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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- 09-2011-0005
Classic Plating, Inc.)	
)	ORDER ON MOTION FOR
[EPA ID No. CAD 072924103])	DEFAULT JUDGMENT
)	
<u>Respondent.</u>)	

INTRODUCTION

This proceeding arises under Section 3008 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6928. This proceeding is governed by 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 (Consolidated Rules), 40 C.F.R. §§ 22.1-22.32.

PROCEDURAL HISTORY

On February 28, 2011, the United States Environmental Protection Agency (EPA or Complainant) filed a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing against Classic Plating, Inc. (Respondent). In sum Complainant alleged five RCRA violations: (1) failure to minimize the possibility of release of hazardous waste in violation of 22 C.C.R. § 66262.34(a)(4) and 22 C.C.R. § 66265.31 (*see also* 40 C.F.R. § 265.34(a)(4) and 40 C.F.R. § 265.31);¹ (2) failure to close containers in violation of 22 C.C.R. § 66262.34(a)(1)(A) and 22 C.C.R. § 66265.173(a) (*see also* 40 C.F.R. § 262.34(a) and 40 C.F.R. § 265.173(a)); (3) failure to submit Biennial Reports in violation of 22 C.C.R. § 66262.41(a) (*see also* 40 C.F.R. § 262.41(a)); (4) failure to have a complete contingency plan in violation of 22 C.C.R. § 66262.34(a)(4) and 22 C.C.R. § 66265.52(d) (*see also* 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.52(d)); and (5) storing hazardous waste without a permit in violation of 22 C.C.R. § 66262.34(a) and 22 C.C.R. § 66270.1(c) (*see also* 40 C.F.R. § 262.34(a)(2) & (3) and 40 C.F.R. § 270.1(c)).

¹ All citations to the C.C.R. refer to Division 4.5 of Title 22 of the current California Code of Regulations. Complainant is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (*see* 57 FR 32726, July 23, 1992) and September 26, 2001 (66 FR 49118, September 26, 2001). Corresponding Federal citations are provided in brackets.

40 C.F.R. § 22.15(a) required Respondent to file an answer to the Complaint within thirty (30) days after service of the Complaint. Complainant completed service of the Complaint on March 8, 2011. However, Respondent failed to answer the Complaint.

On June 7, 2012, Complainant filed a Motion for Default pursuant to 40 C.F.R. § 22.17, seeking a finding of default in this case and proposing a penalty of \$1,616,870.00. Respondent did not oppose Complainant's Motion for Default.

FINDINGS OF FACT

Pursuant to 40 C.F.R. § 22.17 and based upon the entire record in this matter, I make the following factual findings:

1. Respondent operates a plating facility located at 2985 E. Miraloma Ave., Suite U, Anaheim, CA 92805 (the "Facility").
2. Respondent is a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10]; and an "operator" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].
3. Respondent generates and accumulates, or has generated and accumulated "hazardous waste" as defined in California Health & Safety Code § 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, contaminated paper (F006/CA-181), polishing debris (CA-352), nitric and sulfuric acid (D002/D007), and chrome filter cake and sludge (F006).
4. Complainant issued a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing (Complaint) against Respondent on February 28, 2011.
5. Pursuant to 40 C.F.R. § 22.15(a), Respondent was required to file an answer to the Complaint within thirty (30) days after service of the Complaint. Complainant completed service of the Complaint on March 8, 2011.
6. To date, neither Complainant nor the Regional Judicial Clerk has received Respondent's answer to the Complaint.
7. On June 7, 2012, Complainant filed a Motion for Default Order, seeking a finding of default in this case and proposing a penalty of \$1,616,870.00. The Motion included an analysis of each count and a proposed penalty, applying the 2003 RCRA Civil Penalty Policy to the counts.

