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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

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US EPA - REGION IX
HEARING CLERK

In the matter of)	U.S. EPA Docket No.
)	RCRA-9-2014- 0003
Barken's Hard Chrome, Inc.)	
)	CONSENT AGREEMENT AND
EPA ID No. CAD 008 277 956)	FINAL ORDER PURSUANT TO
)	40 C.F.R. SECTIONS 22.13 AND
<u>Respondent.</u>)	22.18

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. Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is Barken's Hard Chrome, Inc. (Respondent or "Barken's").
2. Respondent operates a facility located at 239 East Greenleaf Boulevard, Compton, California 90220 (the "Facility"). The Facility's EPA Identification Number is CAD 008 277 956. Barken's performs industrial hard chrome plating of drill stems, cylinders, pistons, and rods at the Facility, as well as cadmium, nickel and zinc plating. Barken's primarily plates drill stems used for oil field exploration and servicing industry equipment manufacturing. Barken's also performs metal grinding, passivation, and sand blasting at the Facility. The Facility generates hazardous waste associated with the plating and sand blasting operations performed there.
3. This Consent Agreement and Final Order ("CA/FO") pursuant to 40 C.F.R. Sections 22.13 and 22.18, simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent: 1) failed to maintain and operate a facility to minimize the possibility of a release of hazardous waste, in violation of 22 CCR §66265.31 [40 CFR §265.31]; 2) failed to comply with hazardous waste tank requirements, in violation of 22 CCR §66265 Article 10 [40 CFR §265 Subpart J]; 3) failed to have a fire extinguisher and decontamination equipment in the hazardous waste storage area, in violation of 22

CCR §66265.32(c) [40 CFR §265.32(c)]; 4) failed to have a complete contingency plan, in violation of 22 CCR § 66265.52(e) [40 CFR §265.52(e)]; and 5) failed to have adequate training documentation, in violation of 22 CCR § 66265.16 [40 CFR §265.16]. These are in violation of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, and state regulations authorized pursuant thereto.¹

B. JURISDICTION

4. On August 1, 1992, the State of California received initial 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 an “operator” of a “facility” as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
7. Respondent is a “generator” of hazardous waste as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
8. 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 [*see also* 40 C.F.R. §§ 260.10 and 261.2].
9. At the Facility, Respondent generates and accumulates, or has generated and accumulated, “hazardous waste” as defined in California Health & Safety Code (“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, waste water from the plating process, spent sandblast grit from the preparation process, and electroplating filter cake from the waste water treatment process.

¹ 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 Fed. Reg. 32726, July 23, 1992), September 26, 2001 (66 Fed.Reg. 49118, September 26, 2001), and October 7, 2011 (*see* 76 Fed. Reg. 62303, October 7, 2011). Corresponding Federal citations are provided in brackets.

10. 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].
11. On October 27, 2010, representatives of EPA conducted an unannounced site inspection of the Facility. The purpose of the inspection was to determine the Facility’s compliance with applicable federal environmental statutes and regulations, and in particular RCRA, as amended, and the regulations in 40 C.F.R. Parts 261-265, 268, 273 and 279, and the regulations adopted by the California authorized program under RCRA in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20 (the “Applicable Statutes and Regulations”).
12. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated RCRA, and the state regulations adopted pursuant thereto, as approved and authorized by the United States, as follows:
 - a) 22 CCR §66265.31 [40 CFR §265.31];
 - b) 22 CCR §66265 Article 10 [40 CFR §265 Subpart J];
 - c) 22 CCR §66265.32(c) [40 CFR §265.32(c)];
 - d) 22 CCR § 66265.52(e) [40 CFR §265.52(e)]; and
 - e) 22 CCR § 66265.16 [40 CFR §265.16].
13. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste programs are carried out in lieu of the Federal RCRA program. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of RCRA.
14. A violation of California’s authorized hazardous waste program, found at H&SC § 25100 *et seq.*, constitutes a violation of RCRA hazardous waste requirements 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.
15. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue an order assessing a civil penalty and/or requiring compliance immediately or within a specified time for violation of any requirement of RCRA, Section 3001 *et seq.*, 42 U.S.C. § 6921 *et seq.*

16. 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 Enforcement Division.

