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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX U.S. EPA. REGION IX REGIONAL HEARING CLERK

In the matter of: ) U.S. EPA Docket No. ) RCRA-9-2012- 0022 ) ) California Technical Plating ) COMPLAINT, ) Corporation, ) CONSENT AGREEMENT ) ) AND ) EPA ID No.: CAD 057 348 278 ) FINAL ORDER ) ) ) ) Respondent. ) )

COMPLAINT AND CONSENT AGREEMENT

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 C.F.R. Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is California Technical Plating Corporation ("Cal Tech Plating" or "Respondent").
- 2. Cal Tech Plating operates a metal finishing and plating facility at 11533 Bradley Avenue, San Fernando, CA 91340 (the "Facility"). In the course of operations at the Facility, Cal Tech Plating generates and stores hazardous wastes. The Facility's EPA ID number is CAD 057 348 278.
- 3. This Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. §22.13(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Cal Tech Plating failed to comply in the following manner with the specified requirements of the authorized version of Title 22 of the California Code of Regulations ("22 C.C.R."):

- a. Storage of hazardous waste without a permit in violation of 22 C.C.R. § 66270.1<sup>1</sup> (*see also* 40 C.F.R. § 270.1);
- b. Failure to close containers of hazardous waste in violation of 22 C.C.R. § 66265.173(a) (*see also* 40 C.F.R. § 265.173(a));
- c. Failure to close containers of hazardous waste in violation of 22 C.C.R. § 66265.173(a) (*see also* 40 C.F.R. § 265.173(a));
- d. Failure to maintain adequate aisle space in hazardous waste storage area in violation of 22 C.C.R. § 66265.35 (*see also* 40 C.F.R. § 265.35);
- e. Failure to maintain a current contingency plan in violation of 22 C.C.R. § 66265.52 (*see also* 40 C.F.R. § 265.52);
- f. Failure to comply with hazardous waste training requirements in violation of 22 C.C.R. § 66265.16 (*see also* 40 C.F.R. § 265.16); and,
- g. Failure to maintain copies of hazardous waste manifests in violation of 22 C.C.R. § 66262 (*see also* 40 C.F.R. § 262.40(a)).

These are each violations of Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.* and state regulations adopted pursuant to the approved California hazardous waste management program.

## 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 Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. This authorization was updated on September 26, 2001 (*see* 66 Fed. Reg. 49118, Sept. 26, 2001).<sup>2</sup> 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 ("H&SC"), 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 CAFO.

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<sup>1</sup> Revisions made to the authorized version of 22 C.C.R. § 66270.1 do not affect the alleged violations set forth herein.

<sup>2</sup> A subsequent update to the authorization occurred on October 7, 2011 (76 FR 62303) but does not affect EPA's enforcement of the violations alleged here.

5. Respondent is a "person" as defined in 22 C.C.R. § 66260.103 (*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 is the "owner" of a facility as defined in 22 C.C.R. § 66260.10 (*see also* 40 C.F.R. § 260.10).
8. Respondent is a "generator" of hazardous waste as defined in 22 C.C.R. § 66260.10 (*see also* 40 C.F.R. § 260.10).
9. Respondent generates and stores materials that are "wastes" as defined in 22 C.C.R. §§ 66260.10 and 66261.24 (*see also* 40 C.F.R. §§ 260.10 and 261.2).
10. At the Facility, Respondent generates hazardous waste as defined by California H&SC Section 25117, 22 C.C.R. §§ 66260.10 and 66261.35 (*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5); 40 C.F.R. §§ 260.10 and 261.3).<sup>6</sup> This hazardous waste includes, but is not limited to, electroplating sludge (F006), spent acids (D002), zincate waste (D002), paint wastes (D001), epoxies (D001), paint filters (D007), spent methyl ethyl ketone (D035, F005), spent acetone (D001, F003), and spent fluorescent lamps (D009).
11. On October 28, 2010, EPA conducted a RCRA compliance evaluation inspection ("CEI") at the Facility. Based upon the findings made during the CEI, and additional information obtained subsequent to the CEI, EPA determined that Respondent has violated California H&SC §§ 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.

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3 Revisions made to the authorized version of 22 C.C.R. § 66260.10 do not affect the alleged violations set forth herein.

