

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Rho-Chem LLC
425 Isis Avenue
Inglewood, California 90301

ID No. CAD008364432

Respondent.

Docket HWCA 2022-7633

CONSENT ORDER

Health and Safety Code
Section 25187

The California Department of Toxic Substances Control (Department) and Rho-Chem LLC (Respondent) (each referred to individually as a "Party" and collectively as "Parties") enter into this Consent Order and agree as follows:

1. Respondent owns and operates a hazardous waste storage and treatment facility located at 425 Isis Avenue, Inglewood, California 90023 (Site) under its Hazardous Waste Facility Permit (Permit) which became effective on August 28, 2008 and expired on August 27, 2018. Respondent's Permit Renewal Application is currently under review by the Department. Respondent is engaged in solvent recycling and fuel blending. Respondent stores, treats, recycles, consolidates and transfers hazardous wastes in containers and in aboveground tanks.

DEFINITIONS

2. The following terms used in this Consent Order shall have the meaning set forth below:

2.1. "Department Action(s) and Proceeding(s)" shall mean all enforcement, regulatory, or other types of actions, proceedings, matters, and

decisions (for purposes of this Consent Order, "decisions" Includes determinations), including those pertaining to any Permit, other authorization, or the Violations Scoring Procedure Program, with regard to Respondent, brought or pursued by the Department, any Department official or employee, or any Department-administered account, either as a party or a real party in interest, whether or not in the name of the People of the State of California.

2.2. "Permit" shall mean the hazardous waste facility permit issued by the Department to Respondent that was in effect at the time of the Inspection.

2.3. "Include(s)" or "Including" shall mean "include(s) without limitation" or "including without limitation", respectively.

2.4. "Inspections" shall mean the inspection the Department conducted at the Site on March 3 and 9, 2022.

2.5. "Violations Scoring Procedure Program" or "VSP Program" shall mean DTSC's implementation of Health and Safety Code section 25200.21 and associated regulations at California Code of Regulations, title 22, chapter 21, article 3.

VIOLATION

3. The violation alleged in the Consent Order is based on the Department's Inspection.

4. Department alleges the violation listed below:

4.1. Respondent violated Health and Safety Code, section 25202(a) and California Code of Regulations, title 22, section 66270.30(a) and its Permit, Part V, Special Conditions, in that on or about March 3, 2022, Respondent stored/staged hazardous waste in an unauthorized loading and unloading area.

5. Respondent admits the alleged violation set forth in paragraph 15 (Reservation of Authority) of this Consent Order, and this violation is deemed proven.

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

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

8. Respondent waives any right to a hearing in this matter. If the Department seeks to use the violation alleged in paragraph 4.1 of this Consent Order, admitted by Respondent pursuant to paragraph 5, for any of the purposes in paragraph 15 (Reservation of Authority), Respondent shall not assert any defenses based on claim-splitting or the passage of time, including, but not limited to, laches, estoppel, and statute of limitations.

9. This Consent Order shall constitute full settlement of the violation alleged above but does not limit the Department from taking appropriate enforcement action concerning future violation(s).

COMPLIANCE REQUIREMENTS

10. The violation identified in Paragraph 4.1 has been corrected.

10.1. Respondent shall comply with the following provisions:

10.1.1. Respondent shall store/stage hazardous waste in authorized loading and unloading areas as stated in its Permit.

PAYMENTS

11. Within thirty (30) calendar days of the Effective Date of this Consent Order, Respondent shall pay the Department a total of eleven thousand two

hundred dollars (\$11,200) in civil penalties. 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:

Beatris Karaoglanyan,
Senior Environmental Scientist (Supervisory)
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

And to:

Colin Kelly
Senior Attorney
Office of Legal Counsel
Department of Toxic Substances Control
5796 Corporate Avenue, Cypress, CA 90630

12. If Respondent fails to make a 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

13. Definitions: All terms shall be interpreted consistent with chapter 6.5 of division 20 of the California Health and Safety Code (Chapter 6.5) and the

regulations promulgated in Division 4.5 of Title 22 of the California Code of Regulations.

14. 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.

15. Reservation of Authority: The Parties agree that the violations alleged in this Consent Order are deemed admitted and deemed proven for any Department Action(s) and Proceeding(s). Such purposes may include seeking enhanced penalties and/or to show a pattern, course of conduct, and/or a history of non-compliance. In any Department Action(s) and Proceeding(s), Respondent shall not defend against, challenge, or dispute (1) the Department's use or reliance on the fact that a violation has been deemed admitted and deemed proven pursuant to this paragraph; or (2) the VSP Program score assigned to that violation.

16. Reservation of Rights: The Department further reserves all rights to (1) enforce this Consent Order; and (2) to use, and rely on, the violation deemed admitted and deemed proven, without any need for further testimony or evidence, for any purpose, in DTSC Action(s) and Proceeding(s).

17. 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.

18. 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.

19. Effective Date: The effective date ("Effective Date") of this Consent Order is the date it is signed by the second Party.

20. 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.

21. Future Statutory or Regulatory Changes: Nothing in this Consent Order shall exempt or excuse Respondent from complying with existing laws, or with meeting any stringent requirements that may be imposed by applicable law or changes in the applicable law.

22. 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.

23. Authority to Bind: Each person executing this Consent Order represents that such person has full and legal authority to execute this Consent Order for, and on behalf of, the respective party for which such person is executing this Consent Order and to bind that party.

24. 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, and such counterparts shall together constitute one and the same document.

ORIGINAL SIGNED by Dorothy Harley

Dated: 5/30/23

Dorothy Harley
Regional Operations Director – SW
Rho-Chem LLC

ORIGINAL SIGNED by Beatris Karaoglanyan

Dated: 6/19/23

Beatris Karaoglanyan
Senior Environmental Scientist (Supervisory)
Enforcement and Emergency Response Program
Department of Toxic Substances Control