

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

****FILED****
16 NOV 2021
U.S. EPA - REGION IX

IN THE MATTER OF:)
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)
Momentum Metal Finishing, Inc.)
EPA ID. No. CAR000318493)
Respondent.)
)
)
)
_____)

U. S. EPA Docket No.
RCRA-09-2022-0013
EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Momentum Metal Finishing, Inc. (“Respondent”), owner or operator of the facility located at 1232 Memorex Drive, in Santa Clara, CA 95050, EPA Identification Number CAR00016030 (the “Facility”), failed to comply with the Biennial Reporting requirements under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized California hazardous waste management program¹.
2. Under 22 CCR § 66262.41 [40 Code of Federal Regulations (“CFR”) § 262.41], Respondent was required to submit a 2017 Biennial Report by March 1, 2018.
3. Under 22 CCR § 66262.41 [40 Code of Federal Regulations (“CFR”) § 262.41], Respondent was required to submit a 2019 Biennial Report by March 1, 2020.
4. EPA and Respondent agree that settlement of this matter for a penalty of Five Thousand Dollars (\$5,000) is in the public interest.
5. 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).
6. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this Agreement and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Agreement; (iii) consents to any and all conditions specified in this Agreement and to the assessment of the civil administrative penalty specified in this Agreement; (iv) waives any right to contest the allegations contained in this Agreement; and (v) waives the right to appeal this Agreement as a final order.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for

¹ All citations in this Agreement refer to the California Code of Regulations (“CCR”) refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (see 57 Fed. Reg. 32726, July 23, 1992), September 26, 2001 (66 Fed. Reg. 49118, September 26, 2001), October 7, 2011 (see 76 Fed. Reg. 62303, October 7, 2011) and January 14, 2020 (see 85 Fed. Reg. 2038, January 14, 2020). Corresponding Federal citations are provided as a convenience in brackets.

making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement. The civil penalty of Five Thousand Dollars (\$5,000) should be paid in accordance with EPA Region IX's Penalty Collection Procedures provided to the Respondent.


8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
9. 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.
10. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print):

Title (print):

Signature:

 MANTHI NGUYEN
PRESIDENT

Date 11/05/21

APPROVED BY EPA:

**AMY MILLER-
BOWEN**

Digitally signed by AMY MILLER-
BOWEN
Date: 2021.11.12 11:38:16 -08'00'

Date: _____

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

IT IS SO ORDERED:



Beatrice Wong
Regional Judicial Officer
U.S. EPA Region IX

Date: November 16, 2021

EXPEDITED SETTLEMENT AGREEMENT

Penalty Calculation Worksheet

The penalty amounts for failure to submit two Biennial Reports (i.e., for 2017 and 2019) are listed below.

Citation	Violation Description	Amount
22 CCR § 66262.41 [40 CFR § 262.41]	Failure to submit 2017 Biennial Report	\$2,500
22 CCR § 66262.41 [40 CFR § 262.41]	Failure to submit 2019 Biennial Report	\$2,500

Total Proposed Penalty: \$5,000

CERTIFICATE OF SERVICE

This is to certify that the foregoing Expedited Settlement Agreement was filed with the Regional Hearing Clerk, Region IX, and that copies were sent to the parties as indicated below:

RESPONDENT:
(Via Electronic Mail)

Manthi Nguyen
President
Momentum Metal Finishing, Inc.
1286 Anvilwood Avenue
Sunnyvale, CA 94089
Manthi@momentum-mmf.com

COMPLAINANT:
(Via Electronic Mail)

Andrew Helmlinger
Assistant Regional Counsel
U. S. EPA – Region 9
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX

Date