

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

P Kay Metal, Inc.
2448 East 25th Street
Los Angeles, California 90058

EPA ID# CAL000024110

Respondent.

Docket HWCA 2002-5950

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and P. Kay Metal, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following Site: 2448 East 25th Street, Los Angeles, CA 90058.

1.3. Inspection. The Department inspected the Site on April 30 and May 1, 2013.

1.4. Authorization Status. Respondent has a Series B – Standardized Hazardous Waste Facility Permit that expires on October 31, 2019.

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. Respondent violated Health and Safety Code section 25202 (a), California Code of Regulations, title 22, section 66270.30 (a), and Hazardous Waste Facility Permit, Series B, Part V – Special Conditions #2 and #5, in that on or about April 30, 2013, Respondent stored hazardous waste in an unauthorized point of location. To wit: Two (2) 55-gallon containers of waste range lead powder received from an offsite source were stored inside the trailer, an unauthorized hazardous waste storage area.

2.3. Respondent violated California Code of Regulations, title 22, section 66264.76, in that on or about April 30, 2013, Respondent accepted hazardous waste range lead from an offsite source without a manifest. To wit: Two containers of waste range lead powder were accepted by the Respondent without an accompanying manifest.

2.4. Respondent violated California Code of Regulations, title 22, section

66264.171, in that on or about April 30, 2013, Respondent failed to transfer waste from a dented container to a container in good condition. To wit: At least five (5) containers of hazardous waste that were stored 2-stack high in the permitted area were dented (showed structural defects).

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. 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. Respondent shall pay the Department a total sum of Nine Thousand Dollars (\$9,000).

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. 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:

Mukul Agarwal
Senior Environmental Scientist (Supervisory)
Enforcement & Emergency Response Division
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

