

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Asbury Environmental Services
7300 Chevron Way
Dixon, CA 95620

ID No. CAD028277036

Respondent.

Docket HWCA20157174

CONSENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

The State Department of Toxic Substances Control (Department) and Asbury Environmental Services (Respondent) enter into this Consent Order and agree as follows:

1. Respondent transports hazardous wastes.
2. The Department inspected the facility located at 7300 Chevron Way, Dixon, CA 95620, where the Respondent maintains an office at the Advanced Environmental Inc., dba D/K Dixon Standardized Hazardous Waste Facility (Site), on May 19, 2015, May 28, 2015, and June 18, 2015.
3. The Department alleges the following violations:
 - 3.1. Respondent violated Health and Safety Code section 25160, in that on or about March 4, 2015, March 5, 2015, May 13, 2015, and June 12, 2015, Respondent used the consolidated manifesting procedure, articulated in Health and Safety Code section 25160.2, for transporting ignitable Resource Conservation

and Recovery Act (RCRA) hazardous waste, which the Respondent was not authorized to do.

3.2. Respondent violated California Code of Regulations (Cal. Code Regs.), title 22, section 66263.23(b), in that on or about March 5, 2015, May 13, 2015, and June 12, 2015, Respondent delivered RCRA ignitable hazardous waste to the Site, which it was not permitted or authorized by DTSC to receive.

3.3. Respondent violated Cal. Code Regs., title 22, section 66263.16(a), in that on or about March 4, 2015, March 5, 2015, May 12, 2015, and June 12, 2105, the Respondent's vacuum truck was not designed and constructed to hold RCRA ignitable hazardous waste, which it was carrying.

4. The parties wish to avoid the expense of litigation and to ensure compliance with hazardous waste laws. Respondent does not admit the violations alleged herein.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

8. Respondent shall comply with the following:

8.1. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements.

8.2. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

8.3. Site Access: Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law.

8.4. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 10.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

8.5. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

8.6. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

9. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$50,000 in penalties. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Mr. Sangat Kals, Ph.D.
Senior Environmental Scientist (Supervisory)
Statewide Emergency Response and
Sacramento Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
88000 Cal Center Drive
Sacramento, California 95826-3200

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

10.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

10.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages

for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

10.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

10.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

10.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: 5/30/17 original signed by Shane Caswell

Shane Caswell
Vice President of Operations
Asbury Environmental Services

Dated: 6/5/2017 original signed by Sangat Kals

Sangat Kals, Ph.D.
Senior Environmental Scientist (Supervisory)
Statewide Emergency Response and
Sacramento Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control