C. ALLEGED VIOLATIONS

Count I

Failure to Maintain and Operate Facility to Minimize the Possibility
of a Release of Hazardous Waste

17. Paragraphs 1 through 16 above are incorporated herein by this reference as if they were set forth here in their entirety.
18. 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. §§ 262.34(a)(4)] requires that a generator who accumulates hazardous waste on-site without a permit or grant of interim status comply with the preparedness and prevention requirements of 22 C.C.R. § 66265.30 - 22 C.C.R. § 66265.37 [*see also* 40 C.F.R. §§ 265.30 – 265.37].
19. 22 C.C.R. § 66265.31 requires that facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment [*see also* 40 C.F.R. § 265.31].
20. The Facility's operations include sand blasting which is conducted in a converted shipping container located at the southeast corner of the Facility.
21. At the time of inspection, the EPA inspectors observed spent sandblast grit from the Facility, which the Facility manages as a hazardous waste for lead (D008), chrome (D007) and cadmium (D006), on the adjacent property on the east side of the Facility, and on the public sidewalk and boulevard on the south side of the Facility.
22. Therefore, EPA alleges that Respondent has violated 22 CCR §66265.31 [40 CFR §265.31].

COUNT II

Failure to Comply with Hazardous Waste Tank Requirements

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

24. 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.34(a)(1)] requires that a generator who accumulates hazardous waste on-site without a permit or grant of interim status comply with the requirements in 22 C.C.R. Chapter 15, Article 10 (§§ 66265.190 – 66265.202) [*see also* 40 C.F.R. Part 265, Subpart J (§§ 265.190 – 265.202)].
25. 22 C.C.R. Chapter 15, Article 10 [*see also* 40 C.F.R. § 265 Subpart J], requires that tanks used to transfer, store, or treat hazardous waste must be certified by a professional engineer (22 C.C.R. § 66265.191), must provide leak detection and have secondary containment (22 C.C.R. § 66265.193), and must be inspected daily (22 C.C.R. § 66265.195) [*see also* 40 C.F.R. § 265.191, § 265.193 and § 265.195, respectively].
26. At the time of inspection, EPA inspectors observed the secondary containment for plating Tank 3. Tank 3's secondary containment contained spent chromic acid (D002, D007) with a depth of about one foot. The spent chromic acid could not have been from operations conducted on the day of the inspection because operations begin at 7:00 am, the inspection occurred around 9:30 am, and at the time of the inspection, the PVC liner for Tank 3 was being replaced. The secondary containment for Tank 3 is a stationary device constructed of concrete covered with fiberglass which meets the definition of a tank. As the chromic acid in the secondary containment is considered discarded because it was stored therein at least overnight and not timely recovered for reuse, the spent chromic acid is considered hazardous waste and the secondary containment is considered a hazardous waste tank. However, none of the hazardous waste tank requirements were being followed, including professional engineer certification of the tank, implementation of spill prevention controls, and daily inspections of leak detection data.
27. Therefore, EPA alleges that Respondent has violated 22 C.C.R. Chapter 15, Article 10 [*see also* 40 C.F.R. Part 265, Subpart J].

Count III

Failure to Have Fire Extinguisher and Decontamination Equipment in the Hazardous Waste Storage Area

28. Paragraphs 1 through 27 are incorporated herein by this reference as if they were set forth here in their entirety.
29. 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. § 262.34(a)(4)] requires that a generator who accumulates hazardous waste on-site without a permit or grant of interim status comply with the requirements in 22 C.C.R. Chapter 15, Article 3 (§§ 66265.30 – 66265.37) [*see also* 40 C.F.R. Part 265, Subpart C (§§ 265.30 – 265.37)].

