

REGIONAL HEARING CLERK
EPA REGION VI

~~~~~

RESPONDENT

2. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), provides that whenever on the basis of any information the Administrator of the EPA determines that any person has violated or is in violation of any requirement of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. The requirements of

Subtitle C include the requirements of the authorized program in a State which is authorized to carry out a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926.

3. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO.

4. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a)(2).

5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations herein. However, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO.

6. Respondent explicitly waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO, and waives all defenses that have been raised or could have been raised to the claims set forth in the CAFO.

7. Respondent consents to the following: issuance of the CAFO hereinafter recited and to the specific stated compliance order.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

8. Respondent is a limited liability company registered to do business in the State of Texas on April 23, 2016.

9. Respondent was formerly Economy Plating Incorporated before being sold on April 23, 2016 and was registered to conduct business in the State of Texas on January 29, 1973.

10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 30 TEX. ADMIN. CODE § 3.2(25) (40 C.F.R. § 260.10).

11. Respondent is an “owner” or “operator” of the facility located at 11224 Limestone Drive in Balch Springs, Texas, 75180, within the meaning of 30 TEX. ADMIN. CODE §§ 335.1(109) and (110) (40 C.F.R. § 260.10).

12. Respondent is a “generator” of “hazardous waste” at the facility, as the terms are defined in 30 TEX. ADMIN. CODE § 335.1(65) (40 C.F.R. § 260.10), and 30 TEX. ADMIN. CODE § 335.1(69) (40 C.F.R. § 260.10).

13. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 30 TEX. ADMIN. CODE § 335, Subchapter (C) and/or (F) (40 C.F.R. Parts 262 and/or 270).

14. Between October 2015 and April 2017, EPA conducted an investigation and record review (Investigation) of Respondent’s performance as a hazardous waste generator and compliance with RCRA and the regulations promulgated thereunder.

15. On March 30, 2016, EPA conducted an inspection (Inspection) at Respondent’s facility to determine Respondent’s performance as a hazardous waste generator.

16. Respondent registered as a small quantity generator (SQG) in 1990 and, during all relevant times to this CAFO, Respondent remained registered as a SQG.

17. From the Inspection and Investigation, EPA determined Respondent in 2012 and 2016 generated and/or offered for transport hazardous waste with the hazardous waste characteristics for chromium (D007) and lead (D008).

18. The waste streams identified in Paragraph 17 are hazardous waste as defined in 30 TEX. ADMIN. CODE § 335.1(69) (40 C.F.R. § 261.3).

19. From the Inspection and Investigation, EPA determined that in 2012 and 2016, Respondent generated the hazardous waste streams identified in Paragraph 17 in quantities that

exceeded the threshold amount of 1,000 kilograms of hazardous waste per month, which qualified Respondent for the large quantity generator (LQG) status under 30 TEX. ADMIN. CODE § 335, Subchapter C (40 C.F.R. Part 262).

20. During the Inspection, Respondent failed to provide documentation that it made hazardous waste characterizations for the following waste streams:

- a) spent wastewater in its evaporation tank;
- b) spent paint stripping solution;
- c) spent wastewater in one of its tank labeled #3;
- d) spent copper sulfate;
- e) spent buffing solution;
- f) spent nickel plating filters;
- g) solids found in its copper cyanide tank;
- h) crystallized nickel sulfate; and
- i) sludge found within a tank.

21. During the Inspection, Respondent did not provide documentation of training records for employees who manage hazardous waste.

22. During the Inspection, Respondent did not provide documentation of a training program for employees who manage hazardous waste.

23. During the Inspection, Respondent did not provide documentation of a Contingency Plan.

24. During the Inspection, Respondent's Evaporation tank was not marked with the accumulation start date or the words "Hazardous Waste."

25. During the Inspection, Respondent stored hazardous waste in its evaporation tanks.

26. During the Inspection, Respondent's evaporation tank did not have adequate secondary containment.

27. During the Inspection, evidence of discharges from Respondent's building were observed at the air compressor, adjacent to the plating lines, and adjacent to the evaporation tank.

28. During the Inspection, Respondent did not provide documents indicating it performed the required inspections of hazardous waste storage areas.

