

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Asbury Environmental Services
1300 South Santa Fe Ave.
Compton, California 90221

EPA ID: CAD 028 277 036

Respondent.

Docket HWCA 2011-4329

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, transport, and/or stores hazardous waste at 1300 South Santa Fe Avenue, Compton, California, 90221 (Site).

1.3. Inspection. The Department inspected the Site on September, 29, and October 4 & 8, 2011.

1.4. Authorization Status. The Department authorized Respondent to transport hazardous waste by Hazardous Waste Transporter Registration # 0015, expires on May 31, 2013

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement

issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated Health and Safety Code, section 25201, subdivision (a) in that it did not comply with the terms and conditions set out in California Code of Regulations, title 22, section 66262.34, subdivisions (a)(1) and (f)(1), in that on or about September 29, 2011, Respondent stored drums of on-site generated hazardous waste longer than 90 days. In addition Respondent failed to mark a container of hazardous waste with its start of the accumulation period.

2.3. The Respondent violated California Code of Regulations, title 22, section 66262.20, subdivision (a), in that on or about September 29, 2011, Respondent as transporter of the hazardous waste failed to fill out hazardous waste manifests accurately. Specifically, the pickup and delivery dates of hazardous waste from some generators, transporters and TSDFs were not recorded accurately on the manifests.

2.4. The Respondent violated California Health and Safety Code, section 25160.2, subdivision (b)(4)(A), in that in some instances during 2010 and 2011, Respondent as transporter of the hazardous waste failed to obtain the signature of the generator or the generator's representative on each receipt.

2.5. The Respondent violated California Health and Safety Code, section 25201, subdivision (a) in that during 2010 and 2011, it did not comply with the requirements for an exempt transfer facility pursuant to California Code of Regulations, title 22, section 66263.18. To Wit: Respondent as a registered hauler of hazardous waste stored hazardous waste in excess of the ten days without a permit or other grant of authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this 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 Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, 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 Order.

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

5. PENALTY

5.1. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$12,500 of which is a total penalty.

5.2. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, 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(s) shall be sent to:

Mehdi Nobari, Hazardous Substances Scientist
Enforcement and Emergency Response Program
9211 Oakdale Avenue
Chatsworth, California 91311

Debra Schwartz, Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

5.4. 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.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: August 21, 2012

Original signed by Rosemary Domino
Signature of the respondent's

Rosemary Domino-Director Env. Affairs
Typed or Print Name and Title of Respondent's
Representative

Dated: September 11, 2012

Original signed by Roberto Kou
Robert Kou, Acting Performance Manager
Enforcement and Emergency Response
Department of Toxic Substances Control