

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX



In the matter of:	)	U.S. EPA Docket No.
	)	
	)	RCRA-09-2026-0037
Accurate Steel Treating, Inc.	)	
CA0000032227	)	CONSENT AGREEMENT AND
	)	FINAL ORDER PURSUANT TO
Respondent.	)	40 C.F.R. SECTIONS 22.13 AND
	)	22.18
	)	

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**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, as codified at 40 C.F.R. Part 22 (“Consolidated Rules”).
2. The Administrator has delegated enforcement authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the Regional Administrator of the EPA Region 9, who in turn has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, hereinafter, “Complainant.”
3. Respondent is Accurate Steel Treating, Inc., a California corporation (“Respondent”).
4. This Consent Agreement and Final Order (“CA/FO”), which contains the elements of a complaint required by 40 C.F.R. § 22.14(a)(1)-(3) and (8), simultaneously commences and concludes this penalty proceeding, as authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
5. Complainant and Respondent agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interest and in the public interest.

## **B. PARTIES BOUND**

6. This CA/FO shall apply to and be binding on Respondent, Respondent's officers, directors, partners, agents, employees, contractors, successors and assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CA/FO.

## **C. STATUTORY AND REGULATORY FRAMEWORK**

7. Subtitle C of RCRA requires the EPA Administrator to promulgate regulations establishing a hazardous waste management program. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste management programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of a law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
8. 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, on or about August 1, 1992. This authorization was updated on September 26, 2001 (*see* 66 FR 49118, September 26, 2001), on October 7, 2011 (*see* 76 FR 62303, October 7, 2011), and again on January 14, 2020 (*see* 85 FR 2038, as corrected [*see* 86 FR 29207, June 1, 2021]). The authorized hazardous waste program is established pursuant to the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, 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 is authorized for all the hazardous waste management regulations referenced in this CA/FO.<sup>1</sup>
9. A violation of the State of California's authorized hazardous waste program, found at Health & Safety Code § 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.
10. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty and/or 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.*

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1. All citations to the "C.C.R." 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. As a convenience, corresponding Federal citations are provided in brackets.

**D. GENERAL ALLEGATIONS**

11. On November 7, 2024, EPA conducted an inspection at Respondent's facility located at 1008 Miller Way, South Gate, California, CA0000032227 (the "Facility").
12. Based upon the findings EPA made during the inspection and additional information obtained subsequent to the inspection, EPA determined that Respondent violated California Health & Safety Code § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
13. Respondent is a "person" as defined in 22 C.C.R. § 66260.10 [40 C.F.R. § 260.10].
14. Respondent is the "owner" and/or "operator" of a facility as defined in 22 C.C.R. § 66260.10 [40 C.F.R. § 260.10].
15. Respondent is a "generator" of hazardous waste as defined in 22 C.C.R. § 66260.10 [40 C.F.R. § 260.10].
16. Respondent is or has been engaged in "treatment," "storage," and/or "disposal" of "hazardous waste" as defined in 22 C.C.R. §§ 66260.10 and 66261.3 [40 C.F.R. §§ 260.10 and 261.3].
17. At the Facility, 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 the following hazardous waste codes: D002, D005, D006, D007, D008, and F007.
18. At the time of the Inspection, Respondent did not apply for or have a permit or grant of interim status to store hazardous waste under 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1].
19. At the time of the Inspection and at all times relevant to this CA/FO, Respondent has generated over 1,000 kg of hazardous waste per calendar month, and is therefore considered a Large Quantity Generator pursuant to 22 C.C.R. § 66262.13 [40 C.F.R. § 262.13].