### **III. VIOLATIONS**

#### **Claim 1: Notification Requirements**

29. Pursuant to RCRA § 3010(a), 42 U.S.C. § 6930(a), any person generating a characteristic or listed waste shall file with the Administrator or authorized State, a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person. This includes a subsequent notification for a change in the status of a generator. *See also* 30 TEX. ADMIN. CODE § 335.6(c).

30. Respondent, while registered as a SQG during the relevant time periods covered by this Order, generated more than the threshold amount of 1,000 kg of hazardous waste per month for a SQG, thereby making it a LQG of hazardous waste.

31. Respondent, for the applicable years, did not file with the Administrator or with the State of Texas, a notification for a change in hazardous waste activities.

32. Respondent failed to file a subsequent notification of hazardous waste activities in violation of 42 U.S.C. § 6930(a).

**Claim 2: Failure to Operate Within Proper Generator Status**

33. A generator of hazardous waste is subject to multiple requirements, including the applicable parts of 30 TEX. ADMIN. CODE § 335, Subchapters (C)-(H), (O) (40 C.F.R. Parts 124, 262-68, 270).

34. Respondent, while generating hazardous waste as a LQG, did not obtain a permit pursuant to 40 C.F.R. Part 270, nor did it prepare an adequate contingency plan, coordinate emergency procedures, or provide adequate RCRA-specific training to its employees.

35. Respondent, while generating hazardous waste as a SQG, did not obtain a permit pursuant to 40 C.F.R. Part 270, nor did it prepare an adequate contingency plan; coordinate emergency procedures; or ensure that all employees who managed hazardous waste were thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

36. Respondent, while generating hazardous waste as a SQG and LQG during the relevant time periods covered by this Order, failed to meet the requirements of its respective generator status in violation of the applicable parts of 30 TEX. ADMIN. CODE § 335, Subchapters (C)-(H), (O) (40 C.F.R. § 262 and/or 270).

**Claim 3: Failure to Make Adequate Hazardous Waste Determinations**

37. Pursuant to 30 TEX. ADMIN. CODE § 335.62 (40 C.F.R. § 262.11(a)), a person who generates a solid waste must determine if that waste is hazardous.

38. Respondent failed to provide documentation that it properly characterized its hazardous waste for the following waste streams:

- a) spent wastewater in its evaporation tank;
- b) spent paint stripping solution;

- c) spent wastewater in one of its tanks labeled #3;
- d) spent copper sulfate;
- e) spent buffing solution;
- f) spent nickel plating filters;
- g) solids found in its copper cyanide tank;
- h) crystallized nickel sulfate; and
- i) sludge found within a tank.

39. Respondent failed to make an adequate hazardous waste determination on its solid waste streams in violation of 30 TEX. ADMIN. CODE § 335.62 (40 C.F.R. § 262.11(a)).

**Claim 4: Storage Violation**

40. Pursuant to 30 TEX. ADMIN. CODE § 335.69(b) (40 C.F.R. § 262.34(b)), a LQG who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility and is subject to the requirements of 30 TEX. ADMIN. CODE, Chapters 335 and Chapter 305, unless it has been granted an extension to the 90-day period.

41. Respondent accumulated hazardous waste for more than 90 days at its facility.

42. Respondent did not obtain a permit under 30 TEX. ADMIN. CODE, Chapter 305 (40 C.F.R., Part 270) and/or an extension under 30 TEX. ADMIN. CODE § 335.69(b) (40 C.F.R. § 262.34(b)).

43. Respondent accumulated hazardous waste for more than 90 days without complying with the necessary regulations found at 30 TEX. ADMIN. CODE, Chapters 305 and 335 (40 C.F.R. Parts 264, 265, 267, and 270) in violation of 30 TEX. ADMIN. CODE § 335.69(b) (40 C.F.R. § 262.34(b)).

**Claim 5: Thermal Treatment without a Permit**

44. 30 TEX. ADMIN. CODE § 335.1(122) (40 C.F.R. § 260.10) defines “processing” (treatment) as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. *See* 30 TEX. ADMIN. CODE § 335.112(b)(2).

45. 30 TEX. ADMIN. CODE § 335.1(149) (40 C.F.R. § 260.10) defines “thermal treatment” as the processing of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

46. 30 TEX. ADMIN. CODE § 335.2 (40 C.F.R. 270.1) prohibits the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a RCRA permit for such facility or has qualified for interim status for such facility.

