

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Veolia ES Technical Solutions, L.L.C.  
1704 West First Street  
Azusa, California 91702

ID No. CAD008302903

Respondent.

Docket HWCA 2011-3869

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Veolia ES Technical Solutions, L.L.C. (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: 1704 West First Street, Azusa, California 91702 (Site).

1.3. Inspection. The Department inspected the Site on April 12, 13, 18, 19, and 22, 2011.

1.4. Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the site. A hazardous Waste Facility Permit renewal was issued with effective date of March 31, 2011, and expiration date of March 31, 2021.

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.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code, section 25250.1, 25250.19, and 25198, in that on or about April 13, 2011, Respondent failed to use an ELAP certified laboratory to test the recycled oil, to wits, about 22,600 gallons of used oil loaded in railcar GATX72093 was not certified by an ELAP certified laboratory.

2.1.2. Respondent violated Health and Safety Code, section 25202 (a), and Hazardous Waste Facility Permit, Attachment A, Part IV, Section 11, in that on or about April 13, 2011, Respondent stored hazardous wastes in tank over permitted maximum capacity, to wits, Tank 105 had over 24,000 gallons (maximum capacity) of hazardous wastes in it on two occasions.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66264.73(b), in that on or about April 12, 2010, Respondent failed to record location of each hazardous wastes within the facility, the method(s) and date(s) of its transfer, and the quantity at each location. For example, the transfers of some containers, and the locations of some containers were not recorded in the operating records. In addition, the quantities at each location (i.e. drum pad, tanks) were not properly documented.

2.1.4. Respondent violated Hazardous Waste Facility Permit, Attachment A, Part IV, Section 11 and/or Section 20 (page 45 & 78), in that on or about April 13, 2011, Respondent failed to decant/consolidate the drum (sludge) in an authorized unit, to wits, the liquid in container 36-1383838000-001-03-0 was pumped into Tank 104 on April 12, 2011, and the sludge was consolidated into HEV1 on April 13, 2011 in the shared containment of Unit AA11, which was not authorized for decanting.

## 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 the total penalty of \$14,000.

5.2. Payment of the total penalty 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  
Supervising Hazardous Substances Scientist  
Enforcement & Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

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: December 9, 2011

Original signed by Javed Hussain

Javed Hussain, Manager  
Branch Field Services Operation  
& EHST Consulting Services  
Veolia ES Technical Solutions, L.L.C.  
Respondent

Dated: December 15, 2011

Original signed by Mukul Agarwal

Mukul Agarwal, Supervisor HSS I  
Enforcement and Emergency Response  
Department of Toxic Substances Control