

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Omega Waste Management Inc., a
California Corporation doing business as
Specialized Fibers
22985 South Avenue
Corning, California 96021

Daniel R. O'Connor, Former Senior
Executive Vice President
Omega Waste Management
23470 Vine Road
Corning, CA 96021

ID No. (CAL000371397)

Respondents.

Docket HWCA 2016-7240

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Omega Waste Management Incorporated, a California corporation doing business as, Specialized Fibers, and Daniel R. O'Connor, an individual and Former Senior Executive Vice President, Omega Waste Management (Respondents).

1.2. Site. Respondents handled hazardous waste at 22985 South Avenue, Corning, California 96021, in Tehama County.

1.3. Permit. The Respondents do not have a state permit, certificate, registration, or interim status to manage hazardous waste.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

1.6. Applicable Statutes and Regulations. Copies of the statutes and regulations applicable to this Order are attached as Exhibit A.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondents violated California Health and Safety Code section 25163(a) in that on or between October 8 and October 11, 2011, they illegally transported five (5) tote containers with hazardous waste pesticides inside them from J.R. Simplot, located at 1536 Railroad Venue, Orland, California, to Specialized Fibers at 22985 South Avenue, Corning, California. Respondents are not registered as hazardous waste haulers by the Department.

2.2. The Respondents violated California Health and Safety Code section 25163(a) in that on or about October 11, 2011, they transferred custody of five totes of hazardous waste (120 and 250 gallon totes with pesticides) to Gary Leadbetter, who hauled the hazardous waste from Corning, California, to Hayfork, California. Leadbetter is not registered as a hazardous waste hauler by the Department.

2.3. The Respondents violated California Health and Safety Code section 25189.2(d) in that between October, 2011, and May, 2012, the Respondents caused the illegal storage of hazardous waste at an unauthorized point, by selling five (5) tote

containers (three 120 gallon containers and two 250 gallon containers) with hazardous waste pesticides inside them to the Leadbetter Yardsale Store in Hayfork, California.

2.4. The Respondents violated California Health and Safety Code section 25189.2 (c) in that on or about April 25, 2012, the Respondents caused the illegal disposal of hazardous waste at an unauthorized point (1010 Chrome Mine Road, Hayfork, California) by selling a 250 gallon tote container with hazardous waste pesticides inside it, without notice of the hazardous waste contents, to Leadbetter Yardsale store who then sold the container to a member of the public who also lacked any authorization from the Department. This led to the illegal disposal of hazardous waste to land at 1010 Chrome Mine Road, Hayfork, California, that led to Post Creek in Trinity County, California.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. The Respondents shall manage hazardous waste in accordance with all applicable laws.

3.1.2. The Respondents shall not transport, treat or store hazardous waste unless authorized to do so by the Department.

3.2. Submittals. All submittals from Respondents pursuant to this Order shall be sent to:

Dylan Clark
Senior Environmental Scientist
Office of Criminal Investigations
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

DOCKET HWCA 2016-7240

OMEGA WASTE MANAGEMENT INC.
AND DAN O'CONNOR

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondents in writing by the Office of Criminal Investigations Branch Chief or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

- a. Modify the document as deemed necessary and approve the document as modified, or
- b. Return the document to Respondents with recommended changes and a date by which Respondents must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the

Department may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. 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 Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this 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. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondents in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondents shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring,

and other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondents for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

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

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondents are unable to perform any activity or submit any document within the time required under this Order, the Respondents may, prior to expiration of the time, request an extension of time in writing. The extension

request shall include a justification for the delay

3.13. 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.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, 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.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondents, 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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' administrative penalty at \$40,500. Payment is due within 90 days from the effective date of this Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the

Respondents and Docket Number, as shown in the heading of this case. A voucher is included with this order to send in with the payments that identify the Respondents and Docket Number. Respondents shall deliver the penalty payment to:

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

A photocopy of the check shall be sent to:

Dylan Clark
Senior Environmental Scientist
Office of Criminal Investigations
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondents.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondents, unless Respondents requests a hearing within the twenty-day period.

Date of Issuance November 17, 2016

Signed by Antonia Becker

Antonia Becker
Environmental Program Manager I
Department of Toxic Substances Control