

FILED
May 9, 2024
5:00 P.M.
U.S. EPA REGION IX
HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2024-0011
Nitto Denko Technical)	
501 Via Del Monte)	
Oceanside, CA, 92058)	EXPEDITED SETTLEMENT
EPA ID #: CAR000160028)	AGREEMENT AND
)	
Respondent)	FINAL ORDER
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act (“RCRA”) and 40 C.F.R. § 22.13(b).
2. By copy of this letter, EPA is providing California with notice of the referenced violation of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Nitto Denko Technical (“Respondent”) is the owner or operator of the facility at 501 Via Del Monte, Oceanside, CA, 92058 (“Facility”). EPA alleges that Respondent violated the following requirements of the RCRA and EPA approved and authorized California hazardous waste management programs.
 - a. 22 CCR §66262.41 [40 Code of Federal Regulations (“CFR”) §262.41] requires, the respondent to submit a 2021 Biennial Report on March 1, 2022. Nitto Denko Technical failed in violation of 22 CCR §66262.41 [40 Code of Federal Regulations (“CFR”) §262.41].
4. EPA and Respondent agree that settlement of this matter for a civil penalty of Two Thousand Five Hundred dollars (\$2,500) is in the public interest.
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing 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; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed ESA.

6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: the alleged violations have been corrected; Respondent has submitted true and accurate documentation of such correction; and, Respondent has submitted proof of payment of the civil penalty.
7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and Final Order and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
8. EPA reserves all its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.
10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
12. Entry of the Final Order shall constitute full settlement of the civil claims alleged herein.

In the matter of Nitto Denko Technical
Docket No. RCRA-09-2024-0011

IT IS SO AGREED,

Tim Hinely
Name (print)

Senior EHS Manager
Title (print)

Tim Hinely
Signature

Date: 4-29-2024

APPROVED BY EPA:

AMY MILLER-BOWEN Digitally signed by AMY MILLER-BOWEN
Date: 2024.05.07 15:30:50 -07'00'

Date: _____

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

It is so ORDERED that this ESA be entered:

BEATRICE WONG Digitally signed by BEATRICE WONG
Date: 2024.05.09 16:50:57 -07'00'

Date: _____

Beatrice Wong
Regional Judicial Officer
U.S EPA Region IX

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Nitto Denko Technical (Docket No. RCRA-09-2024-0011) was filed with the Regional Hearing Clerk, Region IX, and that a true and correct copy was sent by electronic mail to the following parties:

RESPONDENT:

Jim Hinely
Environmental Health and Safety Manager
Nitto Denko Technical
501 Via Del Monte
Oceanside, CA 92058
Jim.Hinely@nitto.com
(760) 435-7050

COMPLAINANT:

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105
Helmlinger.Andrew@epa.gov

PONLY TU Digitally signed by PONLY TU
Date: 2024.05.10 12:25:07 -07'00'

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