30. 22 CCR § 66265.32(c) requires that facilities be equipped with portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment [*see also* 40 C.F.R. §265.32(c)].
31. At the time of inspection, EPA inspectors observed that the hazardous waste storage area was not equipped with a fire extinguisher or decontamination equipment, specifically eye wash.
32. Therefore, EPA alleges that Respondent has violated 22 CCR §66265.32(c) [*see also* 40 C.F.R. §265.32(c)].

Count IV
Failure to Have a Complete Contingency Plan

33. Paragraphs 1 through 32 are incorporated herein by this reference as if they were set forth here in their entirety.
34. 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. § 262.34(a)(4)] requires that a generator who accumulates hazardous waste on-site without a permit or grant of interim status comply with the requirements in 22 C.C.R. Chapter 15, Article 4 (§§ 66265.50 – 66265.56) [*see also* 40 C.F.R. Part 265, Subpart D (§§ 265.50 – 265.56)].
35. 22 C.C.R. § 66265.52(e) requires that a facility's contingency plan include a list of all emergency equipment at the facility. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities [*see also* 40 C.F.R. § 265.52(e)].
36. At the time of inspection, EPA inspectors observed that the Facility's contingency plan did not include descriptions and locations of emergency equipment throughout the Facility.
37. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.52 [*see also* 40 C.F.R. § 265.52].

Count V
Inadequate Training Records

38. Paragraphs 1 through 37 are incorporated herein by this reference as if they were set forth here in their entirety.

39. 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. § 262.34(a)(4)] requires that a generator who accumulates hazardous waste on-site without a permit or grant of interim status comply with the requirements in 22 C.C.R § 66265.16 [*see also* 40 C.F.R. § 265.16].
40. 22 C.C.R. §66265.16 requires that facility personnel 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 the hazardous waste regulations. Facility personnel must have an initial training within six months from employment and annual review of the training. The owner or operator must maintain at the facility a job title for each position at the facility related to hazardous waste management, a written job description for each position at the facility related to hazardous waste management, and a written description of the type and amount of both introductory and continuing training given to personnel filling a position. The facility must also maintain records to document training provided to their personnel [*see also* 40 C.F.R. § 265.16].
41. At the time of the inspection, EPA inspectors observed that the Facility did not have training records documenting that annual refresher training had been provided to the employees responsible for managing hazardous waste. The most recent third-party training certifications were dated November 14, 2008. The Facility's training records included a form documenting employee attendance at an in-house refresher training provided by Mr. Gary Barken on November 12, 2009, but there was no documentation in the records establishing that Mr. Barken received the third-party training in 2009 that was necessary for him to qualify to provide the November 2009 refresher training to his staff.
42. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.16 [*see also* 40 C.F.R. § 265.16].

D. CIVIL PENALTY

43. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996 and the Civil Monetary Penalty Inflation Adjustment Rule 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. 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 2003 RCRA Civil Penalty Policy ("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 TWENTY-EIGHT

THOUSAND ONE HUNDRED DOLLARS (\$28,100) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the 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, the economic benefit gained from non-compliance, where appropriate, and case-specific circumstances.

E. ADMISSIONS AND WAIVERS OF RIGHTS

44. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO 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.
45. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. 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, 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.
46. Respondent consents to the assessment of the civil penalty described herein.

F. PARTIES BOUND

47. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until such time as the civil penalty required under Sections D and G has been paid in accordance with Section G, and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
48. No change in ownership or corporate, partnership, or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
49. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

50. Respondent consents to the assessment of and agrees to pay a civil penalty of TWENTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$28,100) in full settlement of the federal civil penalty claims set forth in this CA/FO.
51. Respondent shall submit payment of the TWENTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$28,100) within thirty (30) calendar days of the Effective Date 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. 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. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" (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

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW

Washington, DC 20074
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

Enter “sfo1.1” in the search field

Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.

