



B. JURISDICTION

4. 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 § 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 the “operator” of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
7. Respondent’s hazardous waste manifests indicate that at the time of the violations it was a large quantity “generator” of hazardous waste as defined in 22 C.C.R. §§ 66260.10 and 66262.34 [*see also* 40 C.F.R. §§ 260.10 and 262.34].
8. 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]
9. 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]
10. At the Facility, Respondent generates or has generated hazardous waste including but not limited to: filter cake contaminated with chrome waste (D007), acetone and mineral spirits (D001), petroleum distillates and xylene (D001), nitric acid (D002), filter cake (F006), and paint waste (D001, F003, and F005). These are all “hazardous wastes” as defined in California Health & Safety Code § 25117 and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. §§ 260.10 and 261.3]
11. On March 30, 2016, EPA conducted an unannounced RCRA Compliance Evaluation Inspection (“CEI”) at the Facility. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent violated RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921-6939e, and the implementing regulations, and the federally authorized California hazardous waste management program, 22 C.C.R. Division 4.5, and the implementing regulations at the Facility.
12. 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.

13. A violation of California's authorized hazardous waste program, found at California Health and Safety Code § 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.
14. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the Administrator to issue orders assessing a civil penalty for any past or current violation, or 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.*
15. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify the state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of California as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
16. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has re-delegated this authority to the signatory below.

C. ALLEGED VIOLATIONS

COUNT I

Failure to obtain a permit for storage 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) and (f) allows a generator to accumulate hazardous waste onsite for up to 90 days without a permit or interim status, provided that the generator complies with certain requirements [*see also* 40 C.F.R. § 262.34(a) and (f)].
19. 22 C.C.R. § 66262.34(a) requires that large quantity generators who accumulate hazardous waste must label each hazardous waste tank or container with the words "hazardous waste" and the date accumulation of the waste begins. The label must be visible for inspection [*see also* 40 C.F.R. § 262.34(a)]. 22 C.C.R. § 66262.34(f) also requires that the label show the composition and physical state of the wastes; a statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.); and the name and address of the person producing the waste [*see also* 40 C.F.R. § 262.34(f)]. Large quantity generators who accumulate hazardous waste beyond 90 days, or fail to label containers of hazardous waste appropriately, fail to meet the requirements of 22 C.C.R. § 66262.34, and are subject to the permitting requirements of 22 C.C.R. § 66270.1 [*see also*

40 C.F.R. §§ 262.34 and 270.1]

20. During the CEI, EPA inspectors observed several containers of hazardous waste that were stored over 90 days without a permit, including a blue container of chrome solids (F006), a five gallon container of liquid phosphoric acid (D002), a five gallon container of liquid ammonium fluoride and acetic acid (D002), a 30 gallon container of solid paint waste (D007), and a blue container of solid paint waste (D007).
21. During the CEI, EPA inspectors also observed seventeen containers of hazardous waste that were not properly labeled with the hazardous waste properties, the waste composition, and the accumulation start dates, as required by 22 C.C.R. § 66262.34(f) [*see also* 40 C.F.R. § 262.34(a)].
22. Respondent's failure to meet the requirements set forth or reference by 22 C.C.R. § 66262.34 subject it to the permitting requirements of 22 C.C.R. § 66270.1. Therefore, EPA alleges that Respondent stored hazardous waste without a permit, a violation of 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)].

#### COUNT II

##### Failure to make an accurate hazardous waste determination

23. Paragraphs 1 through 22 above are incorporated herein by this reference as if they were set forth here in their entirety.
24. 22 C.C.R. § 66262.11 requires that a person who generates solid waste determine if that waste is a hazardous waste. [*see also* 40 C.F.R. § 262.11].
25. Respondent inaccurately characterized its filter cake waste, generated as the result of the Facility's electroplating operations, as D007 chrome waste, when the waste should have been characterized as F006 waste.
26. Therefore, EPA alleges that Respondent failed to accurately characterize hazardous waste at its Facility, a violation of 22 C.C.R. § 66262.11 [*see also* 40 C.F.R. § 262.11].

#### COUNT III

##### Failure to Maintain Documents and Records of Personnel Training

27. Paragraphs 1 through 26 above are incorporated herein by this reference as if they were set forth here in their entirety.

