

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

27JUN2016 - 08:27AM

**** FILED ****

U.S.EPA - Region 09

IN THE MATTER OF:)	Docket No.
)	RCRA-09-2016- 0004
)	
Prototron Circuits Southwest, Inc.)	EXPEDITED SETTLEMENT
EPA ID. No. AZD982479727)	AGREEMENT AND
Respondent)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

The U.S. Environmental Protection Agency (“EPA”) alleges that Prototron Circuits Southwest, Inc. (“Prototron” or “Respondent”), owner or operator of the facility at 3760 E. 43rd Place, Tucson, AZ 85713 (the “Facility”), failed to comply with the following requirements under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Arizona hazardous waste management program (Arizona Revised Statutes, Title 49 and the Arizona Administrative Code (“AAC”), Title 18, Chapter 8, Article 2).

1. Failure to mark containers with an accumulation start date and with the words hazardous waste. 40 Code of Federal Regulations (“CFR”) § 262.34(a)(2) and 262.34(a)(3) [AAC R18-8-262.A]
2. Failure to label or mark each lamp or a container in which such lamps are contained with one of the following phrases: “Universal Waste – Lamp(s)”, or “Waste-Lamp(s)”, or “Used Lamp(s)”. 40 CFR § 273.14(e) [AAC R18-8-273]

Alleged Violations:

1. Under 40 CFR § 262.34(a)(2) and 262.34(a)(3) [AAC R18-8-262.A], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and each container or tank is labeled or marked clearly with the words “Hazardous Waste”.
 - a. During a compliance inspection of the Facility conducted by EPA and Pima County Department of Environmental Quality (“DEQ”) inspectors on November 18, 2015, the inspectors observed 3 cardboard tote containers of filter cake (F006) hazardous waste which were not marked with an accumulation start date and were not labeled or marked with the words “Hazardous Waste”.

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2. Under 40 CFR § 273.14(e) [AAC R18-8-273], a small quantity handler of universal waste must label or mark each lamp or a container or package in which such lamps are contained with one of the following phrases "Universal Waste – Lamp(s)", or "Waste-Lamp(s), or "Used Lamp(s)".

- a. During a compliance inspection of the Facility conducted by EPA and Pima County Department of Environmental Quality ("DEQ") inspectors on November 18, 2015, the inspectors observed cardboard container(s) of Universal Waste lamps which were not marked with the required information.

EPA and Respondent agree that settlement of this matter for a penalty of four thousand (\$4,000) is in the public interest. The attached Penalty Worksheet is hereby incorporated by reference.

EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 CFR § 22.13(b).

In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and the Arizona Administrative Code; (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.

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.

Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

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.

Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.

Each party shall bear its own costs and fees, if any.

This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 22.31(b), is effective upon filing.

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IT IS SO AGREED,

Name (print): KIM O'NEIL

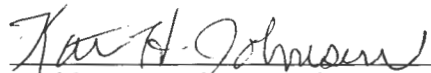
Title (print): GENERAL MANAGER

Signature: Kim O'Neil

Date 5/2/16

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APPROVED BY EPA:

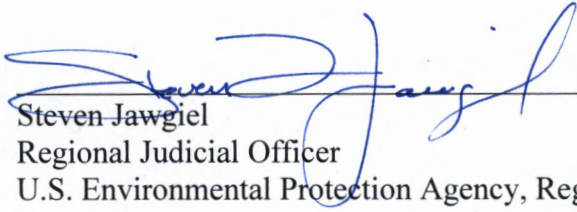


Kathleen H. Johnson, Director
Enforcement Division
U.S. Environmental Protection Agency, Region IX

Date 6/21/16

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IT IS SO ORDERED:



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

Date 06/23/16

CERTIFICATE OF SERVICE

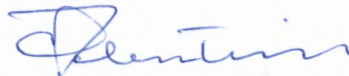
I hereby certify that the original of the foregoing Expedited Settlement Agreement in the matter of Prototron Circuits Southwest, Inc. has been filed with the Regional Hearing Clerk, Region IX, and that copies have been sent by Certified Mail, Return Receipt Requested, to:

Mr. David Ryder
President
Prototron Circuits Southwest, Inc.
3760 E. 43rd Place
Tucson, AZ 85713

Certified Mail No. 7014 2120 0003 0493 5052

6/27/16

Date



FER: Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX