

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

FILED

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In the matter of) U.S. EPA Docket No.
) RCRA 09-2011-05
)
Classic Plating, Inc.)
) DETERMINATION OF VIOLATION,
) COMPLIANCE ORDER
EPA ID No. CAD 072924103) AND
) NOTICE OF RIGHT TO
Respondent.) REQUEST A HEARING

REGIONAL HEARING OFFICER

DETERMINATION OF VIOLATION

A. INTRODUCTION

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, 40 CFR Part 22. Complainant is the United States Environmental Protection Agency, Region IX ("EPA"). Respondent is Classic Plating, Inc. ("Respondent").
2. Respondent generates or has generated hazardous waste at its facility located at 2985 E. Miraloma Ave., Suite U, Anaheim, CA 92805 (the "Facility").
3. Respondent generates or has generated the following hazardous wastes at the Facility: contaminated paper (F006/CA-181), polishing debris (CA-352), nitric and sulfuric acid (D002/D007), and chrome filter cake and sludge (F006).
4. This Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint") serves as notice that EPA, on the basis of information available to it, has determined and therefore alleges that the Respondent: (1) failed to minimize the possibility of release of hazardous waste in violation of Title 22 of the California Code of Regulations¹ ("22 CCR") § 66262.34(a)(4) and 22 CCR §66265.31 (*see also* 40 CFR § 265.34(a)(4) and 40 CFR §265.31); (2) failed to close containers in violation of 22 CCR §66262.34(a)(1)(A) and 22 CCR §66265.173(a) (*see also* 40 CFR §262.34(a) and 40 CFR §265.173(a)); (3) failed to submit Biennial Reports in violation of 22 CCR §66262.41(a) (*see also* 40 CFR §262.41(a)); (4) failed to have a complete contingency plan in violation of 22 CCR §66262.34(a)(4) and 22 CCR § 66265.52(d) (*see also* 40 CFR §262.34(a)(4) and 40 CFR § 265.52(d)); and (5) stored hazardous waste without a

¹ All references to California requirements, unless otherwise noted, are to the federally authorized version of the State's RCRA hazardous waste management program. Where the federally authorized version of the State requirement differs in any respect from the current version of the requirement, that distinction is noted as well.

permit in violation of 22 CCR § 66262.34(a)² and 22 CCR § 66270.1(c)³ (*see also* 40 CFR §262.34(a)(2) & (3) and 40 CFR §270.1(c)). Each of these constitutes a violation of Section 3001 *et seq.*, of RCRA, 42 U.S.C. § 6921 *et seq.*, and State regulations adopted pursuant to the approved California hazardous waste management program.

5. This Complaint seeks to establish the amount of civil penalty that Respondent must pay for violations alleged herein, and compel compliance with the compliance tasks described herein.

B. JURISDICTION

6. On August 1, 1992, the state of California (“State”) 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 CFR Part 271. This authorization was updated on September 26, 2001 (*see* 66 FR 49118, September 26, 2001). The authorized program is established pursuant the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code (“H&SC”), and the regulations promulgated therein at Title 22, Division 4.5 of the California Code of Regulations, 22 CCR §§ 66001 *et seq.* The State has been authorized for all the regulations referenced in this Complaint.
7. Respondent Classic Plating, Inc. is a “person” as defined in H&SC § 25118⁴ (*see also* Section 1004(15) of RCRA, 42 U.S.C. § 6903(15)), and 22 CCR § 66260.10 (*see also* 40 CFR §§ 260.10 and 270.2).
8. Respondent was the “owner” and/or “operator” of the Facility as defined in 22 CCR § 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
9. The Facility at 2985 E. Miraloma Ave., Suite U, Anaheim, CA, was a “hazardous waste facility” as defined in 22 CCR § 66260.10⁵ (*see also* the definition of “facility” at 40 CFR § 260.10 and the definition of “facility or activity” at 40 CFR § 270.2) at the time of the violations alleged in this Complaint.

² Since the initial federal authorization of 22 CCR § 66262.34, which occurred in 1992, the State’s requirement has been amended. The version of 22 CCR § 66262.34 that was in effect as of June 11, 1999, was federally authorized in 2001. Additional changes have been made to that authorized provision since June 11, 1999, but those changes do not affect the allegation.