28. 22 C.C.R. § 66265.16(d) requires, among other things, that owners or operators maintain certain documents and records at the Facility, including the job title and written description for each position at the Facility related to hazardous waste management; the name of the facility personnel filling each job related to hazardous waste management; and the records of the required training that has been given to and completed by facility personnel [*see also* 40 C.F.R. § 265.16(d)].
29. During the CEI, Respondent failed to provide EPA with documents listing job titles, names, and descriptions for its employees at the Facility related to hazardous waste management, as well as copies of the annual training records for CPI's employees for the 2014 and 2015 calendar years.
30. Therefore, EPA alleges that Respondent failed to maintain documents and records of the required personnel training in violation of 22 C.C.R. § 66265.16(d) [*see also* 40 C.F.R. § 265.16(d)].

#### COUNT IV

##### Failure to close containers of hazardous waste

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. 22 C.C.R. § 265.173(a) requires that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 265.173(a)].
33. During the CEI, EPA inspectors observed containers of hazardous waste that were not properly closed when waste was not being added or removed.
34. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 265.173(a) [*see also* 40 C.F.R. § 265.173(a)].

#### D. CIVIL PENALTY

35. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes a civil penalty of up to ninety-five thousand, two hundred eighty-four dollars (\$95,284) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after November 2, 2015 and assessed on or after January 15, 2017. Based upon the facts alleged herein and upon those factors that EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil 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 **FORTY-FOUR THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$44,971.00)** as the civil penalty for the violations alleged herein. The proposed penalty was calculated in accordance with the "June 2003 RCRA Civil 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, and for case-specific circumstances.

E. SUPPLEMENTAL ENVIRONMENTAL PROJECT

36. As part of the settlement of this enforcement action, Respondent shall perform an emergency planning and preparedness supplemental environmental project ("SEP") to enhance the emergency response capabilities of the Los Angeles County Fire Department. Performance of the tasks detailed in this Section shall constitute satisfactory performance of the SEP, which the parties agree is intended to provide significant environmental or public health protection and improvements.
37. The Los Angeles County Fire Department provides, among other things, hazardous materials response services to the County of Los Angeles. In developing this SEP, EPA contacted the Los Angeles County Fire Department and inquired whether it could use emergency planning and preparedness assistance to better plan for and respond to spills or releases. In response to this inquiry, the Los Angeles County Fire Department requested the purchase of six MultiRaes to improve its ability to safely respond to emergencies at refineries
38. Within sixty (60) days of the effective date of this CA/FO, Respondent shall purchase six MultiRaes (Part. No. MAB3-A2C112E-420) and the associated calibration gases and flow regulators (as specified in Attachment B) for the Los Angeles County Fire Department.
39. Respondent shall expend at least SEVENTEEN THOUSAND, FIVE HUNDRED THIRTY-FIVE DOLLARS AND NINETY-FOUR CENTS (\$17,535.94) to complete the SEP described herein.
40. Within one hundred and twenty (120) days of the Effective Date of the CA/FO, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall contain the following information: (i) a detailed description of the SEP as implemented with an accounting showing the amount Respondent expended for the implementation of the SEP and substantiating documentation, including but not limited to invoices, purchase orders, checks or receipts, and correspondence with the Los Angeles County Fire Department; (ii) a brief, narrative description of the environmental and public health benefits resulting from implementation of the project; and (iii) certification that the project has been fully implemented pursuant to the provisions of the CA/FO, as described in further detail below.

41. In the SEP Completion Report, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement: "I certify under penalty of law that I have examined and am familiar with the information submitted in this document all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."
42. Failure to complete the SEP or submit the SEP Completion Report required herein shall be deemed a violation of this CA/FO and Respondent shall become liable for stipulated penalties pursuant to Section I below.
43. Respondent shall maintain legible copies of documentation of the underlying data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement for at least three (3) years, and Respondent shall provide the documentation of any such underlying research and data to EPA within fourteen (14) days of EPA's request for such information.
44. With regard to the SEP, Respondent certifies the truth and accuracy of each of the following: (a) that all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is at least \$17,535.94, exclusive of Respondent's internal labor costs; (b) that, as of the date of this CA/FO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum; (c) that the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CA/FO; (d) that Respondent has not received and will not receive credit for the SEP in any other enforcement action; (e) that Respondent will not receive reimbursement for any portion of the SEP from another person or entity; (f) that for federal income tax purposes, Respondent will neither capitalize in inventory or basis nor deduct any costs or expenditures incurred in performing the SEP; and (g) that Respondent is not a party to any federal financial transaction that is funding or could fund the same activity as the SEP described in this CA/FO and has inquired of the Los Angeles County Fire Department that it is not a party to such transaction.
45. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP under this CA/FO from the date of its execution of this CA/FO shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Environmental Protection Agency to enforce federal laws."

