

UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX

In the matter of:	)	U.S. EPA Docket No.:
	)	RCRA-09-2015- <b>0004</b>
	)	
R.L. ANODIZING AND PLATING, INC.,	)	CONSENT AGREEMENT
	)	AND
	)	FINAL ORDER
EPA Identification No. CAR 000032946	)	PURSUANT TO
	)	40 CFR SECTIONS 22.13
	)	AND 22.18
	)	
	)	
Respondent.	)	
	)	

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, Title 40 of the Code of Federal Regulations ("40 CFR") Part 22. Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is R. L. Anodizing and Plating, Inc. ("R.L. Anodizing" or "Respondent").
2. R.L. Anodizing's facility (the "Facility") is located at 11331 Penrose Street, Sun Valley, CA 91352. The Facility's EPA RCRA ID number is CAR 000032946. R.L. Anodizing provides electroplating and anodizing services for a variety of decorative and functional finishes on both commercial and military hardware. In the course of operations at the Facility, R.L. Anodizing generates and stores hazardous wastes in connection with its electroplating and anodizing services.
3. On June 24, 2011, EPA inspectors conducted an announced RCRA Compliance Evaluation Inspection at the Facility. The purpose of the inspection was to determine the Facility's compliance with applicable federal environmental statutes and regulations, in particular RCRA, as amended, and the regulations in 40 CFR Parts 260 through 279, and the authorized statutory and regulatory requirements adopted by the State of California as part of its authorized hazardous

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 HEAVY METALS DIVISION

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regulations are cited herein as they were approved by EPA on September 26, 2001.

6. Respondent is a “person” as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10).
7. Respondent is the “operator” of a facility as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10).
8. Respondent is the “owner” of a facility as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10).
9. Respondent is a “generator” of hazardous waste as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10).
10. Respondent generates and stores materials that are “wastes” as defined in 22 CCR §§ 66260.10 and 66261.2<sup>2</sup> (*see also* 40 CFR §§ 260.10 and 261.2).
11. At the Facility, Respondent generates hazardous waste as defined by California H&SC Section 25117, 22 CCR §§ 66260.10 and 66261.3<sup>3</sup> (*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5); 40 CFR §§ 260.10 and 261.3).<sup>4</sup> This hazardous waste includes, but is not limited to rinse water with chrome (RCRA hazardous waste code D007), filter cake/wastewater treatment sludge contaminated with chrome (F006), and non-halogenated solvents (F005).
12. Respondent generates more than 1000 kg. of hazardous waste in any month for the purposes of California H&SC Section 25123.3 and 22 CCR § 66262.34, (*see also* 40 CFR § 262.34).
13. On June 24, 2011, 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

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<sup>2</sup> Revisions made to the 2001 authorized version of 22 CCR § 66261.2 do not affect the alleged violations set forth herein.

<sup>3</sup> Revisions to the 2010 authorized version of 22 CCR § 66261.3 do not affect the alleged violations set forth herein.

<sup>4</sup> 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.

- a. mark containers of hazardous waste with the date they start accumulating hazardous waste in each container, pursuant to 22 CCR § 66262.34(f)(1) (*see also* 40 CFR § 262.34(a)(2)), and
  - b. mark each container of hazardous waste clearly with the words “Hazardous Waste,” with information about the composition and physical state of the wastes, with statements that call attention to the particular hazardous properties of the wastes, and with the name and address of the person producing the wastes, pursuant to 22 CCR § 66262.34(f)(3) (*see also* 40 CFR § 262.34).
22. Owner and operators of facilities that treat hazardous waste are also required to be eligible for interim status or obtain a hazardous waste permit. 22 CCR § 66270.1 (*see also* 40 CFR § 270.1).
  23. At the time of the CEI, Respondent was storing hazardous waste in three containers at the Facility beyond the 90 day limit for storage without a permit. In addition, the inspectors observed seven unlabeled containers of hazardous waste at the Facility, including six containers that did not have either the accumulation start dates or the required hazardous waste labels and one container without the required hazardous waste label. Respondent thus failed to comply with at least two of the conditions for being able to accumulate hazardous waste for less than 90 days without a permit or interim status.
  24. At the time of the CEI, Respondent was treating hazardous waste filter cake by evaporation in an uncovered container.
  25. At the time of the CEI, Respondent was not eligible for interim status under RCRA, nor was Respondent in possession of a permit to store or treat hazardous waste.
  26. Therefore, EPA alleges that R.L. Anodizing has violated 22 CCR § 66270.1 (*see also* 40 CFR § 270.1), and RCRA.