8. To date, neither Complainant nor the Regional Judicial Clerk has received a response to the Motion for Default.

DISCUSSION

40 C.F.R. § 22.17(a) of The Consolidated Rules applies to motions for default, and provides in pertinent part:

(a) Default. A party may be found to be in default; after motion, upon failure to file a timely answer to the complaint;...Default by respondent constitutes, for purposes of the proceeding only, an admission of all facts alleged in the complaint and a waiver of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations.

(c) Default Order. When the Presiding Officer finds that default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued.

The Consolidated Rules at 40 C.F.R. § 22.17(a) require that if a default has occurred, the Presiding Officer shall issue a default order against the defaulting as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. Respondent has made no showing that good cause exists to defeat Complainant's Motion for Default Order.

The Motion included an analysis of each count and a proposed penalty, applying the 2003 RCRA Civil Penalty Policy to the counts.

40 C.F.R. § 22.27(b) applies to the assessment of a civil penalty:

If the Presiding Officer determines that a violation has occurred and the complaint seeks a civil penalty, the Presiding Officer shall determine the amount of the recommended penalty based on the evidence in the record and in accordance with any penalty criteria set forth in the Act. The Presiding Officer shall consider any civil penalty guidelines issued under the Act. ...If the respondent has defaulted, the Presiding Officer shall not assess a penalty greater than that proposed by the complainant in the complaint, the prehearing information exchange or the motion for default, whichever is less.

Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collections Improvement Act of 1996, 40 C.F.R. Part 19, authorizes a civil penalty of up to THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$32,500) for violations that occur after March 15, 2004, 69 Fed. Reg. 7121 (Feb. 13, 2004), and authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) for violations that occur after Jan. 11, 2009. 73 Fed. Reg. 75340 (Dec. 11, 2008). Complainant requests that the Administrator assess a civil penalty against Respondent of up to \$32,500 per day, as appropriate, for each day during which a violation cited in the above outlined Counts continued up to (and including) January 11, 2009, and up to \$37,500 for each day during which a violation continued after January 11, 2009.

The penalty calculations system established through EPA's June 2003 RCRA Civil Penalty Policy ("Penalty Policy") is based upon Section 3008 of RCRA, 42 U.S.C. § 6928. Under this section, the seriousness of the violation and any good faith efforts to comply with applicable requirements are to be considered in assessing a penalty. The Penalty Policy consists of: (1) determining a gravity-based penalty for a particular violation from a penalty assessment matrix, (2) adding a "multi-day" component, as appropriate, to account for a violation's duration, (3) adjusting the sum of the gravity-based and multi-day components, up or down, for case specific circumstances, and (4) adding to this amount the appropriate economic benefit gained through non-compliance. The Environmental Appeals Board has emphasized that the Agency's penalty policies should be applied wherever possible because such policies "assure that statutory factors are taken into account and are designed to assure that penalties are assessed in a fair and consistent manner." *M.A. Bruder & Sons, Inc.*, 10 E.A.D. 598, 613 (EAB 2002).

The gravity-based component of the Penalty Policy is determined by considering two factors: (1) the potential for harm, and (2) the extent of deviation from the statutory or regulatory requirement. *See* Penalty Policy, p. 12. The potential for harm and the extent of deviation components may be characterized as "major", "moderate", or "minor", according to standards set forth by the Penalty Policy. *Id.* at 15-18. The gravity-based component is selected from a pecuniary range for the appropriate cell. *Id.* at 18. EPA revised the penalty matrices set forth in the 2003 Penalty Policy for violations that occur after March 15, 2004 and after January 12, 2009. The Penalty Policy provides that the selection of the exact penalty amount within the cell is left to the discretion of enforcement personnel, so they may adapt the penalty to the gravity of the violation and its surrounding circumstances. *Id.* at 19.

The Penalty Policy also provides a multi-day calculation for continuing violations. *Id.*, p. 23. After the gravity-based penalty is calculated, including any multi-day component, enforcement personnel may adjust the penalty upward or downward to reflect the particular circumstances surrounding the violation, such as good faith efforts to comply, degree of willfulness or negligence, history of noncompliance, ability to pay, other unique factors, and supplemental environmental projects. *Id.*, p. 3.

