

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ricardo D. Tadeo  
Waste Oil Services  
509 East Banning Street  
Compton, California 90222

ID No. CAD981634363

Respondent.

Docket No. HWCA 2018-7481

CONSENT ORDER

Health and Safety Code  
Section 25187

The State of California Department of Toxic Substances Control ("Department") and Ricardo D. Tadeo Waste Oil Services ("Respondent" and collectively with the Department, the "Parties"), enter into this Consent Order and agree as follows:

1. Respondent is a Consolidated Hazardous Waste Transporter and Exempt Transfer Facility (Hazardous Waste Transporter Registration Number 2331, which expires on February 28, 2022) that collects used oil from generators, and transports and disposes of the used oil at a used oil recycling facility.

Respondent is located at 509 East Banning Street, Compton, California ("Site").

2. The Department inspected the Site on October 24, 26 and 31, 2018, and conducted an off-site Focused Compliance Monitoring Inspection on November 10, 2020.

3. The Department alleges the following violations:

3.1. Respondent violated California Health and Safety Code section 25201, subdivision (a), in that on or about October 24 and 26, 2018, Respondent

failed to satisfy conditions for an exempt transfer facility listed in California Code of Regulations, title 22, section 66263.18, subdivision (a)(2) by conducting transfer of hazardous waste at the Site. Therefore, Respondent failed to qualify as an exempt transfer facility and, thus, the Respondent illegally accepted, treated, stored or disposed of hazardous waste without a permit or other grant of authorization from the Department.

3.2. Respondent violated Health and Safety Code section 25160.2, subdivision (b)(5) and California Code of Regulations, title 22, section 66263.20 in that on or about October 24 and 26, 2018, the Respondent received hazardous waste from generators that was not accompanied by a hazardous waste manifest. During the review of the Respondent's consolidated manifests, the cumulative amount of used oil listed on the receipt attached to the manifest was different than the total volume of used oil written on the manifests. Additionally, on or about November 10, 2020, the Department observed, during a review of consolidated manifests, that the cumulative amount of used oil listed on the receipts attached to 366 manifests was different, by 100 gallons or more, than the total volume of used oil written on the manifests.

3.3. The Respondent violated California Code of Regulations, title 22, section 66263.16, subdivision (a) in that on or about October 24 and 26, 2018, the Respondent failed to store hazardous waste in containers designed and constructed and its contents so limited, that under condition normally incident to transportation, there shall be no release of hazardous waste to the environment. DTSC observed the following containers open and the outside of each container stained with used oil: four (4) 55-gallon drums that contained used

oil; one (1) cubic yard box that contained rags contaminated with used oil; two (2) cubic yard boxes that were lined with plastic and contained used oil filters; six (6) 55-gallon drums of drained used oil filters; one (1) 55-gallon drum that was one-half filled with used oil; one (1) 55-gallon drum that was one-third filled with used oil; sixteen (16) 55-gallon drums of spent anti-freeze; one (1) trash bin which contained municipal waste trash contaminated with used oil and used oil filters; and two (2) metal boxes and an 85-gallon overpack drum that stored used oil drained from used oil filters.

3.4a. The Respondent violated Health and Safety Code section 25201, subdivision (a) in that on or about October 24 and 26, 2018, Respondent failed to satisfy the conditions for an exempt transfer facility listed in California Code of Regulations, title 22, section 66263.18, subdivision (a)(1) by storing hazardous waste in open containers, and several small spills of used oil were observed on the ground proximal to the open containers holding hazardous waste. Because Respondent failed to qualify as an exempt transfer facility, the Respondent illegally stored hazardous waste.

3.4b. The Respondent violated Health and Safety Code section 25201, subdivision(a), in that on or about October 24 and 26, 2018, the Respondent failed to satisfy the conditions for an exempt transfer facility listed in California Code of Regulations, title 22, section 66263.18, subdivision (a)(1) by storing hazardous waste in unlabeled drums. Because Respondent failed to qualify as an exempt transfer facility, the Respondent illegal stored hazardous waste.

3.5. The Respondent violated California Code of Regulations, title 22, section 66263.11, subdivision (a)(2)(A) and (B) in that on or about October 24 and

26, 2018, the Respondent failed to provide liability coverage for two vehicles, a 1989 Chevrolet R3500 and a 2000 Isuzu ("Subject Vehicles"), that the facility uses to transport hazardous waste. Additionally, on or about November 10, 2020, Respondent failed to submit documentation to the Department that they have obtained liability coverage for the Subject Vehicles.

4. Respondent admits all violations set forth above.
5. The Parties wish to avoid the expense of litigation.
6. Jurisdiction exists pursuant to Health and Safety Code section 25187.
7. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violations alleged in this Consent Order and Respondent's admissions to those violations, for any of the purposes described in paragraph 24 (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.
8. 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, except to the extent provided in this Consent Order.

#### SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:
  - 9.1. Immediately on the Effective Date of this Consent Order, Respondent shall cease transferring hazardous waste unless the Respondent obtains a permit or other grant of authorization from the Department. Within ten (10) business days of the Effective Date of this Consent Order, Respondent shall submit a written

certification to the Department showing steps the Respondent has taken to come into compliance with Health and Safety Code section 25201, subdivision (a) and California Code of Regulations, title 22, section 66263.18, subdivision (a)(2).