**E. ALLEGED VIOLATIONS**

**Count I**

**Failure to comply with hazardous waste labelling requirements**

20. Paragraphs 1 through 19 above are incorporated herein by reference.

21. 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] requires that, with certain exceptions not relevant here, owners and operators must have interim status or obtain a permit for treatment, storage, or disposal of hazardous waste.
22. 22 C.C.R. § 66262.17(a)(5)(A) [40 C.F.R. § 262.17(a)(5)(i)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] and allows generators to accumulate hazardous waste on-site for up to 90 days provided that they meet certain conditions, including that that waste is accumulated in containers that are labelled and clearly marked for visual inspection with: the words “Hazardous Waste”; the composition and physical state of the wastes; an indication of the hazards of the contents; and the date upon which the period of accumulation began.
23. During the inspection EPA observed numerous totes and drums in the Facility’s satellite and central accumulation areas that contained hazardous waste but were not labelled as to the hazardous wastes’ characteristics, physical state, or accumulation start date. This included eighteen 330-gallon totes and ten 55-gallon drums in the central accumulation area, one 55-gallon drum in the plating shop satellite accumulation area, and three 330-gallon totes and one 55-gallon drum in a separate satellite accumulation area within the plating shop.
24. Where a generator fails to comply with the conditional requirements for the permit exemption, it is operating a hazardous waste management facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1]. Therefore, EPA alleges that Respondent is operating without a permit for storage of hazardous waste in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] due to failure to meet the condition for exemption in 22 C.C.R. § 66262.17(a)(5)(A) [40 C.F.R. § 262.17(a)(5)(i)] relating to labelling of hazardous waste storage containers.

### **Count II**

#### **Accumulating hazardous waste beyond 90 days**

25. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.
26. 22 C.C.R. § 66262.17(a) [40 C.F.R. § 262.17(a)] allows generators to accumulate hazardous waste on-site for up to 90 days without obtaining a permit provided that they meet certain conditions.
27. During the inspection EPA observed one 330-gallon tote and one 55-gallon drum, each containing D002 and D006 hazardous waste, and each with an accumulation start date of over 90 days prior to the date of inspection.

28. Where a generator fails to comply with the conditional requirements for the permit exemption, it is operating a hazardous waste management facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1]. Therefore, EPA alleges that Respondent is operating without a permit for storage of hazardous waste in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] due to failure to meet the condition for exemption in 22 C.C.R. § 66262.17(a) [40 C.F.R. § 262.17(a)] limiting hazardous waste accumulation time to 90 days.

### **Count III**

#### **Failure to comply with aisle space requirements**

29. Paragraphs 1 through 19 above are incorporated herein by reference.
30. 22 C.C.R. § 66262.255 [40 C.F.R. § 262.255] requires large quantity generators to maintain aisle space sufficient 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.
31. During the inspection EPA observed seven 330-gallon totes stacked closely together in the Facility's central accumulation area, making it difficult for inspectors and/or emergency responders to walk in between the totes.
32. EPA alleges that Respondent violated 22 C.C.R. § 66262.255 [40 C.F.R. § 262.255] by failing to maintain adequate aisle space to allow for the unobstructed movement of personnel and equipment.

### **Count IV**

#### **Failure to comply with restrictions on open containers**

33. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.
34. 22 C.C.R. § 66262.17(a)(1)(D) [40 C.F.R. § 262.17(a)(iv)(A)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] and allows generators to accumulate hazardous waste on-site for up to 90 days provided that they meet container management standards, including the requirement that a container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.
35. During the inspection EPA observed one 330-gallon tote of barium salt (D005) that was open from the top, exposing the hazardous waste.
36. Where a generator fails to comply with the conditional requirements for the permit exemption, it is operating a hazardous waste management facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1]. Therefore, EPA alleges that

Respondent is operating without a permit for storage of hazardous waste in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] due to failure to meet the condition for exemption in 22 C.C.R. § 66262.17(a)(1)(D) [40 C.F.R. § 262.17(a)(iv)(A)] requiring that hazardous waste be stored in closed containers.

