

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of

General Environmental Management of
Rancho Cordova, LLC, dba PSC
Environmental Services, LLC
11855 White Rock Road
Rancho Cordova, California 95742

ID Number: CAD980884183

Respondent

Docket HWCA 20125570

IMMINENT AND SUBSTANTIAL
ENDANGERMENT DETERMINATION
AND ENFORCEMENT ORDER

Health and Safety Code, section
25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Imminent and Substantial Endangerment Determination and Enforcement Order (Order) to General Environmental Management of Rancho Cordova, LLC, dba PSC Environmental Services, LLC (hereafter referred to as "Respondent").

1.2. Site. Respondent operates a hazardous waste storage and treatment facility, located at 11855 White Rock Road, Rancho Cordova, California, EPA ID Number: CAD 980884183 (Site). The storage and treatment facility includes, but is not limited to, an administrative building, a lab, truck parking, and five (5) waste management units. The facility is situated on a 4.5 acre parcel identified by Sacramento County Assessor Parcel map number 072-0530-001. The Site is located in an area that is primarily industrial or open space and adjacent to White Rock Road, a public street. The Department estimates the closest residence to be about a mile from the Site. A map of the Site is attached as Exhibit A.

1.3. Permit/Interim Status. Respondent operates an active permitted hazardous waste storage and treatment facility that is authorized to engage in sampling, storage, packaging, re-packaging, bulking and consolidation in containers of RCRA, non-RCRA, and Toxic Substance Control Act (TSCA) waste, container crushing and equipment flushing. The Site has a permitted capacity of approximately 82,320 gallons of hazardous waste. The permitted activity is conducted within five (5) waste management units known as areas A, B, C and D and a drum crusher unit. After storage, bulk liquid and containerized hazardous wastes are transferred off-site to an end user (recycler) or an off-site permitted disposal facility.

1.4. Jurisdiction.(a) Health and Safety Code section 25187, subdivision (a)(1), authorizes the Department to order an action necessary to correct violations and assess a penalty whenever 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. Health and Safety Code section 25187, subdivision (h), authorizes the Department to issue an Order that takes effect upon issuance if the Department finds that the violations identified in the Order may pose an imminent and substantial endangerment to the public health or safety or the environment.

FINDINGS OF FACT

2.1. Repackaging and bulking operations are forms of consolidation.

2.2. Area C is a building that is permitted for sampling and consolidation of hazardous waste, as specified in the permit.

2.3. Area D is located outdoors and is permitted for sampling and consolidation of hazardous waste, as specified in the permit.

2.4. Respondent handles, stores, consolidates and otherwise manages a wide variety of hazardous waste at the Site, as identified in Part A of Respondent's Permit application, including incompatible wastes types identified in California Code of Regulations title 22, section 66264.801, appendix V.

2.5. The accidental mixing of incompatible hazardous wastes or

materials during consolidation at the Site may cause a fire, explosion or other violent reaction that releases uncontrolled toxic materials in sufficient quantities to threaten human health or the environment. In addition to causing fires, explosions and other violent reactions, mixing incompatible hazardous wastes together during consolidation operations at the Site can also create toxic vapors or gases, or cause container failures, which could result in the release of corrosive waste and other hazardous waste constituents.

2.6. On March 8, 2011, Respondent performed a consolidation operation in Area C involving a 55-gallon drum containing approximately 25 gallons nitric acid. This operation resulted in a violent and uncontrolled reaction. The reaction caused an explosion that ruptured the drum and launched it approximately 15 feet in the air, releasing vapors and hazardous waste to the surrounding environment. Respondent's March 16, 2011, letter to the Department reported that the reaction was likely caused by the mixing of incompatible waste, believed to be water soluble organics mixed with acids.