9.2. Immediately on the Effective Date of this Consent Order, Respondent shall cease receiving hazardous waste from generators if the hazardous waste is not accompanied by a hazardous waste manifest, as required by California Code of Regulations, title 22, section 66263.20. Within ten (10) business days of the Effective Date of this Consent Order, the Respondent shall submit: (1) a written certification to the Department that the Respondent has developed procedures to ensure that the volume of used oil on the manifest is equal to the total volume of use oil on the receipts attached to the manifest; (2) a copy of the procedures; and (3) the date the procedures were implemented.

9.3. Immediately on the Effective Date of this Consent Order, Respondent shall store hazardous waste in containers designed and constructed and its contents so limited, that under condition normally incident to transportation, there shall be no release of hazardous waste to the environment, as required by California Code of Regulations, title 22, section 66263.16, subdivision (a). Within ten (10) business days of the Effective Date of this Consent Order, the Respondent shall submit a written certification to the Department showing the steps they have taken to come into compliance with this requirement.

9.4a. Immediately on the Effective Date of this Consent Order, Respondent shall cease storing hazardous waste without a permit and comply with California Code of Regulations, title 22, section 66263.18, subdivision (a)(1) by storing hazardous waste in closed drums. Within ten (10) business days of the Effective

Date of this Consent Order, Respondent shall submit a written certification to the Department showing the steps the Respondent has taken to come into compliance with this requirement.

9.4b. Immediately on the Effective Date of this Consent Order, Respondent shall cease storing hazardous waste without a permit and comply with California Code of Regulations, title 22, section 66263.18 subdivision (a)(1) by storing hazardous waste in labeled drums. Within ten (10) business days of the Effective Date of this Consent Order, Respondent shall submit a written certification to the Department showing the steps the Respondent has taken to come into compliance with this requirement.

9.5. Immediately on the Effective Date of this Consent Order, Respondent shall cease transporting hazardous waste in both Subject Vehicles. If Respondent wants to continue to use the Subject Vehicles to transport hazardous waste, proof of liability insurance that complies with California Code of Regulations, title 22, section 66263.11, subdivisions (a)(2)(A) and (B) must be provided to the Department. Within ten (10) business days of the Effective Date of this Consent Order, Respondent shall submit a written certification to the Department showing the steps the Respondent has taken to come into compliance with this requirement. Respondent must obtain the required liability insurance for the Subject Vehicles and provide documentation to the Department prior to using the Subject Vehicles to transport hazardous waste.

10. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent to:

Evelina Rayas  
Branch Chief  
Enforcement and Emergency Response Division  
Department of Toxic Substance Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

11. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief of the Department, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

12. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Consent Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

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

14. 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 issue Stop Work Order to 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.

15. 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.

16. 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 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.

17. 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 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 (6) years after the conclusion of all activities required to be performed 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 (6) months prior to destroying any documents prepared pursuant to this Consent Order.

18. 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 14, 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.

19. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

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

21. 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

22. Respondent shall pay the Department a total of \$40,936.00 in administrative penalties. The payments shall be paid by check in (3) three installments. The first payment in the amount of \$20,468.00 is due within 10 calendar days of the effective date of this order. The second payment in the amount of \$10,234.00 is due payable within 60 days from the effective date of this order. The third payment in the amount of \$10,234.00 is due payable within 120 days from the effective date of this order. Respondent's check shall be made payable to the "Department of Toxic Substance Control" and shall be delivered together with the attached Payment Voucher to:

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

A photocopy of the check shall be sent:

To:

Enforcement and Emergency Response Division  
Department of Toxic Substance Control  
Attn: Evelina Rayas, Branch Chief  
9211 Oakdale Avenue  
Chatsworth, California 91311

23. 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

24. Reservation of Authority: The Department reserves its authority under the Hazardous Waste Control Law (Health & Saf. Code, § 25100 et seq.) to: 1) enforce this Consent Order; 2) use all violations alleged in this Consent Order, and Respondent's admissions to those 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 all violations alleged in this Consent Order, whether or not admitted by Respondent pursuant to paragraph 4, and Respondent's admissions to those violations, in any future Department permit decision, proceeding, or process.

25. 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.

26. 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.

27. Effective Date: The Effective Date of this Consent Order is the date it is signed by the Department, which shall occur after the Consent Order is signed by Respondent.

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

29. 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.

30. 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.

31. 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 counterparts shall together constitute one and the same document.

32. Translation: English is not the Respondent's primary language. In the spirit of collaboration, the Department translated the Consent Order from English into Spanish. As a courtesy, the translated Spanish version of the Consent Order is included as Attachment 1. The English version of the Consent Order is the legally binding version and must be signed by the Parties. If there are any conflicting meanings between the English definition of a term and a Spanish definition of a term within this Consent Order, the English meaning will be binding.

Dated: 06-17-2021

**ORIGINAL SIGNED**


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Ricardo D. Tadeo  
Waste Oil Services  
509 E. Banning Street  
Compton, Ca. 90022

Dated: June 29, 2021

**ORIGINAL SIGNED**

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Evelina Rayas   
Branch Chief  
Enforcement and Emergency Response Division  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311