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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

2012 AUG 16 AM 9:41

**U.S. EPA, REGION IX
REGIONAL HEARING CLERK**

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2012- 0008
)	
Service Plating Co.)	EXPEDITED SETTLEMENT
EPA ID. No. CAD008378002)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

A. The U.S. Environmental Protection Agency ("EPA") alleges that Service Plating Co. ("Service Plating" or "Respondent"), owner or operator of the facility at 1855 E. 62nd St., Los Angeles, CA 90001 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program (California Code of Regulations, Division 4.5 of Title 22):

1. Failure to label a hazardous waste container properly. 22 CCR § 66262.34(f) [40 CFR § 262.34];
2. Failure to properly close hazardous waste containers. 22 CCR § 66262.34; 66265.173(a) [40 CFR § 262.34; 265.173(a)];
3. Failure to have a complete emergency posting. 22 CCR § 66262.34(d)(2); [40 CFR § §262.34(d)(5)(ii)];
4. Universal wastes violations. 22 CCR §§ 66273.33(b)(1); [40 CFR § 273.33(d)(1)]; 66273.34(c)[40 CFR §273.34(e)]; 66273.35(b)[40 CFR §273.35(b)]; 66273.35(a) [40 CFR §273.35(a)].

B. Alleged Violations

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

- a. During the Compliance Evaluation Inspection (CEI) the inspectors observed that one 1-cubic-yard tote of RCRA hazardous waste was unlabeled.

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

- a. The inspectors noted that both one 1-cubic-yard tote of D007/D008 RCRA hazardous waste and one 55-gallon container of spent muriatic acid (D001) were open.

3. Under 22 CCR §66262. 34(d)(2); [40 CFR §262.34(d)(5)(ii)]; each owner or operator of a small quantity generator must have a complete emergency bulletin board posted for his facility.

- a. At the time of the inspection Service Plating's emergency bulletin board was not complete.

4. Under 22 CCR §§ 66273.33(b)(1); [40 CFR § 273.33(d)(1)]; 66273.34(c)[40 CFR §273.34(e)]; 66273.35(b)[40 CFR §273.35(b)]; 66273.35(a) [40 CFR §273.35(a)], facility personnel must containerize, properly label and date all universal wastes. In addition, the facility cannot store universal waste for a period exceeding one year.

- a. At the time of the inspection Service Plating was storing spent fluorescent lamps that were not labelled, dated, or properly containerized. In addition, some of these lamps had been stored for a period exceeding one year.

C. EPA and Respondent agree that settlement of this matter for a penalty of three thousand one hundred and fifty dollars (\$3150) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.

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

E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of Regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.

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

G. The civil penalty of \$3150 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.

H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.

- I. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

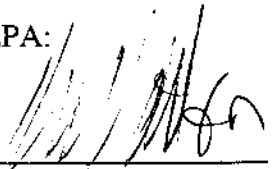
Name (print): Brad Noble

Title (print): General Manager

Signature: 

Date 07-09-2012

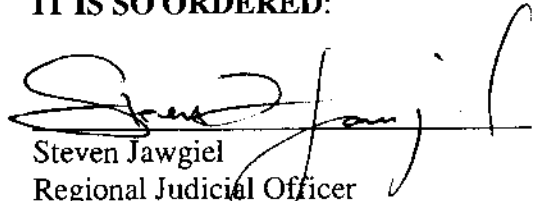
APPROVED BY EPA:



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

Date 8/13/12

IT IS SO ORDERED:



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

Date 08/15/12

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of SERVICE PLATING CO. (Docket #: RCRA-09-2012-0008) 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. Brad Noble
General Manager
Service Plating, Co.
1855 E. 62nd Street
Los Angeles, CA 90001

CERTIFIED MAIL NUMBER: 7005 2570 0001 6436 5122

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

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


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

8/17/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7005-2570-0001-6436-5122
RETURN RECEIPT REQUESTED

AUG 17 2012

Brad Noble, General Manager
Service Plating Co.
1855 E. 62nd St.
Los Angeles, CA 90001
EPA Identification Number: CAD008378002

Re: In the matter of Service Plating Co. - U.S. EPA Docket No. RCRA-09-2012-08

Dear Mr. Noble:

Enclosed is a copy of the fully executed Expedited Settlement Agreement which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Expedited Settlement Agreement and your certification that you have returned to compliance have closed this case. If you have any questions regarding the rules, regulations and statutes associated with this Expedited Settlement Agreement, please contact Clint Seiter at (415) 972-3298 or seiter.clint@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosure

cc: K Green, DTSC
Cincinnati Finance Office