2.7. On August 2, 2011, Respondent performed a consolidation operation in Area C. The operation caused a fire that burned and destroyed four, 55 gallon drums of hazardous waste, which released toxic smoke to the surrounding environment. As a result of the fire, two firefighters from the Sacramento Metropolitan Fire District were sent to the local hospital for observation. Respondent mailed a report which described the fire event to the Department on August 15, 2011. According to Respondent's report, at approximately 10:40 AM an employee finished consolidation operations of pool chemical tablets into a 55-gallon drum and then closed the drum's lid. Approximately five minutes after consolidation, Respondent's employees observed green-yellow gas/smoke coming from the drum, and the drum begin to pressurize. Respondent then evacuated employees from Area C. During the evacuation, the drum pressurized enough to force the lid off the drum. Approximately 5 minutes after the evacuation of Area C, two of Respondent's employees returned to Area C after equipping themselves with personal protective equipment, including self-contained

breathing apparatus (SCBA). These employees attempted to extinguish a small fire found burning in the drum with a small dry chemical fire extinguisher. However, the two employees were unable to extinguish the fire and after using the contents of one fire extinguisher they left Area C. Shortly thereafter, the fire department arrived and restricted all personnel from the active area until the fire was extinguished.

2.8. On February 28, 2013, Respondent consolidated hazardous waste solids from twenty-five, 55 gallon drums and 2,893 pounds of trash into a roll-off bin in Area D, which is located outdoors. On March 2, 2013, Respondent consolidated ten more 55 gallon drums of hazardous waste solids into the roll-off bin. On March 3, 2013, at approximately 6 AM a passerby reported observing flames coming from the site and called the local fire department. The fire department responded to the Site and then extinguished the fire found in the roll-off bin at approximately 6:45 AM. Respondent hand delivered a report, dated March 15, 2013, to the Department on March 18, 2013, the report indicates that the likely cause of the fire was an exothermic reaction that occurred from the mixing of incompatible wastes during the consolidation operation in the roll-off bin. Based on security camera footage, the roll-off bin began to smolder on March 3, 2013 at approximately 1:30 AM. Therefore, the time period over which the fire occurred at the Site is approximately five hours. The fire burned the consolidated hazardous waste which was stored in the roll-off bin, releasing smoke and potentially toxic constituents into the environment.

DETERMINATION OF VIOLATIONS AND IMMINENT AND SUBSTANTIAL ENDANGERMENT

The Department has determined that:

3.1. Respondent violated California Code of Regulations, title 22, section 66264.31 and section 66264.177, subsection (a), on or about March 8, 2011, in that Respondent failed to operate and maintain the facility in a manner to prevent the possibility of explosion or unplanned release of hazardous waste by placing incompatible wastes, or incompatible wastes and materials in the same container,

without taking sufficient precautions to prevent accidental ignition or reaction.

3.2. Respondent violated California Code of Regulations, title 22, section 66264.31 and section 66264.177, subsection (a), on or about August 2, 2011, in that Respondent failed to operate and maintain the facility in a manner to prevent the possibility of a fire or unplanned release of hazardous waste by placing incompatible wastes, or incompatible wastes and materials in the same container, without taking sufficient precautions to prevent accidental ignition or reaction.

3.3. Respondent violated California Code of Regulations, title 22, section 66264.31 and section 66264.177, subsection (a), on or about March 3, 2013, in that Respondent failed to operate and maintain the facility in a manner to prevent the possibility of a fire, explosion or unplanned release of hazardous waste by placing incompatible wastes, or incompatible wastes and materials, in the same container, without taking sufficient precautions to prevent accidental ignition or reaction..

3.4. The hazardous wastes at the Site pose a public health risk if released, should human contact with the hazardous constituents or surrounding contaminated area occur. The continuing inability of Respondent to take precautions sufficient to prevent fires, explosions, or other violent or non-violent reactions that could potentially release hazardous wastes to the environment during consolidation operations in Area C or Area D, as required by California Code of Regulations, title 22, section 66264.31 and section 66264.177, subsection (a), presents an imminent and substantial endangerment to human health and safety and the environment.

SCHEDULE FOR COMPLIANCE

4. Based on the foregoing Determination of Violations and Imminent and Substantial Endangerment Determination, IT IS HEREBY ORDERED THAT:

4.1. Immediately upon issuance of this Order, Respondent shall cease all hazardous waste consolidation operations, i.e., repackaging, bulking and other consolidation activities, conducted at the Site until the Department authorizes Respondent in writing to resume them pursuant to paragraph 4.3.