47. Owners and operators of facilities that thermally treat hazardous waste must meet the requirements found at 40 C.F.R. Part 265, Subpart P-Thermal Treatment, adopted by reference through 30 TEX. ADMIN. CODE § 335.112(a)(15).

48. Respondent operated an evaporation tank connected to an on-site boiler. The heat from the boiler is used to evaporate the hazardous waste.

49. Respondent did not have a waste analysis plan.

50. Respondent did not conduct inspections on the process and associated equipment.

51. Respondent did not have proper secondary equipment surrounding the evaporation tank.

52. Respondent failed to obtain a hazardous waste treatment and storage facility permit for thermally treating hazardous waste, qualify for interim status, meet valid exemptions, or meet the requirements of 40 C.F.R. Part 265, Subpart P in violation of the applicable parts of 30 TEX. ADMIN. CODE § 335.62 (40 C.F.R. § 262.11(a)).

#### **IV. COMPLIANCE ORDER**

53. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), it is hereby ordered that Respondent, which has consented to the terms of this Order, shall, through the use of an independent third-party audit and the subsequent requirements elaborated in Paragraphs 56-75, comply with the general and specific obligations under Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270.

54. Respondent shall comply with the terms of this Order as expeditiously as practicable, but in no event longer than fifteen months after the date the order was issued.

55. Failure to meet the terms of the Order identified below will be deemed a violation of the Order, subject to federal civil penalties and enforcement under 3008(c) of RCRA, 42 U.S.C. § 6928(c). The terms include abiding by the timelines and certification requirements. Failure to abide by the timelines and certification will be deemed a violation of the Order.

##### **A. Third-Party Audit Terms and Timeline**

56. Respondent agrees to the following:

- a) Within one-hundred and twenty (120) days of this Order becoming effective, Respondent will identify and retain a third-party auditor or audit team to evaluate Respondent's compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270.

- i) Within one-hundred and thirty-five (135) days of this Order becoming effective,

Respondent shall submit a certification attesting to the following:

I certify, under penalty of law, that I identified and retained a third-party auditor or audit team to evaluate my compliance with the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270, for the facility that forms the basis of the Order found in Docket No. RCRA-06-2017-0934, and who meets the requirements of an independent auditor or audit team found at Section IV(B) found in that Order. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- ii) Within one-hundred and thirty-five (135) days of this Order becoming effective,

the third-party auditor or certifying official of the audit team shall submit a certification attesting to the following:

I certify, under penalty of law, that I have been retained by Economy Plating, LLC, to evaluate its compliance with the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270, at the facility that forms the basis of the Order found in Docket No. RCRA-06-2017-0934. I further certify that I meet the requirements of an independent auditor or audit team found at Section IV(B) of that Order. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- b) The results of all external audits will meet the requirements for auditor independence, audit results, and responses identified below.

- c) Violations, potential violations, and other areas of concern will be specifically identified in each audit report:

- i) This document does not include or in any way release violations of federal law identified as a result of these audits. EPA reserves the right, in its discretion, to

- pursue enforcement of any violations of federal law identified as a result of these audits, both internal and external; and
- ii) the report will also identify observations or improvement actions that are not necessarily violations.
- d) Within two-hundred and forty (240) days of this Order becoming effective, the Auditor or Audit team shall submit the Audit Report pursuant to the terms found below at Section IV(D).
- i) Violations, potential violations, and other areas of concern, including the alleged violations that form the basis of this Order, will be specifically identified in each audit report:
- (1) This document does not include or in any way release violations of federal law identified as a result of these audits. EPA reserves the right, in its discretion, to pursue enforcement of any violations of federal law identified as a result of these audits, both internal and external; and
- (2) the report will also identify observations or improvement actions that are not necessarily violations.
- ii) The results of all external audits will meet the requirements for auditor independence, audit results, and responses identified below.
- e) Within three-hundred (300) days of this Order becoming effective, Respondent shall submit the Audit Report Response pursuant to the terms found below at Section IV(D).
- f) Within fifteen months, Respondent shall submit a certification attesting to the following:

I certify, under penalty of law, that I corrected the violations that forms the basis of the Order found in Docket No. RCRA-06-2017-0934, addressed the areas of concern in the Audit Report, implemented recommendations found in my Response Report, and certify that Economy Plating, LLC, is now in compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

- g) All audits, audit reports, audit responses, and certifications of compliance with Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270, shall be completed within fifteen months of the effective date of this Order.