## COUNT II

### **Failure to Close Containers of Hazardous Waste**

27. Paragraphs 1 through 26 above are incorporated herein by this reference as if they were set forth here in their entirety.
28. 22 CCR § 66265.173(a) (*see also* 40 CFR §§ 265.173(a) and (b)) requires generators of hazardous waste who store such waste on-site to ensure that the waste is placed in closed containers, except when adding or removing waste.

38. Therefore, EPA alleges that R.L. Anodizing violated 22 CCR § 66265.35 (*see also* 40 CFR § 265.35), and RCRA.

D. TERMS OF SETTLEMENT

39. Respondent R.L. Anodizing consents to the assessment of a civil penalty of SEVENTEEN THOUSAND AND FIVE HUNDRED DOLLARS (\$17,500.00), plus interest, in full satisfaction of all claims for civil penalties for the violations alleged in Section C of this CAFO. Respondent R.L. Anodizing must pay the civil penalty and interest in accordance with the following schedule:

<i>Deadline to Submit Payment</i>	<i>Amount of Payment (Fractional Penalty Amount + Interest)</i>
No later than 90 DAYS after the effective date of this CAFO	\$1502.75 (\$1459.00 + \$43.75)
No later than 180 DAYS after the effective date of this CAFO	\$1499.10 (\$1459.00 + \$40.10)
No later than 270 DAYS after the effective date of this CAFO	\$1495.46 (\$1459.00 + \$36.46)
No later than 360 DAYS after the effective date of this CAFO	\$1491.81 (\$1459.00 + \$32.81)
No later than 450 DAYS after the effective date of this CAFO	\$1488.16 (\$1459.00 + \$29.16)
No later than 540 DAYS after the effective date of this CAFO	\$1484.51 (\$1459.00 + \$25.51)
No later than 630 DAYS after the effective date of this CAFO	\$1480.87 (\$1459.00 + \$21.87)
No later than 720 DAYS after the effective date of this CAFO	\$1477.22 (\$1459.00 + \$18.22)
No later than 810 DAYS after the effective date of this CAFO	\$1473.57 (\$1459.00 + \$14.57)
No later than 900 DAYS after the effective date of this CAFO	\$1469.92 (\$1459.00 + \$10.92)
No later than 990 DAYS after the effective date of this CAFO	\$1466.28 (\$1459.00 + \$7.28)
No later than 1080 DAYS after the effective date of this CAFO	\$1454.63 (\$1451.00 + \$3.63)
<i>Total</i>	\$17,784.27 (\$17,500.00 + \$284.27)

40. The aforesaid settlement amount was based upon EPA’s consideration of the statutory factors of the seriousness of R.L. Anodizing’s violations and any good faith efforts by R.L. Anodizing 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

46. The undersigned representative of R.L. Anodizing hereby certifies he or she is fully authorized to enter into this CAFO, to execute and to legally bind Respondent R.L. Anodizing to it.

G. PAYMENT OF CIVIL PENALTY

47. Respondent R.L. Anodizing consents to the assessment of and agrees to pay a civil penalty of SEVENTEEN THOUSAND AND FIVE HUNDRED DOLLARS (\$17,500.00) plus interest in full settlement of the federal civil penalty claims set forth in this CAFO.

