

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Chemical Waste Management,
Incorporated
35251 Old Skyline Road
P.O. Box 471
Kettleman City, California 93239

ID No. CAT000646117

Respondent.

Docket HWCA 20177314

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control ("Department" or "DTSC") and Chemical Waste Management, Inc. ("Respondent"), collectively, the "Parties," enter into this Consent Order as follows:

1. Respondent treats and disposes of hazardous waste at Kettleman Hills Hazardous Waste Facility located at 35251 Old Skyline Road, Kettleman City, California, pursuant to Hazardous Waste Facility Permit No. 02-SAC-03 ("Permit"). The Permit was originally issued on June 16, 2003 and modified on May 21, 2014.

2. The Department alleges one violation, that Respondent violated Health and Safety Code section 25202 subdivision (a), California Code of Regulations, title 22, sections 66264.91, subdivision (c), and 66264.98, subdivision (f), and Part

III, section(1)(A) of its Permit in that Respondent failed to perform certain monitoring and analysis as required by its 2001 Site-Specific Groundwater Monitoring Plan ("2001 SSGWMP"), incorporated into the Permit by reference. Specifically, Respondent failed to monitor wells K12 and K58 during the second, third, and fourth quarters of 2014 and wells K12, K57, and K58 during the first quarter of 2015 for the Detection Monitoring Parameters for Class I Waste Management Units and the Supplemental Hydrochemical Parameters and Field Parameters as required by Section 6.2.1 and Tables 1, 3, and 5 of the 2001 SSGWMP. Additionally, Respondent failed to monitor wells K12, K32R, K38, K44, K45, K47, K48, and K65 for the Appendix IX analytes in 2014 as required by Sections 6.1.1 and 6.2.1 and Tables 1 and 2.1 of the 2001 SSGWMP.

3. The Parties wish to avoid the expense of litigation and to ensure prompt compliance.

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

5. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violation for any purposes described in Paragraph 10 (Department's 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.

6. This Consent Order shall constitute full settlement of the violation alleged in Paragraph 2, but does not limit the Department from taking appropriate action as set forth herein, including, but not limited to, taking enforcement action concerning other violations.

7. Respondent admits the violation and the underlying facts set forth in Paragraph 2 and that the violation is deemed proven without any need for testimony or other evidence.

8. Respondent shall implement the monitoring requirements of the 2001 SSGWMP for purposes of complying with its Permit until the monitoring requirements are revised through a Department-approved permit modification or renewal.

PAYMENTS

9. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$30,485.00. Respondent's check shall be made payable to the "Department of Toxic Substances Control," and shall be delivered together with the attached Payment Voucher to:

Accounting Office
Department of Toxic Substances Control
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: April Ranney
Enforcement and Emergency Response Division
Department of Toxic Substances Control
1515 Tollhouse Road
Clovis, California 93611

To: Cheryl Loehr
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

To: Sparsh Khandeshi
California Department of Justice
600 West Broadway, Suite 1800
San Diego, CA 92101

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

10. **Department's Reservation of Authority:** The Department reserves its authority under the Hazardous Waste Control Law to: 1) enforce this Consent Order; 2) use the violation alleged in this Consent Order, and Respondent's admission to the violation described in Paragraph 2 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 violation alleged in this Consent Order, whether or not admitted by Respondent pursuant to Paragraph 7, and Respondent's admission to the violation described in Paragraph 2, in any future Department permit decision, proceeding, or process.

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 Consent Order.

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

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

16. **Compliance with Waste Discharge Requirements**: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board in addition to DTSC permitting requirements.

17. **Authority to Bind**: Each person executing this Consent Order represents that he or she has the full 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.

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. **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.

Original signed by Larry Metter

Dated: 6/26/2020


Larry Metter
Vice President
Chemical Waste Management, Inc.

Original signed by Maria Soria

Dated: 7/2/2020

Maria Soria
Acting Division Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control