- h) Audits conducted pursuant to this Order, whether internal or performed by third parties, and any associated documents will be provided to EPA for any purpose, including forming the basis for an enforcement action.

#### **B. Third-Party Auditor and Audit Team**

57. Each Audit shall have an audit leader (Auditor) who meets the requirements of independence outlined below. Different standards shall apply to audit team members.

58. Auditors shall be impartial and independent in conducting all third-party audit activities.

59. Auditors shall receive no compensation or financial benefit from the outcome of the audit, apart from payment for auditing services.

60. Auditors shall be:

- a) knowledgeable of the requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939e, and the applicable implementing regulations found at 40 C.F.R. Parts 260-270,
- b) experienced with the hazardous waste generated and processes being audited, and

c) trained or certified in proper auditing techniques.

Auditors do not need to be registered Professional Engineers. The audit team does not require the participation of a Professional Engineer.

61. Respondent may not select an Auditor who has performed work for the Respondent within the last two years at the time of contract between the Auditor and Respondent.

62. For purposes of the preceding paragraph, the phrase “has performed work” shall not include being an auditor in an independent third-party audit that meets the requirements for independence as described in this document.

63. Respondent may not hire, as either employees or contractors, Auditors, or audit team members, for a period of two years following the submission of the final audit report from the Auditor to the Respondent.

64. For purposes of the preceding paragraph, the term “hire, as either employees or contractors” shall not include being an auditor in an independent third-party audit that meets the requirements for independence as described in this document.

65. All Auditors, and audit team members, shall sign and date a conflict of interest statement verifying that they are eligible to perform the audit under the terms of this agreement.

66. These requirements shall not apply to an organization that employs, or is owned by, an Auditor and in which an employee has performed work for the Respondent in the past two years where the organization ensures that such personnel do not participate in the audit, or manage or advise the audit team concerning the audit.

67. Retired employees who satisfy the requirements of independence may qualify as independent if their sole continuing financial attachments to the owner or operator are employer-financed or managed retirement and/or health plans.

### **C. Third-Party Auditor Responsibilities**

68. Respondent shall ensure that the third-party auditor:

- a) manages the audit and participates in audit initiation, design, implementation, and reporting,
- b) evaluates the competency of audit team members, as applicable, to determine appropriate roles and responsibilities for the audit.
- c) prepares the audit report and documents the full team's views and opinions in the final audit report, and
- d) certifies the final audit report and its contents as meeting the requirements of this document.

### **D. Audit Report and Response**

69. *Audit Report.* Respondent shall ensure that the auditor prepares and submits an audit report that:

- a) Identifies the lead auditor or manager, participating individuals, and any other key persons participating in the audit, including names, titles, and summaries of qualifications;
- b) Documents the auditor's evaluation of each process audited to determine whether procedures and practices developed by Respondent are adequate and being followed;
- c) Documents the findings of the audit, including any identified compliance or performance deficiencies. The auditor shall also ensure that photographs and video recordings will be made of each audit to enhance understanding of the audit reports and provide context to the audit results. These photographs and video recordings shall be incorporated and included in the audit reports submitted;

- d) Includes a summary of Respondent's comments on, and identify any adjustments made by the auditor to, any draft audit report provided by the auditor to Respondent for review or comment; and
- e) Include the following certification, signed and dated by the auditor or supervising manager for the audit:

I certify that this compliance audit report was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information upon which the audit is based. I further certify that the audit was conducted and this report was prepared pursuant to all applicable auditing, competency, independence, impartiality, and conflict of interest standards and protocols. Based on my personal knowledge and experience, the inquiry of personnel involved in the audit, the information submitted herein is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

70. The auditor shall submit the audit report, including all draft and final copies, to EPA and the Respondent at the same time.

71. The audit report and related records, including any documents reviewed, cited, or relied on by the audit team in undertaking the audit, shall not be privileged as attorney-client communications or attorney work products, even if written for or reviewed by legal staff.