48. Respondent shall submit payment of the SEVENTEEN THOUSAND AND FIVE HUNDRED DOLLARS (\$17,500.00) civil penalty plus interest in accordance with the schedule set forth in Section D in accordance with one of the options set forth below:

- a. A check sent by regular U.S. Postal Service mail should be made payable to the "Treasurer, United States of America" and addressed to:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

- b. Wire transfers should be directed to the Federal Reserve Bank of New York as follows –

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"

- c. A check sent by overnight mail should be payable to the "Treasurer, United States of America" and addressed to:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

set forth in Section D of this CAFO to avoid additional charges. If the specified portion of the payment is not received by each deadline set forth in the schedule in Section D of this CAFO, additional interest will accrue on the amount due from the appropriate deadline set forth in the schedule 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 deadline set forth in the schedule in Section D of this CAFO. Respondent will also be liable for stipulated penalties as set forth below for any payment not received by its deadline.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

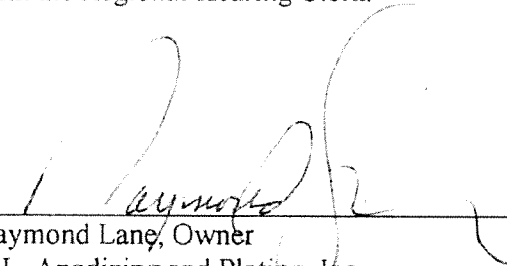
52. In the event Respondent R.L. ANODIZING fails to submit a payment to EPA by the time required in this CAFO, Respondent shall pay stipulated penalties up to FIVE HUNDRED DOLLARS (\$500.00) per day for the first to fifteenth day of delay, up to ONE THOUSAND DOLLARS (\$1,000.00) per day for the sixteenth to thirtieth day of delay, and up to FIFTEEN HUNDRED DOLLARS (\$1,500.00) per day for each day of delay thereafter.
53. 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.
54. 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 CFR § 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 in Section G above.
55. At the time any penalties owed to EPA under this Section are made, a copy of the check or other form of payment or evidence thereof shall be sent to Region IX in accordance with Paragraph 49 above.
56. All payments shall indicate the name of the Facility, EPA identification number of the Facility, Respondent R.L. Anodizing's name and address, and the EPA docket number of this action.
57. The payment of stipulated penalties shall not alter in any way Respondent R.L. Anodizing's obligation to complete the performance required hereunder.

K. MISCELLANEOUS


- 65. By signing this CAFO, Respondent R.L. Anodizing 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.
- 66. This CAFO may be amended or modified only by written agreement executed by both EPA and Respondent.
- 67. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.
- 68. 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.

1-29-15  
Date

  
\_\_\_\_\_  
Raymond Lane, Owner  
R.L. Anodizing and Plating, Inc.

3/23/15  
Date

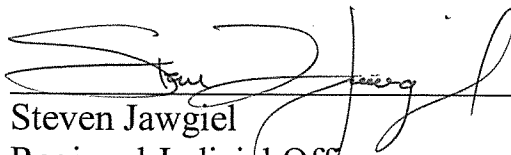
  
\_\_\_\_\_  
Kathleen Johnson, Director      DOUGLAS MCDANIEL (for)  
Enforcement Division  
U.S. Environmental Protection Agency, Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA-09-2015-0004) be entered and that Respondent R.L. ANODIZING AND PLATING, INC. ("Respondent") pay a civil penalty of SEVENTEEN THOUSAND AND FIVE HUNDRED DOLLARS (\$17,500.00) plus interest in any of the manners outlined in Section G, within the time frames set forth in the schedule in Section D of this Consent Agreement and Final Order. A notice of each payment and a copy of each check shall be sent to the EPA Region IX addresses specified in Section G of this Consent Agreement and Final Order within each of the specific, applicable time frames set forth in the Schedule in Section D.

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

03/25/15  
Date

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

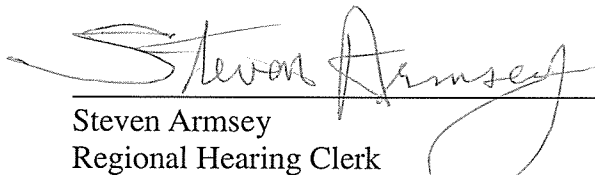


CERTIFICATE OF SERVICE

I certify that the original ~~and one copy~~ of the fully executed Consent Agreement and Final Order pursuant to 40 C.F.R. 22.13 and 22.18 (Docket No. RCRA-09-2015-0104) against R.L. Anodizing was filed this day with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, and that a true and correct copy of the same was sent to Respondent at the following address:

Mr. Raymond Lane  
11331 Penrose Street  
Sun Valley, CA 91352

Certified Mail No. 7009 0820 0001 3464 6103

 (3-25-15) Date  
Steven Armsey  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region IX