52. At the time payment is made, a copy of the check or other evidence of payment shall be sent to:

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

and

James Polek (ENF-3-1)
Enforcement Division
U.S. Environmental Protection Agency – Region 9
75 Hawthorne Street
San Francisco, CA 94105

53. 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 after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. 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. DELAY IN PERFORMANCE/STIPULATED PENALTIES

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

55. 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.
56. The determination of whether Respondent has satisfactorily complied with the terms of this CA/FO and the determination of whether Respondent has made a good faith, timely effort to complete the tasks required by this CA/FO, are within the sole discretion of the Division Director, Enforcement Division, EPA Region IX. The decision of the Division Director, Enforcement Division, EPA Region IX is not reviewable in any forum.
57. All penalties shall be made payable by certified or cashier's check or wire transfer to "Treasurer of the United States" and shall be remitted as described in Paragraph 51.
58. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
59. 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.

I. CERTIFICATION OF COMPLIANCE

60. By Signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has, to the best of its knowledge and belief, fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized California hazardous waste management program including the requirements that formed the basis for the violations alleged in this CA/FO: 22 C.C.R. § 66262.34(a)(1) [*see also* 40 C.F.R. § 262.34(a)(1)]; 22 C.C.R. § 66262.34(a)(4) [*see also* 40 C.F.R. § 262.34(a)(4)]; 22 CCR §66265.31 [*see also* 40 CFR §265.31]; 22 CCR §66265 Article 10 [*see also* 40 CFR §265 Subpart J]; 22 CCR §66265.32(c) [*see also* 40

CFR §265.32(c)]; 22 CCR § 66265.52(e) [*see also* 40 CFR §265.52(e)]; and 22 CCR § 66265.16 [*see also* 40 CFR §265.16]. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. RESERVATION OF RIGHTS

61. 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, except as to those civil penalties for the violations and facts alleged herein. 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). 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 (except as to those civil penalties for the violations and facts alleged herein); 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.
62. 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.
63. 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.
64. 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 obligations to obtain and comply with any local, State or federal permits.

K. RESERVED CLAIMS

65. Nothing in this CA/FO shall constitute or be construed as a release from, nor an admission by, Respondent of any Reserved Claim.

L. MISCELLANEOUS

- 66. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
- 67. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
- 68. 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.

12-10-2013


Date

4/4/14

Date



Gary Barken, President
Barken's Hard Chrome, Inc.



Kathleen Johnson, Director
Enforcement Division
U.S. Environmental Protection Agency, Region 9

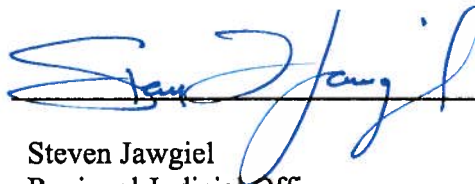
FINAL ORDER

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-09-2014-⁰⁰⁰³) be entered and that Barken's Hard Chrome, Inc. pay a civil penalty of TWENTY EIGHT THOUSAND ONE HUNDREDDOLLARS (\$28,100.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. 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.

04/11/14

Date



Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region 9

CERTIFICATE OF SERVICE

I hereby certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the matter of Barken's Hard Chrome Inc., RCRA-09-2014-0003, signed by the Regional Judicial Officer (dated April 11, 2014), has been filed with the Regional Hearing Clerk (file date April 14, 2014), and was served on Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:
(Certified w/Return Receipt)

Respondent -

Gary Barken, President
BARKEN'S HARD CHROME INC.
239 East Greenleaf Boulevard
Compton, CA 90220

HAND DELIVERED:

Complainant -

Eric Esler, Esq.
Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA 94105

Dated at San Francisco, Calif., this 14th day of April, 2014.



Steven Armsey
Interim Regional Hearing Clerk
EPA, Region 9