The Penalty Policy also mandates the recapture of any significant economic benefit of noncompliance that accrues to a violator. The economic benefit component should be calculated and added to the gravity-based penalty component when a violation results in significant economic benefit to the violator. *Id.*, p. 28. In the interest of simplifying and expediting an enforcement action, enforcement personnel may forego calculating the economic benefit component where it appears that the amount of the component is likely to be less than the amount specified by the Penalty Policy for all violations alleged in the complaint. *Id.*, p. 28. Likewise, it is not necessary to calculate an economic benefit for a violation if the economic benefit is estimated to be below \$2,000. *Id.*

Section 22.17(c) of the Consolidated rules, 40 C.F.R. § 22.17(c), provides that when a respondent is found to be in default, "The relief proposed in the complaint or the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act." When reaching a penalty determination, Section 22.27(b) of the Consolidated Rules states that the Presiding Officer shall consider any evidence in the record and any civil penalty guidelines issued under the Act. The Presiding Officer shall explain in detail how the assessed penalty corresponds to any penalty criteria set forth in the Act. As stated above, Section 22.27(b) of the Consolidated Rules prohibits the Presiding Officer from assessing a penalty greater than that proposed in the complaint, the prehearing information exchange or the motion for default, whichever is less.

Pursuant to 40 C.F.R. § 22.17(a), a default by a respondent constitutes an admission of all facts alleged in the Complaint. See also 40 C.F.R. § 22.15(d) (respondent's failure to admit, deny or explain any material factual allegation contained in the Complaint constitutes an admission of the allegation); *In the Matter of K Industries, Inc.*, Docket No. RCRA-06-2003-0915, 2005 RJO Lexis 109 (March 2, 2005); *In re Matter of Aero Design, Inc.*, Docket No. RCRA-04-2002-4006, 2003 EPA RJO Lexis 12 (April 1, 2003).

Count I – Failure to Minimize the Possibility of Release of Hazardous Waste

On August 14, 2009 and October 8, 2010, an EPA inspector observed approximately two inches and five inches, respectively, of chrome plating liquid hazardous waste spilled from tanks and held in the secondary containment at the Facility.

On November 23, 2010, pursuant to RCRA Section 3013(a), 42 U.S.C. § 6934(a), EPA issued an Order Requiring Testing, Analysis, and Reporting to the Respondent requiring it to: (1) collect and analyze four samples of the liquid waste at various locations within secondary containment; (2) evaluate of the condition of the secondary containment; (3) conduct a structural assessment of the secondary containment using a certified third party professional engineer; and (4) submit an operating plan on how the Facility will manage and minimize potential releases of hazardous materials to or from secondary containment and into the environment. Respondent did not comply with the Order Requiring Testing, Analysis, and Reporting and liquid hazardous

wastes remain in the secondary containment. As such, Respondent failed to maintain and operate the facility in a manner to minimize the releases of hazardous wastes held in secondary containment.

22 C.C.R. § 66265.31 (*see also* 40 C.F.R. § 265.31) requires that facilities maintain and operate 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.

1) **Gravity-Based Penalty**

A) **Potential for Harm**: Pursuant to the Penalty Policy, 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. *See* Penalty Policy at 15. In the instant case, Complainant claims that Respondent’s failure to address liquid waste in secondary containment and to develop an operating plan to minimize potential releases of hazardous materials to or from secondary containment and into the environment, in violation of 22 C.C.R. § 66265.31 (*see also* 40 C.F.R. § 265.31), should be characterized as “Major” under the Penalty Policy. As the Presiding Officer in this action, I agree that the potential harm resulting from this violation is properly characterized as “Major” on the record before me.