4 Revisions made to the authorized version of 22 C.C.R. § 66261.2 do not affect the alleged violations set forth herein.

5 Revisions to the authorized versions of H&SC § 25117 and 22 C.C.R. § 66261.3 do not affect the alleged violations set forth herein.

6 The definition of "hazardous waste" contained in the California statute and regulations is broader in scope than the definition contained in RCRA and the federal regulations. Those hazardous wastes regulated under California law, but not regulated under federal law, are known as "California wastes" and the portions of the California statute and regulations governing California wastes were not included in the provisions authorized under RCRA. Thus, EPA enforces California's authorized program but does not enforce those aspects of the California program relating solely to California wastes.

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 H&SC §§ 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 EPA Administrator to issue orders 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. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT 1

**Storage of Hazardous Waste Without a Permit or Interim Status**

16. Paragraphs 1 through 15 above are incorporated herein by this reference as if they were set forth here in their entirety.
17. 22 C.C.R. § 66262.34<sup>7</sup> (*see also* 40 C.F.R. § 262.34) allows generators of hazardous waste to accumulate hazardous waste on-site for certain specified time periods without a permit or interim status as long as they comply with specified waste management practices, including the labeling of hazardous waste. Generators who do not comply with the waste management requirements must either be eligible for interim status or obtain a permit in order to store hazardous waste at the facility pursuant to 22 C.C.R. § 66270.1 (*see also* 40 C.F.R. § 270.1).
18. In order to be eligible to accumulate hazardous waste without a permit or interim status, generators of hazardous waste must, among other requirements,:
  - a. mark each container of hazardous waste clearly with the words "Hazardous Waste," with information about the composition and physical state of the wastes, the

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<sup>7</sup> Revisions to the authorized version of 22 C.C.R. § 66262.34 do not affect the alleged violations set forth herein.

hazardous properties of the wastes, and the facility name and address, pursuant to 22 C.C.R. §§ 66262.34(e)(1) and (f)(3) (*see also* 40 C.F.R. § 262.34(a) and (c)(1)),

- b. mark containers of hazardous waste with the date they start accumulating hazardous waste in each container, pursuant to 22 C.C.R. § 66262.34(f)(1) (*see also* 40 C.F.R. § 262.34(a)(2)), and
- c. limit the period of accumulation of the waste to 90 days or less, pursuant to 22 C.C.R. § 66262.34(a) (*see also* 40 C.F.R. § 262.34).

19. At the time of the October 28, 2010 CEI, Respondent was not eligible for interim status under RCRA nor was Respondent in possession of a permit to store hazardous waste at the Facility.
20. At the time of the October 28, 2010 CEI, the following containers in the hazardous waste storage area were not properly labeled, missing composition, physical state, or hazardous property information: a 55-gallon container of spent sandblast grit; a cubic-yard supersac of electroplating sludge (F006); a cubic-yard box of lab-pack chemicals; a cubic-yard box of used paint filters, a 15-gallon poly container of spent black dye (D007); a 55-gallon poly container of spent nitric acid (D002); a 55-gallon poly container of spent Isoprop 184 (D001); a 55-gallon poly container of "Kcvert dragout"; a 55-gallon poly container of spent hydrochloric acid (D002); a 250-gallon tote of spent electroless nickel solution (D002); a 15-gallon container of spent acid (D002); and a 55-gallon poly container of spent sulfuric acid (D002). In addition, three eight foot spent fluorescent lamps (D009) in the universal waste storage area were not labeled.
21. At the time of the October 28, 2010 CEI, a 55-gallon container of spent acetone (D001, F003) in the Paint Department did not have an accumulation state date on the label.
22. At the time of the October 28, 2010 CEI, the following containers in the hazardous waste storage area had been stored at the Facility for more than 90 days: a 250-gallon tote of wastewater with chromium, cadmium and nickel (D006, D007) with an accumulation state date of July 12, 2010; and a 55-gallon poly container of spent copper and ferric chloride (D002) with an accumulation start date of May 6, 2010. In addition, two boxes of spent fluorescent lamps (D009), which were being stored in the universal waste storage area, were marked with an accumulation start date of June 12, 2009.
23. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66270.1 (*see also* 40 C.F.R. §270.1), and RCRA.