³ The 1989 version of 22 CCR § 66270.1(c) was federally authorized in 1992. The provision has been amended since that time, but those amendments do not affect the allegation.

⁴ The 1991 version of H&SC Section 25118, which was federally authorized in 1992, was amended in 1994. That amendment does not affect this allegation.

⁵ Since the initial federal authorization of 22 CCR § 66260.10, which occurred in 1992, the State’s regulatory definition of “hazardous waste facility” has changed. The version of the definition in effect as of November 12, 1998 was federally authorized. Additional changes have been made to that authorized provision since November 12, 1998, but those changes do not affect this allegation.

10. Respondent was a "generator" of hazardous waste as defined in 22 CCR 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
11. Respondent was engaged in the "storage" of hazardous waste as defined in 22 CCR 66260.10 (*see also* 40 CFR § 260.10) at the time of the violations alleged in this Complaint.
12. Respondent generated and/or stored "hazardous waste" as defined in H&SC Section 25117,⁶ *see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5); 22 CCR 66260.10,⁷ 40 CFR § 260.10; and 22 CCR § 66261.3,⁸ 40 CFR § 261.3, at the time of the violations alleged in this Complaint.
13. Federal regulations governing the hazardous waste permit program, 40 CFR Part 270, became effective April 1, 1983. The 1991 version of the California regulations governing the hazardous waste permit program were federally authorized in 1992 and certain later amendments were federally authorized in 2001.⁹
14. EPA has determined that Respondent has violated California H&SC § 25100 *et seq.* and the regulations adopted pursuant thereto, as approved and authorized by the United States.
15. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
16. A person in violation of Subtitle C of RCRA is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
17. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders 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.*

⁶ The 1989 version of H&SC Section 25117 was federally authorized in 1992. The provision was amended in 1995 and again in 1996. Those amendments do not affect this allegation.

⁷ Since the initial federal authorization of 22 CCR § 66260.10 in 1992, the State's regulatory definition of "hazardous waste" has changed. However, the changes do not affect this allegation.

⁸ Since the initial federal authorization of 22 CCR § 66261.3 in 1992, the State's regulatory definition of "hazardous waste" has changed. The version of the definition in effect as of November 12, 1998 was federally authorized in 2001. At least one additional change has been made to that provision since November 12, 1998, but that change does not affect this allegation.

⁹ For a list of the amendments to 22 CCR § 66270.1 *et seq.* that were authorized in 2001, *see* 66 FR 33037 *et seq.* (June 20, 2001) and 66 FR 49118 *et seq.* (Sept. 26, 2001).

18. On August 14, 2009 and October 8, 2010, EPA conducted inspections at the Facility to determine compliance with RCRA. Based on these inspections and information collected by EPA thereafter, EPA determined that Respondent has violated the regulations referenced in Paragraph 4.
19. Respondent, in violating the requirements cited above, violated Section 3001 *et seq.*, of RCRA, 42 U.S.C. § 6921 *et seq.*, and therefore is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
20. The Administrator has delegated the authority under Section 3008 of RCRA, 42 U.S.C. § 6928, to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. VIOLATIONS

Count I

(Failure to Minimize the Possibility of Release of Hazardous Waste)

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. Pursuant to 22 CCR §66262.34(a)(4) (*see also* 40 CFR § 262.34(a)(4)), a generator may accumulate hazardous waste on-site for 90 days or less without a permit provided that the generator complies with the requirements for owners and operators in Articles 3 and 4 of Chapter 15 of Division 4.5 of Title 22 of the CCR (22 CCR §§ 66265.30 – 66265.37 and 66265.50 – 66265.56, respectively). Pursuant to 22 CCR §66265.31 (*see also* 40 CFR §265.31), facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
23. On August 14, 2009 and October 8, 2010, the EPA inspector observed approximately two inches and five inches, respectively, of chrome plating liquid hazardous waste spilled from tanks and held in the secondary containment at the Facility.
24. On November 23, 2010, pursuant to RCRA Section 3013(a), 42 U.S.C. § 6934(a), EPA issued an Order Requiring Testing, Analysis and Reporting to the Respondent requiring it to: (1) collect and analyze four samples of the liquid waste at various locations within secondary containment; (2) evaluate of the condition of the secondary containment; (3) conduct a structural assessment of the secondary containment using a certified third party professional engineer; and (4) submit an operating plan on how the Facility will manage and minimize potential releases of hazardous materials to or from secondary containment and into the environment. Respondent did not comply with the Order Requiring Testing, Analysis and Reporting and liquid hazardous wastes remain in the secondary

containment. As such, Respondent failed to maintain and operate the facility in a manner to minimize the releases of hazardous wastes held in secondary containment.