B) **Extent of Deviation**: The Penalty Policy defines a “Major” extent of deviation as a situation in which 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. *See* Penalty Policy at 17. Respondent’s failure to prevent or minimize releases of hazardous waste into and from secondary containment constituted a “Major” deviation from the requirement to minimize the possibility of a release of hazardous waste.

The Penalty Policy provides that after classifying the potential for harm and the extent of deviation, EPA enforcement personnel have the discretion to select the exact amount within a particular cell of the gravity penalty matrix so they may adapt the penalty amount to the gravity of the violation and its surrounding circumstances. *See* Penalty Policy at 19. Enforcement personnel should analyze and rely on case-specific factors in selecting a dollar figure from this range. Such factors include the seriousness of the violation, the environmental sensitivity of the areas potentially threatened by the violation, the size and sophistication of the violator, the number of days of violation, and other relevant matters.

The matrix value in the Penalty Policy for violations that are Major/Major is \$28,330 to \$37,500. Complainant’s selection of \$32,915, which represents the middle of the Major Potential/Major Deviation matrix cell, is consistent with the record of the proceeding and with

RCRA.

2) Multi-Day Penalty Calculation

Multi-day penalties are considered mandatory for days 2-180 for violations with the gravity-based designation of Major/Major. See Penalty Policy at 25. The multi-day matrix value in the Penalty Policy for violations that are Major/Major is \$1,420 to \$7,090. Complainant proposes a penalty of \$4,255, again taken from the midpoint of the matrix. A multi-day component of \$4,255 per day for 179 days increases the penalty by \$761,645 to a total gravity-based penalty of \$794,560 for this Count.

Count II – Failure to Close Containers

On August 14, 2010, the EPA inspector observed an open, one cubic yard container holding wastewater treatment filter cake press hazardous waste (F006), and an open 55-gallon container holding wood contaminated with nitric acid hazardous waste (D002/D006). On October 8, 2010, the inspector also observed an open bin holding wastewater treatment filter cake press hazardous waste (F006).

22 C.C.R. § 66265.173(a) (see also 40 C.F.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 as required. Respondent failed to comply with the requirement to store hazardous waste at its Facility in a closed container.

1) Gravity-Based Penalty

A) **Potential for Harm**: 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. Complainant accurately concluded that this violation posed a “Minor” potential for harm.

B) **Extent of Deviation**: 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. Respondent’s failure to comply with the requirements for storing hazardous waste in closed containers supports categorizing this violation as a “Minor” deviation from the regulatory requirement.

The matrix value in the Penalty Policy for violations that are minor/minor is \$150 to \$710. Complainant’s selection of \$430, which represents the middle of the Minor

Potential/Minor Deviation matrix cell, is consistent with the record of the proceeding and with RCRA.

2) **Multi-Day Penalty Calculation**

This violation continued for at least one day, August 14, 2009 or October 8, 2010. However, Complainant is not seeking a penalty for multi-days. Accordingly, the penalty for this count is \$430.

Count III – Failure to Submit Biennial Reports

As of October 8, 2010, the Facility failed to submit biennial reports for 2007 and 2009. 22 C.C.R. § 66262.41(a) (*see also* 40 C.F.R. § 262.41(a)) requires each owner or operator of a facility to file a biennial report for the hazardous waste generated the prior year by March 1 of each even numbered year.

1) **Gravity-Based Penalty**

A) **Potential for Harm**: 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. *See Penalty Policy* at 15. Respondent failed to file two biennial reports. As the Presiding Officer in this action, I agree that the potential harm resulting from this violation is properly characterized as “Moderate” based on the record before me.

B) **Extent of Deviation**: 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. Respondent’s failure to comply with the requirements for providing biennial reports supports categorizing this violation as a “Major” deviation from the regulatory requirement.

The matrix value in the Penalty Policy for violations that are Moderate Potential/Major Deviation is \$11,330 to \$15,580. Complainant’s selection of \$13,445, which represents the middle of the Moderate Potential/Major Deviation matrix cell, is consistent with the record of the proceeding and with RCRA.