## COUNT 2

### **Failure to Keep Containers of Hazardous Waste Closed During Storage**

24. Paragraphs 1 through 23 above are incorporated herein by this reference as if they were set forth here in their entirety.
25. Pursuant to 22 C.C.R. § 66265.173(a) (*see also* 40 C.F.R. § 265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
26. At the time of the October 28, 2010 CEI, the inspector observed that a fifty-five (55) gallon container of spent sandblast grit in the hazardous waste storage area did not have a secure lid and that a cubic-yard box of used paint filters (D007) in the Hazardous Waste Storage Area was open. In addition, the inspector noted that, in the Universal Waste Storage Area at the facility, there were three eight-foot spent fluorescent lamps (D009) that were not in a container and four open boxes of eight-foot spent fluorescent lamps.
27. Therefore, EPA alleges that the Respondent has violated 22 C.C.R. § 66265.173(a), (*see also* 40 C.F.R. § 265.173(a)), and RCRA.

## COUNT 3

### **Failure to Maintain Adequate Aisle Space in Hazardous Waste Storage Area**

28. Paragraphs 1 through 27 above are incorporated herein by this reference as if they were set forth here in their entirety.
29. Pursuant to 22 C.C.R. §66262.34(a)(4), a generator may accumulate hazardous waste on-site without a permit provided that the generator complies with the requirements in Article 3 of Chapter 15. Pursuant to Article 3 (specifically, 22 C.C.R. § 66265.35), the owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
30. At the time of the October 28, 2010 CEI, the inspector observed that the aisle space between containers in the Hazardous Waste Storage Area at the Facility did not allow for the unobstructed movement of emergency equipment.
31. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66265.35, (*see also* 40 C.F.R. §§ 265.35), and RCRA.

COUNT 4

**Failure to Maintain a Current Contingency Plan**

32. Paragraphs 1 through 31 above are incorporated herein by this reference as if they were set forth here in their entirety.
33. 22 C.C.R. §66262.34(a)(4) allows large quantity generators to accumulate hazardous waste on-site for 90 days without a permit provided that the generator complies with the requirements in Article 4 of Chapter 15. Pursuant to Article 4 (specifically, 22 C.C.R. § 66265.52(d)), the contingency plan should include names, addresses, and phone numbers of all persons qualified to act as emergency coordinator.
34. At the time of the October 28, 2010 CEI, the inspector observed that the Facility's contingency plan did not contain up to date information pertaining to the emergency coordinators' names and contact information.
35. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.52(d), (*see also* 40 C.F.R. § 265.52(d)), and RCRA.

COUNT 5

**Failure to Comply with Hazardous Waste Training Requirements**

36. Paragraphs 1 through 35 above are incorporated herein by this reference as if they were set forth here in their entirety.
37. Pursuant to 22 C.C.R. §66262.34(a)(4), a large quantity generator may accumulate hazardous waste on-site for 90 days without a permit provided that the generator complies with the requirements in 22 C.C.R. §66265.16. 22 C.C.R. §66265.16, requires facility personnel to 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. It requires that facility personnel have initial training within six months from employment and annual review of the training. The owner or operator is also required to 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.
38. At the time of the October 28, 2010 CEI, the job descriptions in Respondent's training plan failed to adequately describe actual duties connected to hazardous waste management related positions at the Facility.
39. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66265.16, (*see also* 40 C.F.R. § 265.16), and RCRA.

COUNT 6  
**Failure to Maintain Copies of Manifests**

40. Paragraphs 1 through 39 above are incorporated herein by this reference as if they were set forth here in their entirety.
41. 22 C.C.R. § 66262.40(a) requires that a generator keep a copy of the signed manifests from the designated facility receiving waste that the generator ships off-site. The signed copy of the manifests must be retained for at least three years. 22 C.C.R. § 66262.42(h) requires that a generator submit an Exception Report to the California Department of Toxic Substances Control if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated receiving facility within 45 days of the date the waste was accepted by the initial transporter.
42. At the time of the October 28, 2010 CEI, the inspector observed that there were four manifests for which facility personnel could not provide the signed copy of the manifest from the destination facility. Respondent had not submitted any exceptions reports to DTSC for these missing manifests.
43. Therefore, EPA alleges that Respondent has violated 22 C.C.R. § 66262.40(a), (*see also* 40 C.F.R. § 262.40(a)), and RCRA.