**Count V**

**Failure to test and maintain emergency equipment**

37. Paragraphs 1 through 19 above are incorporated herein by reference.
38. 22 C.C.R. § 66262.253 [40 C.F.R. § 262.253] requires that all facility decontamination equipment shall be tested and maintained as necessary to assure its proper operation in time of emergency.
39. During the inspection EPA identified that the emergency eye wash station in the central accumulation area had not been regularly inspected, and that the emergency shower and eyewash station in the Salt Department had not been recently inspected.
40. Therefore, EPA alleges that Respondent violated 22 C.C.R. § 66262.253 [40 C.F.R. § 262.253] by failing to regularly inspect and maintain emergency decontamination equipment.

**Count VI**

**Failure to follow container management standards for satellite accumulation areas**

41. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.
42. 22 C.C.R. § 66262.15(a)(4) [40 C.F.R. § 262.15(a)(4)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] and allows generators to accumulate as much as 55 gallons of hazardous waste in containers near the point of generation without a permit or interim status, provided that certain conditions are met, including that a container holding hazardous waste shall be closed at all times during accumulation except when adding removing or consolidating waste, or when temporary venting of a container is necessary. *See also* 22 C.C.R. § 66264.173 [40 C.F.R. § 264.173].
43. During the inspection, EPA observed a 55-gallon drum containing hazardous waste that had an orange funnel attached to the top, exposing its contents to the environment. Facility personnel confirmed that no work was being done with the container.
44. Where a generator fails to comply with the conditional requirements for the permit exemption, it is operating a hazardous waste management facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1]. Therefore, EPA alleges that Respondent is operating without a permit for storage of hazardous waste in violation of

22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] due to failure to meet the condition for exemption in 22 C.C.R. § 66262.15(a)(4) [40 C.F.R. § 262.15(a)(4)] requiring that containers storing hazardous waste in a satellite accumulation area be closed when not in use.

**Count VII**

**Accumulation of hazardous waste over 90 days in satellite accumulation area**

45. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.
46. 22 C.C.R. § 66262.15(a)(6) [40 C.F.R. § 262.15(a)(6)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] and allows generators to accumulate as much as 55 gallons of hazardous waste in containers near the point of generation without a permit or interim status, provided that certain conditions are met, including that any waste in excess of the 55-gallon limit must be removed from the satellite accumulation area within three consecutive calendar days.
47. During the inspection, EPA observed three full 330-gallon totes containing hazardous waste, located in the plating shop satellite accumulation area, which had been there for longer than three days.
48. Where a generator fails to comply with the conditional requirements for the permit exemption, it is operating a hazardous waste management facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1]. Therefore, EPA alleges that Respondent operated without a permit for storage of hazardous waste in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] due to its failure to meet the condition for exemption in 22 C.C.R. § 66262.15(a)(6) [40 C.F.R. § 262.15(a)(6)] requiring that hazardous waste in excess of the 55-gallon limit be removed from satellite accumulation areas within three days.

**Count VIII**

**Failure to minimize a release of hazardous waste constituents**

49. Paragraphs 1 through 19 above are incorporated herein by reference.
50. 22 C.C.R. § 66262.251 [40 C.F.R. § 262.251] provides that a large quantity generator shall maintain and operate its facility to minimize any release of hazardous waste or hazardous waste constituents.
51. During the Inspection, EPA observed a pallet used as secondary containment for drums in the plating shop. The pallet contained dried residue of various hazardous waste constituents derived from cleaning out plating tanks.

52. EPA alleges that by failing to clean up hazardous waste or hazardous waste constituents that posed a threat of release into the environment, Respondent failed to maintain and operate its facility to minimize the release of hazardous waste or hazardous waste constituents in violation of 22 C.C.R. § 66262.251 [40 C.F.R. § 262.251].

### **Count IX**

#### **Failure to perform or document weekly inspections of central accumulation area**

53. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.

54. 22 C.C.R. § 66262.17(a)(1)(E) [40 C.F.R. § 262.17(a)(1)(v)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] provided that certain conditions are met, including that a large quantity generator inspect central accumulation areas at least weekly.