72. *Response Report.* As soon as possible, but no later than 90 days after receiving the final audit report, Respondent shall determine an appropriate response to each of the findings in the audit report, and develop and provide to EPA a findings response report that includes:

- a) A copy of the final audit report;
- b) An appropriate response to each of the audit report findings;
- c) A schedule for promptly addressing deficiencies; and

- d) A certification, signed and dated by Respondent's senior corporate officer or other official in an equivalent position, stating:

I certify under penalty of law that the attached compliance audit report was received, reviewed, and responded to under my direction or supervision by qualified personnel. I further certify that appropriate responses to the findings have been identified and deficiencies were corrected, or are being corrected, as documented herein. Based on my personal knowledge and experience, or inquiry of personnel involved in evaluating the report findings and determining appropriate responses to the findings, the information submitted herein is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

73. Respondent shall implement the schedule to address deficiencies identified in the audit findings response report.

74. Respondent shall document the actions taken to address each deficiency, along with the date completed. If deficiencies are corrected prior to the response report then they may be included in that document. If deficiencies are corrected after submittal of the response report, those actions should be identified under a separate letter, as they occur.

75. Respondent shall retain all copies of draft and final audit reports, including associated documents, for a period of five years from the date of the final audit report, and provide any audit reports or documents to EPA upon request.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Provisions**

76. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable

regulations, it is ordered that Respondent be assessed a civil penalty of \$14,400.00. This penalty was calculated following an analysis of Respondent's ability to pay.

77. The penalty shall be paid in thirty-six (36) monthly installments of \$400.00, beginning within thirty (30) calendar days of the effective date of this CAFO and made payable to Treasurer, United States of America. For purposes of this CAFO, an installment will not be considered overdue, subject to interest and late payments found at Paragraph 81, if paid by the last day of the month in which that installment is due.

78. The following are Respondent's options for transmitting the penalties:

Checks sent via U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Checks sent via Overnight Mail (non-U.S. Postal Service) should be remitted to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

Wire Transfers should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

79. The case name and docket number (**In the Matter of Economy Plating, LLC, Docket No. RCRA-06-2017-0934**) shall be documented on or within your chosen method of payment to ensure proper credit.

80. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Mark Potts, Branch Chief  
Waste Enforcement Branch (6EN-H)  
Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Attn: Tripti Thapa

Your adherence to this request will ensure proper credit is given when penalties are received by EPA.

81. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00

administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt that remains delinquent more than ninety (90) days pursuant to 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent pursuant to 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

## **VI. GENERAL PROVISIONS**

### **A. Notification**

82. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Economy Plating, LLC, and shall include the following certification:

I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

83. Copies of all documents required by the CAFO shall be sent to the following:

Tripti Thapa  
U.S. Environmental Protection Agency  
Waste Compliance I Section (6EN-H1)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

84. EPA will send all written communications to the following representative for Respondent:

Josh Bratz  
Economy Plating, LLC  
11224 Limestone Drive  
Balch Springs, Texas 75180

85. All documents submitted to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent pursuant to 40 C.F.R. Part 2, Subpart B and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

**B. Costs**

86. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

**C. Termination and Satisfaction**

87. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section IV (Compliance Order). Unless EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

**D. Effective Date of Settlement**

88. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT  
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:

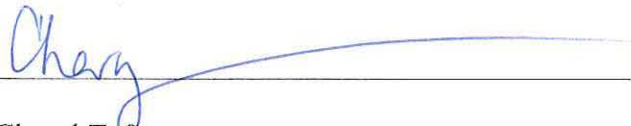
Date: 1/11/2018



Josh Bratz  
Economy Plating, LLC

FOR THE COMPLAINANT:

Date: 1/23/18



Cheryl T. Seager  
Director  
Compliance Assurance and  
Enforcement Division  
U.S. EPA Region 6

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in the Consent Agreement. This Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: \_\_\_\_\_

1/24/17



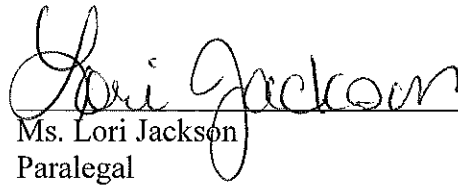
Thomas Rucki  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24 day of January, 2018, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method below:

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED** 7005 1820 0003 7458 3359

Josh Bratz  
Economy Plating, LLC  
11224 Limestone Drive  
Balch Springs, Texas 75180

  
\_\_\_\_\_  
Ms. Lori Jackson  
Paralegal