F. ADMISSIONS AND WAIVERS OF RIGHTS

46. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO. Respondent consents to 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.
47. 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.

G. PARTIES BOUND

48. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Sections D and H has been paid in accordance with Section H, and any delays in performance and/or stipulated penalties have been resolved. When those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
49. 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.
50. 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.

H. PAYMENT OF CIVIL PENALTY

51. Respondent consents to the assessment of and agrees to pay a civil penalty of **FORTY-FOUR THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$44,971.00)** in full settlement of the federal civil penalty claims set forth in this CA/FO.
52. Respondent shall submit payment of the **FORTY-FOUR THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$44,971.00)** within thirty (30) calendar days of the Effective Date of this CA/FO, in accordance with one of the options set forth below. 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.

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"

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank

808 17<sup>th</sup> 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](http://www.pay.gov)

Enter "sfo1.1" in the search field

Open form and complete required fields

Regular Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:

U.S. Environmental Protection Agency

Fines and Penalties

Cincinnati Finance Center

PO Box 979077

St. Louis, MO 63197-9000

Overnight Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

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

53. At the time payment is made, a copy of the check shall be sent to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and

Christopher Rollins (ENF-2-2)  
Enforcement Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105.

54. Respondent shall not, and shall not allow any other person to, deduct any penalties and interest paid under this CA/FO from federal, state, or local taxes.
55. 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.

I. DELAY IN PERFORMANCE/STIPULATED PENALTIES

56. In the event Respondent fails to submit payment to EPA by the time required in this CA/FO, Respondent shall pay stipulated penalties as set forth below:

Up to FIVE HUNDRED DOLLARS (\$500) per day for first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and up to ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.

57. If Respondent violates any requirement of this CA/FO relating to the SEP, Respondent shall pay stipulated penalties to the United States as follows:
- a. If the SEP is not satisfactorily completed within one hundred twenty (120) calendar days after the Effective Date of this CA/FO, Respondent shall pay a stipulated penalty of up to ONE HUNDRED DOLLARS (\$100) for each and every day that the completion of the SEP is delinquent.
  - b. For failure to submit the SEP Completion Report required by Paragraph 40, Respondent shall pay a stipulated penalty in the amount of up to FIVE HUNDRED DOLLARS (\$500) for each day after the date the SEP Completion Report was due until it is submitted.
  - c. If Respondent does not expend the entire amount specified in Paragraph 39, while otherwise meeting the requirements of the SEP, then Respondent shall pay a stipulated penalty equal to the difference between the amount expended as demonstrated in the SEP Completion Report and the amount specified in Paragraph 39, plus an additional Stipulated Penalty of 10% of the remaining balance paid. Respondent shall pay the stipulated penalty using one of the methods of payment specified in Paragraph 52, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.
58. All penalties owed to EPA under this Section shall be due within thirty (30) calendar 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.
59. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 52.
60. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.
61. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
62. 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 because of Respondent's

failure to comply with any of the requirements of this CA/FO.

J. CERTIFICATION OF COMPLIANCE

63. By signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized California hazardous waste management program that formed the basis for the violations alleged in this CA/FO. 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.

K. RESERVATION OF RIGHTS

64. 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. 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, 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.
65. 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.
66. 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.
67. 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 obligation to obtain and comply with any local, State or federal permits.

L. OTHER CLAIMS

68. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to

the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

M. ATTORNEYS' FEES, COSTS, AND DISBURSEMENTS

69. Each party shall bear its own attorneys' fees, costs, and disbursements.

N. MISCELLANEOUS

70. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

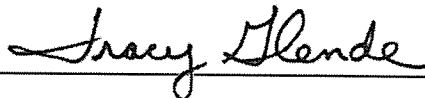
71. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

December 4, 2017

Date



Name, Title: Tracy Glende, Chief Executive Officer  
Coast Plating, Inc.