55. At the time of the inspection, Respondent was unable to provide any records of weekly inspections for the central accumulation area.

56. EPA alleges that by failing to perform and document weekly inspections of the central accumulation area, Respondent failed to satisfy the conditional exemption to the permit requirement in 22 C.C.R. § 66262.17(a)(1)(E) [40 C.F.R. § 262.17(a)(1)(v)], and was therefore operating a hazardous waste facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1].

### **Count X**

#### **Failure to provide annual refresher training for facility personnel**

57. Paragraphs 1 through 19 and 21 above are incorporated herein by reference.

58. 22 C.C.R. § 66262.17(a)(7)(C)-(D) [40 C.F.R. § 262.17(a)(7)(iii)-(iv)] exempts generators of hazardous waste from the permit requirements of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1] provided that certain conditions are met, including that a large quantity generator ensure that facility personnel take part in an annual review of training and maintain records of the same.

59. Based on review of records provided by Respondent EPA determined that two employees did not receive annual refresher training in calendar year 2023.

60. EPA alleges that by failing to provide annual refresher training to all facility personnel, Respondent failed to meet the condition for exemption in 22 C.C.R. § 66262.15(a)(7)(C)-(D) [40 C.F.R. § 262.15(a)(7)(iii)-(iv)] and thus operated a hazardous waste facility without a permit in violation of 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1].

**Count XI**  
**Failure to timely file biennial report**

61. Paragraphs 1 through 19 above are incorporated herein by reference.
62. 22 C.C.R. § 66262.41(b) [40 C.F.R. § 262.41(b)] requires that a generator who is a large quantity generator for at least one month of an odd-numbered year who ships any hazardous waste offsite to a transfer, treatment, storage, or disposal facility within the United States shall complete and submit a Biennial Report to DTSC by March 1 of each even-numbered year.
63. During its review of records, EPA observed that the 2023 Biennial Report was submitted late, on July 3, 2024.
64. EPA alleges that Respondent failed to timely file the 2023 Biennial Report in violation of 22 C.C.R. § 66262.41(b) [40 C.F.R. § 262.41(b)].

**F. CIVIL PENALTY**

65. Respondent agrees to pay a civil penalty in the amount of SEVENTY-SEVEN THOUSAND NINE HUNDRED AND SEVENTY-THREE DOLLARS (\$77,973) (“Assessed Penalty”) within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO as defined in Section M, below, is the date the Final Order, signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.
66. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
67. When making a payment, Respondent shall:
  - a. Identify every payment with Respondent’s name and the docket number of this Agreement, RCRA-09-2026-0037.
  - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons via electronic mail:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
[R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

Jennifer MacArthur  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 9  
[Macarthur.jennifer@epa.gov](mailto:Macarthur.jennifer@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

68. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- c. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- d. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- e. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

69. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- f. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
  - g. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
  - h. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
  - i. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.
70. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount. .

71. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

**G. ADMISSIONS AND WAIVERS OF RIGHTS**

72. In accordance with 40 C.F.R. § 22.18(b), for the purpose of this proceeding, Respondent:

- a) admits the jurisdictional allegations of this CA/FO;
- b) neither admits nor denies specific factual allegations contained in this CA/FO;
- c) consents to the assessment of any stated civil penalty, to the issuance of any specified compliance or corrective action order, and to any conditions specified in this CA/FO; and
- d) waives any right to contest the allegations and its right to appeal the proposed final order accompanying this consent agreement.

73. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

**H. CERTIFICATION OF COMPLIANCE**

74. In executing this CA/FO, Respondent certifies under penalty of law to EPA that it has taken all steps necessary to return to full compliance with RCRA, 42 U.S.C. § 6901 *et seq.*, and its implementing regulations.

