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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**U.S. EPA, REGION IX
REGIONAL HEARING CLERK**

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2012- <i>0014</i>
)	
Pyramid Circuits Inc.)	EXPEDITED SETTLEMENT
EPA ID. No. CAD982472151)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

- A. The U.S. Environmental Protection Agency ("EPA") alleges that Pyramid Circuits, Inc. ("PCI" or "Respondent"), owner or operator of the facility at 1405 Richard Ave., Santa Clara, CA 95050 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program (California Code of Regulations, Division 4.5 of Title 22):
1. Failure to Obtain a Permit for the "Storage" of "Hazardous Waste" 22 CCR § 66262.34(d) [40 CFR § 262.34(d)]
 2. Failure to Meet Hazardous Waste Container Labeling Requirements 22 CCR § 66262.34(d) [40 CFR § 262.34(d)(4)]
 3. Failure to Close a Container Holding Hazardous Waste 22 CCR § 66265.173(d) [40 CFR § 265.173 as referenced by 40 CFR § 262.34(d)(4)]
 4. Failure to Properly Label Universal Waste 22 CCR §§ 66273.34 [40 CFR § 273.14(e)]
- B. Alleged Violations
1. Under 22 CCR § 66262.34(d) [40 CFR § 262.34 (d)], Respondent was required to obtain a permit for the storage of hazardous waste for greater than 180 days.
 - a. During the Compliance Evaluation Inspection ("CEI") the inspector observed one 55-gallon container of (D002, D04, D007, D008) hazardous waste in the hazardous waste storage exceeding the storage limit of 180 days by 9 day. The accumulation starts date observed was 10/01/10 and it was disposed of on 4/8/2011.
 2. Under 22 CCR § 66262.34(d) [40 CFR § 262.34(d)(4)], Respondent was required to

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have the following information clearly marked and visible for inspection on all hazardous waste containers: 1.) date accumulation begins, 2.) the words "Hazardous Waste", 3.) the composition and physical state of the waste, 4.) hazardous properties of the waste, and 5.) facility name and address.

- a. During the CEI the inspector observed unlabeled containers of hazardous waste in the hazardous waste storage area, plating area and the gold room. PCI failed to label 16 containers of hazardous waste in the hazardous waste storage area, plating area and Gold room. PCI has since properly disposed these wastes.
3. Under 22 CCR § 66265.173(d) [40 CFR § 265.173 as referenced by 40 CFR § 262.34(d)(4)], the Respondent was required to keep containers of hazardous waste closed during storage, except when necessary to add or remove waste.
 - a. The facility failed to close 6 containers of hazardous waste in the hazardous waste storage area and the plating area. The containers have since been closed.
 4. Under 22 CCR § 66273.34 [40 CFR § 273.14 (e)], a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste.
 - a. The universal waste lamps at the facility were not labeled or marked clearly with the required phrases. The facility has recycled the universal waste and currently has two containers used to accumulate universal waste lamps; with proper labeling.
- C. EPA and Respondent agree that settlement of this matter for a penalty of eight thousand four hundred dollars (\$8,400) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.
 - D. 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).
 - E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of 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; and (5) waives any right to contest the allegations contained herein.
 - F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
 - G. The civil penalty of \$8,400 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.

- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. 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.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Lucio De Anda

Title (print): President / Owner

Signature: 

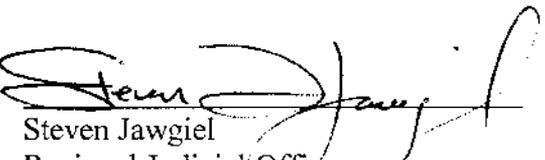
Date 8-22-12

APPROVED BY EPA:


Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

Date 9/10/12

IT IS SO ORDERED:


Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 9

Date 09/13/12

CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order, Docket # **RCRA-09-2012-0014** was filed with:

Regional Hearing Clerk
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

A true and correct copy of the same was sent to the following parties via CERTIFIED MAIL to:

Lucio DeAnda, President/Owner
Pyramid Circuits Inc.
1405 Richard Ave.
Santa Clara, CA 95050

CERTIFIED MAIL NUMBER: 7005 2570 0001 6436 5238


Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/18/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO. 70052570000164365238
RETURN RECEIPT REQUESTED

SEP 18 2012

Lucio DeAnda
Pyramid Circuits Inc.
1405 Richard Ave.
Santa Clara, CA 95050

Re: In the matter of Pyramid Circuits Inc. - U.S. EPA Docket No. RCRA-09-2012-

Dear Mr. DeAnda:

Enclosed is a copy of the fully executed Expedited Settlement Agreement which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Expedited Settlement Agreement and your certification that you have returned to compliance have closed this case. If you have any questions regarding the rules, regulations and statutes associated with this Expedited Settlement Agreement, please contact Estrella Armijo at (415) 972-3859 or armijo.estrella@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", written over a horizontal line.

Jeff Scott, Director
Waste Management Division

Enclosure

cc: Kristine Green, Department of Toxic Substances Control
Angela Giuliani, Santa Clara City Fire Department
Elizabeth Whitsel, Cincinnati Finance Office