

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX



IN THE MATTER OF:)	Docket No.
)	RCRA-09-2024-0088
Ramondin USA Inc. (Ramondin))	
541 Technology Way)	
Napa, CA 94558)	
EPA ID No. CAR000370890)	EXPEDITED SETTLEMENT
)	AGREEMENT AND FINAL ORDER
Respondent)	
_____)	

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. Ramondin USA Inc. ("Respondent") is the owner or operator of the facility at 541 Technology Way, Napa, CA 94558 ("Facility"). EPA alleges that Respondent violated the following requirements of the RCRA and EPA approved and authorized California hazardous waste management programs.
 - a. Failure to Label Central Accumulation Area ("CAA") and Satellite Accumulation Area ("SAA") Containers: The Respondent failed to properly label CAA containers and SAA containers, in violation of 22 California Code of Regulations ("CCR") § 66262.17(a)(5)(A)(5), formerly 22 CCR §§ 66262.34(a)(2) and 66262.34(f)(1)-(3) [40 Code of Federal Regulations ("CFR") § 262.17(a)(5)(i)(C)]; and 22 CCR § 66262.15(a)(5), formerly 22 CCR §§ 66262.34(e)(1)(C) and 66262.34(e)(1)(E) [40 CFR § 262.15(a)(5)].
 - b. Failure to Close Three SAA Containers: The Respondent failed to comply with the closed container requirements, in violation of 22 CCR § 66262.15(a)(4), formerly 22 CCR §§ 66262.34(e)(1)(D) and 66265.173(a) [40 CFR § 262.15(a)(4)].

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- c. Failure to Mark a Used Oil Container with the Words "USED OIL": The Respondent failed to mark a used oil container with the words "USED OIL," in violation of 22 CCR § 66279.21(b) [40 CFR § 279.22(c)(1)].
 - d. Failure to Make a Waste Determination on Waste Lamps: The Respondent failed to make a waste determination on fluorescent waste lamps, in violation of 22 CCR §§ 66261.2 and 66262.11 [40 CFR §§ 261.2 and 262.11]
 - e. Failure to Submit 2023 Biennial Report by March 1, 2024: The Respondent failed to submit a complete Biennial Report, despite having generated above 1,000 kg of RCRA hazardous waste, in violation of 22 CCR §§ 66262.41(a)(1) and 66262.41(b) [40 CFR § 262.41(a)].
 - f. Failure to Include All Required Elements in Contingency Plan: The Respondent failed to include all required elements in the Contingency Plan, in violation of 22 CCR §§ 66262.261(c) and 66262.261(d), formerly 22 CCR §§ 66265.52(c) and 66265.52(d) [40 CFR §§ 262.261(c) and 262.261(d)].
 - g. Failure to Offer Adequate Hazardous Waste Generator Training to Facility Personnel: The Respondent failed to offer facility personnel training that ensures the facility's compliance with the hazardous waste generation requirements, in violation of 22 CCR § 66262.17(a)(7), formerly 22 CCR §§ 66262.34(a)(4) and 66265.16 [40 CFR § 262.17(a)(7)].
 - h. Failure to Perform Weekly Inspections in Hazardous Waste Accumulation Areas: The Respondent failed to comply with weekly inspection requirements, in violation of 22 CCR § 66262.17(a)(1)(E), formerly 22 CCR §§ 66262.34(a)(1)(A) and 66265.174 [40 CFR § 262.17(a)(1)(v)].
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4. EPA and Respondent agree that settlement of this matter for a civil penalty of fifteen thousand dollars (\$15,000) 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 violation has been corrected and Respondent has submitted true and accurate documentation of such correction.

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 and entry of the Final Order 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:

12. Within thirty (30) calendar days of its receipt of the letter setting forth the opportunity for expedited settlement, Respondent must pay the civil penalty of \$15,000 using any method provided on the following website:
<https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number.
13. Within 24 hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California, 94105
R9HearingClerk@epa.gov

Lydia Dorrance
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California, 94105
dorrance.lydia@epa.gov


14. 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.

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IT IS SO AGREED,

Flaxime BIENNES
Name (print)

Quality Manager
Title (print)


Signature

Date: 9/9/2024

APPROVED BY EPA:

**AMY MILLER-
BOWEN** Digitally signed by AMY MILLER-
BOWEN
Date: 2024.09.10 10:28:17
-07'00'

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

Date: 9/10/2024

It is so ORDERED that this ESA be entered:

**BEATRICE
WONG** Digitally signed by
BEATRICE WONG
Date: 2024.09.18
12:01:45 -07'00'

Beatrice Wong
Regional Judicial Officer
U.S EPA Region IX

Date: _____

CERTIFICATE OF SERVICE

I hereby certify the attached Expedited Settlement Agreement and Final Order in the matter of Ramondin USA, Inc. (Docket No. RCRA-09-2024-0088) has been filed by the Regional Hearing Clerk, and was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Maxime Biennes
Quality Manager
Ramondin USA Inc. (Ramondin)
541 Technology Way
Napa, CA 94558
MBiennes@ramondin.com

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: 2024.09.18
13:31:30 -07'00'

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX
75 Hawthorne Street, 12th Fl. (ORC)
San Francisco, CA 94105