

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Processes by Martin, Inc.
12150 Alameda Street
Lynwood, CA 90262
EPA ID No. CAD059794974

Docket HWCA 2018-7462

CONSENT ORDER

Respondent.

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Processes by Martin, Inc. (Respondent) (collectively, the "Parties") enter into this Consent Order and agree as follows:

1. Respondent is a generator of hazardous waste at 12150 Alameda Street, Lynwood, CA 90262 (Site).
2. The Department inspected the Site on May 1, 2017, May 17, 2017, and June 5, 2017.
3. The Department alleges the following violations:
 - 3.1 Respondent violated California Health and Safety Code section 25201(a) and 25189.2(d), in that, on or about May 1, 2017, the Respondent treated soap tank residue, a hazardous waste, by air-drying in drums without a Hazardous Waste Facility Permit from the Department.
 - 3.2 Respondent violated California Code of Regulations, title 22, section 66262.10(h) and section 66265.31, in that, on or about May 1, 2017 and

May 17, 2017, the Respondent failed to keep the facility constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in that the Respondent failed to identify, package, label, and properly contain expired solvent-based paint, a hazardous waste and failed to cover, contain, keep off the ground, and label filter booth media, a hazardous waste.

3.3 Respondent violated California Health and Safety Code, Chapter 6.5, Article 6, section 25201(a) and 25189.2(d), by storing hazardous waste in a manner that failed to comply with California Code of Regulations, title 22, section 66262.34(a), in that, on or about May 1, 2017, the Respondent failed to demonstrate that the date upon which each period of accumulation began was clearly marked and visible for inspection on each hazardous waste container.

4. Respondent admits all alleged violations set forth in paragraph 3 and has corrected them.

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

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

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

8. This Consent Order shall constitute full settlement of the violations alleged above. 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 admissions to those violations, for any of the purposes

described in paragraph 13 (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.

COMPLIANCE REQUIREMENTS

9. Respondent shall immediately comply with the following provision[s]:

9.1. Respondent shall comply with the conditions of California Code of Regulations, title 22, section 66262.10(h) and section 66265.31, in that, the Respondent shall not treat hazardous waste without a Hazardous Waste Facility Permit or other grant of authorization from the Department.

9.2 Respondent shall comply with the conditions of California Code of Regulations, title 22, section 66262.10(h) and section 66265.31, in that, the Respondent shall manage all generated hazardous wastes in a manner as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

9.3 Respondent shall comply with the conditions of California Health and Safety Code sections 25201 and 25189.2(d), by complying with the requirements set forth in California Code of Regulations, title 22, section 66262.34(a) and section 66262.34(f), in that, the Respondent shall demonstrate that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container of hazardous waste; and each container used for onsite accumulation of hazardous waste shall be labeled or marked clearly with the words, "Hazardous Waste," including other information such as: the

composition and physical state of the wastes, statement(s) which call attention to the particular hazardous properties of the waste, and the name and address of the person producing the waste.

PAYMENTS

10. Respondent shall pay the Department the total sum of \$64,350, payable as follows:

10.1 An initial payment of \$16,087.50 is due within fifteen (15) days of the Effective Date (described in paragraph 16) of this Consent Order.

10.2 The remaining balance of \$48,262.50 shall be payable in three equal installments of \$16,087.50, every 60 days thereafter, until the total sum of \$64,350 is paid in full.

10.3 In the event that any payment is not received at the address set forth below in accordance with the schedule provided in paragraphs 10.1 and 10.2 and the attached Payment Voucher, the Department has the discretion to require payment of the total outstanding balance within thirty (30) days.

10.4 Respondent's check or electronic funds transfer (EFT) shall be made payable to "Department of Toxic Substances Control" and shall identify the Respondent and Docket Number as shown in the caption of this Consent Order, 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 or EFT confirmation shall also be sent:

To: Nancy Carder
Enforcement and Emergency Response Division
Department of Toxic Substances Control
9211 Oakdale Avenue,
Chatsworth, CA 91311

To: Julianne Culbert
Office of Legal Counsel
Department of Toxic Substances Control
9211 Oakdale Avenue,
Chatsworth, CA 91311

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, but not limited to, attorney's fees.

OTHER PROVISIONS

12. 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.

13. 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 admissions 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, and the Respondent's admissions to the violations, in any future Department permit decision, proceeding, or process.

14. 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.

15. 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.

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

17. Integration: This Consent Order constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by express written agreement signed by both the Department and Respondent.

18. 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.

19. 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.

20. 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.

Dated: April 7, 2020

Respondent: Processes by Martin, Inc.

Original Signed

Irene Romero
President

Dated: April 7, 2020

Department of Toxic Substances Control

Original Signed

Nancy Carder
Senior Environmental Scientist (Specialist)

Processes by Martin, Inc.

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Docket #HWCA 2018-7462
Consent Order

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PAYMENT VOUCHER

Docket No.: HWCA 2018-7462
Respondent: Processes by Martin, Inc.
EPA ID No.: CAD 059794974
County: Los Angeles
Total Due: \$64,350

PAYMENT NUMBER	DUE DATE:	AMOUNT DUE
1	Due within 15 days of the Effective Date of the Consent Order	\$16,087.50
2	Due within 60 days of Payment 1	\$16,087.50
3	Due within 60 days of Payment 2	\$16,087.50
4	Due within 60 days of Payment 3	\$16,087.50