2) **Multi-Day Penalty Calculation**

This violation occurred twice and each violation continued for at least one day, March 1, 2008 and March 1, 2010. Complainant is not seeking a multi-day penalty. However, because this violation occurred twice, the total penalty for this count is \$26,890.

Count IV - Failure to Have a Complete Contingency Plan

During inspections on August 14, 2009 and October 8, 2010, the facility contingency plan lacked the home address of the emergency coordinator. 22 C.C.R. § 66265.52(d) (*see also* 40 C.F.R. § 265.52(d)) requires owners and operators of a facility to maintain a contingency plan that lists names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date.

1) Gravity-Based Penalty

A) **Potential for Harm**: 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. Complainant accurately concluded that this violation posed a "Minor" potential for harm.

B) **Extent of Deviation**: 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. Respondent's failure to include the home address of the emergency coordinator is a "Minor" deviation from the requirement to file such reports.

The matrix value for violations that are Minor Potential/Minor Deviation is \$150 to \$710. Complainant proposes a penalty of \$430, taken from the midpoint of the matrix for this Count. Complainant's selection of \$430, which represents the middle of this cell, is consistent with the record of the proceeding and with RCRA.

2) Multi-Day Penalty Calculation

This violation began on or prior to August 14, 2009 and continued for at least 180 days. However, Complainant is not seeking multi-day penalties for this count.

Count V - Storage of Hazardous Waste without a Permit

On August 14, 2009, the EPA inspectors observed four containers of wastewater treatment filter cake press hazardous wastes (F006) which had been stored at the Facility for longer than 90 days. The containers were labelled with accumulation start dates of April 17, 2008, January 8, 2009, April 8, 2009, and May 5, 2009. The containers had been stored at the

Facility for 394, 127, 37, and 10 days, respectively, beyond the 90-day period allowed for generators to store hazardous waste without a permit or interim status.

On August 14, 2009 and October 8, 2010, the EPA inspector observed approximately two inches and five inches, respectively, of chrome plating liquid hazardous waste (F006) spilled from tanks and held in the secondary containment. Because secondary containment was not labelled with accumulation start dates, the specific duration of storage of the liquid hazardous wastes has not been determined; however, more than 90 days lapsed between the EPA inspections. As such, these liquid hazardous wastes have been stored at the Facility longer than the 90-day period allowed for generators to store hazardous waste without a permit or interim status.

22 C.C.R. § 66270.1(c) requires that each person owning or operating a facility where hazardous waste is transferred, treated, stored, or disposed must have a permit. At the time of the inspection, Respondent did not have a permit or grant of interim status to store hazardous waste under 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1(c)].

22 C.C.R. § 66262.34(a) (*see also* 40 C.F.R. §§ 262.34(a)(2) and (3)), provides that a large quantity 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 C.C.R. § 66262.34(a)(4) (*see also* 40 C.F.R. § 262.34(a)(4)).

Respondent failed to meet the conditional exemption when it stored waste more than 90 days, 22 C.C.R. § 66262.34(a) (*see also* 40 C.F.R. §§ 262.34(a)(2) and (3)), and stored hazardous waste without a permit in violation of 22 C.C.R. § 66270.1(c) (*see also* 40 C.F.R. § 270.1(c)).

1) **Gravity-Based Penalty**

A) **Potential for Harm**: Pursuant to the Penalty Policy, 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. *See* Penalty Policy at 15. In the instant case, Complainant claims that Respondent's failure to meet the permit exemption by storing wastes on-site for greater than 90 days should be characterized as "Major" under the Penalty Policy. As the Presiding Officer in this action, I agree that the potential harm resulting from this violation is properly characterized as "Major" on the record before me.

B) **Extent of Deviation**: 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.

Respondent's failure to comply with the permitting exemption by storing wastes on-site for greater than 90 days constituted a "Major" deviation.

