

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA: 20177307

California Tank Lines Inc.  
3105 El Dorado Street,  
Stockton, CA 95206

CONSENT ORDER

EPA ID No. CAD004771606

Respondent.

Health and Safety Code  
Section 25187

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

1. Respondent is a transporter and performs tank and truck washing activities and associated operates a wastewater treatment unit (WWTU), located at 3105 El Dorado Street, Stockton, California, 95206 (Site). Respondent operates its treatment units under a Permit-By-Rule Fixed-Treatment Unit (PBR – FTU) authorization, granted by San Joaquin County, Environmental Health Department – Certified Unified Program Agency (CUPA). Respondent is authorized to discharge up to one million gallons of treated tank washing wastewater containing up to 14,180 pounds of biological oxygen demand and 4,900 pounds of total suspended solids to a publicly owned treatment works monthly.
2. The Department inspected the Site on September 29, 2016.
3. The Department alleges the following violations:

Cal Tank Lines.

3.1. Respondent violated Health and Safety Code section 25200.3(c)(4), and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.196(c)), in that on or about September 29, 2016, the Respondent failed to remove hazardous waste from the secondary containment of its WWTU within 24 hours. The released liquid in the secondary containment of its WWTU indicated the pH range to be approximately 13, which identifies the waste as hazardous waste, exhibiting the characteristic of corrosivity.

3.2. Respondent violated Health and Safety Code sections 25201(a) and 25200.3(a)(9), in that on or about September 29, 2016, Respondent conducted unauthorized treatment of a hazardous waste not allowed by a grant of conditional authorization. At the time of the inspection, Respondent treated hydrofluorosilicic acid which is considered a hazardous waste for corrosivity and toxicity. The Respondent's conditional authorization does not authorize neutralization of acidic wastes that are hazardous due to corrosivity and toxicity.

3.3. Respondent violated Health and Safety Code section 25200.3(c)(4) and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.193(e)(1)(C), in that on or about September 29, 2016, Respondent failed to maintain the secondary containment system free of cracks or gaps.

3.4. Respondent violated Health and Safety Code section 25200.3(c)(4), and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.192(a), in that on September 29, 2016, Respondent failed to obtain a written assessment reviewed and certified by an independent, qualified, professional engineer, for its wastewater storage and treatment tanks,

including a 7,400-gallon cone-shaped tank, a 500-gallon treatment tank, two 370-gallon treatment tanks, and for secondary containment including ancillary equipment.

3.5. Respondent violated Health and Safety Code section 25200.3(c)(1) and California Code of Regulations, title 22, sections 66262.34(a)(4) and 66265.16, in that on or about September 29, 2016, Respondent failed to provide training to the primary emergency coordinator.

3.6. Respondent violated Health and Safety Code section 25200.3(c)(4) and California Code of Regulations, title 22, sections 66262.34(a)(4) and 66265.195, in that on September 29, 2016, the Respondent failed to conduct complete daily inspections of its tank systems.

4. Respondent admits the alleged violations set forth above.

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 violations alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admission to the violations, for any of the purposes described in paragraph 12 (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 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.

## COMPLIANCE REQUIREMENTS

9. Respondent shall comply with all applicable provisions of the Hazardous Waste Control Law (Health & Saf. Code, section 25100 et seq.) and its implementing regulations (Cal. Code of Regs., tit 22, section 66260.1, et seq.) at the Site, and in connection with its operations, including not limited to the following:

i. Health and Safety Code section 25200.3(c)(4) and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.196(c)) by removing hazardous waste from the Respondent's secondary containment of its WWTU within 24 hours;

ii. Health and Safety Code sections 25201(a) and 25200.3(a)(9) by only conducting treatment of a hazardous waste that is authorized by the Respondent's permit;

iii. Health and Safety Code, section 25200.3(c)(4) and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.193(e)(1)(C) by maintaining the secondary containment used for the WWTU area to be free of cracks or gaps;

iv. Health and Safety Code section 25200.3(c)(4) and California Code of Regulations, title 22, sections 66262.34(a)(1)(A) and 66265.192 by conducting adequate and complete tank assessments for its wastewater storage and treatment tanks, reviewed and certified by an independent, qualified, professional engineer, registered in California that complies with all regulatory requirements;

v. Health and Safety Code section 25200.3(c)(1) and California Code of Regulations, title 22, sections 66262.34(a)(4) and 66265.16 by providing required training to the primary emergency coordinator; and

vi. California Code of Regulations, title 22, sections 66262.34(a)(4) and 66265.195 by inspecting tank systems daily, including the containment system for deterioration.

### PAYMENTS

10. Within 30 days of the Effective Date of this Consent Order, Respondent shall pay the Department a total penalty of **\$20,425.00**. Respondent's check 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 shall be sent:

To: Kevin Sanchez  
Senior Environmental Scientist (supervisory)  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Christopher Law  
Attorney  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, California 95812-0806

11. 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

12. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use the violations alleged in this Consent Order, and Respondent's admission to the 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 the violations alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admission to the 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 parties and may not be amended, supplemented, or modified, except as provided in this agreement.

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 whom 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: 11/20/19

Original signed by Michael Ellis

Respondent California Tank Lines Inc.

Original printed by Michael J. Ellis - President

Typed or Printed Name and Title of  
Respondent's Representative

11/27/19

Original signed by K. Sanchez

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

Kevin Sanchez, Senior Environmental  
Scientist (Supervisory)

Department of Toxic Substances Control