**D. TERMS OF SETTLEMENT**

44. Cal Tech Plating consents to the assessment of a civil penalty of TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) in full satisfaction of all claims for civil penalties for the violations alleged in Section C of this CAFO. Such civil penalty amount shall become due and payable within thirty (30) days of the effective date of this CAFO.
45. The aforesaid settlement amount was based upon EPA's consideration of the statutory factors of the seriousness of Cal Tech Plating's violations and any good faith efforts by Cal Tech Plating to comply with all applicable requirements as provided in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), and in accordance with the applicable provisions of the "June 2003 RCRA Civil Penalty Policy." Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, *see* 61 Fed. Reg. 69360 (Dec. 31, 1996), 69 Fed. Reg. 7121 (Feb. 13, 2004) and 73 Fed. Reg. 75340 (Dec. 11, 2008), 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.

**E. ADMISSIONS AND WAIVERS OF RIGHTS**

46. Respondent admits and agrees that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action commenced in this CAFO and



over Cal Tech Plating pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.4 and 22.37. Further, for the purposes of this proceeding, Cal Tech Plating admits to the jurisdictional allegations of facts and law set forth in Section B of this CAFO. Cal Tech Plating consents to and agrees not to contest EPA's jurisdiction and authority to enter into and to issue this CAFO and to enforce its terms. Further, Cal Tech Plating will not contest EPA's jurisdiction and authority to compel compliance with this CAFO in any enforcement proceedings or to impose sanctions for violations of this CAFO.

47. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CAFO. Respondent hereby waives any rights it may have to contest the allegations set forth in this CAFO, waives any rights it may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CAFO, 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 CAFO without adjudication. In addition, Respondent hereby waives any rights it may have to appeal the Final Order attached to this Consent Agreement and made part of this CAFO.

#### F. PARTIES BOUND

48. This CAFO shall apply to and be binding upon Cal Tech Plating and its agents, successors and assigns and upon all persons acting under or for Cal Tech Plating, until such time as the civil penalty required under Section G has been paid. At such time as those matters are concluded, this CAFO shall terminate and constitute full settlement of the violations alleged herein.
49. No change in ownership or any other legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CAFO.
50. Respondent shall give prior notice of this CAFO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer until the termination of this CAFO.
51. The undersigned representative of Cal Tech Plating hereby certifies he or she is fully authorized to enter into this CAFO, to execute and to legally bind Respondent to it.

#### G. PAYMENT OF CIVIL PENALTY

52. Respondent consents to the assessment of and agrees to pay a civil penalty of TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) in full settlement of the federal civil penalty claims set forth in this CAFO.
53. Respondent shall submit payment of the TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) civil penalty within thirty (30) days of the effective date of this CAFO. Payment shall be made by remitting a certified or cashier's check, including the name and

docket number of this case, for the amount, payable to "Treasurer, United States of America," (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 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

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.**

54. A copy of the check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent's name, the case title, and docket number, to both the following Region IX addresses:

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

and

James Polek (WST-3)  
Waste Management Division  
U.S. Environmental Protection Agency - Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

55. The payment 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.

56. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), if payment is not received within thirty (30) days of the date of this CAFO, interest will accrue on the principal amount due at the current rate published by the United States Treasury as described at 40 CFR §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 thirty (30) day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the date the penalty is due. Respondent will also be liable for stipulated penalties as set forth below if any payment is not received by this deadline.

#### H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

57. In the event Respondent fails to submit a payment to EPA by the time required in this CAFO, Respondent shall pay stipulated penalties up to ONE HUNDRED DOLLARS (\$100.00) per day.
58. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.
59. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a written demand by EPA for such penalties. Such demand 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 (30) day period. Unless EPA directs payments pursuant to this CAFO to a different address, any stipulated penalty payment shall be made in accordance with one of the options set forth above under paragraph 53.
60. At the time payment in accordance with the foregoing paragraph is made, a copy of the check or other form of payment or evidence thereof shall be sent to each of the following Region IX addresses:

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

and

James Polek (WST-3)  
Waste Management Division  
U.S. Environmental Protection Agency - Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

61. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Cal Tech Plating's name and address, and the EPA docket number of this action.
62. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

63. 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 CAFO.

I. RESERVATION OF RIGHTS

64. EPA expressly reserves all rights and defenses that it may have.

65. 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 CAFO. 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 CAFO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. §6928(c). This CAFO 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.