25. Therefore, EPA alleges that Respondent violated 22 CCR Section 66262.34(a)(4) (*see also* 40 CFR § 265.34(a)(4)) and 22 CCR §66265.31 (*see also* 40 CFR §265.31).

Count II
(Failure to Close Containers)

26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were set forth here in their entirety.
27. Pursuant to 22 CCR §66262.34(a)(1)(A) (*see also* 40 CFR §262.34(a)) a generator may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status, provided that: The waste is placed in containers and the generator complies with Article 9 of Chapter 15 of Division 4.5 of Title 22 of the CCR (22 CCR §§ 66265.170 – 66265.178). Pursuant to 22 CCR §66265.173(a) (*see also* 40 CFR §265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste as required.
28. On August 14, 2010, the inspector observed an open, one cubic yard container holding wastewater treatment filter cake press hazardous waste (F006), and an open 55-gallon container holding wood contaminated with nitric acid hazardous waste (D002/D006). On October 8, 2010, the inspector observed an open bin holding wastewater treatment filter cake press hazardous waste (F006).
29. Therefore, EPA alleges that Respondent violated 22 CCR §66262.34(a)(1)(A) (*see also* 40 CFR §262.34(a)) and 22 CCR §66265.173(a) (*see also* 40 CFR §265.173(a)).

Count III
(Failure to Submit Biennial Reports)

30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were set forth here in their entirety.
31. Pursuant to 22 CCR § 66262.41(a) (*see also* 40 CFR § 262.41(a)) each owner or operator of a facility must file a biennial report for the hazardous waste generated the prior year.
32. As of October 8, 2010, the facility failed to submit biennial reports for 2007 and 2009.
33. Therefore, EPA alleges that Respondent violated 22 CCR §66262.41(a) (*see also* 40 CFR §262.41(a)).

Count IV
(Failure to Have a Complete Contingency Plan)

34. Paragraphs 1 through 33 above are incorporated herein by this reference as if they were set forth here in their entirety.
35. Pursuant to 22 CCR §66262.34(a)(4) (*see also* 40 CFR §262.34(a)(4)) a generator may accumulate hazardous waste on-site for 90 days or less without a permit or having interim status, provided that: The generator complies with the requirements for owners or operators in Article 3 and 4 of Chapter 15 of Division 4.5 of Title 22 of the CCR (22 CCR §§ 66265.30 – 66265.37 and 66265.50 – 66265.56, respectively). Pursuant to 22 CCR § 66265.52(d) (*see also* 40 CFR § 265.52(d)) owners and operators of a facility must maintain a contingency plan that lists names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date.
36. On August 14, 2009 and October 8, 2010, the facility contingency plan lacked the home address of the emergency coordinator.
37. Therefore, EPA alleges that Respondent violated 22 CCR Section 66262.34(a)(4) (*see also* 40 CFR §262.34(a)(4)) and 22 CCR § 66265.52(d) (*see also* 40 CFR § 265.52(d)).

Count V
(Storage of Hazardous Waste without a Permit)

38. Paragraphs 1 through 37 above are incorporated herein by this reference as if they were set forth here in their entirety.
39. Pursuant to 22 CCR § 66270.1(c) (*see also* 40 CFR § 270.1(c)), a permit is required for, among other things, the storage of hazardous waste. However, pursuant to 22 CCR § 66262.34(a) (*see also* 40 CFR §§ 262.34(a)(2) and (3)), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or interim status so long as certain conditions applicable to the accumulation of that waste are met pursuant to 22 CCR § 66262.34(a)(4) (*see also* 40 CFR § 262.34(a)(4)). The conditions that such generators must meet consist of Articles 3 and 4 of Chapter 15 of Division 4.5 of Title 22 of the CCR (22 CCR §§ 66265.30 – 66265.37 and 66265.50 – 66265.56, respectively) and 22 CCR §§ 66265.16 and 66268.7(a)(5). These requirements include 22 CCR §66265.31 (*see also* 40 CFR §265.31), 22 CCR §66265.173(a) (*see also* 40 CFR §265.173(a)), and 22 CCR § 66265.52(d) (*see also* 40 CFR § 265.52(d)), which are the subject of Counts I, II, and IV above.
40. On August 14, 2009, the EPA inspectors observed four containers of wastewater treatment filter cake press hazardous wastes (F006) which had been stored at the Facility for longer than 90 days. The containers were labelled with accumulation start dates of April 17, 2008, January 8, 2009, April 8, 2009, and May 5, 2009. The containers had

