

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Docket No. HWCA20167294

In the Matter of:

CONSENT ORDER

1-888-4-Abatement, Inc.  
3158 Luyung Drive  
Rancho Cordova, CA 95742

EPA ID No. CAL000387397

Respondent.

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Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and 1-888-4-Abatement, Inc., a California Corporation (Respondent), enter into this Consent Order and agree as follows:

1. Respondent is a registered transporter of hazardous waste (Hazardous Waste Transporter Registration Number 5920) located at 3158 Luyung Drive, Rancho Cordova, California (Site).

2. The Department inspected the Site on July 20, 2016.

3. The Department alleges that Respondent violated California Health and Safety Code sections 25201, subdivision (a), and 25123.3 and California Code of Regulations, Title 22, section 66263.18, subdivision (b)(1), in that it stored hazardous waste at the Site for more than 10 days without a hazardous waste facilities permit or other grant of authorization from the Department, to wit: Between July 9, 2013, and February 22, 2016, Respondent stored asbestos-containing hazardous waste at the Site for at least 760 days beyond the 10 days of hazardous waste storage allowed for an unpermitted "transfer facility" located in an

industrial zone (as defined in Health and Safety Code section 25123.3, subdivision (a)(3)).

4. Respondent admits the alleged violations set forth above, and has corrected them.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. The Department and Respondent wish to avoid the expense of litigation.

7. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violations alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admissions to those violations, for any of the purposes described in paragraph 12, Respondent will not assert any defenses based on the passage of time, including, but not limited to, laches, estoppel, and statute of limitations.

8. This Consent Order shall constitute full settlement of the violations alleged above but does not limit the Department from taking appropriate enforcement action concerning other violations, except to the extent provided in this Consent Order.

#### SCHEDULE FOR COMPLIANCE

9. Respondent shall immediately comply with the following provisions:

9.1. Respondent shall not store hazardous waste at the Site for more than 10 days unless it obtains a hazardous waste facilities permit or other grant of authorization from the Department.

9.2. Respondent shall comply with the Hazardous Waste Control Law (Health & Saf. Code, § 25100 et seq.) and its implementing regulations (California Code of Regulations, Title 22, section 66260.1, et seq.) at the Site and in connection with its operations.

### PAYMENTS

10. Within 30 days of the Effective Date of this Order, as defined in paragraph 15, Respondent shall pay the Department a total administrative penalty of \$45,000. Of this total amount, \$29,767 shall be paid to the Department as penalty, and \$15,233 shall be payment for the Department's costs. Respondent's check shall be made payable to the 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 Ñ  
Sacramento, California 95812-0806 Ñ

A photocopy of the check shall be sent simultaneously to:

To: Ivan Rodriguez  
Senior Environmental Scientist (Supervisory)  
Statewide Emergency Response & Sacramento Enforcement Branch  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Colin Roberts  
Attorney  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, MS23  
Sacramento, California 95814

11. If Respondent fails to make the 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.

## OTHER PROVISIONS

12. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use all violations alleged in this Consent Order, and Respondent's admissions to those violations, to seek enhanced penalties in any subsequent administrative or civil action to show a pattern or course of conduct, or a history of noncompliance; and 3) use all violations alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admissions to those violations, in any future Department permit decision, proceeding, or process.

13. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil 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.

14. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, 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 Consent Order.

15. Effective Date: The Effective Date of this Consent Order is the date it is signed by the Department.

16. Integration: This Consent Order constitutes the entire agreement between the Department and Respondent and may not be amended, supplemented, or modified, except by express written agreement signed by both the Department and Respondent.

17. Future Statutory or Regulatory Changes: Nothing in this Consent Order shall exempt or excuse Respondent from complying with existing law, or with meeting any more stringent requirements that may be imposed by applicable law or changes in the applicable law.

18. Authority to Bind: Each person executing this Consent Order represents that he or she has full and legal authority to execute this Consent Order for and on behalf of the respective party for he or she is executing this Consent Order and to bind that party.

19. Counterparts: This Consent Order may be executed and delivered in one or more counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Dated: November 26, 2018



Neil Ostrander  
President  
1-888-4-Abatement, Inc.  
Respondent

Dated: \_\_\_\_\_

Ivan Rodriguez  
Senior Environmental Scientist (Supervisory)  
Statewide Emergency Response and  
Sacramento Enforcement Branch  
Department of Toxic Substances Control

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Dated: \_\_\_\_\_  
Neil Ostrander  
President  
1-888-4-Abatement, Inc.  
Respondent

Dated: 11/27/2018 \_\_\_\_\_  
Ivan Rodriguez  
Senior Environmental Scientist (Supervisory)  
Statewide Emergency Response and  
Sacramento Enforcement Branch  
Department of Toxic Substances Control