66. Compliance by Respondent with the terms of this CAFO shall not relieve Cal Tech Plating of its obligations to comply with RCRA or any other applicable local, California, or federal laws and regulations.

67. The entry of this CAFO and Respondent's compliance with the terms of this CAFO shall not limit or otherwise preclude EPA from taking additional enforcement actions -- other than for the civil penalties associated with the civil violations alleged in Section C herein -- should EPA determine that such actions are warranted.

68. This CAFO is not intended to be nor shall it be construed as a permit. This CAFO does not relieve Respondent of any obligation to obtain and comply with any local, California, or federal permits.

J. OTHER CLAIMS


69. Nothing in this CAFO 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 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, subsequent to the effective date of this CAFO

K. MISCELLANEOUS

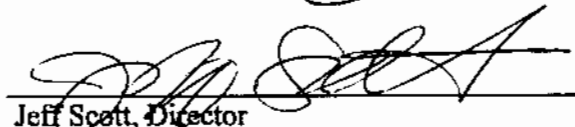
- 70. By signing this CAFO, Cal Tech Plating -- without admitting or denying them -- certifies that all of the alleged violations set forth in Section C of this CAFO, which are or were capable of correction, have been corrected.
- 71. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.
- 72. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.
- 73. The Effective Date of this CAFO is the date the CAFO, once signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

SEP 24, 2012  
Date

  
\_\_\_\_\_  
David Azures, Sr.  
Chief Executive Officer  
Cal Tech Plating Corporation

9/27/12  
Date

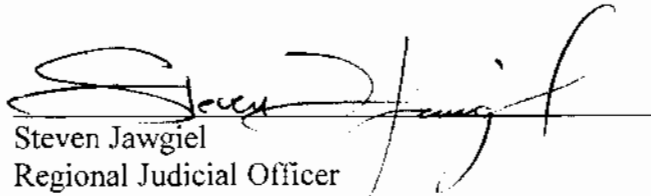
  
\_\_\_\_\_  
Jeff Scott, Director  
Waste Management Division  
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA -9-2012-0022) be entered and that the CAL TECH PLATING CORPORATION ("Respondent"), pay a civil penalty of TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) by check payable to "Treasurer of the United States," or another method specified in paragraph 53 of this Consent Agreement and Final Order within the time frame set forth in Section D of this Consent Agreement and Final Order. A notice of the payment and a copy of the check or other form of payment or evidence thereof shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within the time frame set forth in Section D.

This Final Order, once signed, shall be effective immediately upon it being filed with the Regional Hearing Clerk.

09/28/12  
Date

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

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of CALIFORNIA TECHNICAL PLATING CORP. (Docket #: RCRA-09-2012-0022) 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:

David Anzures, Jr.  
Vice President/Director of Quality  
California Technical Plating Corp  
11533 Bradley Avenue  
San Fernando, CA 91340

**CERTIFIED MAIL NUMBER:** 7005 2570 0001 6436 5481

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

Rebecca Sugerman, 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

9/25/12  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

CERTIFIED MAIL NO: 7005 2570 0001 6436 5481  
RETURN RECEIPT REQUESTED

SEP 23 2012

Mr. David Anzures, Jr.  
Vice President/Director of Quality  
California Technical Plating Corporation  
11533 Bradley Avenue  
San Fernando, CA 91340

Re: In the matter of California Technical Plating Corporation

Dear Mr. Anzures:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) that contains the terms of the settlement that California Technical Plating Corporation (CTP) reached with the United States Environmental Protection Agency (U.S. EPA).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action against CTP for alleged violations at the CTP facility in San Fernando, California. As described in the terms of the enclosed CA/FO, payment by CTP of the penalty identified in Section G of the enclosed CA/FO is necessary to conclude this matter.

CTP's full compliance with the payment terms of this CA/FO will close this case. If you have any questions regarding the RCRA requirements and regulations governing your operations, or the rules which govern the proceedings terminated by the enclosed document, please contact James Polek of my staff at (415) 972-3185, or Mimi Newton, in the Office of Regional Counsel, at (415) 972-3941.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal line extending to the right.

Jeff Scott, Director  
Waste Management Division

Enclosures

cc: Mimi Newton, EPA ORC-3  
James Polek, EPA WST-3