

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

E.T Abatement Inc.
1055 North Emerald Avenue
Modesto, California 95351
ID# CAL000213881

Respondent.

Docket HWCA20157226

CONSENT ORDER

Health and Safety Code
Section 25187

1. Introduction

1.1. Parties. The California Department of Toxic Substances Control (Department) and E.T. Abatement Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent handles and transports hazardous waste at the following site: 1055 North Emerald Avenue, Modesto, California 95351.

1.3 Inspection. On November 2, 2015 the Department conducted a record review of hazardous waste manifests transported by E.T. Abatement Inc.

1.4 Authorization Status: Respondent has a Hazardous Waste Transporter Registration Number 3954 that was issued from the Department. The current registration date is March 24, 2016.

1.5 Jurisdiction: Jurisdiction exists pursuant to Health and Safety Code section 25187. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a

penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Agreement, and all of the terms contained herein, are fair, reasonable, and in the public interest. By signing to this Agreement, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.6. Hearing. Respondent waives any right to a hearing in this matter.

1.7. Admissions. Respondent admits the violation as alleged in Section 2 below.

2. Violations Alleged

2.1. Violations: The Department alleges the following violations:

2.1.1. Respondent violated California Health and Safety Code section 25163 (a)(1) in that from June 30, 2014 through March 13, 2015, E.T. Abatement Inc. transported on 31 separate days 88 manifested loads of hazardous waste (non RCRA asbestos containing waste) in a vehicle by a person not holding a valid registration issued by the Department.

3. COMPLIANCE TERMS

3.1. Respondent shall comply with the following:

3.1.1 Respondent has completed all required corrective action for the alleged violation set forth above.

3.1.2 Respondent shall maintain compliance with all applicable hazardous waste transportation and management requirements in the future.

3.1.3 Respondents shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this 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 Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Non Compliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, 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 Order.

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

5. PENALTY

5.1. The total payment of \$7,500 pursuant to this Consent Order is allocated as \$1,554.82 is a penalty and \$1959.18 is reimbursement to the Department.

The Respondent shall pay the Department as follows:

- \$1,250 payable and due upon the Effective Date of this Consent Order.
- \$1,250 is due and payable no later than thirty (30) days from the Effective Date of this Consent Order.
- \$1,250 is due and payable no later than sixty (60) days from the Effective Date of this Consent Order.
- \$1,250 is due and payable no later than ninety (90) days from the Effective Date of this Consent Order.
- \$1,250 is due and payable no later than ninety (120) days from the Effective Date of this Consent Order.
- \$1,250 is due and payable no later than ninety (150) days from the Effective Date of this Consent Order

5.2. Payment of the total sum specified in paragraph 5.1 is due within 150 days from the effective date of this Agreement.

5.3 Respondent's check for the penalty as allocated in paragraph 5.1 above 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 checks shall be sent to:

Mr. Dan Pineschi
Enforcement and Emergency Response Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

5.4. 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.

EFFECTIVE DATE

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

Dated: 10-31-14

original signed by Donald Freeman

(Respondent)
Mr. Donald Freeman, President
E.T. Abatement Inc.

Dated: 11-8-16

original signed by Alex Baillie

(Department)
Mr. Alex Baillie, Environmental Scientist Supervisor
Enforcement and Emergency Response
State Oversight and Enforcement Branch
Department of Toxic Substances Control