**I. DELAY IN PERFORMANCE/STIPULATED PENALTIES**

75. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as follows: FIVE HUNDRED DOLLARS (\$500) per day for the first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for the sixteenth to thirtieth day of delay, and FIVE THOUSAND DOLLARS (\$5,000) per day for each day of delay thereafter. For the purposes of this Section, Respondent's obligation to meet any and all requirements set for this in this CA/FO shall include completion of any and all activities required under this CA/FO in a manner acceptable to EPA and within the specified time schedules in and approved under this CA/FO.

76. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.

77. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day until performance is complete. All stipulated penalties owed to EPA shall be due within thirty (30) days of receipt by Respondent of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due.

78. In addition to any stipulated penalties assessed, interest and penalties shall accrue in accordance with 40 C.F.R. § 13.11.

79. Payment of stipulated penalties shall be made in accordance with the procedure set forth for payment of penalties in Section F of this CA/FO.

80. The payment of stipulated penalties specified in this Section shall not be deducted by Respondent or any other person or entity for federal taxation purposes.

81. Notwithstanding any other provision of this Section, EPA may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this CA/FO.

**J. RESERVATION OF RIGHTS**

82. In accordance with 40 C.F.R. § 22.18(c), full compliance with this CA/FO shall only resolve Respondent's liability for federal civil penalties for the violations specifically alleged herein and does not in any case affect the right of the EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
83. This CA/FO is not a permit or modification of any existing permit issued pursuant to any federal, state, or local laws or regulations. This CA/FO shall in no way relieve or affect Respondent's obligations under any applicable federal, state or local laws, regulations, or permits.

**K. OTHER CLAIMS**

84. Nothing in this CA/FO 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 it may have 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.

**L. MISCELLANEOUS**

85. This CA/FO can be signed in counterparts.
86. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
87. Each party to this action shall bear its own costs and attorneys' fees.
88. EPA and Respondent consent to entry of this CA/FO without further notice.
89. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
90. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a

written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- j. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- k. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- l. Respondent shall email its completed Form W-9 to Jessica Chalifoux in EPA's Cincinnati Finance Department at [chalifoux.jessica@epa.gov](mailto:chalifoux.jessica@epa.gov), on or before the date the Respondent's penalty payment is due, pursuant to Paragraph 65, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence; and
- m. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

**M. EFFECTIVE DATE**

91. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the effective date of this CA/FO (Effective Date) shall be the date that the Final Order contained in this CA/FO, having been approved and issued by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

In the Matter of Accurate Steel Treating  
Consent Agreement and Final Order

FOR RESPONDENT ACCURATE STEEL TREATING, INC.:

01/15/26

\_\_\_\_\_  
Date

*James Hollman*

\_\_\_\_\_  
Jimmy Hollman

Vice President of Operations

Accurate Steel Treating

In the Matter of Accurate Steel Treating  
Consent Agreement and Final Order

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

AMY MILLER-  
BOWEN

Digitally signed by AMY  
MILLER-BOWEN  
Date: 2026.02.04  
21:12:14 -08'00'

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

**FINAL ORDER**

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-09-2026-0037) be entered and that Respondent pay a civil penalty of SEVENTY-SEVEN THOUSAND NINE HUNDRED AND SEVENTY-THREE DOLLARS (\$77,973), due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order, in accordance with all terms and conditions of this Consent Agreement and Final Order.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

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Beatrice Wong  
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 Accurate Steel Treating, Inc (Docket No. RCRA-09-2026-0037) was filed with 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 served on the parties, via electronic mail, as indicated below:

**RESPONDENT:** Jimmy Hollman  
Vice President of Operations  
10008 Miller Way  
South Gate, CA 90280  
Jimmyh@accuratesteeltreating.com

**COMPLAINANT:** Tessa Allen  
Assistant Regional Counsel  
U.S. EPA – Region IX  
Hazardous Waste Section II (ORC-3-2)  
75 Hawthorne Street  
San Francisco, CA 94105  
Allen.Tessa@epa.gov

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Ponly Tu  
Regional Hearing Clerk  
U.S. EPA – Region IX