



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

OCT 15 2014

Miguel Fernandez  
President  
ERS Technologies, Inc.  
13230 SW 132 Avenue, Unit No. 24  
Miami, Florida 33186

SUBJ: Resource Conservation and Recovery Act (RCRA)  
Expedited Settlement Agreement (ESA) – Docket No. RCRA-04-2014-4202  
ERS Technologies, Inc.

Dear Mr. Fernandez:

Enclosed is a copy of the Expedited Settlement Agreement (ESA) for the above referenced matter. This ESA became effective on the date of filing with the Regional Hearing Clerk as required by 40 C.F.R. §§ 22.6 and 22.31, and as indicated on the Certificate of Service.

The United States Environmental Protection Agency hereby notifies you that the ESA has been executed by both parties and is binding on the EPA and you. Your assessed penalty of \$1,000.00 has been received. The EPA will take no further action against you for the violations cited in the ESA. Your copy of the executed ESA is enclosed.

If you have any questions, please contact Paula A. Whiting, at (404) 562-9277, or by email at [whiting.paula@epa.gov](mailto:whiting.paula@epa.gov).

Sincerely,

César A. Zapata  
Chief, RCRA and OPA Enforcement and  
Compliance Branch  
RCRA Division

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY REGION 4

IN THE MATTER OF:

ERS Technologies, Inc.  
13230 S.W. 132<sup>nd</sup> Avenue, Unit No. 24  
Miami, Florida 33186

Respondent

) Docket No. RCRA-04-2014-42  
) EXPEDITED SETTLEMENT  
) AGREEMENT AND  
) FINAL ORDER  
)  
)  
)

2016 OCT 15 AM 8:15  
HEARING CLERK  
RECEIVED  
EPA REGION IV

EXPEDITED SETTLEMENT AGREEMENT

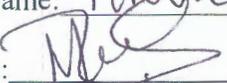
1. The U.S. Environmental Protection Agency ("EPA") alleges that ERS Technologies, Inc. ("Respondent"), owner or operator of the facility located at 13230 S.W. 132<sup>nd</sup> Avenue, Unit No. 24, Miami, Florida (the "Facility"), violated the hazardous waste generator requirements contained in Chapter 403 of the Florida Statutes (F.S.), F.S. §§ 403.702 *et seq.* [Subtitle C of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6921 *et seq.*], and the regulations promulgated pursuant thereto and set forth at Florida Administrative Code ("F.A.C.") Chapter 62-730 [Title 40 of the Code of Federal Regulations ("C.F.R."), Parts 260-270].
2. Pursuant to F.A.C. § 62-730.030(1) [40 C.F.R. § 261.41(a)], persons who export used, intact Cathode Ray Tubes ("CRTs") for reuse are required to send a one-time notification to the EPA prior to export. This notification must include a statement that the person plans to export used, intact CRTs for reuse, the assigned EPA ID number (if applicable) and the name and phone number of a contact person. A review of the EPA's records revealed that Respondent did not notify the EPA of its intent to export used, intact CRTs for reuse. Documentation received from Respondent indicates that Respondent exported various shipments of CRTs for reuse from October 10, 2009 to December 20, 2013.
3. The EPA therefore alleges that Respondent violated F.A.C. § 62-730.030(1) [40 C.F.R. § 261.41(a)] by failing to notify the EPA of its intent to export used, intact CRTs for reuse prior to such export.
4. The EPA and Respondent agree that settlement of this matter for a penalty of \$1,000 is in the public interest.
5. The EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to F.A.C. Chapter 62-730; (2) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States government, that the alleged violation has been corrected.

8. Respondent agrees to the payment of a civil penalty of \$1,000, which shall be paid within thirty (30) days of the effective date of this Agreement, in accordance with the EPA Region 4 Penalty Collection Procedures provided to Respondent.
9. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b).
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of this Agreement and Final Order with the Regional Hearing Clerk.

**IT IS SO AGREED,**

By: ERS Technologies, Inc.:

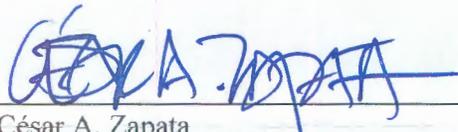
Printed Name: MIGUEL FERNANDEZ

Signature: 

Title: PSD

Date 09/25/2014

**APPROVED BY EPA:**



César A. Zapata  
Chief, RCRA and OPA Enforcement and Compliance Branch  
RCRA Division

10/14/2014  
Date

**IT IS SO ORDERED:**



Susan Schub  
Regional Judicial Officer

10/14/2014  
Date

Docket No. RCRA-04-2014-4202

PENALTY WORKSHEET INSTRUCTIONS  
FOR MAKING A PENALTY PAYMENT

CHECK PAYMENTS:

U.S. Environmental Protection Agency  
Fines and Penalties  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 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  
St. Louis, Missouri 63101

Contact: Natalie Pearson 314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving U.S. currency  
US Treasury REX / ACH Receiver  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contacts: John Schmid 202-874-7028 or  
Remittance Express 1-866-234-5681  
ABA = 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 310006  
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter sfo 1.1 in the search field

Open form and complete required fields.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the following addresses:

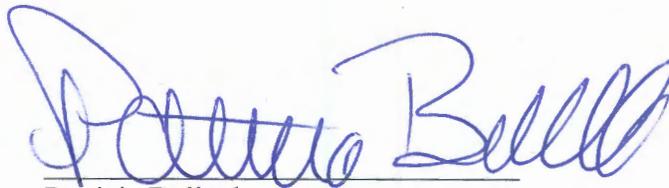
Roberto X. Busó (Via EPA Internal Mail)  
Associate Regional Counsel  
Office of Environmental Accountability  
United States Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Quantindra Smith (Via EPA Internal mail)  
RCRA and OPA Enforcement  
and Compliance Branch  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Miguel Fernández (Via Certified Mail – Return Receipt Requested)  
ERS Technologies, Inc.  
13230 S.W. 132<sup>nd</sup> Avenue, Unit No. 24  
Miami, Florida 33186

Dated: \_\_\_\_\_

10-15-14



Patricia Bullock  
Regional Hearing Clerk, Region 4