4.2. Within 60 days from the date of issuance of this Order, Respondent

shall submit to the Department for its review and approval:

4.2.1. A work plan that describes in detail the changes and additions that Respondent shall make to the existing Standard Operating Procedures to implement additional precautions to prevent fires, explosions, or other violent or non-violent reactions that could potentially release hazardous waste to the environment during consolidation operations at the facility. At a minimum, the work plan shall address the following: (1) procedures to identify incompatible waste, including but not limited to, review and documentation of records, manifests, waste profiles, and work orders pertaining to consolidation, (2) test methods, used to identify incompatible waste for both RCRA wastes and non-RCRA wastes (3) quality control practices and procedures used to ensure that adequate levels of precision and accuracy are maintained to prevent consolidation of incompatible wastes at all levels of operation, (4) protocols for separating and otherwise managing incompatible waste to prevent mixing of them during consolidation operations, (5) oversight procedures at the facility to ensure incompatible wastes are not mixed together, and (6) the proposed schedule for implementing the identified changes and additions to the Standard Operating Procedures and subsequently incorporating the revised Standard Operating Procedures into the facility permit pursuant to the Department's permit modification regulations.

4.2.2. A detailed training plan on the management of incompatible wastes and other related hazardous waste management practices including, but not limited to, requirements for handling reactive and/or ignitable waste, and QA/QC practices for identifying incompatible wastes. The training plan shall describe: (1) the level of training for each person that holds a position that is responsible for hazardous waste management, (2) how often the training will be given, (3) who will provide each level of training, (4) each position for which the training is required, (5) records (e.g. a certification of completion) for each person that he or she has successfully completed the training and has demonstrated the necessary understanding and skills required to be competent in the course areas covered by the training, and (6) the proposed schedule for implementing the training plan and subsequently incorporating the revised

Standard Operating Procedures into the facility permit pursuant to the Department's permit modification regulations. The training plan shall include a syllabus for each training course identified in the plan which describes the training elements covered by each course.

4.2.3. The name of the responsible corporate officer at the Site who shall ensure the work plan is implemented and that persons/positions detailed in the training plan have been properly trained.

4.3. After the Department has approved the work plan and training plan, Respondent shall implement the plans pursuant to the schedules therein. Respondent may resume consolidation operations as specified in the Department's approval letter(s).

OTHER PROVISIONS

5.1. Pursuant to Health and Safety Code Section 25187.2 Respondent shall reimburse the Department for the Department's cost incurred in overseeing the work required by this Order.

5.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent to:

Mr. Paul Kewin, Division Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Enforcement and Emergency Response Program, State Oversight and Enforcement 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 Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

5.4. 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 it deems necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

5.5. Compliance with Applicable Laws: Respondent 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.

5.6. 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 a further 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 Respondent 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 paragraph shall be extended for the term of the Stop Work Order.

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

5.8. 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 Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent 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.

5.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent 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 Respondent 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, Respondent shall either, comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

5.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent 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 Respondent or its agents in carrying out activities pursuant to the Order.

5.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to

this Order are incorporated in this Order upon approval by the Department.

5.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, 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.

5.13. 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.

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

5.15. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent 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.

5.16. 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.

5.17. Time Periods:

5.17.1. "Days" for purposes of this Order means calendar days.

5.17.2. All times for performance for compliance schedules described in paragraphs nos. 4.1 and 4.2 shall be calculated from the date of Respondent's receipt of this Order

5.17.3. All times for performance for compliance schedules described in paragraph no. 4.3 shall be calculated from the date of Respondent's receipt of the Department's approval, unless otherwise specified therein.

RIGHT TO A HEARING

6. Any Respondent may request a hearing to challenge the Order.

Appeal procedures are described in the attached Statement to Respondent. Under Health and Safety Code section 25187, a request for a hearing shall not stay the effect of this Order.

EFFECTIVE DATE

7. Pursuant to Health and Safety Code section 25187, subdivision (h), this Order is effective immediately upon date of issuance indicated below.

Date of Issuance: April 3, 2013

Original signed by Brian Johnson

Brian Johnson
Deputy Director
Enforcement and Emergency Response Division

General Environmental Management of Rancho Cordova
 Imminent and Substantial Endangerment Determination and Enforcement Order
 HWCA 20125570
 Exhibit A

