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2012 MAY 14 AM 11: 24

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, EPA, REGION IX REGIONAL HEARING CLERK
REGION IX

IN THE MATTER OF:) Docket No.
) RCRA-09-2012- 0007
)
Decrevel Embossing and Stamping Dies) EXPEDITED SETTLEMENT
EPA ID. No. CAR000052829) AGREEMENT AND
Respondent.) FINAL ORDER
)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

A. The U.S. Environmental Protection Agency ("EPA") alleges that Decrevel Embossing and Stamping Dies ("Decrevel Embossing" or "Respondent"), owner or operator of the facility at 1836 Soscol Ave., Napa, CA 94559 (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 hazardous waste containers properly. 22 CCR § 66262.34(f) [40 CFR § 262.34];
2. Failure to undergo annual refresher training. 22 CCR § 66262.34(a)(4); 66265.16(c) [40 CFR § 262.34(a)(4); 265.16(c)];
3. Failure to maintain job description records. 22 CCR §§ 66262.34(a)(4); § 66265.16(d); [40 CFR § 262.34(a)(4); 265.16(d)];
4. Failure to label universal waste (spent fluorescent lamps) containers. 22 CCR §§ 66273.14(c); [40 CFR § 273.34(c)];
5. Failure to submit Biennial Reports for 2007 and 2009. 22 CCR §§ 66262.41(b); [40 CFR § 262.41(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 inspector observed two 55-gallon drums of spent ferric chloride, one of which was unlabeled while the other drum was identified as "ferric chloride" but had no other labeling information.
 - b. The inspector also noted that one 55-gallon drum of spent photo fixer solution lacked an accumulation start date.
2. Under 22 CCR § 66262.34(a)(4); 66265.16(c) [40 CFR § 262.34(a)(4); 265.16(c)], employees of a large quantity generator responsible for managing a facility's hazardous waste must undergo annual refresher training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulations.
 - a. The facility's employees responsible for managing the facility's hazardous waste had not received annual refresher training.
3. Under 22 CCR §§ 66262.34(a)(4); § 66265.16(d); [40 CFR § 262.34(a)(4); 265.16(d)], a large quantity generator must have on file records for employees managing hazardous waste providing the employees' job titles and descriptions.
 - a. At the time of the inspection the facility was not able to provide a written job title, job description, or name of the employee filling each position at the facility related to hazardous waste management.
4. Under 22 CCR §§ 66262.41(b); [40 CFR § 262.41(a)], a large quantity generator must submit a Biennial Report for every odd number year.
 - a. The facility had not submitted a Biennial Report for either 2007 or 2009.
- C. EPA and Respondent agree that settlement of this matter for a penalty of two thousand eight hundred dollars (\$2800) 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 \$2800 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): Paul Delorel

Title (print): Gen Manager

Signature: 

Date 4-17-12

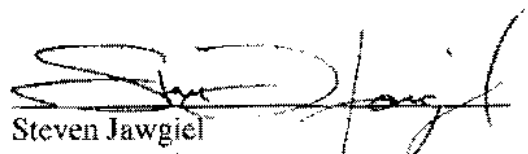
APPROVED BY EPA:



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

Date 5/8/12

IT IS SO ORDERED:



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

Date 5/10/12

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order against DECREVAL EMBOSSING AND STAMPING DIES (Docket #: RCRA-09-2012-0007) 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:

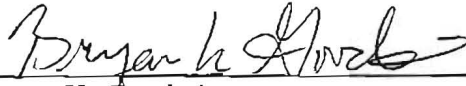
A copy was mailed via CERTIFIED MAIL to:

Paul Decreval
Decreval Embossing and Stamping Dies
1836 Soscol Avenue
Napa, CA 94559

CERTIFIED MAIL NUMBER: 7011 1570 0000 6493 9069

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

Michael Hingerty
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

5/14/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7011-1570-0000-6493-9069
RETURN RECEIPT REQUESTED

MAY 4 2012
MAY 4 2012

Paul Decreval
Owner
Decreval Embossing and Stamping Dies
1836 Sosecol Ave.
Napa, CA 94559
EPA Identification Number: CAR000052829

Re: In the matter of Decreval Embossing and Stamping Dies - U.S. EPA Docket No. RCRA-09-2012-07

Dear Mr. Decreval:

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,


Jeff Scott, Director
Waste Management Division

Enclosure

cc: K Green, DTSC
Cincinnati Finance Office