

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Stress Less Express, LLC
225 South Sultana Avenue
Ontario, CA 91761

ID No. CAL 000 422 666

Respondent.

Docket HWCA 2014-7150

CONSENT ORDER

Health and Safety Code

Section 25187

The California Department of Toxic Substances Control (Department) and Stress Less Express, LLC (Respondent), collectively the Parties, enter into this Consent Order and agree as follows:

1. Respondent handled hazardous waste, as the term handled is defined at Health & Safety Code section 25116.

2. Respondent transported and stored hazardous waste at 8641 Live Oak Avenue in Fontana, California (Site). Respondent operated a hazardous waste exempt transfer facility at the Site. Respondent did not hold a hazardous waste facility permit or other grant of authorization from the Department for its activities at the Site. The Department inspected the Site on December 8, 2014 and May 28, 2015.

3. The Department alleges the following violations for the period from May 15, 2012 to May 12, 2015:

3.1. Respondent violated Health and Safety Code, section 25201(a), 25123.3(b)(3)(A)(ii) & former section 25232(b)(1)(A) in that, beginning May 15, 2012, during the effective date of former Health and Safety Code section 25232 (repeal effective June 27, 2012), transporter held hazardous waste at the Site, a transfer facility which commenced initial operations after January 1, 2005, and which was located within 500 feet of a residence.

3.2. Respondent violated Health and Safety Code, section 25201(a) and California Code of Regulations, title 22, section 66263.18(a) (referencing section 66263.18(b)(1)) in that Respondent violated its status as an exempt transfer facility by storing hazardous waste on multiple occasions at the Site for more than 10 days between September 17, 2012 and July 17, 2014.

3.3. Respondent violated Health and Safety Code, sections 25201(a), 25123.3(b)(3)(A)(ii) & 25227(c)(1) in that, during the effective date of current Health

and Safety Code section 25227 (effective January 1, 2015), through May 12, 2015, transporter held hazardous waste at the Site, a transfer facility which commenced initial operations after January 1, 2005 and which was located within 500 feet of a residence.

4. The Parties wish to avoid the expense of litigation and to ensure prompt compliance by Respondent.

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

6. Respondent waives any right to a hearing in this matter and to appeal entry of this Consent Order.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking enforcement action concerning other violations or steps to enforce this Consent Order.

8. Respondent admits the violations described above.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Effective immediately, Respondent shall not store hazardous waste at the Site or at any exempt transfer facility for more than ten (10) days.

9.2. Effective immediately, Respondent shall not store hazardous waste at the Site or at any exempt transfer facility within 500 feet of a residence or other structure identified in Health and Safety Code section 25227(c) without obtaining a hazardous waste facility permit or grant of authorization from the Department.

9.3. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

9.4. Liability: Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

PAYMENTS

10. Within 90 days of the effective date of this Consent Order, Respondent shall pay the Department a total of thirteen thousand eight-hundred twenty-five dollars (\$13,825) as penalty. The Department reduced the initial penalty assessment of \$90,584 for the alleged violations after an analysis of Respondent's ability to pay. Respondent has represented under penalty of perjury, and it also certifies by signing below, that it does not have the financial resources to pay the full penalty determined by the Department for the violations it alleges in this matter. By signing this Consent Order, Respondent's authorized representative reaffirms the truthfulness of the financial information submitted to the Department. Respondent shall submit payment in three installments of \$4,608.33. The payments shall be due 30, 60 and 90 days following the effective date of this Consent Order, as detailed in the accompanying payment voucher. Each payment by cashier's check shall be made payable to the "Department of Toxic Substances Control," 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:

Alfredo Rios, Branch Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

If Respondent fails to make payment as provided above, then Respondent shall be liable for the full amount of \$90,584 with interest at the rate established pursuant to CCP § 685.010, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

11.1. 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.

11.2. 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.

11.3. 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.

11.4. Authorized Signatories: Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into this Consent Order, to execute it on behalf of the party represented, and to legally bind that party.

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

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

For Stress Less Express, LLC:

Dated: 9/27/2017

Original Signed
Angelica Rozuk, President

For the Department of Toxic Substances Control

Dated: 10/03/2017

Original Signed
Alfredo Rios, Branch Chief
Department of Toxic Substances Control