

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

World Environmental and Energy,
Incorporated
6233 San Leandro Street
Oakland, California 94621

ID No. CAR000037283

Respondent.

Docket HWCA20177347

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and World Environmental and Energy, Incorporated (Respondent), enter into this Consent Order and agree as follows:

1. Respondent generates and handles hazardous waste at 6233 San Leandro Street, Oakland, California, 94621 (Site).
2. The Department inspected the Site on May 10, 2017.
3. The Department alleges the following violations:
 - 3.1. Respondent violated Health and Safety Code (HSC), section 25189.2(a) in that Respondent made a false statement or representation on a manifest. On March 28, 2017, the Department conducted an inspection at Southwest Hazard Control, a registered transporter, and observed manifest 016779549JJK to have been signed by the second transporter, World Environmental and Energy, the Respondent, and dated March 27, 2017, indicating that the Respondent had accepted and taken possession of the waste on that date. However, on March 28,

2017, the Department observed the asbestos waste represented on manifest 016779549JJK to still be in possession of the first transporter, Southwest Hazard Control. The Respondent's signature on the manifest indicating that they were in possession of the waste when they were not, is a falsification of the manifest.

3.2. Respondent violated California Code of Regulations, Title 22, section 66263.41(c) and Title 49, section 172.205(a) in that on or about May 8, 2017 the Respondent accepted hazardous waste from Reliance Construction, the first transporter, and failed to complete, sign, and date the line 17 (transporter acknowledgement of receipt) section on two manifests (016936138JJK, 016936140JJK). On May 10, 2017, the Department observed that these two manifests were not signed by the Respondent when the waste was in their possession. Internal manifest inventory sheets indicated that the two loads arrived on May 8, 2017. Both of the manifested loads were asbestos waste. The load represented on manifest number 016936138JJK contained 62 bags of asbestos waste. The load represented on manifest number 016936140JJK contained 112 bags of asbestos waste.

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 described above.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Effectively immediately, Respondent shall cease making false statements or representations on manifests. Respondent shall not sign off on manifests unless they are in possession of the waste. Respondent will sign the hazardous waste manifest upon taking possession of the waste.

9.2. 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.

9.3. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

9.4. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. 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.

9.5. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

9.6. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent

Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

9.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

9.8. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

9.9. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total penalty of \$10,000. Respondent's check shall be

made payable to 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: Diana Peebler
Berkeley Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

To: Jose (Jay) Cross
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

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

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

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

11.6. Authorized Signatory: Respondent warrants and guarantees its signatory below has been duly authorized and has full authority to execute this Agreement on behalf of Respondent.

Dated: 10.24.17

Original signed by Terry Harris

Terry Harris
President
World Environmental and Energy

Dated: 10/31/17

Original signed by Diana Peebler

Diana Peebler
Senior Environmental Scientist, Supervisor
Berkeley Enforcement & State Oversight Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control