors to waste or constituents and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A minor deviation from the regulatory requirement means that the violator deviates somewhat from the regulatory or statutory requirements but most -- or all important aspects -- of the requirements are met.

Count VI – Failure to Make a Hazardous Waste Determination

This violation presents a major potential for harm to the environment and the regulatory program and is a moderate deviation from the regulatory requirement. This violation began on or about April 28, 2009 and is continuing. A major potential for harm to the environment and the regulatory program means that the violation poses or may pose a substantial risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a substantial adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A moderate deviation from the regulatory requirement means that the violator significantly deviates from requirements of the regulation or statute but some of the requirements are implemented as intended.

Count VII - Storage of Hazardous Waste without a Permit

This violation presents a moderate potential for harm to the environment and the regulatory program and is a moderate deviation from the regulatory requirement. This violation began on or about January 21, 2009 and was corrected on or about May 4, 2009. A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A moderate deviation from the regulatory requirement means that the violator significantly deviates from requirements of the regulation or statute but some of the requirements are implemented as intended.

II. COMPLIANCE ORDER

56. Stop All Non-Compliant Waste Management Activities. Respondent has demonstrated a return to compliance with respect to all of the above-listed Counts with the exception of Counts IV and VI. Within 30 days of the effective date of this Order, Respondent shall provide EPA documentation which: (1) outlines the capabilities of the emergency equipment identified in the Facility's contingency plan; and (2) identifies the job titles, and the initial and annual training refresher requirements for Mr. Al-Awar and Mr. Miranda.
57. Respondent shall send any submittals regarding compliance with this Order by email, fax, hand delivery, overnight express or certified mail to:

Kaoru Morimoto (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105
morimoto.kaoru@epa.gov

III. NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING

58. In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), the Compliance Order set forth herein shall become final unless Respondent files an Answer and a request for public hearing in writing no later than thirty (30) days after the Effective Date of this Complaint with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, California 94105. A copy of the Answer and request for hearing and copies of all other documents relating to these proceedings filed with the Regional Hearing Clerk should be sent to Mimi Newton (ORC-3), Assistant Regional Counsel, at the same address.
59. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. A failure to admit, deny or explain any material fact or allegation contained in this Complaint will constitute an admission of the allegation. Where Respondent has no knowledge of a particular factual allegation and so state, the allegation is deemed denied. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which Respondent intends to place at issue, (3) the basis for opposing any proposed relief, and (4) whether a hearing is requested.
60. If Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
61. If Respondent requests a public hearing, it will be held in a location determined in accordance with 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, a copy of which accompanies the Complaint. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 552 et seq., and 40 C.F.R. Part 22. Respondent may request a hearing on any material fact alleged in the Complaint, or on the appropriateness of any proposed penalty, compliance or corrective action order.
62. Pursuant to 40 C.F.R. § 22.7(c) of the Consolidated Rules of Practice, where a pleading or document is served by first class mail or commercial delivery service, but not by overnight or same-day service, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

B. INFORMAL SETTLEMENT

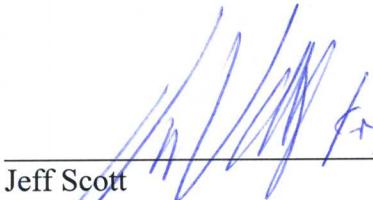
63. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.
64. In addition to the compliance schedule set forth in the Order above, any settlement reached as a result of an informal conference will be embodied in a written Consent Agreement and Final Order. The issuance of the Consent Agreement and Final Order will constitute waiver of Respondent's right to a hearing on any matter to which Respondent stipulated.
65. If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty (30) days of the Effective Date of this Complaint will preserve Respondent's right to a hearing.
66. EPA encourages all parties against whom a penalty is proposed to explore the possibility of settlement. To request an informal conference, Respondent should contact Mimi Newton, ORC-3, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 972-3941.

EFFECTIVE DATE

This Proceeding is initiated by the filing of this Complaint with the Regional Hearing Clerk. For calculation of time frames provided herein, the "Effective Date" of this Complaint is the date of Service. Service is complete when the return mail receipt is signed by the Respondent or a duly authorized representative of the Respondent, in accordance with the provisions of 40 C.F.R. §§ 22.5(b) and 22.7(c).

8 12 10

Date



Jeff Scott
Director
Waste Management Division

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Matt Vargas
General Manager
Crown Chrome Plating
14660 Arminta Street
Van Nuys, CA 91405

8/16/10



Date

FOR: Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel

FILED

CERTIFICATE OF SERVICE

2010 SEP 29 AM 8:07

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, certified mail number 7007 2560 0001 7660 6030, return receipt requested, to:

Akram Al-Awar
Crown Chrome Plating
14660 Arminta Street
Panorama City, CA 91402

9/10/10



Date

RCRA - 09-2010-0014