The matrix value in the Penalty Policy for violations that are Major Potential/Major Deviation is \$28,330 to \$37,500. Complainant's selection of \$32,915, which represents the middle of the Major Potential/Major Deviation matrix cell, is consistent with the record of the proceeding and with RCRA.

2) Multi-Day Penalty Calculation

Multi-day penalties are considered mandatory for days 2-180 for violations with the gravity-based designation of major/major. *See* Penalty Policy at 25. The multi-day matrix value in the Penalty Policy for violations that are Major Potential/Major Deviation is \$7,090 to \$1,420. Complainant proposes a penalty of \$4,255, again taken from the midpoint of the matrix. A multi-day component of \$4,255 per day for 179 days increases the penalty by \$761,645 to a total gravity-based penalty of \$794,560 for this Count.

PENALTY MODIFICATION

The Penalty Policy provides for downward adjustments to the proposed penalty for a violator's good faith efforts to comply, limited ability to pay, performance of environmental projects, or other unique factors. *See* Penalty Policy at 34-41. Complainant did not propose any adjustments to the proposed penalty because none were supported by the circumstances of the violations. Respondent failed to submit any evidence that would support any downward adjustment. Therefore, Complainant's position is consistent with the record and RCRA.

CONCLUSION

After considering the record and the Penalty Policy, I assess a penalty in the amount of \$1,616,870.00.

ORDER

RESPONDENT IS HEREBY ORDERED to pay a civil penalty in the amount of ONE MILLION, SIX HUNDRED SIXTEEN THOUSAND, EIGHT HUNDRED SEVENTY DOLLARS (\$1,616,870.00). This penalty shall become due and payable, without further proceedings, thirty (30) days after this order becomes final. This Order shall become final within forty-five (45) days after its service upon the parties and without further proceedings, unless (1) a party appeals the Initial Decision to the Environmental Appeals Board, (2) a party moves to set aside the order, or (3) the Environmental Appeals Board elects to review this Initial Decision on its own initiative. *See* 40 C.F.R. § 22.27(c). Procedures for appealing this Initial Decision are listed in the Consolidated Rules at 40 C.F.R. § 22.30.

Payment shall be made by forwarding a money order, cashier's check, or certified check, in the amount of \$1,616,870.00 payable to Treasurer of the United States of America to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

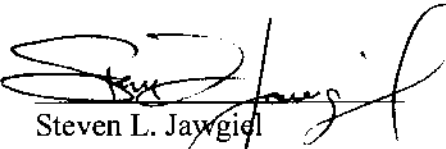
All payments shall indicate the name of the facility, any EPA identification number of the facility, Respondent's name and address, and the EPA docket number for this action. At the time payment is made, Respondent shall send a copy of the payment transmittal to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region IX, ORC
75 Hawthorne Street
San Francisco, CA 94105

If the civil penalty is not paid within the prescribed time period, interest will be assessed pursuant to Section 11 of the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3717, based on the present value of funds owed to the United States Treasury at the time the Initial Order becomes final, and such rate will remain in effect until full payment is received. A six percent (6%) per annum late payment penalty will also be applied on any principle amount not paid within ninety (90) days of the due date.

IT IS SO ORDERED

Date: July 3, 2012


Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Order on Motion for Default Judgment in the matter of CLASSIC PLATING, INC. (Docket #: RCRA-09-2011-0005) 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:

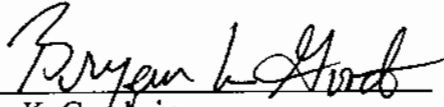
A copy was mailed via CERTIFIED MAIL to:

Shafiqul Alam, P.E.
President
Classic Plating, Inc.
2985 E. Miraloma Avenue, Ste. U
Anaheim, CA 92805

CERTIFIED MAIL NUMBER: 7010-2780-0000-8388-7276

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

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



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

7/5/12

Date