

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX



IN THE MATTER OF:)	Docket No.
)	RCRA-09-2024-0092
)	
Elizabeth Olivares)	EXPEDITED SETTLEMENT
H&S Manager)	AGREEMENT AND
Command Packaging)	FINAL ORDER
3840 E. 26 TH St.)	
Vernon, CA 90058)	
CAL 000168159)	
)	
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. Command Packaging (“Respondent”) is the owner or operator of the facility at 3840 E. 26TH St., Vernon, California, 90058 (“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 § 66262.34(a), § 66270.1(c) & 40 CFR § 270.1(c)** requires the respondent to obtain a storage permit if storing HW for longer than 90-days. Command Packaging failed to comply with the regulations.
 - b) **22 CCR 66262.40(a) & 40 CFR §262.40(a)** requires a generator to keep a copy of each manifest signed by the designated disposal facility which received the waste for three years. Command Packaging failed to comply with the regulations.

- c) **22 CCR §66262.41 & 40 CFR §262.41** requires, the respondent to submit a 2021 Biennial Report on March 1, 2022. Command Packaging failed to comply with the regulations.
4. EPA and Respondent agree that settlement of this matter for a civil penalty of Seventeen Thousand Five Hundred dollars \$17,500 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. If the Respondent is a Federal agency, the Respondent waives its rights to confer with the Administrator pursuant to section 6001(b)(2) of RCRA.
 7. 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.
 8. 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.
 9. 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.
 10. Each party shall bear its own costs and fees, if any.
 11. 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 the effective date of this Agreement, Respondent must pay the civil penalty of \$17,500 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 assigned to this Agreement by the Regional Hearing Clerk.
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

Daniel Fernandez
Environmental Scientist
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California, 94105
fernandez.daniel@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.

IT IS SO AGREED,

Elizabeth Olivares

Name (print)

EHS Manager

Title (print)



Signature

Date: 9/9/2024

APPROVED BY EPA:

AMY MILLER-Digitally signed by AMY
MILLER-BOWEN
Date: 2024.09.17
08:30:19 -07'00'
BOWEN

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

Date: 9/17/2024

IT IS SO ORDERED:

Beatrice Wong
Regional Judicial Officer
U.S EPA Region IX

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement and Final Order in the matter of Command Packaging Company (Docket No. RCRA-09-2024-0092), 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: Elizabeth Olivares
H&S Manager
Command Packaging Company
3840 E. 26TH Street
Vernon, CA 90058
Eolivares@revolutioncompany.com

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

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Environmental Scientist
Hazardous Waste and Chemicals Section
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Division U.S. EPA – Region IX
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Ponly Tu
Regional Hearing Clerk
U.S. EPA - Region IX