

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Environmental Remedies Inc.
1999 Alpine Way
Hayward, California 94545

ID No. CAL000371038

Respondent.

Docket HWCA20187428

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Environmental Remedies Inc. (Respondent) enter into this Consent Order and agree as follows:

1. Respondent is a registered transporter of hazardous waste (Hazardous Waste Transporter Registration Number 4793) located at 1999 Alpine Way, Hayward, California 94545. (Site).
2. The Department inspected the Site on February 28, 2018.
3. The Department alleges the following violation:
 - 3.1. Respondent violated Health and Safety Code section 25163, subsection (a)(1) and (2) by transporting hazardous waste without a valid hazardous waste transporter registration issued by the Department. To wit, Respondent transported hazardous waste without a valid registration from June 1, 2016 to July 21, 2016, and from August 1, 2017 to February 7, 2018. From manifests reviewed during the periods of lapsed registration, Respondent transported 1,021 manifested loads of hazardous waste on 176 total days without a valid registration.

4. Respondent admits all alleged violation set forth above and has corrected them.

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

6. The parties 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 violation alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admission to the violation, for any of the purposes described in paragraph 11 (Reservation of Authority), 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 violation 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.

COMPLIANCE REQUIREMENTS

9. Respondent shall immediately comply with the following provision:

9.1. Pursuant to California Health and Safety Code, section 25163, subsection (a)(1) and (2), Respondent shall not transport hazardous waste without a valid registration issued by the Department.

PAYMENTS

10. Within 30 days of the Effective Date of this Consent Order, Respondent shall pay the Department a penalty in the amount of seven thousand two hundred dollars (\$7,200). Respondent's check or electronic funds transfer (EFT) shall be made payable to Department of Toxic Substances Control, shall identify

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 shall be sent:

To: Rick Robison
Senior Environmental Scientist (Supervisory)
Enforcement and Emergency Response Division
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

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.

OTHER PROVISIONS

11. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use the violation alleged in this Consent Order, and Respondent's admission to the violation, 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 the violation alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admission to the violation, in any future Department permit decision, proceeding, or process.

11.1. 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.

11.2. 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.

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


11.4. Integration: This Consent Order constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.


11.5. 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.

11.6. 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 whom he or she is executing this Consent Order and to bind that party.

11.7. 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 on and the same document.

11.8. Authorized Signatory: Respondents warrant and guarantee their signatories below have been duly authorized and have full authority to execute this Agreement on behalf of Respondent.

Dated: 11/21/18 Original signed by Scott Tamayo

Scott Tamayo
Environmental Remedies Inc.
Manager

Dated: 11/28/18 Original signed by Rick Robison

Rick Robison
Senior Environmental Scientist (Supervisory)
Enforcement and Emergency Response Division
Department of Toxic Substances Control