12/5/17

Date



Douglas K. McDaniel, Chief  
Waste and Chemical Section, Enforcement Division  
U.S. Environmental Protection Agency, Region 9

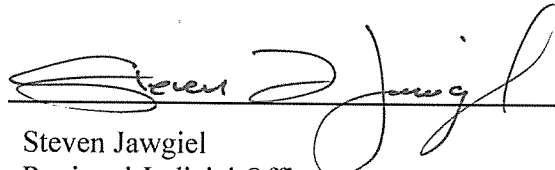
FINAL ORDER

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-9-2018-000 1) be entered and that Coast Plating, Inc. pay a civil penalty of FORTY-FOUR THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$44,971.00) due within thirty (30) calendar days from the Effective Date of this Consent Agreement and Final Order. Payment must be made pursuant to Section H of the Consent Agreement.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

12/06/17

Date

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

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of **Coast Plating, Inc. (Docket #: RCRA-09-2018-00 01)** 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:

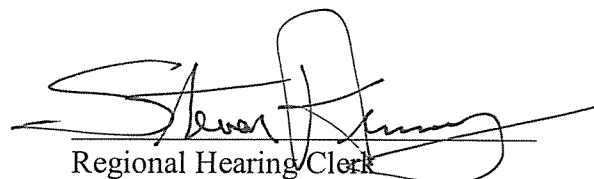
A copy was mailed via CERTIFIED MAIL to:

Mr. Tracy Glende  
Chief Executive Officer  
Valence Surface Technologies  
1790 Hughes Landing Blvd., Ste. 300  
The Woodlands, TX 77380

**CERTIFIED MAIL NUMBER:** 7016 1370 0000 0748 7418

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

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

  
Regional Hearing Clerk  
U.S. EPA, Region IX

Dec. 7, 2017  
Date



# ATTACHMENT A



**Environmental Services Group Incorporated**  
 Safety / Health / Environmental / Regulatory Services

October 16, 2017

Douglas K. McDaniel  
 Chief, Waste and Chemical Section  
 Enforcement Division  
 U.S. Environmental Protection Agency, Region IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

RE: Penalty Counter Offer & SEP Proposal from Valence Coast Plating, Inc. for Resource Conservation and Recovery Act Violations at the Gardena, California facility

Dear Mr. McDaniel:

On August 3, 2017, the EPA proposed a "revised" penalty against Valence Coast Plating, Inc. ("VCPI") in the amount of \$59,000.00 for violations of the Resource Conservation and Recovery Act, originally imposed on November 21, 2016.

In an effort to conclude this matter, VCPI, in good faith, agrees to accept this penalty amount, if the EPA will accept as part of the settlement, a credit against the penalty for a Supplemental Environmental Project (SEP) in the amount of \$14,029.00 (80% of planned hardware expenditures). This agreement would result in a net fine of \$44,971.00. The proposed SEP will consist of VCPI purchasing 6 (six) Multi-Rae 6-gas detectors (and supporting equipment) for the Los Angeles CUPA, costing approximately \$17,536.00.

**(SEP) - Emergency Planning and Preparedness - Los Angeles County**

VCPI is requesting the EPA authorize a SEP that would consist of VCPI purchasing 6 (six) Multi-Rae 6-gas detectors (and the supporting equipment) for the Los Angeles County CUPA Emergency Planning and Preparedness effort. Specifically, the units would be RAE Systems Inc. (Part Number: MAB3-A2C112E-420), and the associated calibration gases and flow regulators, as specified in the attached third party cost quotation. The combined equipment package as specified by Los Angeles CUPA will cost \$17,536.00, and 80% of that retail value will result in a SEP credit of \$14,029.