been stored at the Facility for 394, 127, 37, and 10 days, respectively, beyond the 90-day period allowed for generators to store hazardous waste without a permit or interim status.

41. On August 14, 2009 and October 8, 2010, the EPA inspector observed approximately two inches and five inches, respectively, of chrome plating liquid hazardous waste (F006) spilled from tanks and held in the secondary containment. These wastes remain in the secondary containment. Because secondary containment was not labelled with accumulation start dates, the specific duration of storage of the liquid hazardous wastes has not been determined; however, more than 90 days lapsed between the EPA inspections. As such, these liquid hazardous wastes have been stored at the Facility longer than the 90-day period allowed for generators to store hazardous waste without a permit or interim status.
42. The Facility had neither a RCRA permit nor was it eligible for interim status at the time of the August 14, 2009 and October 8, 2010 inspections.
43. Therefore, EPA alleges that Respondent failed to meet the conditional exemption, 22 CCR Section 66262.34(a) (*see also* 40 CFR §262.34(a)(2) and (3)), and stored hazardous waste without a permit in violation of 22 CCR Section 66270.1(c) (*see also* 40 CFR §270.1(c)).

E. CIVIL PENALTY

44. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Debt Collection Improvement Act of 1996, *see* 69 Fed. Reg. 7121 (Feb. 13, 2004) and 74 Fed. Reg. 75340 (Dec. 11, 2008), authorizes a civil penalty of up to THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$37,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after January 12, 2009. Therefore, Complainant requests that the Administrator assess a civil penalty against Respondent of up to \$37,500 per day, as appropriate, for each day during which a violation cited in the above listed Counts occurred and/or continued.

Count I - Failure to Minimize the Possibility of Release of Hazardous Waste

This violation presents a major potential for harm to the environment and the regulatory program and is a major deviation from the regulatory requirement. This violation began on or about August 14, 2009 and is continuing. A major potential for harm to the environment and the regulatory program means that the violation poses or may pose a substantial risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a substantial adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count II - Failure to Close Containers

This violation presents a minor potential for harm to the environment and the regulatory program and is a minor deviation from the regulatory requirement. This violation began on or about August 14, 2009 and was corrected shortly thereafter. A minor potential for harm to the environment and the regulatory program means that the violation poses a relatively low risk of exposure of humans or other environmental receptors to waste or constituents and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A minor deviation from the regulatory requirement means that the violator deviates somewhat from the regulatory or statutory requirements but most -- or all important aspects -- of the requirements are met.

Count III – Failure to Submit a Biennial Report

This violation presents a moderate potential for harm to the environment and the regulatory program, and is a major deviation from the regulatory requirement. This violation began on or about March 1, 2008 and is continuing. A moderate potential for harm to the environment and the regulatory program means that the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

Count IV – Failure to Properly Maintain a Contingency Plan

This violation presents a minor potential for harm to the environment and the regulatory program, and is a minor deviation from the regulatory requirement. This violation began on or about August 14, 2009 and is continuing. A minor potential for harm to the environment and the regulatory program means that the violation poses a relatively low risk of exposure of humans or other environmental receptors to waste or constituents and/or the actions may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program. A minor deviation from the regulatory requirement means that the violator deviates somewhat from the regulatory or statutory requirements but most -- or all important aspects -- of the requirements are met.

