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U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

<b>IN THE MATTER OF:</b>	)	Docket No.
	)	RCRA-09-2012-0601
	)	
Advanced Metal Finishing LLC	)	<b>EXPEDITED SETTLEMENT</b>
EPA ID. No. CAR000065920	)	<b>AGREEMENT AND</b>
Respondent.	)	<b>FINAL ORDER</b>
	)	
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

A. The U.S. Environmental Protection Agency ("EPA") alleges that Advanced Metal Finishing LLC ("AMF" or "Respondent"), owner or operator of the facility at 12972 Earhart Ave., Suite 301, Auburn, CA 95602 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program (California Code of Regulations, Division 4.5 of Title 22):

1. Failure to label hazardous waste containers properly. 22 CCR § 66262.34(f) [40 CFR § 262.34];
2. Failure to properly close a hazardous waste container. 22 CCR § 66262.34; 66265.173(a) [40 CFR § 262.34; 265.173(a)];
3. Failure to have a complete contingency plan. 22 CCR §§ 66262.34(a)(4); § 66265.51(e); [40 CFR § 262.34(a)(4); 265.51(e)];
4. Failure to maintain required training records. 22 CCR §§ 66262.34(a)(4); 66265.16(d)(1) – (4); [40 CFR § 262.34(a); 265.16(d)(1) – (4)];

B. Alleged Violations

1. Under 22 CCR § 66262.34(f) [40 CFR § 262.34], Respondent was required to have the following information clearly marked and visible for inspection on all hazardous waste containers: 1.) date accumulation begins, 2.) the words "Hazardous Waste", 3.) the composition and physical state of the waste, 4.) hazardous properties of the waste, and 5.) facility name and address.

- a. During the Compliance Evaluation Inspection (CEI) the inspectors observed that eight 1-cubic-yard totes of RCRA hazardous wastes were either

unlabeled, incompletely labeled, or labeled with inaccurate accumulation start dates.

b. The inspectors also noted that the facility's filter cake bin was unlabeled.

2. Under 22 CCR § 66262.34; 66265.173(a) [40 CFR § 262.34; 265.173(a)], a container holding hazardous waste must always be kept closed during storage, except when it is necessary to add or remove the waste.

a. The inspectors noted that the facility's filter cake bin was open.

3. Under 22 CCR § 66262.34(a)(4); 22 CCR § 66265.51(e) [40 CFR § 262.34(a)(4); 40 CFR § 265.51(e)], each owner or operator must have a complete contingency plan for his facility.

a. At the time of the inspection AMF's contingency plan did not include the locations of the facility's emergency devices.

4. Under 22 CCR § 66262.34(a)(4); 66265.16(d)(1)-(4) [40 CFR § 262.34(a)(4); 265.16(d)(1)-(4)], facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulations.

a. At the time of the inspection AMF was not able to provide a written job title, job description, or name of the employee filling each position at the facility related to hazardous waste management.

C. EPA and Respondent agree that settlement of this matter for a penalty of four thousand two hundred dollars (\$4200) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.

D. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).

E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of Regulations; (2) admits that 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.

F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.

G. The civil penalty of \$4200 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.

- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. 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.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED.

Name (print): MICHAEL COONS

Title (print): CONTROLLER

Signature: Michael Coons

Date 10/03/11

APPROVED BY EPA:

Jeff Scott

Jeff Scott, Director  
Waste Management Division  
U.S. Environmental Protection Agency, Region 9

Date 10/4/11

IT IS SO ORDERED:

Steven Jawgiel

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

Date 10.5.11

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement with **Advanced Metal Finishing LLC (Docket #: RCRA-09-2012-0001)** 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:

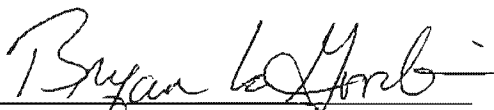
A copy was mailed via CERTIFIED MAIL to:

Mr. Gary Von Rembrow  
Advanced Metal Finishing LLC  
12972 Earhart Avenue, Ste. 301  
Auburn, CA 95602

**CERTIFIED MAIL NUMBER:** 7011-1570-0003-5224-1690

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

Michael Hingerty, Esq.  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
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Bryan K. Goodwin  
Regional Hearing Clerk  
U.S. EPA, Region IX

10/11/11  
Date