The table below summarizes the SEP proposal and the resulting monetary credits and penalties:

SEP OVERVIEW							
VCPI - October 16, 2017							
PRODUCT	PER UNIT VALUES			PENALTY SUMMARY WITH SEP			
	RETAIL (\$)	SEP CREDIT % RETAIL	SEP VALUE CREDIT (\$)	GROSS FINE	minus	SEP CREDIT	NET FINE
MULTI RAE 6 GAS DETECTOR (MAB3-A2C112E-420 with calibration gases & regulators)	17,536	80	14,029	\$59,000	-	\$14,029	\$44,971



**Environmental Services Group Incorporated**

Safety / Health / Environmental / Regulatory Services

*VCPI Penalty Counter Offer Response Summary*

VCPI is proposing this good faith "counter offer" of \$59,000.00, with a SEP credit of \$14,029.00 for the purchase of six Multi-Rae Gas Detectors needed by the Los Angeles County CUPA for their Emergency Response and Preparedness program. Acceptance by EPA of this offer would equate to a net fine of \$44,971.00 for VCPI, along with their obligation to purchase the gas detectors. This equipment package would be purchased, as specified in the attached cost estimate, by VCPI, and shipped directly to CUPA.

Valence requests that EPA agree to this good faith offer, hoping to conclude these inspection findings, learn from these violations, and continue to implement sound and consistent RCRA practices in all of the Valence facilities nationwide.

Sincerely,

Gary Ingle

CEO - Environmental Services Group, Inc, on behalf of Valence Coast Plating, Inc.

cc: Tracy Glende - Valence Coast Plating  
Matthew Alty - Valence Coast Plating

## **ATTACHMENT B**

# Quote



**35621**

September 28, 2017

Quote valid for 30 days

2375 Lincoln Ave.  
Hayward, CA 94545

Fax:  
Phone: (510) 732-6591

*Quoted For*

*Quoted By*

John Schofield  
U.S. EPA, Region 9  
75 Hawthorne St  
San Francisco, CA-California 94105

Sarah Hope  
Pine Environmental Services LLC

Phone: (510) 732-6591  
Email: shope@pine-environmental.com

Phone: 415-972-3386  
Email: Schofield.john@epa.gov

Equipment Purchase

Item #	Description	Quantity	Unit Sale Price	Extended Sale
MAB3-A2C112E-420	MultiRae Lite pumped 10.6 eV PID/LEL/H2S/CO/O2/Li-ion/ Wireless Note: MultiRAE Lite monitor with sensors, battery and wireless options as specified, and protective rubber boot and filter(s) installed • Continuous datalogging (6 months for 5 sensors @ 1-minute) • Travel charger / PC communications adapter • PC communication cable • AC adapter • Calibration adapter • Alkaline battery adapter • Toolkit with Hex tool and Phillips screwdriver • Quick Start Guide • CD with documentation • ProRAE Studio II Instrument Configuration & Data Management Software • Calibration and test certificate • Warranty / registration card • 10 charcoal VOC filters for CO sensor The pumped model of MultiRAE Lite also includes: • Built-in pump • Belt clip installed • 3 spare external filters • PID sensor cap removal tool	6	\$2,050.00	\$12,300.00
13046	Demand Flow Regulator 34L /103L Note: Demand-flow regulator for pumped Instruments ( C-10 Male Threaded Regulator) To be used with 34L aluminum cylinders and all 103L	6	\$345.00	\$2,070.00
31514	CH4-50LE/50mCO/10ppmH2S/18%O2/N2 34L 4-GAS w/(18%O2)	6	\$128.80	\$772.80
31721	Gas;Isobutylene-100ppm/Air 34L	6	\$46.40	\$278.40
FREIGHT	UPS GROUND Note: SHIPPING VIA UPS GROUND = 2 Business day Transit by end of day	1	\$630.00	\$630.00

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Email: Schofield.john@epa.gov

Phone: (510) 732-6591  
Email: shope@pine-environmental.com

Item #	Description	Quantity	Equipment Purchase	
			Unit Sale Price	Extended Sale
TAX	TAX 9.25% Note: Shipping Tax = 90040	1	\$1,484.74	\$1,484.74
			Estimated Sales Total	\$17,535.94
<i>(excluding applicable taxes &amp; freight)</i>				

Visit us on the web - [www.pine-environmental.com](http://www.pine-environmental.com)

I accept terms and conditions of this quotation.

Signature

Payment Terms:

Payment due net 30 days for orders  
shipped in the United States

Must arrive by

Month Day Year

Printed Name

Visa, Mastercard, American Express and  
Discover payments are accepted.

Check here if partial shipments  
are acceptable