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**Department of Toxic
Substances Control**

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Action Cleaning Corporation
1668 Newton Ave.
San Diego, CA 92113

ID No. CAD980812978

Respondent.

Docket HWCA 2005-1047

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Action Cleaning Corporation (Respondent) enter into this Consent Order (Order) and agree as follows:

1. Respondent is a hazardous waste transporter and is authorized by the Department to transport hazardous waste in California (Transporter Registration No. 1127). In addition, Respondent is a hazardous waste generator regulated by the County of San Diego, Department of Environmental Health, Certified Unified Program Agency. Both activities are conducted at the site located at 1620-1668 Newton Ave., San Diego, California 92113 (Site).

2. The Department inspected the Site on August 25-26, 2016.

3. The Department alleges the following violations:

3.1. Respondent violated California Health and Safety Code (Cal. HSC) section 25201 (a), and California Code of Regulations (Cal. Code Regs.), title 22, section 66262.34, in that on or about December 7, 2015, Respondent stored two 55-gallon drums containing Non-RCRA hazardous waste contaminated soils, 187 days over the 90-day storage limit, without a permit, permit-by-rule, grant of conditional

authorization or conditional exemption from the Department.

3.2. Respondent violated Cal. HSC section 25201(a) and Cal. Code Regs., title 22, section 66262.34, in that on or about March 31, 2016, Respondent stored two 55-gallon drums containing used oils, 65 days over the 90-day storage limit, and one 55-gallon drum containing spent antifreeze, 774 days over the 90-day storage limit, without a permit, permit-by-rule, grant of conditional authorization or conditional exemption from the Department.

3.3. Respondent violated Cal. Code Regs., title 22, section 66262.11 in that on or about August 26, 2016, Respondent failed to make a hazardous waste determination of eight 55-gallon drums containing corrosive hazardous waste liquids.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

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

6. Respondent waives any right to a hearing in this matter.

7. 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.

8. Respondent admits to the violations alleged above.

9. Respondent has corrected the violations set forth above.

PAYMENTS:

10. As specified below, Respondent shall pay the Department a total of \$34,000, of which \$20,000 is a penalty and \$12,500 is a Supplemental Environmental Project (SEP). An additional \$1,500 shall be payable only upon failure to submit the

required California Compliance School (CCS) documentation in a timely fashion as outlined in paragraph 10.3, below. The form of payment for all amounts shall be cashier's check or money order.

10.1. Of the total, \$20,000 shall be paid in four equal monthly installments in the amount of \$5,000. The first installment is due within 30 days of the Effective Date of this Consent Order. Respondent shall make the cashier's check or money order payable to Department of Toxic Substances Control, include a reference to Docket HWCA 2005-1047, and deliver 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:

Carlo Rodriguez, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
2375 Northside Drive, Suite 100
San Diego, California 92108

10.2. Within 180 days of the date of this Order, Respondent shall provide a payment of \$12,500 to the Environmental Health Coalition (EHC) of National City, California. The fund is used by the EHC to assess and remediate homes in the Paradise Creek of National City that are likely to have elevated levels of dust, PCBs and lead. Respondent shall make the cashier's check or money order payable to Environmental Health Coalition, include a reference to Docket HWCA 2005-1047, and deliver the payment to:

Environmental Health Coalition
2727 Hoover Avenue,
National City, CA 91950
Attention: Joy Williams
619-474-0220

A photocopy of the cashier's check or money order shall be sent to:

Carlo Rodriguez, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
2375 Northside Drive, Suite 100
San Diego, California 92108

10.3. The additional \$1,500 penalty, if any, shall be due and payable on or before 150 days after the Effective Date of this Consent Order, in the manner specified under section 10.1, above, unless the Department receives by that same date legible copies of Certificates of Satisfactory Completion showing that at least two of Respondent's employees satisfactorily completed the CCS Modules I-V.

10.3.1. Timely submission of these certificates shall satisfy Respondent's obligation to pay this additional \$1,500 penalty.

10.3.2. Only certificates of successful CCS completion for two separate and individual people holding the following job classifications, or their successor(s) or manager(s) will be acceptable. Successful CCS students whose certifications will qualify are in the following job classifications: (a) Environmental, Health and Safety Administrator, (b) Production Supervisor.

10.4. If Respondent fails to make any payment as provided above, all unpaid balances shall be deemed an administrative penalty.

10.5. If Respondent fails to make payment as provided above, Respondent also 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. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12. 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.

13. 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 Order.

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

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

16. 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 which he or she is executing this agreement and to bind that party.

Dated: 3/15/18

Signature on Original

Lorena Victoria, Director of Contracts
Action Cleaning Corporation

Dated: 3/21/18

Signature on Original

Carlo Rodriguez
Unit Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control