

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

JHP Global, Inc.
1134 Pasadero Drive
Escondido, California 92029

EPA I.D. No.CAL000316665

Respondent.

Docket HWCA SCUPA 2012 IM001

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and JHP, Global Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generated and handled hazardous waste at the following site: 5310 Vendel Road, Imperial County (Site).

1.3. Inspection. The Department inspected the Site beginning on June 28 and June 29, 2012.

1.4. Authorization Status. Respondent has a certificate to manage hazardous waste at the Site.

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:

2.1.1. Respondent violated Health and Safety Code section 25201 in that on or about June 28, 2012, Respondent stored a total of ten, 55-gallon drums of used oil, a California-regulated hazardous waste, without authorization by the Department.

2.1.2. Respondent violated Health and Safety Code section 25201 in that on or about June 28, 2012, Respondent disposed to the ground used oil. Used oil is a California-regulated hazardous waste.

2.1.3. Respondent violated Health and Safety Code section 25507 in that on or about June 28, 2012, Respondent did not, upon discovery of a release of used oil, immediately report a release of a hazardous material to California Emergency Management Agency.

2.1.4. Respondent violated Health and Safety Code section 25505(e) (1) in that on June 28, 2012, Respondent did not maintain a Hazardous Material Business Plan

onsite.

2.1.5. Respondent violated California Code of Regulations, title 19, section 2731(e) in that on or about June 28, 2012, Respondent did not identify areas of the facility that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.

2.1.6. Respondent violated Health and Safety Code section 25504(c) in that on or about June 28, 2012, Respondent did not include in the Hazardous Material Business Plan training for all new employees and annual training, including refresher courses, for all employees.

2.1.7. Respondent violated California Code of Regulations, title 22, section 66264.51 in that on or about June 28, 2012, Respondent did not have a Consolidated Contingency Plan for the facility.

2.1.8. Respondent violated California Code of Regulation title 19, section 2729.2(a) (3) in that on or about June 28, 2012, Respondent did not properly complete an annotated site map

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. This violation has been corrected to the satisfaction of the Department.

3.1.2. This violation has been corrected to the satisfaction of the Department.

3.1.3. This violation has been corrected to the satisfaction of the Department.

3.1.4. This violation has been corrected to the satisfaction of the Department.

3.1.5. This violation has been corrected to the satisfaction of the Department.

3.1.6. This violation has been corrected to the satisfaction of the Department.

3.1.7. This violation has been corrected to the satisfaction of the Department.

3.1.8. This violation has been corrected to the satisfaction of the Department.

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 penalty of \$25,000. Of the total due, \$10,000 is a penalty; \$10,000 shall be a credit for a Supplemental Environmental Project (SEP) as described below. The remaining \$5,000 shall be deferred provided Respondent does not have any Class I violations within two years of the date of this Order, as determined by a re-inspection by the Department of Respondent's property any time during the two-year time period. The \$10,000 penalty shall be paid to the Department no later than 60 days of the effective date of this Order.

5.2. Supplemental Environmental Project: Respondent shall pay up to \$10,000 within 30 days of the effective date of this Order to the California Compliance School to schedule training within 90 days of the effective date of this Order on any of the CUPA Program Elements, as determined by the Department, in Imperial County. In the event that Respondent fails to submit full payment of the \$10,000 for the SEP described above, Respondent shall make the remaining payments to the Department no later than 45 days of the effective date of this Order or within 30 days of the completion of the training.

5.3. Respondent's check(s) for the penalty 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:

Roger Vintze
Hazardous Substance Scientist II
DTSC Imperial CUPA
627 Wake Avenue
El Centro, California 92243

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: November 28, 2012

Original signed by Henry Eun
Henry Eun
Respondent

Dated: November 29, 2012

Original signed by Roger Vintze
Roger Vintze
Department of Toxic Substances Control