Count V - Storage of Hazardous Waste without a Permit

This violation presents a major potential for harm to the environment and the regulatory program and is a major deviation from the regulatory requirement. This violation began on or about August 14, 2009 and is continuing. A major potential for harm to the environment and the regulatory program means that the violation poses or may pose a substantial risk of exposure of humans or other environmental receptors to hazardous waste or constituents or the actions have or may have a substantial adverse effect on statutory or regulatory purposes or procedures for

implementing the RCRA program. A major deviation from the regulatory requirement means that the violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

II. COMPLIANCE ORDER

45. Stop All Non-Compliant Waste Management Activities. Respondent has demonstrated a return to compliance with respect to Count II of the above-listed Counts. Within thirty days of the effective date of this Order, Respondent shall provide EPA documentation which: (1) demonstrates compliance with the RCRA Section 3013(a) Order Requiring Testing, Analysis and Reporting issued to Respondent on November 23, 2010; (2) demonstrates that the Respondent submitted biennial reports for 2007 and 2009; (3) demonstrates that the emergency coordinator's home address is in the Facility contingency plan; and (4) demonstrates that the secondary containment has been drained of all wastes and that it is no longer used to store wastes.
46. Respondent shall send any submittals regarding compliance with this Order by email, fax, hand delivery, overnight express or certified mail to:

Daniel Fernandez (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105
Fernandez.daniel@epa.gov

III. NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING

47. In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), the Compliance Order set forth herein shall become final unless Respondent files an Answer and a request for public hearing in writing no later than thirty (30) days after the Effective Date of this Complaint with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, California 94105. A copy of the Answer and request for hearing and copies of all other documents relating to these proceedings filed with the Regional Hearing Clerk shall be sent to Thanne Cox (ORC-3), Assistant Regional Counsel, at the same address, email address cox.elizabeth@epa.gov.
48. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. A failure to admit, deny or explain any material fact or allegation contained in this Complaint will constitute an admission of the allegation. Where Respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed

denied. The Answer must also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which Respondent intends to place at issue, (3) the basis for opposing any proposed relief, and (4) whether a hearing is requested.

49. If Respondent fails to file a written Answer within thirty (30) days of the Effective Date of this Complaint, Respondent may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing.
50. If Respondent requests a public hearing, it will be held in a location determined in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits, 40 CFR Part 22, a copy of which accompanies the Complaint. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 552 *et seq.*, and 40 CFR Part 22. Respondent may request a hearing on any material fact alleged in the Complaint, or on the appropriateness of any proposed penalty, compliance or corrective action order.
51. Pursuant to 40 CFR § 22.7(c) of the Consolidated Rules of Practice, where a pleading or document is served by first class mail or commercial delivery service, but not by overnight or same-day service, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

B. INFORMAL SETTLEMENT

52. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the alleged facts, violations and amount of the penalty. An informal conference does not, however, affect Respondent's obligation to file a written Answer within thirty (30) days of the Effective Date of the Complaint. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.
53. In addition to the compliance schedule set forth in the Order above, any settlement reached as a result of an informal conference will be embodied in a written Consent Agreement and Final Order. The issuance of the Consent Agreement and Final Order will constitute waiver of Respondent's right to a hearing on any matter to which Respondent stipulated.
54. If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty (30) days of the Effective Date of this Complaint will preserve Respondent's right to a hearing.

55. EPA encourages all parties against whom a penalty is proposed to explore the possibility of settlement. To request an informal conference, Respondent should contact Thanne Cox, ORC-3, Assistant Regional Counsel, Office of Regional Counsel, at the above address, telephone number (415) 972-3908, email address cox.elizabeth@epa.gov.

EFFECTIVE DATE

This Proceeding is initiated by the filing of this Complaint with the Regional Hearing Clerk. For calculation of time frames provided herein, the "Effective Date" of this Complaint is the date of service. Service is complete when the return mail receipt is signed by the Respondent or a duly authorized representative of the Respondent, in accordance with the provisions of 40 CFR §§ 22.5(b) and 22.7(c).

FEB 28 2011

Date



Jeff Scott
Director
Waste Management Division

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Determination of Violation, Compliance Order, and Notice of Right to Request a Hearing was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent, along with a copy of 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, certified mail, return receipt requested, to:

Shafiqul Alam, P.E.
President
Classic Plating, Inc.
2985 E. Miraloma Ave. Suite-U
Anaheim, CA 92805

2-28-2011

Date

Lectric K. Jank